



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, September 18, 2023

6:00 PM

Deltona Commission Chambers

REVISED 9/14/2023

DECORUM POLICY: The City of Deltona has a significant interest in conducting orderly and efficient public meetings, which includes preventing disruption, promoting civility, and preserving decorum. To that end, behavior which disrupts or impedes the efficient and orderly conduct of any public meeting, as determined by the Mayor, or presiding officer, or a majority of the City Commission, is not permitted. The Mayor, or presiding officer, or a majority of the City Commission, may interrupt, warn, or terminate a speaker's statement when that statement is too lengthy, personally directed, abusive, obscene, irrelevant, or otherwise reasonably perceived to be a disruption to the fair and orderly progress of the discussion at hand. The Mayor, or presiding officer, or a majority of the City Commission, may also interrupt any part of the meeting to warn any individual that they are being disruptive or otherwise impeding the efficient and orderly conduct of the meeting. The Mayor, or presiding officer, or a majority of the City Commission, may require any individual to leave a public meeting for its duration if that individual is unable to observe this Policy after being warned. Should an individual be required to leave a meeting for violating this Policy, that person shall be escorted from Commission Chambers by a Volusia County Sheriff's Deputy.

PUBLIC FORUM: Public Forum will begin at 6:00 PM at the start of each regular meeting and will conclude after 30 minutes. Comments during Public Forum are limited to items of City business that are listed on the Agenda and/or items that are not listed on the Agenda. Comments regarding listed Agenda items will take place after discussion of each item. Please be courteous and respectful of the views of others. In order to address the Commission, citizens must fill out a public participation slip and give it to the Deputy City Clerk. All citizen comments are limited to 4 minutes and shall be addressed to the Mayor or the Commission as a whole. Members of the City Commission shall not enter into discussion or respond to a citizen's comments other than to give directions or to ask for clarification. However, individual Commissioners may choose to respond under the "City Commissioner Comments" portion of the meeting.

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 - Mayor Avila
Vice Mayor Bradford
Commissioner Avila-Vazquez
Commissioner Burbank
Commissioner Colwell
Commissioner JodyLee
Commissioner McCool

3. INVOCATION AND PLEDGE TO THE FLAG:**A. Invocation Presented by Mayor Avila.****4. APPROVAL OF MINUTES & AGENDA:****A. Approval of minutes of the Regular Commission Meeting of August 28, 2023, the Special Commission Meeting of September 6, 2023, and the Executive Session of September 11, 2023, as presented. - Joyce Raftery, City Clerk (386) 878-8502.**

Motion by Commissioner JodyLee, seconded by Vice Mayor Bradford, to approve the minutes of the Regular Commission Meeting of August 28, 2023, the Special Commission Meeting of September 6, 2023 and the Executive Session of September 11, 2023, as presented. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

5. PRESENTATIONS/AWARDS/REPORTS:

Mayor Avila pulled Item 5-C which will be presented at a later date.

A. Proclamation - National Family Day**B. Proclamation - Hispanic Heritage Month- September 15 - October 15, 2023****C. Senator Tom Wright will present a check to the City of Deltona for the Fisher Wastewater Treatment Facility Plant Conversion in the amount of \$1,500,000 and the Eastern Wastewater Treatment Facility Expansion -**

Sewer Improvement in the amount of \$2,000,000. Funding was secured with assistance from Senator Tom Wright, Representative Webster Barnaby and Representative Tom Leek.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2023-48, Adopting the Final Millage Rate - Levy of Ad Valorem taxes for FY 2023/2024 - Mari Leisen, Finance Director (386) 878-8553.

Strategic Goal: Fiscal Issues

Mayor Avila stated this is a public hearing to hear and consider comments and questions regarding the City's final millage rate and final annual budget for the coming fiscal year 2023/2024. The City of Deltona hereby proposes a millage rate of 7.35. The millage rate reflects an 8.86% increase from the rolled-back rate of 6.7519 mills. The millage rate is higher than the rolled-back rate of 6.7519 in order to cover increased operating costs.

Mayor Avila stated the floor is now open to hear public comments and to take any questions from the public.

Donald Freeman, Robin French, Stephanie Cox, William Flowers, Richard Bellach, S. Brown, Kathryn Kolin, Kathy Bryan, Maria Rodriguez, Julianne Ivory-Saccone, Davis Sosa, Christian Rivera, Tara D'Errico, Kathy Gallagher, Valerie Vadney, Elizabeth Chavez, Carolyn Jenkins, Dave Munoz, and Dori Howington addressed the City Commission.

Mayor Avila closed the public hearing.

The Commission and staff compared and discussed the current, proposed, and rolled-back millage rate, as well as budget cuts, expenses, insurance rates, new mortgages, lowering taxes, other taxing agencies, resident emails, property taxes, the safety fund, dialog with residents, budget process, quarterly reports, monthly dashboards, taxable values, transparency, Florida legislation, the solid waste and stormwater assessments, budget shortages and transfers, revenue stagnation, the TRIM notices, revenue from millage, previous City Manager's contract, rent increases, predatory lending (PACE), kicking the can down the road, landfill fees, Consumer Price Index (CPI), the Theresa Basin study, grants, critical spending, flooding, and the millage rate trending down.

Motion by Vice Mayor Bradford, seconded by Commissioner Burbank, to adopt Resolution No. 2023-48. The Interim City Manager has the authority to correct scrivener's errors and the like.

The City Attorney read the title of Resolution No. 2023-48 for the record.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

B. Public Hearing - Resolution No. 2023-49, Adopting the Final Annual Budget - Annual Budget for FY 2023/2024 - Mari Leisen, Finance Director (386) 878-8553.

Strategic Goal: Fiscal Issues

Mayor Avila stated the City of Deltona has adopted a final ad-valorem millage rate of 7.35 mills for fiscal year 2023/2024. The final ad-valorem millage rate reflects an 8.86% increase from the rolled-back rate of 6.7519 mills. The proposed annual budget is summarized as follows: General Fund \$85,311,006; Special Revenue Funds \$48,104,730; Enterprise Fund \$60,959,686; Capital Project Funds \$15,934,963; and Total City-wide Budget \$210,310,385.

Mayor Avila stated the floor is now open to hear public comments and to take any questions from the public.

Elbert Bryan, Richard Bellach, David Sosa, Virgil Ford, Elizabeth Chavez, and Kathryn Kolin addressed the City Commission.

Mayor Avila closed the public hearing.

The Commission discussed budget scripting, the annual budget book, the annual comprehensive plan, budget line items, wasted money, paving projects, road striping, office furniture, Commission approval for budget transfers, covering necessities, and city-wide events.

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to adopt Resolution No. 2023-49. The Interim City Manager has the authority to correct scrivener's errors and the like.

The City Attorney read the title of Resolution No. 2023-49 for the record.

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, and Commissioner McCool

Against: 1 - Commissioner JodyLee

C. Request for approval of Ordinance No. 10-2023, amending Section 110-806, "Fences, Walls, and Hedges," of Article VIII, "Supplementary

Regulations", of Chapter 110 "Zoning", of the Land Development Code (Ordinance No. 10-2023), at first reading - Planning and Development Services

Strategic Goal: Demonstrate Effective Policy-Leadership

Acting Public Works Director Phyllis Wallace gave a brief explanation of the item.

The Commission discussed lake-front fencing, survey and permit expiration dates, making language consistent, and making the City permitting process consistent with County permitting process.

Motion by Vice Mayor Bradford, seconded by Commissioner McCool, to adopt Ordinance No. 10-2023, amending Section 110-806, "Fences, Walls, and Hedges," of Article VIII, "Supplementary Regulations", of Chapter 110 "Zoning", of the Land Development Code at first reading with the proposed change. The Interim City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Avila opened the public comments.

Elizabeth Chavez addressed the Commission

Mayor Avila closed the public comments.

The City Attorney read the title of Ordinance No. 10-23 for the record.

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner JodyLee, and Commissioner McCool

Against: 1 - Commissioner Colwell

7. OLD BUSINESS:

8. NEW BUSINESS:

9. 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.

Elbert Bryan addressed the City Commission.

10. 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.

Mayor Avila requested to pull agenda items 10-A and 10-E for discussion.

Motion by Vice Mayor Bradford, seconded by Commissioner Burbank, to approve Consent Agenda Items 10-B, 10-C, 10-D and 10-F. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

A. Request for approval of the Team Volusia Economic Development Corporation Cooperative Agreement for 2023-2024 - Glenn Whitcomb, Interim City Manager. (386) 878-8858.

Strategic Goal: Economic Development

Mayor Avila suggested to hold off until a presentation from American Way can be considered by the Commission.

Vice Mayor Bradford suggested a lengthier timeline in the future in order to hear more presentations and proposals.

Motion by Commissioner JodyLee, seconded by Commissioner Avila-Vazquez, to accept the Cooperative Economic Development Agreement between the City of Deltona and Team Volusia EDC for 2023-2024. The City Manager has the authority to make corrections of scrivener's errors and the like.

Vice Mayor Bradford agreed that the American Way should be allowed to make a presentation.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

- B. Request for approval a renewal of a Microsoft Enterprise Agreement with Software House International. - Robert Cordero, IT Director, 386-878-8807**

Strategic Goal: Internal/External Communication

Approved by Consent Agenda - to approve the procurement and term agreement with Software House International. Upon approval of this item the Commission authorizes any and all necessary actions, documents or budget transfers by the Acting City Manager to facilitate the execution of this agreement. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- C. Request for approval of purchases for FY23-24 contingent on approval of final budget - Mari Leisen, Finance Director, (386) 878-8553.**

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

Approved by Consent Agenda - to approve the list of purchases for Fiscal Year 2023-2024.

- D. Request for approval of the Agreement for Waiver of Local Match Requirements for Public Assistance for Hurricane Ian and Hurricane Nicole (SB4A Waiver) - Mari Leisen, Finance Director, (386) 878-8553.**

Strategic Goal: Fiscal Issues - Grant Management.

Approved by Consent Agenda - to approve the Agreement for Waiver of Local Match Requirements for Public Assistance for Hurricane Ian and Hurricane Nicole (SB4A Waiver) and direct the Interim City Manager to execute the agreement. Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the City Mayor to sign any documents necessary to further Commission approval of this item

- E. Renewal requests for Brown & Brown coverage premiums, Acentria-Employee Benefits and Service Contract, and the AdventHealth contract - Rebecca Wilk, Human Resources (386) 878-8754.**

Strategic Goal: Fiscal, Internal/External Communication

The Commission, City Attorney, staff, and Kyle Stoekel with Brown & Brown Insurance, discussed more affordable insurance plans, issuing an RFP (Request for Proposal), rates from another firm, large increases triggering an RFP, the budget process, waiting until the last minute, the market, Hurricane Ian, the City's losses, City growth, increased exposure, negotiating rates, higher deductibles, renewal timeline, being informed, the increase of 32%, liability insurance, workers' compensation, property rates and insurance, coverage, Florida legislation, published rates, insurance kneecapping cities, board of trustees, board regulations, budget estimate provided in June, money spent on galas, budget policy changes, scare tactics, run off cost, required regulatory insurance coverage, water craft insurance, pro-rating insurance, previous RFP, doing a budget policy workshop, open enrollment, and claims data.

Motion by Commissioner McCool, seconded by Vice Mayor Bradford, to approve the renewal requests for Brown & Brown, Acentria Insurance, and AdventHealth with the condition an RFP is sent out and we have budget policy. The motion died for lack of a second.

The Interim City Manager stated that a workshop on a budget policy will take place before the new City Manager arrives.

Amended motion by Commissioner McCool, seconded by Vice Mayor Bradford, to approve the renewal requests for Brown & Brown, Acentria Insurance, and AdventHealth with the caveat that Brown & Brown goes out for RFP next year. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

- F. Request approval of Resolution No. 2023-52, a Change Order & Budget Amendment with Hawkins Inc. the chemical provider for Deltona Water to supply "As Needed Chemicals and Chemical Feed Equipment" in an amount not to exceed \$70,000 - Phyllis Wallace, Interim Public Works (386) 878-8965.**

Strategic Goal: Infrastructure

Approved by Consent Agenda - to approve and authorize Resolution No. 2023-52, the Change Order & Budget Amendment with Hawkins Inc. the chemical provider for Deltona Water to supply "As Needed Chemicals and Chemical Feed Equipment" in an amount not to exceed \$70,000. The City Manager has the authority to make corrections of scrivener's errors and the like.

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner McCool requested that staff do a quarterly budget report, a dashboard of projects, and to make these items part of the budget policy and the Commission concurred.

Vice Mayor Bradford requested an update on the kenneling ordinance and the Interim City Manager replied he will bring that up during his comments.

Mayor Avila requested a budget policy plan and he stated that any new City Manager who wants changes would need to come before the Commission. He suggested a plan which follows: January, work on strategic plan; February, have budgets ready for all capital projects; March, have department budgets finished; and by June, have held several public budget workshops to discuss the budget in detail.

Mayor Avila requested to have the Florida Business Expo use The Center for their event on a Friday at the City's expense and the Commission concurred.

Commissioner Burbank left the meeting at 9:29 p.m.

Mayor Avila requested to have the American Way make a presentation to the Commission and the Commission concurred.

Commissioner Avila-Vazquez requested that Dr. Tom LoBasso with Daytona State College provide an update on the construction and the Commission concurred.

12. CITY ATTORNEY COMMENTS:

The City Attorney stated she has prepared the ordinance for animals related to cruelty to animals and the first reading will be on October 2, 2023. The City cannot use the term "kenneling" in the ordinance, as this case falls under "change of air".

Commissioner JodyLee left the meeting 9:33 p.m.

The Commission and City Attorney discussed kennels, change of air, confinement, ordinance language, protecting residents, and Code Enforcement.

13. CITY MANAGER COMMENTS:

The Interim City Manager stated that the first reading of the animal ordinance will be October 2, 2023, and the second reading will be November 6, 2023.

The Interim City Manager stated there was a request made to hear a presentation from Barracks of Hope Construction and the Bridge and the Commission concurred.

Mayor Avila made the dais aware that Barracks of Hope Construction are requesting a \$25,000 donation.

The Interim City Manager discussed the proposed timeline for the City Manager search and that he had a request for the City to host a 5k run in February. The Mayor requested that staff provide the cost for the 5k event.

14. CITY COMMISSION COMMENTS:

Commissioner Avila-Vazquez spoke about resident emails to Commissioners, the animal ordinance, and the Crime Stoppers Event.

Commissioner McCool spoke about resident attendance and participation.

Mayor Avila spoke about workshops and Commission attendance.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:50 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK