



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Regular Commission Meeting

### City Commission

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

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Monday, May 1, 2023

6:30 PM

Deltona Commission Chambers

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**1. CALL TO ORDER:**

**2. ROLL CALL – CITY CLERK:**

**3. INVOCATION AND PLEDGE TO THE FLAG:**

**A. [Invocation presented by District #6 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 Regular Commission Meeting of April 17, 2023, as presented - Joyce Raftery, City Clerk \(386\) 878-8502.](#)**

**Background:**

N/A

**Attachments:**

[April 17, 2023 RCM Minutes](#)

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. [Super Star Student of the Month Certificates for April 2023.](#)**

**Background:**

Super Star Student of the Month awards for April 2023 will be presented to:

1. Deltona Lakes Elementary, Lillie Farmer, 5<sup>th</sup> Grade
2. Discovery Elementary, Theophile Viard, 5<sup>th</sup> Grade

3. Enterprise Elementary, Caiden Haas, 5<sup>th</sup> Grade
4. Forest Lake Elementary, Sincere Mckiver, 5<sup>th</sup> Grade
5. Friendship Elementary, Tristan Rivera, 2<sup>nd</sup> Grade
6. Pride Elementary, Noah Ramos, 5<sup>th</sup> Grade
7. Spirit Elementary, Ryder Carruth, 3<sup>rd</sup> Grade
8. Sunrise Elementary, Daniella Flores, 3<sup>rd</sup> Grade
9. Timbercrest Elementary, Nolan Lundquist, 3<sup>rd</sup> Grade
10. Volusia Pines Elementary, Joliamys Soto Agosto, 5<sup>th</sup> Grade
12. Galaxy Middle, Donna Miller, 8<sup>th</sup> Grade
13. Heritage Middle, Hazleigh Zillmann, 6<sup>th</sup> Grade
14. Deltona High, Thalia Esteves, 9<sup>th</sup> Grade
15. Pine Ridge High, Caleb Foster, 11<sup>th</sup> Grade

**B. [Proclamation - Day of Prayer.](#)**

**Background:**

A proclamation to recognize the National Day of Prayer held on May 4, 2023, with the theme, "Pray Fervently in Righteousness and Avail Much," based on the verses in James 5:16b, "The effective, fervent prayer of a righteous man avails much."

**C. [Proclamation - Mental Health Awareness Month.](#)**

**Background:**

A Proclamation recognizing the Month of May, 2023 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.

**D. [Proclamation - Professional Municipal Clerks Week.](#)**

**Background:**

A proclamation to recognize the week of April 30 - May 6, 2023 as Professional Municipal Clerks Week to extend our appreciation to our Municipal Clerk, Deputy City Clerk and staff for the vital services that they perform and their exemplary dedication to the City of Deltona.

**6. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. 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. However, individual Commissioners may wish to respond under their "City Commission Comments". 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. Citizen comments for any items. (4 minute maximum length per speaker).**

**7. ORDINANCES AND PUBLIC HEARINGS:**

**A. [Public Hearing - Ordinance No. 07-2023, repealing Ordinance No. 11-2018.](#)**

[Chapter 96-Improvements-Article II-Design and Construction Standards of Improvements-Section 96-34-Water and Sewer, \(c\) Sewer Facilities; By creating a new Subsection \(C\) 7-Relating to Sewer Connection; Repealing New Subsection \(C\) 7-Relating to Sewer Connection. - City Manager \(386\) 878-8858.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

Ordinance No. 07-2023 is being presented to repeal Ordinance No. 11-2018 which amended provisions of Chapter 96 - Improvements and to include a provision which allows existing residential customers to voluntarily connect to the City of Deltona sewer system, if the customer so desires and if such sewer service is available, but does not under any circumstance force an existing residential customer to connect to the City of Deltona's sewer system.

**Attachments:**

[Ordinance No. 07-2023](#)

[Ordinance No. 11-2018](#)

**8. OLD BUSINESS:**

- A. [Motion for rehearing of Ordinance No. 04-2023, Request to amend the Deltona Village Business Planned Unit Development \(BPUD\) overall Development Plan/Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units; amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD.](#)

**Background:**

The applicant proposed a third amendment to the Deltona Village BPUD. The requested amendment via Ordinance No. 04-2023, requests the following:

- 1.) Amendment to the Overall Development Plan/Master Development Plan to increase the number of multi-family unit allocation for the BPUD from 414 units to 652 units;
- 2.) Amendment to the development agreement approved by Ordinance No. 21-2009, to update the multi-family unit cap, include the 26.57 acres, and to clarify remaining entitlements between the landowner and the City; and
- 3.) Rezone an additional +/-26.57 acres of land to be included within the Deltona Village BPUD.

On March 15, 2023, the Planning and Zoning Board voted (6 to 1) to recommend approval of Ordinance No. 04-2023 by the City Commission on March 15, 2023.

On April 3, 2023, the City Commission voted (4 to 3) to deny Ordinance No. 04-2023, due to concerns with the age of the originally approved traffic study (2009) and the requested increase of multi-family unit cap for the project (652-unit cap). Concerns regarding School Concurrency were also expressed.

The applicant has requested a motion for rehearing per Section 110-1005. - *Rehearing and administrative res judicata*. This provision can be invoked if it is alleged that the City Commission, as the case may be, has overlooked or misapprehended some facts or points of law. The rehearing provision allows the aggrieved party to request the City Commission rehear the application if a motion is filed in writing to the Planning and Development Services Department, within 10 working days of the rendition of the decision, and stating grounds for the request. The movant shall serve it by certified mail or hand delivery upon the Mayor and the City Manager and all adjoining property owners previously notified of the hearing, together with a notice stating the date, time and place it will be orally presented to the commission.

Upon oral presentation by the aggrieved party, the Commission may grant the motion with stated reasoning for doing so, and set a time, date and place for another public hearing upon due notice.

Staff provided a Rendition Letter to the applicant on April 4, 2023, and a revised letter on April 5, 2023. The applicant filed a motion for rehearing on April 14, 2023, within the 10 working days of receipt of the Rendition Letter issued by staff.

For more information please refer to the motion for rehearing and attachments.

**Attachments:**

[Cover Letter 4-14-23.pdf](#)

[Motion for Rehearing.pdf](#)

[EXHIBITS - Motion for rehearing](#)

[Law for Motion for Rehearing](#)

[DV Gallery of Villages Vision WolfPack 3.30.23](#)

**9. NEW BUSINESS:**

- A. [Consideration of appointment or re-appointment of seven \(7\) members to the William S. Harvey Deltona Scholarship Advisory Board. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

[Strategic Goal: Internal and External Communication.](#)

**Background:**

The terms of all seven (7) members of the William S. Harvey Deltona Scholarship Advisory Board will expire on May 31, 2023. All of the current members have expressed that they wish to be re-appointed to this Board.

The City posted the openings on D-TV and the City's web page. To date the City has received applications from the following individuals: Members Lori Burbank, Walter Dawson, Sandra Dillard, Ruben Medina, Harry Meeks, Cristina Raimundo, and Applicants Liany Arvelo, Samantha Baruah, Elizabeth Chavez, Gilarys Garcia, and Angela Hudson.

**Attachments:**

[William S. Harvey Deltona Scholarship Advisory Board By-William S. Harvey Deltona Scholarship Member List 04-21-Member Lori Burbank](#)  
[Member Walter Dawson](#)  
[Member Sandra Dillard](#)  
[Member Ruben Medina](#)  
[Member Harry Meeks](#)  
[Member Cristina Raimundo](#)  
[Liany Arvelo](#)  
[Samantha Baruah](#)  
[Elizabeth Chavez](#)  
[Gilarys Garcia](#)  
[Angela Hudson](#)

**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 approval of work order agreement with CPH, LLC. for continuing consulting engineering services for City Hall Upgrades and Repairs. - Mark Manning, Parks & Recreation \(386\) 878-8905.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

This work order dated 2/24/2023 is an extension to a previously entered into agreement dated 4/26/2022. It is the intent of this Work Order to provide architectural and engineering services in connection with the assessment of the exterior envelope of the City Hall Building. Services shall include review of the facility as well as field investigation by the architect / engineer to establish the deficiencies of the existing building that are causing water intrusion and damage to interior finishes. The deliverable for this task shall consist of a report that summarizes the assessment and makes a recommendation on the corrective actions needed.

**Attachments:**

[Scope of Services - Deltona City Hall Envelope Survey Agreement - Fully Executed - CPH, Inc.](#)

- B. [Request approval to authorize the utilization of Pegasus Engineering & TetraTech, Inc. to provide professional services related to Grant Compliance Services on an as needed basis. The City requires qualified firms skilled in providing assistance and support for grant management in order to maximize and leverage funding from the Federal Emergency Management Agency, the State of Florida Division of Emergency Management, the Department of Economic Opportunity and other funding partners at the State & Federal levels. Glenn Whitcomb, Public Works/Deltona Water \(386\) 878-8929.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

The City has unique and extensive community needs after the impacts of Hurricane Ian & Nicole in 2022. The unprecedented flooding and damages sustained not only to Deltona but the entire State of Florida has opened up many funding opportunities that the City needs to proactively and assertively pursue.

The City of Deltona advertised for Request for Qualifications in April 2023 and received two (2) submittals from Pegasus Engineering & TetraTech, Inc. The selection committee members ranked each firm with a potential of 103 possible points. The magnitude of possible projects to pursue through grant applications justifies the need to have two firms ready to engage in services as needed.

Approval of this item 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:** [RFQ #23013 - Pegasus Proposal](#)  
[Pegasus Grant Services - Hourly Rates](#)  
[Tetra Tech Hourly Rate Schedule](#)  
[Ranking Sheet 4.23](#)  
[Tetra Tech SOQ RFQ 23013](#)

**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 Clerk, Joyce Raftery 3 business days in advance of the meeting date and time at (386) 878-8500.*