



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, July 7, 2025

6:30 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 - Mayor Avila
Vice Mayor Heriot
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Howington
Commissioner Lulli
Commissioner Santiago

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by the District #6 Commissioner.

4. ADDITIONS AND DELETIONS:

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation - Certificate of Recognition for Deltona resident, Chris Riha

B. Presentation by Code Compliance Supervisor - Update on the Code Compliance Division.

The Code Compliance Supervisor gave a brief presentation.

The Commission, the City Attorney and staff discussed sweeps, district reports, resources, TNR (Trap Neuter release), the prohibition on cat colonies near businesses, notice of violation, the need for vehicles, and notice to rental properties.

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

Commissioner Avila-Vazquez requested to pull Item 7-E for discussion.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Santiago, to approve Consent Agenda Items 7-A, B, C, D, F and G. 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

A. Request for approval of minutes of the Regular Commission Meeting and Executive Session of June 16, 2025, and the Special Meeting of June 23, 2025, as presented.

Approved by Consent - to approve the minutes of the Regular Commission Meeting and Executive Session of June 16, 2025, and the Special Meeting of June 23, 2025, as presented.

B. Request for approval of the Second 2025 Quarterly Reports of City Advisory Boards/Committees.

Approved by Consent - to accept the Quarterly Reports as presented.

C. Request for recognition(s) for the month of July.

Approved by Consent - to approve the requested recognitions for the month of July.

D. Requests for presentations before the City Commission.

Approved by Consent - to approve the following presentation be made before the City Commission on the dates specified and shall not exceed 10 minutes.

E. Request for approval of Resolution No. 2025-67, approving the Community Development Block Grant (CDBG) Annual Action Plan for program year 2025-2026; authorizing the City Manager to execute the required federal forms and certifications; authorizing submittal of the plan; authorizing the administration of the plan.

Commissioner Avila-Vazquez asked if the item was to approve the grants or is it just to continue or go forward with second step to bring to the Commission the information of how much each organization is getting? The Housing Supervisor Development Services replied

this is an Annual Action Plan to submit to HUD (Department of Housing and Urban Development) and the recommendations in the action plan are in your booklet.

Motion by Vice Mayor Heriot, seconded by Commissioner Santiago, to approve Item 7-E. 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

F. Request for approval of Resolution No. 2025-70, for the Purchase Order for Axis Infrastructure to work on the Activity Center Overlay.

Approved by Consent - to approve Resolution No. 2025-70.

G. Request for approval of Resolution No. 2025-72, approving work authorization of construction services for the Owner-Occupied Rehabilitation Program utilizing Florida Housing Finance Corporation State Housing Initiatives Partnership (SHIP) funds for the Owner-Occupied repair projects.

Approved by Consent - to approve Resolution No. 2025-72, authorizing the use of SHIP funds for the rehabilitation of the above listed properties.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Quasi-judicial Hearing - Request for approval of Ordinance No. 12-2024, amending the Official Zoning Map to rezone + 36.46 acres of land located along the North Normandy Boulevard Corridor, south and east of the I-4 Logistics Park IPUD within the Activity Center from single-family residential (R1-AA) to Mixed Use Planned Unit Development (MPUD), at second reading.

Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon any of these item(s) please indicate the item number, you would like to address when the announcement regarding the quasi-judicial item is made. An opportunity for persons to speak on each item(s) will be made available after the applicant and staff have made their presentations on each item. All testimony including public testimony and evidence will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross examination. If you do not wish to either be cross-examined or sworn your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions on their behalf. The full agenda packet on each agenda item is hereby entered into the record. Persons representing organizations must present evidence of their

authority to speak for the organization. For further details of the quasi-judicial procedures may be obtained from the City Clerk. At this time Commissioners must disclose any ex-parte Communications concerning items on the agenda.

Each Commissioner disclosed their ex-parte communications.

The City Attorney swore in everyone that wished to speak on this item.

The City Attorney read the title of Ordinance No. 12-2024 into the record.

The Planning & Development Services Director gave a brief presentation addressing the rehearing to include the Project Timeline and History, Key Ordinance Revisions Before Adoption, Subject Property, Alignment with Comprehensive Plan, Proposed MPUD Plan, Traffic Impact Analysis Summary, Planned Infrastructure Commitments, and Staff Recommendations.

Attorney Michael Woods, Cobb Cole, 231 N. Woodland Blvd., DeLand, spoke about the tone, required PD (Planned Development), the denial, applicant delivering everything possible, recourse through a taking, the Activity Center, the Comprehensive Plan, Home Rule, discretion, consequences and litigation, inherited challenges, traffic, and safety.

The Commission, the City Attorney, Attorney woods and staff spoke about traffic and roads, gathering of property and the zoning, the request to rezone to a PUD, buildable and allowable uses, the adoption of the activity center, expectation of future use, community meeting, policy changes, and meeting the requirements.

The Mayor opened and closed the public hearing as there were none.

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to approve Ordinance No. 12-2024, amending the official zoning map to rezone 36.46-acres of land from R1-AA to MPUD, at adoption.

Commissioner Colwell requested to amend the motion to include a stipulation that at least 75% of the commercial is built and approved, CO'd (Certificate of Occupancy), before any residential is started. Attorney Woods replied the applicant would not be willing to agree to that.

Commissioner Santiago asked if the applicant would agree that everything would start at the same time and Attorney Woods replied for the site preparation is okay, but to obligate the coordination of all of it at the exact same time is not a practical condition to require. If what is being asked is to do the site condition and grading for everything upon the start of the work for the first out of the ground before the other elements, that would be fine.

Amended motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to due the site condition and grading for everything upon the start of the work for the first out of the ground before the other

elements. The amended motion carried by the following vote:

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

Against: 1 - Commissioner Colwell

B. Public Hearing - Ordinance No. 24-2025 - Creating Chapter 111, "Architectural and Building Design Standards," and amending Section 70-30, "Definitions" to include regulation updates of the Land Development Code of the City of Deltona, at first reading.

The City Attorney read the title of Ordinance No. 24-2025 into the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Colwell, to approve Ordinance No. 24-2025. 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. 27-2025 Solicitation on Public Road Rights-Of-Ways, at second and final reading.

The City Attorney read the title of Ordinance No. 27-2025 into the record.

Motion by Vice Mayor Heriot, seconded by Commissioner Colwell, to approve Ordinance No. 27-2025, solicitation on public road rights-of-ways. 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

9. ACTION ITEMS:

A. Request for approval of Resolution No. 2025-59 award RFQ#24034 to Mead and Hunt for professional engineering services to rehabilitate or replace the Deltona Lakes Water Reclamation Facility.

The City Attorney read the title of Resolution No. 2025-59 for the record.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Santiago, to approve Resolution No. 2025-59. 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

B. Request for approval of Resolution No. 2025-68, establishing a Community Land Trust program to be managed by a Community Land Trust Organization; to create program guidelines for the program; to identify fund and/or real property for inclusion in the Community Land Trust.

The City Attorney read the title of Resolution No. 2025-68 for the record.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Howington, to approve Resolution No. 2025-68, establishing a Community Land Trust Program and authorize the City Manager to identify and recommend a qualified Community Land Trust Partner to carry out the objectives outlined in the resolution.

Commissioner Santiago asked if the funding for this community land trust is not coming from the general fund and Mr. Grose replied correct, it is just SHIP (State Housing Initiatives Partnership) and CDBG ((Community Development Block Grant) funds.

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

C. Request for approval of Resolution 2025-73 authorizing participation in pre-suit notice under Senate Bill 180 related to Ordinance No. 02-2025. Gemma Torcivia, City Attorney.

Vice Mayor Heriot returned to the meeting and voted yes to Item 9-B.

The City Attorney read the title of Resolution No. 2025-73 for the record.

Motion by Commissioner Howington, seconded by Commissioner Avila-Vazquez, to approve Resolution No. 2025-73.

The City Attorney stated the City received this pre-suit notice on June 27th. This is the same party that the City is already litigating with on the Howland Station Condo Developers, LLC versus the City of Deltona case. So, this pre-suit notice is related to the December 2024 live local ordinance which was passed unanimously by this Commission. Senate Bill 180, which has now been codified and was signed into law on June 26th, the day before the City

received the pre-suit notice. If the City wants to avoid the attorney's fee provision which is provided for in Senate Bill 180, as a body the Commission would need to take action ideally tonight, the City has 14 days essentially. The Commission could give directions for legal to retract or take steps or provide the Commission's intent to retract that ordinance. So, the Commission could have a discussion, ask questions, and talk through potential options with respect to the pre-suit notice. At a minimum legal will respond and we would like the authority to do that but we wanted to give the Commission that opportunity to have this discussion so that it can consider the options. This pre-suit notice is specific to Senate Bill 180 in that it requires that before a plaintiff can bring the action they have to notify the City and then the City has a period of time in which it could retract the ordinance that they find to be problematic or in their position is in violation of Senate Bill 180. In the pre-suit notice, they assert that the City's Ordinance No. 02-2025 from December 23, 2024, is null and void and as such it is in violation of Senate Bill 180 because it is a more restrictive ordinance from the original live local ordinance. Essentially, they are doing two types of lawsuits, they could amend their existing lawsuit to add this count, or they could bring a second suit. The question is, does the Commission want to take the beginning steps to retract Ordinance No. 02-2025 which is more restrictive under Senate Bill 180? If legal took this case through its conclusion, it is likely that it would be found to be more restrictive. It is a more restrictive ordinance than the original live local ordinance that was passed.

The Commission and City Attorney discussed complying with live local legislation, land use regulations, complying with State laws and that process, that there was no malice, SB 180 being more restrictive, attorneys' fees, the developers application and the project, land being deed restricted, retracting the ordinance to comply with SB 180, live local exemptions, bonds, and incurring legal costs.

The City Attorney stated if the Commission gives direction to retracts Ordinance No. 02-2025 it would not end the active case but, it could open resolution of that case.

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

The motion carried by the following vote:

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

Against: 2 - Mayor Avila, and Commissioner Santiago

D. Request for approval of Resolution 2025-74 authorizing participation in all Commission approved options and direction concerning Senate Bill 180. Gemma Torcivia, City Attorney.

The City Attorney read the title of Ordinance No. 2025-74 into the record.

Motion by Commissioner Howington, seconded by Commissioner Lulli, to approve Resolution 2025-74.

The City Attorney stated at the last meeting the Commission gave legal directions to explore options with respect to Senate Bill 180. Legal has reached out to some other governments that find Senate Bill 180 to be problematic and that they might want to bring a legal challenge against the State. Deltona is ahead of the curve with respect to Senate Bill 180 and to the challenge in that a lot of the other governments that they spoke to felt that there may be an interest in moving forward, but they had not had a meeting yet. Out of the ones that legal spoke to, Deltona were the first to receive a pre-suit notice. It does seem that there are other governments that likely based on their comments, based on these discussions, based on the media and the news that likely will want to join a group. She recommended if the Commission wanted to move forward to challenge Senate Bill 180 that the Commission give her direction to continue to explore this with the intent of moving forward in a coalition of other governments with the understanding that it will come back to the Commission again for a vote before any other formal action is taken. Before the City commits to an engagement agreement with a firm who is going to lead this litigation, she had a good conversation with a firm that had success in litigation a few years back. Their lead attorney is Jamie Cole with the Weiss Serota Helfman Cole + Bierman law firm. Attorney Torcivia is very familiar with them, they are based in Broward County and she provided several litigation successes. Attorney Cole is able to establish a good faith legal basis to for the challenge of law, then there likely will be an action that is brought under and he would be the lead attorney. Then the other governments would come together to bring this action. She recommended the City work with Attorney Cole if that is the direction the Commission wants to pursue.

Amended motion by Commissioner Howington, seconded by Commissioner Lulli, to approve Resolution No. 2025-74, to continue forward with the research and move forward with a coalition that will come back before the Commission for a final decision upon the outcome of the research and the coalition's determination.

The Commission discussed being the leader and not the follower, SB 180 being law, wasting tax dollars, this being a suicide mission, and potential law suits.

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

The Commission discussed not being against development, helping families, flooding issues, halting development, fixing current issues, history of Governors, the intent of SB 180, restricting development, notice from the State, Monroe County immigration, leadership, stormwater, keeping tax dollars in Deltona, not leading the charge, taking back Home Rule, both parties passing SB180, and being reduced to ribbon cutters.

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

10. CITY ATTORNEY COMMENTS:

11. CITY MANAGER COMMENTS:

The City Manager stated in August, staff will be doing a presentation about the 4B project which includes the stalled project and repair or the replacement of the Lakeshore boat ramp. So, there are some options staff are going to be bringing to the Commission. Also, residents have been asking why the lakes are getting lower and to close the gate. Mother nature is lowering the lakes and the water is well below the gate, the gate is locked and closed already. Anything that is leaving now is due to evaporation and absorption as we go through a bit of a drought.

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

Commissioner Lulli spoke about rainfall in District 6.

Commissioner Howington spoke about the budget binder.

Commissioner Howington requested a consensus to bring back the fireworks ordinance Legal recently addressed noise which is a part of how you address fireworks. The City Attorney stated the City does have a standalone fireworks provision which is related mostly to the sale of fireworks. Legal can certainly work with general counsel for VSO to see if what issues may be coming up in the field that can be addressed. The Commission concurred with Commissioner Howington's request.

Commissioner Howington requested a consensus on whether or not the Commission thinks it would be important to add disclaimers to new residential development to notify them of potential flooding, substandard roads, inadequate fire service, potential smoke from routine burns, etc.

The Commission and City Attorney discussed handling on a case by case basis, a condition of approval through the approving agency, cautioned putting the City at risk especially for services the City provides, increasing population, residents safety, complying with all required statutes and ordinances, providing sufficient services, adding more or better services in the budget, adding it to the application process, coming back with options, and requiring the developer to disclose information.

The Commission with the exception of Mayor Avila concurred with

Commissioner Howington's request.

Commissioner Avila-Vazquez spoke about the passing of Mike Williams' wife and Volusia County Schools receiving an A Grade.

Commissioner Santiago provided clarification regarding the budget binder, her history as an employee and knowing City processes. She spoke about Janet Day's passing and the upcoming Back to School Fair.

Vice Mayor Heriot spoke about July 4th and community pride.

Mayor Avila spoke about July 4th, property taxes, senate bills against Home Rule, and working with the Planning & Development Services Director on amendments for SB 180.

13. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:13 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK