City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, August 3, 2026	6:00 PM	Deltona Commission Chambers

PUBLIC FORUM: 6:00 PM - 6:30 PM

BUSINESS MEETING - 6:30 PM

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 - Commissioner Colwell
Commissioner Heriot
Commissioner Howington
Commissioner Nabicht
Commissioner Santiago
Vice Mayor Avila-Vazquez
Mayor Avila

3. INVOCATION AND PLEDGE TO THE FLAG:

A. **Invocation Presented by District #2 Commissioner.**
Honoring Veteran: Christopher Bellingham - Specialist E4 - U.S. Army

4. ADDITIONS AND DELETIONS:

The Mayor requested an Add-on item to send the e-bike ordinance to the Ordinance Review Committee (ORC), specifically just for the age restriction (Item 9-D).

The City Attorney stated to be clear procedurally because it is an ordinance, the Commission cannot make a change without proper notice and a first and second reading. The Commission, similar to what was done with other portions of Chapter 66, vote to suspend enforcement.

Commissioner Nabicht suggested having a workshop and getting public input.

5. PRESENTATIONS/AWARDS/REPORTS:

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

Commissioner Heriot requested to pull Item 7-J for discussion.

Motion by Commissioner Heriot, seconded by Commissioner Nabicht, to approve Consent Agenda as presented with the exception of Item 7-J.

The Mayor opened public comments and residents addressed the City Commission.

Commissioner Colwell requested to pull Item 7-E for discussion.

Amended motion by Commissioner Heriot, seconded by Commissioner Nabicht, to approve Consent Agenda Items 7-A through D, F through I, K and L. The amended motion carried by the following vote:

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

A. **Request for approval of minutes of the Regular Commission Meeting of July 20, 2026, as presented.**

Approved by Consent - to approve the minutes of the Regular Commission Meeting of July 20, 2026, as presented.

B. **Request for approval of Resolution No. 2026-52, approving the Community Development Block Grant (CBDG) Annual Action Plan and Public Services awards for Program Year 2026-2027; authorizing the Mayor to execute the required federal forms and certifications; authorizing the administration of the Public Services Program.**

Approved by Consent - to approve Resolution No. 2026-52.

C. **Request for approval of Resolution No. 2026-62, approving the Substantial Revision to the Local Housing Assistance Plan (LHAP) for program years 2025-2028; authorizing the City Manager to execute the require state documents and certifications; authorizing administration of the revised LHAP to the Florida Finance Corporation; and authorizing administration of the plan.**

Approved by Consent - to approve Resolution No. 2026-62.

D. Request for approval of Resolution No. 2026-66 - Award ITB #26020, Demolition Services to DSR Construction, Inc.; GTK Demolition, LLC; Reclaim Company, LLC; and Samsula Waste, Inc. (dba Samsula Demolition) to provide Citywide Demolition Services.

Approved by Consent - to approve Resolution No. 2026-66.

E. Request for approval of Resolution No. 2026-67 - Award RFP #26019, Miscellaneous Land Acquisition Services to American Acquisition Group, LLC; Bowman Consulting Group, Ltd.; and O.R.S. Colan Associates, LLC to provide Citywide miscellaneous land acquisition services.

Commissioner Colwell asked what properties is the City looking at acquiring and the Deputy Public Works Director replied staff is not looking at acquiring anything at this time. This is getting the City positioned because we have our HMGP (Hazard Mitigation Grant Program), and we have two properties that staff is looking at acquiring. This is to get us compliant with that grant and that we meet all the requirements for HMGP that is administered by the Division of Emergency Management on behalf of FEMA (Federal Emergency Management Agency). The consultant is a requirement and it does not preclude the City from using these firms for other acquisition needs.

Motion by Commissioner Heriot, seconded by Commissioner Colwell, to approve Consent Agenda Item E. The motion carried by the following vote:

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

F. Request for approval of Resolution No. 2026-69 - Award Carr and Collier Inc of Leesburg Florida for the restoration of the Lake Monroe intake site and boat ramp.

Approved by Consent - to adopt Resolution No. 2026-69 to award the competitive bid for the restoration of the Lake Monroe intake site and boat ramp to Carr and Collier Inc of Leesburg Florida.

G. Request for approval of Resolution No. 2026-68 to award the competitively bid repair and replacement of Oxidation Ditch Rotors to McMahan Construction Co., Inc. in the amount of $315,000.

Approved by Consent - to approve Resolution No. 2026-68 to award the

competitive bid for the repair and replacement of Oxidation Ditch Rotors at the Fisher Wastewater Plant to McMahan Construction Co, Inc. in the amount of $315,000.

H. Request for approval of Resolution No. 2026-71 - Award Danus Utilities, Inc. and Perimeter Solutions Group to rehabilitate Lift Station #3 at the Deltona Plaza on Deltona Blvd.

Approved by Consent - to adopt Resolution No. 2026-71.

I. Request for approval of Resolution No. 2026-72 - Change order to McMahan Construction Co., Inc to increase the contract amount for Fisher WWTP Improvements - MLE Process.

Approved by Consent - to approve Resolution No. 2026-72.

J. Request for approval of a reduction in fine request by the respondent.

Commissioner Heriot stated this item is related to a property in District #1 and it is a homesteaded property occupied by an elderly resident.

Motion by Commissioner Heriot, seconded by Commissioner Howington, to approve the lien reduction to $3,713.56. The motion carried by the following vote:

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

K. Request for approval of Resolution No. 2026-73 - Change Order to Rocha Controls and DGR Systems for the SCADA Improvements.

Approved by Consent - to adopt Resolution No. 2026-73.

L. Request for recognition(s)/presentation(s):

Bike Helmet Event Report to be presented on August 24, 2026.

Approved by Consent - to approve the requested presentation(s).

8. ORDINANCES AND PUBLIC HEARINGS:

9. ACTION ITEMS:

A. Request for approval of the Proportionate Fair Share Agreement for the Culver's Restaurant located at 3095 Howland Boulevard.

Motion by Commissioner Santiago, seconded by Commissioner Heriot, to approve the Proportionate Fair Share Agreement for the Culver's Restaurant located at 3095 Howland Boulevard.

The Mayor opened and closed public comments as there were none.

The Vice Mayor requested a description or explanation of the item for the residents. The Community Development Services Director replied this is a Proportionate Fair Share Agreement between Culvers, Volusia County, and the City of Deltona, and it is just a way for the developer to pay their fair share of roadway improvements for their impact on traffic. Since Howland Blvd. is a county road, they will be paying their fair share of $169,790.84 which will go directly to Volusia County.

The motion carried by the following vote:

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

B. Discussion of Resolution 2026-48 Foreclosure of Outstanding Municipal Liens At 271 Fort Smith Blvd., Deltona, Florida.

The City Attorney stated at the June 22, 2026 Commission meeting, the City Commission approved Resolution No. 2026-48, foreclosure of outstanding municipal liens at 271 Fort Smith Boulevard. On July 20th, 2026, the foreclosure petition was filed with the Clerk of the Seventh Judicial Circuit Court. The case styled City of Deltona versus Two Star Investment Inc. The case number 202612707 CIDL. On July 20th, 2026, the City Commission meeting provided consensus to bring this resolution back for a discussion before the City Commission. The Commission has at their seats, a timeline of the violation that led up to these foreclosure liens that was prepared by your code enforcement staff for your information. Just as a preliminary matter, this is a valid lien that is eligible for foreclosure that was approved by the City Commission. However, if the City Commission would like to follow the proceedings, you are within your jurisdiction to do so.

Commissioner Colwell and the City Attorney discussed a recent public records request, a lien filed in 2023, the total amount of the liens, the City's website and/or public facing portal, and the history of the liens.

Motion by Commissioner Colwell, seconded by Commissioner Howington, to put this on hold and pause the foreclosure until more research can be provided.

The Commission and City Attorney discussed if the business changed hands, closed code cases, voluntarily coming into compliance, and conflicting information.

Commissioner Howington requested all Special Magistrate transcripts and any additional factual information regarding this property.

The City Attorney stated he wanted to clarify the motion because there is pausing the foreclosure. There is one where the City just stops pressing but, there is a timeline set by the court. Are you asking for us to file a stay in that action in order to officially notify the court that we do not want to move forward at this time? Commissioner Colwell replied yes.

The Commission, Jason Voelz (Real Estate Agent) representing the owner, and staff discussed two code violations, scrivener errors on lien documents, being in compliance, and not requesting a reduction in fine.

The Mayor requested that the motion and second be retracted so he can request completely stopping the foreclosure so the owners can go through the reduction of fine process.

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

Motion by Commissioner Nabicht, to stop the foreclosure and give the building owner an opportunity to apply for a reduction of fines not to exceed 90 days.

Amended motion by Commissioner Nabicht, seconded by Commissioner Heriot, to file a stay in the case for 90 days in order to give the building owner an opportunity to apply for a reduction of fine.

Mr. Voelz stated they want to work this out, a ten year contract is on the line, old tenants and statute of limitations expired, and receiving a mortgage in 2024.

Commissioner Colwell requested a complete list of properties with open liens over $5,000 and the Code Compliance Supervisor replied he can provide that list.

The Mayor opened the public hearing and residents addressed the City Commission.

The amended motion carried by the following vote:

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

C. <u>Request for approval of Resolution No. 2026-64 approving settlement of all claims by Linette Quintana and Radames Estrada. Office of the City Attorney.</u>

The City Attorney read the title of Resolution No. 2026-64 into the record and he gave an explanation of the claim regarding a motor vehicle accident.

The Mayor asked who the attorney is on file representing the victim to make sure it is not the law firm he works for and the City Attorney replied he will check.

Vice Mayor asked since when does these types of items go to a Regular Commission Meeting because she thought these types of items were handled in a shade meeting. The City Attorney replied approval of settlements must be in an open public meeting and Executive Sessions are where the Commission and staff discuss litigation strategy and other items on a pending legal matters.

Motion by Commissioner Nabicht, seconded by Commissioner Santiago, to approve Resolution No. 2026-64.

The Mayor opened and closed public comments as there were none.

The Mayor called for a recess at 7:12 p.m. and reconvened at 7:12 p.m.

The City Attorney stated the Dan Newland Injury Attorneys are the counsel of recorrd.

The motion carried by the following vote:

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

D. ADD-ON ITEM: Discussion to send the e-bike Ordinance to the Ordinance Review Committee (ORC), specifically just for the age restriction.

The Mayor stated he had concerns, the Ordinance Review Committee (ORC), a conversation with Sheriff Chitwood and enforcement, and communication between the City and the Sheriff's office. He requested that the Commission suspend the age limitation for the simple fact that a 15 year old can obtain a learner's permit and drive a car.

The Commission and City Attorney discussed some issues with e-bikes, having a workshop, community input, and changing the age limitation to license drivers or age 16.

The City Attorney stated the Commission would be suspending the portion of the ordinance related to the age restriction, however, state law would control and step in essentially to fill that gap. He believes the Sheriff has already gone on record that he would be enforcing state statute and not the City's ordinance.

The Commission and City Attorney discussed the uniform traffic code/state statute, history of micro mobility ordinances, riding on sidewalks, what is enforceable, motorized vehicles and state law, definition of vehicle, community input, and lack of e-bike education/training.

Motion made by Commissioner Heriot, to suspend the enforcement of micro mobility ordinance. The motion dies for lack of a second.

The Mayor stated that there was already a motion on the floor with Commissioner Heriot seconded.

Commissioner Nabicht suggested having a workshop, include the school board, and get community input. He called the question.

The Mayor opened public comments and residents addressed the City Commission.

The City Clerk asked who made the motion and second and what was the motion. The Mayor replied the motion was by Commissioner Nabicht, seconded by Commissioner Heriot, to suspend the age restriction.

The Commission voted:

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

10. CITY ATTORNEY COMMENTS:

The City Attorney stated at this time, he would like to address the question that was raised regarding the recording of the release of lien and the former employee. The former employee whose name appears on a few release of liens that were recorded prior to our tenure as City Attorney appears in the portion at the top of the release of lien where it says "prepared by and returned to...", and you have a contact person in the City of Deltona. After speaking with code compliance staff, who normally prepares these documents for execution by the City Attorney it appears this was a template error that was carried forward. We are happy to record an affidavit of Scribner's error to correct that. However, it does not have any impact on the legal standing of those documents, the signature, and the notary of those are still valid. It is really just a scrivener's error, and we are happy to record those affidavits in order to correct the record.

The Commission concurred to have legal record an affidavit of Scribner's error to correct the release of liens.

Motion by Commissioner Nabicht, seconded by Commissioner Heriot, to . The motion carried by the following vote:

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

11. CITY MANAGER COMMENTS:

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

Commissioner Nabicht spoke about issues with Waste Pro to include the contract, communication, enforcement, training and improving level of service.

Commissioner Howington spoke about the e-bike workshop format and the stanchions.

Commissioner Santiago spoke about Back-to-School Fair.

Commissioner Heriot spoke about Waste Pro issues and the Teach Appreciation event hosted by the Masonic Lodge.

The Vice Mayor read a prepared letter with questions regarding the back-to-school giveaway and requested several action items.

The Mayor called point of order.

The City Attorney stated Vice Mayor's request is directing the attorneys and City staff, and it seems like requesting an outside investigation, which could potentially involve the obligation of City funds, so he would ask that if this is to move forward, it be done via consensus of the dais.

After discussion, the majority of the Commission concurred with Vice Mayor's requests for information and an outside investigation regarding the Back-to-School Fair with Commissioner Santiago, Commissioner Heriot and the Mayor opposing.

The Mayor spoke about having the American Legion contract completed within 30 days.

The Mayor requested a consensus to have a joint workshop with Ordinance Review Committee (ORC) regarding e-bikes and the majority of the Commission concurred with Commissioner Heriot opposing.

13. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:50 p.m.

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Santiago Avila, Jr., MAYOR

ATTEST:

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Joyce Raftery, CMC, MMC, CITY CLERK