



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, July 15, 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:

Present: 6 - Mayor Avila
Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool

Absent: 1 - Commissioner Shimkus

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by District #6 Commissioner.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of July 1, 2024, as presented.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to approve the minutes of the Regular Commission Meeting of July 1, 2024, as presented. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation by Selys Rivera-Reyes - Halifax Health Programs: Hospice, Traumatic Loss and Children's Begin Again

B. FY2022/2023 Annual Audit Presentation: Annual Comprehensive Financial Report for the Year Ended September 30, 2023

Tim Westgate, Audit Partner, and Lori Walker, Certified Public Accountant, with Purvis Gray gave a brief explanation of the Annual Comprehensive Financial Report for the period ending September 30, 2023.

The Commission and Mr. Westgate discussed when Purvis Gray was hired, the scope of work and other services, other auditing firms, an internal auditor and cost, fund balance for stormwater, the IRS (Internal Revenue Service) letter and notification, identifying the scope of work, different audit types, audit comments, department turnover, internal processes and controls, meeting statutory requirements, and the GFOA (Government Finance Officers Association) award program.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Heriot, to approve the City's Annual Comprehensive Financial Report for the period ending September 30, 2023. The City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

C. Rainier Coomber, President of VEMA, will present a check to the Deltona Firefighters Foundation in the Amount of \$6,274.92 from the 1st Annual Memorial Day Bike Ride Event on May 27th.

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.

Mayor Avila opened the public comments and John Jay, Emma Santiago, Courtney Cross-Burgos, Althea King, Janet Deyette, Kathy Bryan, and Brandy White addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2024-35, Establishing the Proposed Millage Rate for levy of ad valorem taxes for FY 2024/2025.

Strategic Goal: Fiscal Issues

The City Manager gave a brief overview of the item to include the proposal of a Millage Rate at 7.2 mills.

The Commission and City Manager discussed a payroll study, .2 mills being equal to \$1 million, wasteful spending, going to rollback, no stormwater reserves, the demographics and structure of the tax base, revenues and taxable values, needed projects, not burdening the residents, budget increases, unnecessary wish lists, the budget is ongoing, tax exemptions, the Compensation Study, the County's millage rate, public safety increases, holding developers accountable, raising taxes being politically unpopular, long term planning, rising costs/living expenses, finding savings, and being fiscally responsible.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to adopt Resolution No. 2024-35 as proposed by the City Manager at a rate of 7.2.

Mayor Avila opened the public comments and Robin French, Elbert Bryan, Edwin Lasanta, Brandy White, Kathy Bryan, and Elizabeth Chavez addressed the City Commission.

The Commission discussed Amazon incentives, residential vs. commercial property, impact fees and other fees, limitation of State law, and the originally proposed millage of 7.0.

The motion carried by the following vote:

For: 4 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

Against: 2 - Mayor Avila, and Vice Mayor JodyLee

B. Public Hearing - Resolution No. 2024-30, Establishing the Annual Rate Resolution - Stormwater Services for FY2024/2025.

Strategic Goal: Fiscal Issues

The City Manager gave a brief explanation of the item.

The Commission, City Manager, and staff discussed providing a 2-3 year commitment, vigorously pursuing grants, successful grant projects breeds other projects, pursuing all funding opportunities, money for grants, research, State appropriations, a project dashboard, pushing out information to the public, hiring a grant professional, zero based budgeting, and budgeted projects not being done.

Mayor Avila opened the public comments and Larry French, Elbert Bryan, A.M.C. de Figueiredo (Tony), Tim Blodgett, Robin French, Brandy White, and Gisselle Calderon-Cruz Esq. addressed the City Commission.

The Commission and City Attorney discussed the notice of objection by Ms. Calderon-Cruz Esq., the Theresa Basin Study, needing a stormwater master plan, the importance of Lyonia Preserve and uplands, developers, protecting residents, and laws written for developers.

Motion by Vice Mayor JodyLee, seconded by Commissioner Avila-Vazquez, to adopt Resolution No. 2024-30. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

C. Public Hearing - Resolution No. 2024-31, Establishing the Annual Rate of Assessment for Solid Waste (Trash) Services for FY 2024/2025.

Strategic Goal: Fiscal Issues

The City Manager gave a brief explanation of the item.

The Commission, staff and Bill Redman with Redman Consulting Group (RCG) discussed removal of recycling program, the intent of the item, reserves, and whether the fund is self sufficient.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to adopt Resolution No. 2024-31. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

D. Public Hearing - Resolution No. 2024-32, Establishing the Annual Rate Resolution - Streetlighting Services for FY 2024/2025.

Strategic Goal: Fiscal Issues

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to adopt Resolution No. 2024-32. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

E. Public Hearing - Resolution No. 2024-33, Establishing the Annual Rate Resolution - Lake McGarity Aquatic Weed Control Services for FY 2024/2025.

Strategic Goal: Fiscal Issues

Motion by Vice Mayor JodyLee, seconded by Commissioner Avila-Vazquez, to adopt Resolution No. 2024-33. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

F. Public Hearing - Resolution No. 2024-34, Establishing the Annual Rate Resolution - Nuisance Abatement Services for FY 2024/2025.

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

Motion by Commissioner McCool, seconded by Commissioner Colwell, to adopt Resolution No. 2024-34. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

The Commission and staff discussed the reason for the assessment, anything over \$1,500 goes on the tax bill, and abating Welcome Center Road.

Commissioner Avila-Vazquez asked for a consensus to have Code Compliance look at Welcome Center Road which is a privately owned road and the Commission concurred.

G. Public Hearing - Resolution No. 2024-29, Granting an Appeal to permit a Tattoo Establishment within the Retail Commercial District (C-1) located at 1382 Howland Boulevard, Suite 108, within the City of Deltona; providing conditions, conflicts, severability, and an effective date.

Strategic Goal: Economic Development

The Deputy Public Works Director gave a brief explanation of the item and the options available.

The Commission, City Manager, City Attorney and staff discussed the adverse effect on other businesses, the establishment not being allowed per code, staff working to update code, the item being an appeal, anticipated code changes and the time frame, doing things the right way, following the code, not playing favorites, speeding up the process, the options provided, a nearby businesses, not circumventing the rules, following the established rules, having the legal right to make the determination, antiquated rules, the City's growth and becoming more inclusive.

Motion by Commissioner McCool, seconded by Commissioner Colwell, to approve the appeal of the decision by the review body and help this business move forward to start tattooing tomorrow.

The Commission and City Attorney discussed Commission input, treating everyone the same, and a possible rezone.

Mayor Avila opened the public comments and Tim Blodgett, Brandy White, Elizabeth Chavez, and Elbert Bryan addressed the City Commission.

The applicant, Charles Castro, spoke about a letter of recommendation, provided pictures of the space, doing a variance, not wanting favors, being 100% ready to open, how tattoo studios are categorized, having a clean and safe environment, public health and safety being a priority, using sterilizers similar to hospitals, disinfectants, community spirit, acceptance, and the plaza owner supporting the business.

The Commission discussed following the code, not being against tattoos, legal advice

provided, the process, and this being an appeal.

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

H. Public Hearing - Ordinance No. 10-2024, vacating portions of the rights-of-way known as Florida Avenue and Clara Street associated with the Davis Park Plat.

Strategic Goal: Economic Development

The Planning & Development Planning Manager gave a brief explanation of the item.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Heriot, to approve Ordinance No. 10-2024 at first hearing, vacating portions of rights-of-way known as Florida Avenue and Clara Street associated with the 1925 Davis Park Plat.

The Commission, staff and Gisselle Calderon-Cruz, Esq. of Booker & Associates, P.A. on behalf of the applicant, discussed the intended use, the no objection letters, the flood zone, 12 potential boundary and consistencies observed, the property being problematic, traffic impact analysis, roads or utilities, being clear of legalities, and the survey.

Motion by Commissioner McCool, and seconded by Vice Mayor JodyLee, to table the item until the Commission can get their questions answered without any hesitation at all, with 100% clarity. There was no vote taken on this motion due to the original motion on the floor.

Gisselle Calderon-Cruz, Esq. of Booker & Associates, P.A. on behalf of the applicant, spoke about the right-of-ways, the public interest, access and easements, and providing the Commission clarity on their questions at the next hearing.

The Commission discussed tabling the item and the cost and the original motion on the floor.

The motion carried by the following vote:

For: 4 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, and Commissioner Heriot

Against: 2 - Commissioner Colwell, and Commissioner McCool

8. OLD BUSINESS:

9. NEW BUSINESS:

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.

Mayor Avila opened the public comments and Elbert Bryan, Mike Williams, and Courtney Cross-Burgos addressed the City Commission.

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.

The Commission pulled all the items on the Consent Agenda for discussion.

A. Request approval for the replacement of the existing restroom at Timber Ridge Park with a new restroom facility. The entire project is not to exceed the budgeted amount of \$225,000.00.

Strategic Goal: Infrastructure

The Parks & Recreation Director gave a brief explanation of the item.

The Commission and staff discussed the vendor's location and being a national company, the vendor being on the approved list, the condition of the bathroom, the item being budgeted, delaying the project, going out to bid, the item being sole sourced, and the camera system.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve the replacement of the existing restroom at Timber Ridge Park with a new restroom facility. The motion failed by the following vote:

For: 3 - Mayor Avila, Commissioner Avila-Vazquez, and Commissioner McCool

Against: 3 - Vice Mayor JodyLee, Commissioner Colwell, and Commissioner Heriot

The City Manager stated staff will bid it out to see what other companies come in at and compare it to this bid. We will hold off but, we will not lose the money.

B. Request for approval of the Proportionate Fair Share Agreement with Catalina Pointe, LLC, and Volusia County, for the Catalina Pointe RPUD.

Strategic Goal: Impact Fees

The Planning & Development Planning Manager gave a brief explanation of the item.

The Commission and staff discussed the total amount and the payment process.

Motion by Commissioner Avila-Vazquez, seconded by Mayor Avila, to approve the Proportionate Fair Share Agreement with Catalina Pointe, LLC and Volusia County. The motion failed by the following vote:

For: 3 - Mayor Avila, Commissioner Avila-Vazquez, and Commissioner Heriot

Against: 3 - Vice Mayor JodyLee, Commissioner Colwell, and Commissioner McCool

C. Request for approval of Resolution No. 2024-26 Budget Amendment for chemical purchases from Odyssey Manufacturing Co. of Tampa FL. utilizing piggyback of the Marion County \$78,500.00 contract.

Strategic Goal: Public Safety

The Public Works & Deltona Water Director gave a brief explanation of the item.

Motion by Commissioner Heriot, seconded by Commissioner McCool, to approve Resolution No. 2024-26 Budget Amendment for chemical purchases from Odyssey Manufacturing Co. of Tampa FL. utilizing piggyback of the Marion County contract in the amount of \$78,500.00. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

D. Request approval to increase the existing Purchase Order for General Legal Services.

Strategic Goal: Internal and External Communication

The City Manager gave a brief explanation of the item.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to direct the City Manager to increase the existing Purchase Order for General Legal Services in an amount not to exceed \$125,000. The motion carried by the following vote:

For: 5 - Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

Against: 1 - Mayor Avila

E. Request for removal of the Mayor and City Commission offices at City Hall.

Strategic Goal: Internal and External Communication

The City Manager gave a brief explanation of the item.

The Commission and staff discussed the perception of interference, stopping the narrative, policies and procedures, staff interaction, Commissioner requests, reducing friction, the item being requested by the Commission, badge access, Commissioners working with staff, the lack of directors, Commissioners not staying in their lane, the Commission directing staff, the Commission having general relationships with staff, the Charter, salaries and promotions.

Motion by Commissioner Heriot, seconded by Commissioner Colwell, to extend the meeting by 5 minutes. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS & REPORTS:

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:30 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK