



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Special City Commission Meeting

Monday, June 23, 2025

6:30 PM

Deltona Commission Chambers

Meeting to start immediately following the Workshop.

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor Heriot
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Howington
Commissioner Lulli
Commissioner Santiago

3. PLEDGE TO THE FLAG:

4. ADDITIONS AND DELETIONS:

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to delete 5-A. The motion failed by the following vote:

For: 3 - Mayor Avila, Vice Mayor Heriot, and Commissioner Santiago

Against: 4 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

5. ACTION ITEMS:

A. Request for a vote of no confidence for the City Manager.

Commissioner Colwell stated his reasons for making the motion which included lack of information, answers to public records requests (PRRs), enforcing the Golden Book, managements absence without notification, Commissioners not receiving the same information, and he is not receiving answers to questions he asks.

The Commission discussed the City Manager's role, evaluation submitted, over stepping authority, respect boundaries of role, information not being provided, Halifax Hospital development, the number of City Managers, and different approaches to situations.

Commissioner Lulli suggested the Commission entertain a workshop, not on the dais, where the Commission can go through the evaluations and have a discussion on the issues in a less formal setting. He spoke about his frustrations and again he asked the Commission if they would be willing to have an off-site workshop that is open to the public so they can work through these discussions and proceed from there.

The Commission continued discussing the City Manager evaluations, individual interactions with the City Manager, lack of information and sharing of information, managements absence without notification, introductions of new staff, disrespect, policies and the approval process for changes, communication between the Commission and staff, and PRRs.

City Attorney Torcivia flagged two things, all PRRs are treated the same regardless of who is the requester. When Commissioners follow the PRR path they have to be treated like everyone else, that is the City's policy and practice. Cities do not have an obligation under the law to answer requests for information. A PRR is for a record that exists. If a record does not exist and someone receives the answer "no records exist" or "no records responsive to this request exist", it means that the specific thing the person is looking for does not exist as a public record. The City is under no obligation to create a record. A better path would be for Commissioners to go directly to the City Manager for the information.

The Commission continued discussing estimates for projects, following decisions made in meetings, usurping the Commission, approval of Commission travel, decorum, Commissioners experiences being different, requests being addressed and placed on the agenda, the City Manager's relationships with other agencies, building consensus, following the proper channels, support from the community and staff, the City Manager's accomplishments, staffing, community events, following current policies, employee atmosphere, flooding issues, communication issues, Commissioners feeling blind sided, the purchasing policy, and seven bosses being challenge.

Motion by Commissioner Lulli, seconded by Vice Mayor Heriot, to conduct a Commission work session in which the items that would fall under this vote of no confidence that have been expressed tonight would be discussed. The logistics and the specifics of the date, time and location are to be finalized in working with the City Attorney's Office to be held under Sunshine Law and other applicable statutes off-site and recognizing that some members of the Commission have expressed frustration with communication and other issues.

Commissioner Lulli asked if the City Manager was willing to accept all performance reviews from each member of the Commission from this year? The City Manager replied not all of them have been submitted at this time, but he accepts them and goes through them as he has done every year during his 30 year career.

Commissioner Lulli asked if the City Manager would be willing to participate in a work

session with the Commission to discuss some of the things that have been brought up tonight? The City Manager replied he would have no problem with that, but he would also like to respond to all the points that were brought up tonight.

Commissioner Lulli asked if the conclusion of the vote of no confidence precludes a future vote of no confidence if there is something that comes up that is dyer or egregious? City Attorney Torcivia replied no not at all, this is not like double jeopardy situation, but she would urge the Commission put it on an agenda and provide notice. While a regular meeting notice is sufficient the Commission can add items of importance and it is recommended by the AGO (Attorney General Opinion) to give the public notice, especially controversial items.

The City Manager responded to some of the statements made by the Commission to include grants that were presented on an agenda, the Commission guidelines and the travel policy which have not been updated/changed but recommendations were made, the separate Commission travel policy that nobody knew existed, the cost for the Tallahassee trip which was provided, \$3 million for Deltona if the Governor signs the budget, Commissioner individually speaking to developers regarding restaurants, the personnel policy being under the City Manager's purview and does not need Commission approval, with regards to communication with the Commission his mantra is "what goes to one, goes to all", if an item is tabled to a date certain a date needs to be specified, dealing with rumors and innuendo, management went to Orlando but could be back in a moments time and management was in constant contact with staff and the Commission, the Golden Book was budgeted and came in under budget, and the request for financials was provided (900+ pages). He has received 3,782 emails have come to City Hall from the Commission with questions, looking for answers and information back and forth over the last eight (8) months. Staff has responded as many as possible if not all of them.

The City Manager stated there is no question he knew Deltona was going to be a challenge when he started here one year ago. He is the seventh City Manager since 2020 and possibly the 16th over the last 30 years. Every day in his first month in Deltona, someone asked him if he either knew how bad Deltona was or how long he planned on staying. One City Manager in the region said his guilty pleasure was working out while listening to Deltona City Commission meetings because of the dysfunction that was going on. So, it is not an easy job to reorganize a City that has been broken for so long due to rumors, innuendo and many times just lies. This City runs literally at 100 miles an hour, 10 different directions, nights, weekends, holidays and it does not stop. He believes he has proven to make myself available to the Commission overall at any time 24/7. Managing the City of Deltona is not a job or a career, it is literally a way of life. If a person is not willing to dedicate every minute of their life to this job, living in an unhealthy, stressful atmosphere, then a manager in this seat will not be successful. Even in this type of atmosphere, the Deltona staff are greatly resilient. For some reason, people believe in conspiracies and believe there is always something going on in our local government. Most of the executive staff is new and even half the Commission has changed over in the past year. How can you have conspiracies? Although he walked into the City with a bad reputation, he is very proud that over the past year, he and his

staff have significantly changed that negative reputation in the region to be more positive. He has been able to assemble an excellent team, one capable of executing the vision and goals set by this Commission. Through stable leadership and a much-needed increase in employee pay, we now have City staff that finally feel secure, valued and happy to come to work for our residents. He provided a list of projects that staff have accomplished, projects staff are working on, and several items that will be coming before the Commission for approval in the future. The City stays true to having an open door to speak and meet with residents and community groups at any time. He did not come to Deltona for a temporary stay. He came to Deltona to create it into a professionally structured government and to be a model government in Volusia County. With an attempt to discredit him, like the many City Managers before him, it is no wonder that things fall through the cracks such as the notice from the IRS (Internal Revenue Service), updating impact fees, and updating the right-of-way ordinance, because Deltona has had seven city managers in the past five years. It is clear that instability and lack of leadership brings chaos to the City, but the current stable staff is getting the work done, and now a few people are attempting to push out another City Manager. He was hired into a contentious atmosphere over the past year, and he was willing to make unpopular decisions which he thought were the right choice for the City. He has a distinct job that is not overseen by the City Commission. By charter and law, the City Manager is to manage the City as they see fit without interference by the City Commission. When the City Commission implements a new ordinance or a major City policy, then it is the City Manager's job to work with the staff and implement that major decision. But as you know, it is not easy for our staff to satisfy the Commissioners' requests when there appear to be very different desires. Threading the needle to satisfy everyone equally is a challenge, but he feels staff has done an exceptional job in keeping so many different plates spinning at the same time. So, besides the Mayor and City Commission, he understands that he works for 100,000 Deltona residents. To lead he always focuses on what is right, not what is popular. In many instances, he has to choose the harder right over the easier wrong to bring structure to our organization. In an era of social media, he does his best to know the difference between what is important and what is temporary fodder for the moment. He believes he has shown the stability needed to bring calm to the City of Deltona, as well as the determination to move forward and to move the City forward to becoming a more respected leader in the region. In fact, he truly believes it is a great time to be in Deltona. But in closing, he is proud to say that several employees have asked him to speak this evening in favor of his leadership. But, with concerns for them being negatively affected by offering their support, he asked them not to speak. He greatly appreciates their support and friendship.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

6. PRESENTATION:

A. FY2024 Audit Discussion with Purvis Gray, CPA.

Mayor called for a recess at 8:20 p.m. and reconvened at 8:25 p.m.

The Finance Director introduced Tim Westgate, Audit Partner, and Laurie Walker, Audit Supervisor, with Purvis Gray who gave a PowerPoint Presentation on the FY2024 audit.

The Commission and Mr. Westgate discussed discrepancies and audit adjustments, suspicions of altering the books, any financial trouble, concerns of bankruptcy, that deficit happens, trends require disclosure, being financially stable, different types of audits, sampling and analytics, reporting to Florida and the Auditor General a true representation, reasonable and material realm of, spending over \$25,000 or \$50,000, Deltona compared to other cities, participation in the award is optional, a trend of no audit findings is unique, strong team in place at the time, utilizing a professional firm to help with financial statements so the City put extra pieces in place which further led to no adjustments.

7. NEW BUSINESS:**A. Request for approval to amend the Procurement Policies and Procedures to reduce the spending authority to anything over \$25,000 for any department must come back to the Commission for approval.**

City Attorney Good stated this is a request for approval to amend the procurement policies and procedures to reduce the spending authority for anything over \$25,000 for any department must come back before the Commission for approval.

Motion by Commissioner Colwell, seconded by Commissioner Lulli, to approve the item.

The Commission and City Attorney discussed items not showing up on an audit, the size of the City, the norm being \$100,000, hindering the process, previous procurement policy, audits, trust issues and comfort levels, amending the procurement policy or standalone item, and clearly formalizing the motion.

Commissioner Colwell stated it was his intention to update the policy tonight.

The City Manager stated for clarification the difference is from \$50,000 going down to \$25,000 but, for clarification part of it was anything that has already been budgeted that was discussed in September, October comes back a couple weeks later to ask for permission again. So everything budgeted no matter what is coming back.

Commissioner Colwell replied that is correct.

The Commission discussed the budget book, approval process previous and current, wasting time, bringing the procurement policy back, looking at multiple components, and budgeted items.

The City Manager stated just for context he just wanted to remind everybody neighboring towns are at \$75,000, \$100,000, and \$125,000. That is why staff originally

brought it to the Commission in February and said we would like to go to \$100,00 but, then it was dropped down to \$50,00 and now we are going back to \$25,000. Again, other cities are at \$75,000, \$100,000 in comparison. Another example, for clarity, is the Golden Book which was originally budgeted at \$60,000 and it came in at \$28,000. So we would be bringing the Golden Book back to the Commission because it is over \$25,000 even if it is half the price of what was originally budgeted for. So, just for context that is what we are talking about.

The motion carried by the following vote:

For: 4 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

Against: 3 - Mayor Avila, Vice Mayor Heriot, and Commissioner Santiago

B. Request for approval of a forensic audit and a compliance audit at the direction of the City Commission.

Motion by Commissioner Howington, seconded by Commissioner Lulli, to approve a forensic audit and a compliance audit, the auditors would report directly to the City Commission and have complete unfettered access to City records as necessary to complete the City audits.

The City Attorney stated procedurally due to the budget amount and the threshold this would likely need to have direction from the Commission as to a scope that would be put out for RFP (Request For Proposal). That RFP would have to be evaluated and brought back to the Commission for final action. So the Commission could potentially vote to move forward tonight but, there would be multiple steps involved.

The Commission, the City Attorney and Mr. Westgate with Purvis Gray discussed an internal auditor position, the cost of each scope, nothing material would come from the process, "fraud" being thrown around a lot, the procurement policy, the process, the selection committee, IRS (Internal Revenue Service) issue, auditing policies, previous water audit, an operational audit, considering Florida DOGE (Department of Government Efficiency) team, giving up projects to pay for the audits, the timeframe, and a date certain tiered approach.

City Attorney Good stated the Commission needs to provide direction on the scope so likely we would need to have a workshop discussion based on a skeleton draft, the Commission can provide that direction, and then give staff additional time to refine and put it together before advertising. The first step maybe scheduling a workshop. City Attorney Torcivia stated finance has indicated there are budget meetings coming up and we are deep in budget season, it would be preferred to do the workshop at the end of August. The Commission needs to take ownership of this request. She urged the Commission to take this time to put together their lists, bring the lists to the workshop and ideally staff could put it all together into the RFP.

City Attorney Good stated the best motion is likely to have a motion to have a workshop to generate the scope for an RFP to procure a forensic audit and a compliance audit

that would respond to the City Commission, have that workshop posted at the end of August and for the award to come before the Commission as soon as reasonably possible or no later than five (5) months from the date the scope is finalized.

Amended motion by Commissioner Lulli, seconded by Commissioner Howington, to have a workshop to generate the scope for an RFP to procure a forensic audit and a compliance audit that would respond to the City Commission, have that workshop posted at the end of August and for the award to come before the Commission as soon as reasonably possible or no later than five (5) months from the date the scope is finalized. The amended motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

Against: 1 - Commissioner Santiago

Motion by Commissioner Lulli, seconded by Commissioner Howington, to extend the meeting an additional 20 minutes. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Heriot, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

C. Public Hearing - Ordinance No. 29-2025, Providing for imposition of a Temporary Moratorium on issuance of Development Orders and Permits and on the processing of Development Applications, City Code Text Amendments, Rezonings, Comprehensive Plan Text and Land Use Plan Amendments for development of residential dwelling units within the City; Exemption specified development; Providing for waivers; Providing for vested rights; Providing for appeals; Providing for exhaustion of administrative remedies; Providing for a term not to exceed nine (9) months unless extended by the City Commission as provided by Law, at first reading.

The Planning & Development Services Director gave a brief PowerPoint Presentation.

The City Attorney presented the final slide of the presentation pertaining to Legislative Risk - Senate Bill 180 and provided a revised ordinance that includes the recommendations by the Planning & Zoning Board if the Commission chooses to adopt those recommendations or move forward with any other adjustment that the Commission would like.

The Commission and the City Attorney discussed Senate Bill 180 cooling off period, the need for a notice of intent to repeal, automatic sunset, the requirement of quick affirmative action, acreage density or in-fill lots, mixed use, the P&Z Board recommendations, rushing the process, a more measured approach, no significant stormwater changes, flooding caused by bad development, the residential project list, impact fees, important mitigation measures, and the zoning in progress.

Motion by Commissioner Howington, seconded by Commissioner Colwell, to approve Ordinance No. 29-2025, at first reading.

Commissioner Howington withdrew her motion and Commissioner Colwell withdrew his second.

Motion by Commissioner Howington, seconded by Commissioner Colwell, to extend the meeting for an additional 30 minutes. The motion carried by the following vote:

For: 6 - Mayor Avila, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

Against: 1 - Vice Mayor Heriot

Motion by Commissioner Howington, seconded by Commissioner Colwell, to approve Ordinance No. 29-2025 at first reading from the one proposed by Planning & Zoning with the removal of the sunset if Senate Bill 180 passes, so remove that, keep in-fill lots and mixed use, so just remove the SB 180 piece.

Commissioner Colwell and the City Attorney discussed the time frame to change impact fees, 90 day phase, commercial in-fill lots vs. residential in-fill lots, and ownership types vs. types of development.

Amended motion by Commissioner Howington, seconded by Commissioner Lulli, to remove mixed use development from the motion.

For: 5 - Mayor Avila, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

Against: 2 - Vice Mayor Heriot, and Commissioner Santiago

The Commission and the City Attorney discussed in-fill lots, lots sizes, the cost to sue the State, the moratorium not being in the City's best interest and the P&Z Board recommendations vs. the motion on the floor.

The amended motion carried by the following vote:

For: 4 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Howington, and Commissioner Lulli

Against: 3 - Mayor Avila, Vice Mayor Heriot, and Commissioner Santiago

D. Request for approval that the City's July 4th event be all inclusive to include political parties.

The City Manager stated he was requesting to remove the item from the agenda. He has been putting festivals on for 30 years, he has heard the feedback in Deltona and has taken it under advisement and the policy will be changed to allow political vendors at the festival.

8. PUBLIC COMMENTS: (2 minutes maximum length per speaker)

9. CITY MANAGER COMMENTS:

10. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:25 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK