



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, May 16, 2022

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Herzberg.

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Herzberg
Vice Mayor Avila-Vazquez
Commissioner Bradford
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Avila-Vazquez.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of May 2, 2022 as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Ramos, seconded by Vice Mayor Avila-Vazquez, to approve the minutes of the Regular Commission Meeting of May 2, 2022, as presented. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

5. PRESENTATIONS/AWARDS/REPORTS:

A. FY2020/2021 Annual Audit Presentation: Annual Comprehensive Financial Report for the Year Ended September 30, 2021 - Mari Leisen, Finance Department (386) 878-8553.

Strategic Goal: Fiscal Issues - Maintain current fiscal stability, maximize alternative funding sources and promote an effective system of checks and balances.

Motion by Commissioner Ramos, seconded by Commissioner Bradford, to approve the City's Annual Comprehensive Financial Report for the period ending September 30, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

- B. Proclamation - Emergency Medical Services Week- May 15-21, 2022.**
- C. Proclamation - National Public Works Week - May 15-21, 2022.**

6. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 07-2022, rezoning request (RZ21-0004) for a ±39.36-acre tract from Single Family Classification (R-1A) to Residential Planned Unit Development (RPUD), at second and final reading - Ron A. Paradise, Community Development Director, (386) 878-8610.**

Strategic Goal: Community Development.

Mayor Herzberg stated those people who received a Letter from the City of Deltona regarding this meeting shall note in their presentation of evidence that they have standing. We have a mailing list available to confirm who has standing.

City Attorney Segal-George explained the process for the quasi-judicial hearing and asked everyone that would be providing testimony on this item to please stand, raise their right hand and she swore them in. She also asked that each person providing testimony let the Commission know if they have standing or not.

Each Commissioner expressed their ex parte communication.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item to include changes to the updated Development Agreement.

The Applicant's Attorney Mark Watts, Cobb Cole, 231 N. Woodland Blvd., DeLand, spoke about updated terms based on input from first reading, the Development Plan, lot layout, the boardwalk, fair share funds, TIA (Traffic Impact Analysis) deficiencies and safety, common

areas, community rights, wetlands, and improvements.

Mayor Herzberg opened the public hearing for residents with standing.

Dean Napolitano, 810 Alex Lane, Deltona, spoke about the P&Z Board, City sewer, wildlife, Lake Sydney, traffic, progress and the community.

Mayor Herzberg closed the public hearing for residents with standing.

Mayor Herzberg opened the public hearing for residents without standing.

Brandy White, Deltona, spoke about impact, wetlands, costs and roads.

Mayor Herzberg closed the public hearing for residents without standing.

Applicant Watts spoke about sewer, environmental surveys, lake discharge, traffic, engineering designs, wetlands, lift station, and roads.

Motion by Commissioner Bradford, seconded by Commissioner Ramos, to adopt Ordinance No. 07-2022 to rezone a 39.36-acre property from City of Deltona Single Family Classification (R1-A) to Residential Planned Unit Development (RPUD) at second and final reading for the following reasons:

- 1) The project represents an efficient use of City land resources;**
- 2) The project is compatible with the dominate land use character of the City - detached;**
- 3) dwellings on individual lots;**
- 4) The project net density at 3.26 dwelling units is consistent with the Low Density Residential land use designation; and**
- 5) There is adequate public infrastructure including central water, sewer, transportation capacity and school space to support the proposed development.**

The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 5 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner McCool, and Commissioner Ramos

Against: 2 - Commissioner King, and Commissioner Sosa

B. Public Hearing - Ordinance No. 11-2022, Business Planned Unit Development (BPUD) Pell Excavation, determination to remand the request to the Planning and Zoning Board or set a time certain date to hear the request at first read - Ron A. Paradise, Community Services Director (386) 878-8610.

Strategic Goal: Identify distinctive villages and economic development districts.

Mayor Herzberg stated those people who received a Letter from the City of Deltona regarding this meeting shall note in their presentation of evidence that they have standing. We have a mailing list available to confirm who has standing.

City Attorney Segal-George explained the process for the quasi-judicial hearing and asked everyone that would be providing testimony on this item to please stand, raise their right hand and she swore them in. She also asked that each person providing testimony let the Commission know if they have standing or not.

Each Commissioner expressed their ex parte communication.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item to include changes to the updated Development Agreement.

The Applicant's Attorney Glen Storch gave a brief PowerPoint Presentation to include property history, special exception, PUD (Planned Unit Development), rights, comprehensive plan, protecting wetlands and the savanna, site plan, median cut, buffers, excavation, requirements, acreage donation, setbacks, variance, traffic, schools, and JPA (Joint Planning Agency).

Mark Dowst, Mark Dowst & Associates Inc., 536 N. Halifax Avenue, Daytona Beach, spoke about the traffic study.

Marvin Clark, 2129 Avocado Drive, Port Orange, spoke about the hours of operation.

Attorney Storch spoke about DOT (Department of Transportation), impact to Osteen, signage, violations, the need, cut through's, management, neighbor concerns, number of trucks, trips, ecological impact, and SJRWMD (St. Johns River Water Management District).

Mayor Herzberg opened and closed the public hearing for residents with standing as there

were none.

Mayor Herzberg opened the public hearing for residents without standing.

Lori Warnicke, 655 Lake Butler Avenue, spoke about Collins Road, traffic, trips, dump trucks, and safety.

Elbert Bryan, Deltona, spoke about road impact, fill, trips, benefit, and Volusia County.

Mayor Herzberg closed the public hearing for residents without standing.

Attorney Storch spoke about his presentation, safety, signage, other projects, traffic, property location, buffers, and wastewater plant.

Motion by Commissioner Ramos, seconded by Commissioner Bradford, to approve Ordinance No. 11-2022, the Pell Excavation Business Planned Unit Development rezoning request with the Development Agreement as attached at first reading and schedule a second and final reading for June 20, 2022 based on the following reasons/facts:

- a) The excavation use will be managed to ensure appropriate operation including hours/days of use and heavy truck traffic usage;**
- b) The property will be subject to a reclamation plan;**
- c) The property in the future will not be eligible for urban development thus perpetuating the rural character of the east Osteen area;**
- d) Urban development will no longer be an option; therefore, urban sprawl will not be introduced into the Osteen area earmarked for non-urban uses;**
- e) There will be less potential future conflicts with City operations in the area like the Eastern Wastewater Reclamation Plant; and**
- f) The request is consistent with the Comprehensive Plan by furthering several provisions that address the management and conservation of soil and mineral resources.**

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Amended motion by Commissioner Ramos, seconded by Commissioner Bradford, to approve Ordinance No. 11-2022, the Pell Excavation Business Planned Unit Development rezoning request with the Development Agreement as attached at first reading and schedule a second and final reading for June 20, 2022 based on the following reasons/facts:

- a) The excavation use will be managed to ensure appropriate operation**

including hours/days of use and heavy truck traffic usage;

b) The property will be subject to a reclamation plan;

c) The property in the future will not be eligible for urban development thus, perpetuating the rural character of the east Osteen area;

d) Urban development will no longer be an option; therefore, urban sprawl will not be introduced into the Osteen area earmarked for non-urban uses;

e) There will be less potential future conflicts with City operations in the area like the Eastern Wastewater Reclamation Plant; and

f) The request is consistent with the Comprehensive Plan by furthering several provisions that address the management and conservation of soil and mineral resources; and added

1) the time change from 7 to 5;

2) no traffic on Doyle Road and Goldenhills Street; and

3) actual excavation from 11 acres to 9 acres.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Amendment to the amended motion by Commissioner Ramos, seconded by Commissioner Bradford, to approve Ordinance No. 11-2022, the Pell Excavation Business Planned Unit Development rezoning request with the Development

Agreement as attached at first reading and schedule a second and final reading for June 20, 2022 based on the following reasons/facts:

a) The excavation use will be managed to ensure appropriate operation including hours/days of use and heavy truck traffic usage;

b) The property will be subject to a reclamation plan;

c) The property in the future will not be eligible for urban development thus, perpetuating the rural character of the east Osteen area for the 5 year period;

d) Urban development will no longer be an option; therefore, urban sprawl will not be introduced into the Osteen area earmarked for non-urban uses for the 5-year period;

e) There will be less potential future conflicts with City operations in the area like the Eastern Wastewater Reclamation Plant; and

f) The request is consistent with the Comprehensive Plan by furthering several provisions that address the management and conservation of soil and mineral resources; and added

1) the time change from 7 to 5;

2) to direct staff to work with the applicant to present final language at the second and final hearing regarding Doyle Road, Goldenhills Street and the protection of the Savanna; and

3) actual excavation from approximately 11 acres to 9 acres.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The amendment to the amended motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

7. OLD BUSINESS:

- A. Request approval of an Interlocal Agreement Between the City of Deland, City of Deltona, City of Orange City, and County of Volusia as Water Suppliers to Conduct a Capital Improvement Plan Coordination Study at a cost of \$120,000. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.

Strategic Goal: Infrastructure

Motion by Commissioner Bradford, seconded by Vice Mayor Avila-Vazquez, to approve an Interlocal Agreement Between the City of Deland, City of Deltona, City of Orange City, and County of Volusia as Water Suppliers to Conduct a Capital Improvement Plan Coordination Study at a cost of \$120,000. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

8. NEW BUSINESS:

- A. Approval to purchase new flooring from Mowhawk utilizing the OMNIA Partners Contract #R171702

Strategic Goal: Economic Development - Promote customer service environment

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner King,

to approve moving forward with Mowhawk to provide and install flooring at City Hall including the chambers for a total of \$239,366.34.

The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

B. Request for approval of the City of Deltona Community Development Block Grant (CDBG) Program Year 2021-2022 Reallocation of Funding for improvements to Campbell Park - Ron A. Paradise, Director, Community Services (386) 878-8610.

Strategic Goal: The recreation City for all.

Motion by Commissioner Ramos, seconded by Commissioner McCool, to approve the reallocation of CDBG 2021-2022 funding for the following Campbell Park improvements: Resurfacing the walking trail - \$178,757.14, pavilion #3 replacement - \$80,547.21, ambient lighting upgrades - \$143,852.08 and pavilion #4 repaving and stepdown ramp - \$70,000.00 and direct the Acting City Manager to transmit these reallocations for CDBG Program Year 2021-2022 to the U.S. Department of Housing and Urban Development. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

C. Contract - Request for approval to expend no more than \$40,000.00 in State of Florida Finance Corporation (SHIP) funds for an Owner Occupied Repair project located at 2768 Brierdale Dr. - Ron A. Paradise, Director Community Services (386) 878-8610.

Strategic Goal: Community redevelopment.

Motion by Commissioner Bradford, seconded by Vice Mayor Avila-Vazquez, to direct staff to move forward with the change order to the Owner Occupied Rehabilitation project located at 2768 Brierdale Dr. with a total estimate of \$28,350.00 not to exceed \$40,000.00 utilizing Florida Housing Finance Corporation SHIP funds. The Acting City

Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

- D. Contract - Request for approval to expend no more than \$40,000.00 in State of Florida Finance Corporation (SHIP) funds for an Owner Occupied Repair project located at 3012 India Blvd. - Ron A. Paradise, Director Community Services (386) 878-8610.**

Strategic Goal: Create high-quality housing opportunities.

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner Ramos, to direct staff to move forward with Owner Occupied Rehabilitation for the dwelling at 3012 India Blvd. with an estimate of \$31,050.00, change order included, not to exceed \$40,000.00 utilizing Florida Housing Finance Corporation SHIP funds. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

- E. Contract - Request for approval to expend no more than \$40,000.00 in State of Florida Finance Corporation (SHIP) funds for an Owner Occupied Repair project located at 1069 Whitewood Dr. - Ron A. Paradise, Director Community Services (386) 878-8610.**

Strategic Goal: Community redevelopment.

Motion by Commissioner Bradford, seconded by Vice Mayor Avila-Vazquez, to direct staff to move forward with Owner Occupied Rehabilitation for the dwelling at 1069 Whitewood Dr. with a total estimate of \$31,010.00, change order included, not to exceed \$40,000.00 utilizing Florida Housing Finance Corporation SHIP funds. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

- F. Contract - Request for approval to expend no more than \$40,000.00 in State of Florida Finance Corporation (SHIP) funds for an Owner Occupied Repair project located at 2751 E. Canal Rd. - Ron A. Paradise, Director Community Services (386) 878-8610.**

Strategic Goal: Community redevelopment.

Motion by Commissioner Bradford, seconded by Commissioner Ramos, to direct staff to move forward with Owner Occupied Rehabilitation for the dwelling at 2751 E. Canal Rd., change order included, with an estimate of \$36,970.00 not to exceed \$40,000.00 utilizing Florida Housing Finance Corporation SHIP funds. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Vice Mayor Avila-Vazquez left the meeting at 9:59 p.m.

The motion carried by the following vote:

For: 6 - Mayor Herzberg, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

- G. Contract - Request for approval to expend no more than \$40,000.00 in State of Florida Finance Corporation (SHIP) funds for an Owner Occupied Repair project located at 3019 Blaine Cir. - Ron A. Paradise, Director Community Services (386) 878-8610.**

Strategic Goal: Community redevelopment.

Vice Mayor Avila-Vazquez returned to the meeting at 10:01 p.m.

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner King, to direct staff to move forward with Owner Occupied Rehabilitation for the dwelling at 3019 Blaine Cir., change order included, with an estimate of \$29,500.00 not to exceed \$40,000.00 utilizing Florida Housing Finance Corporation SHIP funds. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

9. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. However, individual Commissioners may wish to respond under their "City Commission Comments". Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

10. COMMENTS ON CONSENT ITEMS: Citizen comments are limited to issues and concerns on the Consent Agenda item(s). Please complete a public participation slip and indicate in the subject line the issue you wish to address. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

11. CONSENT AGENDA: The Consent Agenda contains items that have been determined to be routine and non-controversial. If discussion is desired by any member of the City Commission, that item must be removed from the Consent Agenda and considered separately. All other matters included under the Consent Agenda will be approved by one motion. Citizens with concerns should address those concerns by filling out a public participation slip and giving it to the Deputy City Clerk prior to Consent Agenda items being pulled.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

A. Opioid Settlement - Exhibit D-Subdivision Settlement Participation.

The Acting City Manager stated Florida reached a \$683 million dollar settlement with Walgreens in the opioid litigation on behalf of the State and all counties and municipalities. Settlement funds will be paid over the next 18 years and will be allocated pursuant to the existing statewide allocation agreement, a.k.a. the MOU (Memorandum of Understanding). He recommended that the Commission give him the authority to sign the agreement accepting the settlement.

Motion by Commissioner King, seconded by Commissioner Ramos, to

direct the Acting City Manager to sign the opioid settlement agreement with Walgreens. The motion carried by the following vote:

For: 7 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

The Acting City Manager gave updates on the Providence Blvd. trail and the Deltona and Enterprise Blvds. intersection.

15. CITY COMMISSION COMMENTS:

Commissioner King spoke about Memorial Day, Workshop comments, Heroes Honor Festival, and Rolling Thunder.

Commissioner McCool spoke about Cars That Care, Celebrations of Wheels Car Show, ombudsman, Acting City Manager's contract, Charter Officer process, signs, and Advent Health.

Commissioner Ramos spoke about passing of Big John.

Commissioner Bradford spoke about Memorial weekend, graduation, Golden Choice, fireworks and Cars That Care.

Vice Mayor Avila-Vazquez spoke about Big John, Sons & Daughters of Italy, Hurricane Awareness Event and signs.

Mayor Herzberg spoke about Big John, SHIP (State Housing Initiatives Partnership), signs, and ordinances.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:43 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK