

City of Deltona

2345 Providence Blvd. Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor Avila
Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool
Commissioner Shimkus

Monday, June 3, 2024

6:30 PM

Deltona Commission Chambers

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 Sheriff's Deputy.

- 1. CALL TO ORDER:
- 2. ROLL CALL CITY CLERK:
- 3. INVOCATION AND PLEDGE TO THE FLAG:
- A. <u>Invocation Presented by Distri</u>ct #3 Commissioner.

Background:

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Special Commission Meeting of May 2, 2024, the Regular Commission Meeting & Executive Session of May 6, 2024, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Background: N/A

Attachments: May 2, 2024 SCM Minutes

May 6, 2024 Exe. Session Minutes

May 6, 2024 RCM Minutes

5. PRESENTATIONS/AWARDS/REPORTS:

A. <u>Proclamation - National Military Appreciation Month</u>

Background: A Proclamation recognizing the Month of May, 2024 as National Military

Appreciation Month, honoring all branches of our United States Armed

Forces and the family members that support them.

B. Proclamation - Mental Health Awareness Month

Background: A Proclamation recognizing the Month of May, 2024 as Mental Health

Awareness Month. Mental Health Month is an opportunity to increase public understanding of the importance of mental health and to promote

the identification and treatment of mental health.

C. Proclamation - LGBTQ+ Pride Month

Background: A proclamation to recognize the month of June as "LGBTQ+ Pride

Month" in the City of Deltona. Deltona is committed to helping create an environment where each individual can feel respected, welcomed and

understood.

6. PUBLIC FORUM: Public 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.

7. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2024-20, Establishing the Preliminary Annual Rate Resolution - Stormwater Services for FY2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

Background:

The Stormwater Utility System is based on operation and capital needs and is funded by fees levied to the property owners in the City of Deltona. The current rate of \$128 was adopted six years ago and will not support the Stormwater Utility System for capital projects. The impacts of Hurricane Ian and Nicole resulted in approximately 250 homes being flooded, roadways closed and an overwhelming unprecedented impact on the stormwater infrastructure. The City has identified a number of projects to begin the process of upgrading and improving the stormwater infrastructure that in some areas is nearly 60 years old. One major project is the Theresa Basin Study, which will result in identifying areas of greatest need and projects that can improve and enhance the flow of stormwater through the City of Deltona. Staff is pursuing every avenue of funding including grants, appropriations and similar to help off-set what is anticipated as a \$50M need for stormwater capital projects and upgrades and improvements.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution. Attached is the Preliminary Rate Resolution for stormwater utility assessments for FY 2024/2025. Staff are proposing an annual rate of \$170.00 per ERU (Equivalent Residential Unit), which will increase by \$42.00 or 33% from the current annual rate of \$128.00 per ERU due to upcoming Stormwater

improvement capital projects.

Upon approval of this item, authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Acting City Manager to sign any documents necessary to further Commission approval of this item.

<u>Attachments:</u> 2024-20 Reso - Preliminary Stormwater rate- June

Deltona Stormwater Rate Study Presentation 06 03 2024

B. Public Hearing - Resolution No. 2024-21, Establishing the Preliminary Annual Rate of Assessment for Solid Waste (Trash) Services for FY 2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

Background:

The Solid Waste (Trash) Collection System is based on operational and capital needs and is funded by fees levied to the property owners in the City. Section 54-56 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution.

The residential solid waste collection rates for FY 2024/2025 have been calculated based on the following criteria:

The Volusia County landfill cost increased as of October 1, 2023. The current rate for regular household garbage went from \$34.00 per ton to \$37.00 per ton, household yard waste and bulk items went from \$23.00 per ton to \$30.00 per ton.

The Consumer Price Index is adjusted annually based on the Sewer, Water, Trash index of the percentage change from April of the previous year to April of the current year.

The fuel adjustment component is adjusted annually based on the change in the average monthly pricing of diesel fuel for the last 12 months and the current pricing.

The result of those calculations has a 17.78% decrease in fuel component, 11% increase in disposal cost component and a 5.31% increase in the collection consumer price index component.

The annual solid waste assessment rate for FY 2024/2025 is proposed at \$235.42 per Residential Unit, which is increased by \$32.62 or 16.09% from the current fiscal year rate. This is the first rate increase the City has implemented in six years, which calculates to a 2.40% increase annually.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval of this item.

Attachments:

2024-21 Reso - Preliminary Solid Waste assessment- June Deltona Solid Waste Assessment Calcualations FY 2024-2

C. Public Hearing - Resolution No. 2024-22, Establishing the Preliminary Annual Rate Resolution - Streetlighting Services for FY 2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

Background:

The Streetlighting Services System is based on operational and capital needs and is funded by fees levied to the property owners in the City.

Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary and Annual Rate Resolutions. Attached is the Preliminary Annual Rate Resolution for street lighting assessments.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval.

Attachments:

2024-22 Reso - Preliminary Streetlighting-June

Public Hearing - Resolution No. 2024-23, Establishing the Annual Rate Resolution - Lake McGarity Aquatic Weed Control Services for FY 2024/2025 -Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

Background:

The Lake McGarity Special Assessment District was established to provide aquatic weed control services for the Lake. The cost of those services is apportioned to properties that will benefit from those services and will be levied to the property owners.

Section 54-16 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption. Attached is the Annual Rate Resolution for Aquatic Weed Control Services assessments for the Lake McGarity Special Assessment District for FY 2024/2025. Staff is proposing an annual rate of \$60.00 per assessed parcel.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: 2024-23 Reso - Preliminary Lake Clean Up - June - \$60

E. Public Hearing - Resolution No. 2024-24, Establishing the Annual Rate

Resolution - Nuisance Abatement Services for FY 2024/2025 - Julia Johnson,

Deputy Finance Director (386) 878-8978.

Strategic Goal: Strengthen Code Compliance and focus on the City's Beautification Program.

Background:

The Nuisance Abatement Assessment was established in 2018 for the collection of unpaid costs and expenses incurred by the City for nuisance and lot clean-up. This is an effort for the City to recoup the costs associated with the abatement of the property for clean-up that is a nuisance and a threat to public health, safety, and welfare.

Section 54 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution. Attached is the Annual Rate Resolution for Nuisance Abatement Services for FY 2024/2025. The total outstanding and unpaid assessments for the provision of Nuisance Abatement Services for FY 2024/2025 is \$48,383.01.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the Interim City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: 2024-24 Reso - Preliminary Nuisance Abatement-June

F. Public Hearing: Ordinance No. 05-2024, amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element providing for the replacement of the Capital Improvement Project Five-Year Schedule. - Planning & Development Services (386) 878-8600.

Strategic Goal: Economic Development

Background:

Under s. 163.3177(3)(b) F.S., the Capital Improvements Element of the Comprehensive Plan must be reviewed and updated annually. The Capital Improvements Element (CIE) Report is sent to the Department of Economic Opportunity (DEO) when it is adopted by the City Commission each year. City staff has reviewed the current capital improvements for the next five years. The review intends to ensure compliance with the adopted level of service (LOS) standards and is accomplished in collaboration with the City's Finance Department, Public Works Department, other City Departments, and other agencies.

Please be advised the Five-Year Capital Plan and project descriptions are copied from the City budget approved by the City Commission in September of 2023. The budgetary information cannot be altered or modified as part of the CIE update process.

Attachments:

Ordinance No. 05-2024

CIE Report

LOS VCSB Chart 1
LOS VCSB Chart 2

CIE 2023-2024 Presentation CC

8. OLD BUSINESS:

9. NEW BUSINESS:

A. Request approval for State Revolving Fund - Amendment 3 to Loan Agreement
WW641860 with the Florida Department of Environmental Protection, specific
to the Alexander Avenue Reclaimed Water Augmentation Project (aka Lake
Monroe Project Phase 4B) in the amount of \$2,638,605- Phyllis Wallace,
Interim Public Works Director (386) 878-8965.

Strategic Goal: Infrastructure

Background:

Resolution 2021-23 authorized the agreement between State and the City of Deltona for the Alexander Avenue Reclaimed Water Augmentation Project (aka Lake Monroe Project Phase 4B). The project as the Mayor & Commission is aware has been determined to be un-constructable. To-date, the City has drawn down on State Revolving Fund loan in the amount of \$2,586.868, which will need to be repaid. This agreement documents the draw down amount as well as the Loan Service Fee \$51,737 for a total repayment of \$2,638,605. The City will begin Semiannual Loan Payments in the amount of

\$65,965.13 with the first payment due by February 15, 2025 and semiannual thereafter on August 15 and February 15 of each year until all amounts due have been fully paid.

The initial loan was approved in the amount of \$7,144,000. Amendment 1 to the Loan reduced the amount by \$1,421,506 for a revised loan amount of \$5,722,494. Amendment 2 to the Loan provided a deferred repayment date due to the project having construction difficulties. Amendment 3 memorializes the amount drawn down on the loan and the amount due for repayment.

Attachments:

SRF Amendment 3 to Loan Agreement WW641860

B. Consideration for a reduction in the fine of \$40,050.00 assessed pursuant to Special Magistrate Cases DEL-22-241 MASSEY. Representation from SFR JV-HD PROPERTY LLC, was present regarding 541 Battersea Avenue, Deltona, FL 32738 - Danny Ron, Code Compliance Manager (386) 878-8702.

Strategic Goal: Effective Governance and Productive Government

Background:

Regarding Cases DEL-22-241 MASSEY

DEL-22-241 MASSEY

Violation: City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Corrective action: You must obtain a permit for the Fence. Applications must be submitted to the City of Deltona, 2345 Providence Boulevard, Deltona, FL 32725. The structure must meet all requirements of city ordinance and be approved on final inspection. Contact our office with the permit number when obtained.

The total amount due - \$40,050.00 Staff time and cost into this case is \$1,300.00

On April 24, 2024 Representative from SFR JV-HD Property LLC, appeared before the Special Magistrate to request a recommendation to reduce the fine. Ms. Eick stated she was in favor of a reduction in this case. For not acquiring a permit for the fence. Based on the finding that

the property is in full compliance, the Special Magistrate Kristin Eick made a recommendation to reduce the fine to \$5,000.00, and she stated the case would be required to go before the City Commission, for the final decision of lien reduction. (DEL-22-241 MASSEY) for a total fine of \$5,000.00 from amount due of \$40,050.00.

Attachments:

Special Magistrate Request for Reduction Submittal DEL-2 Recorded Special Magistrate Order - DEL-22-241 MASSE' Case File - DEL-22-241 MASSEY

- 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.
- A. Request to award the new roof at Fire Station 62 bid to Spires Roofing LLC. Fire Chief Bill Snyder, Fire Department (386) 575-6902

Strategic Goal: Infrastructure

Background:

The Fire Department budgeted in FY23/24 to replace the roof at Fire Station 62. This roof was inspected and declared to need replacing prior to causing damage within the station.

Staff solicited bids for a new roof at Station 62. Eight bids were received. The low bid was received from Rogers Roofing Corp. dba Professional Roof Systems for a total cost of \$29,393.00 plus \$3.50 per sq. ft. for any decking that needs replaced but is unable to comply with all the necessary requirements listed in the scope of work. Therefore, the 2nd lowest bidder is Spires Roofing at a total cost of \$30,780 plus \$6.50 per sq. ft. for any decking that needs replaced. There is \$75,000 budgeted for this project.

B. Request for Approval of Halifax Humane Society, Inc. Agreement for animal

services. Danny Ron, Code Compliance Manager (386) 878-8702.

Strategic Goal: Public Safety

Background: The City of Deltona has contracted with Halifax Humane Society for

animal services since 1998. The approval of the contract extension FY22/23 good through September 30, 2024. The annual agreement for 2024-2025 fiscal year will provide services for animal shelter, return to field, and trap, neuter, and return, rabies quarantine, confiscated animals, dangerous dogs, and additional services for staff support and

forensic calls veterinarian support.

Attachments: Halifax Humane Society 2024-2025

May 7, 2024 Halifax Humane Society Letter

October 26, 2023 Email via Halifax Humane Society

C. Request approval of the Task Authorization between the City of Deltona & Pegasus Engineering for Continuing On-Call Engineering Services related to stormwater management in the amount not to exceed \$150,000 - Phyllis Wallace, Interim Public Works Director 386/878-8965

Strategic Goal: Infrastructure

Background: Pegasus Engineering is one of three firms, providing general

stormwater engineering services to the City of Deltona, on a continuous basis, through September 30, 2024, as selected by a RFQ process. This contract with Pegasus Engineering can be extended until September 2025, should the City determine that is in our best interest.

The City requires the use of firms such as Pegasus Engineering to help with review of projects to ensure the highest quality of analysis to protect the citizens, residents and City. Currently, the City is without key personnel including but not limited to the City Engineer and Assistant City Engineer that has resulted in the need for outside professional services to provide continuity of services.

Attachments: FY 2024 Stormwater Eng Services

PEGASUS - FY 2023-2024 - Fully Executed - Renewal For

D. Request for approval of award of RFP#24019 Cell Tower Manager and Agreement for Neel -Schaffer, Inc. - Glenn Whitcomb, Acting City Manager (386) 878-8850.

Strategic Goal: Infrastructure

Background: Staff requested proposals from interested third parties to manage and

market the City's properties as sites for commercial wireless facilities and to manage all current cell tower leases. The City currently has 10 cell tower leases at 3 sites, and its current tower management contract will expire soon. The services are described on the attached scope of work. The agreement provides that the Consultant will receive 10% of the rent collected on existing leases and 25% of any newly generated rent. There will be an application review fee of \$6000 per site paid by the applicant to obtain information needed to perform Site Leasing and Management and Third-Party Expert Application Review. These services include:

- Tower structural and loading audit using drone for capture of photographs and video of tower and appurtenances.
- Review and copying of all lease documents and correspondence on file with the City.
- Review and copying of all applicant file documents including previous Structural Analysis Reports, geotechnical reports, construction documents, NEPA documents, and any other file information available.
- Review of FAA/FCC filings and compliance.

It is anticipated that the cost for these services will be approximately \$35,000 per year for the consultant's share of tower rent. Application review fee will be \$6000 per site paid by the applicant.

Neel-Schaffer was one of five firms to respond to the RFP and consensus was made by the Selection Committee to recommend award to Nee-Schaffer. The approval of award authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: Cell Tower Manager

Agreement-Cell Tower Manager

Exhibit A

E. Request approval for Payment of Emergency Water Main Repairs at the intersection of Deltona Blvd and Normandy Blvd to P&S Paving (\$81,035.37) and Volusia County (\$17,460.54); in a total amount not to exceed \$98,495.91 - Phyllis Wallace, Interim Public Works Director (386) 878-8965.

Strategic Goal: Infrastructure

Background: On Monday, April 15, 2024, at approximately 1:30PM the water main at

the intersection of Deltona Boulevard and Normandy Boulevard separated in a section of AC pipe that reduces from 10 inches to 8

inches and was originally installed in 1963. This area is central to 3 separate water plants, so when the main break occurred, pressure remained steadily above 70 PSI washing out a large section, 30 feet in diameter, of roadway and lifting 2 lanes of roadway over 4 inches for 100 Linear Feet. The section of roadway was shut down for safety concerns. The water main was isolated, and repairs were made the same day. P&S paving was brought in as they are an approved paving contractor to assess the roadway for repairs. It was determined that the entire intersection along with the 2 lanes of 100 Linear Feet of roadway needed structural repairs of roadbase, all lanes needed to be milled and resurfaced, new striping, and traffic loops would need to be reinstalled as well. P&S Paving provided a quote for approximately 150 Linear Feet of repairs with the understanding that actual quantities would be invoiced. Actual quantities used was 155.71 LF of base and 180.70 LF of surface asphalt. Once the paving was completed Volusia County Traffic Operations was contacted to re-install the traffic loops. Traffic loop installation was quoted at \$17,460.54.

Deltona Blvd & Normandy Blvd Emergency Purchase Expla Attachments:

> Deltona Blvd & Normandy, 4.24.24 PR#01 Deltona WM Asphalt Repair

F. Request for approval to replace 17-year-old playground at Wes Crile Park -Mark Manning, Parks and Recreation, (386) 878-8905.

Strategic Goal: The Recreation City for All: maintain public facilities at a superior level.

Background: The playground at Wes Crile is approximately 17 years old, is out of

> warranty and has reached the end of its useful life. The discounted pricing is based off of the Sourcewell cooperative purchasing contract #010521 was approved through the budget process. This is a part of our continuing efforts to modernize and upgrade our playground spaces to include ADA accessibility and inclusivity that was started in 2016.

The budgeted amount for this project is \$350,000 dollars.

Attachments: Wes Crile Quote with Sourcewell Contract and Expiration

PlayPower Contract 010521 good thru 2.17.2025

G. Request for approval to replace the 18-year-old playground at Tom Hoffman Park with a new ADA Accessible and Inclusive Playground - Mark Manning, Parks and Recreation, (386) 878-8905.

Strategic Goal: The Recreation City for All: maintain public facilities at a superior level.

Background: The playground at Tom Hoffman is approximately 18 years old, is out of

warranty and has reached the end of its useful life. Th discounted pricing is based off of the Volusia County School Board contract #MTS-906BC and replaces the current playground with an ADA accessible and inclusive playground was approved through the budget process. This is a part of our continuing efforts to modernize and upgrade our playground spaces to include ADA accessibility and inclusivity that was started in 2016. The budgeted amount for this

project is \$250,000 dollars.

Attachments: TLRQ5465-02

Tag on Bid - Volusia Co MTS-906BC Playgrounds Renewa

- 12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:
- 13. CITY ATTORNEY COMMENTS:
- 14. CITY MANAGER COMMENTS:
- 15. CITY COMMISSION COMMENTS:

16. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Manager in writing at CityManager@deltonafl.gov or to Deltona City Hall, 2345 Providence Blvd., Deltona, FL 32725 at least 48 hours prior to the meeting at which the person wishes to attend. The City is not permitted to provide the use of human physical assistance to physically handicapped persons in lieu of the construction or use of ramps or other mechanical devices in order to comply with Florida law. If proper accommodations for handicapped access cannot be made at a particular public meeting venue pursuant to a timely written request under Section 286.26 F.S., the City Manager shall change the venue of that meeting to a location where those accommodations can be provided.