



# 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*

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Monday, May 20, 2024

6:30 PM

Deltona Commission Chambers

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### CANCELED DUE TO LACK OF QUORUM

**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. [Invocation Presented by District #2 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. [Proclamation - National Military Appreciation Month](#)

**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 - Emergency Medical Services Week - May 19-25, 2024](#)

**Background:** Proclamation honoring the members of the emergency medical services teams who are ready to provide lifesaving care to those in need 24 hours a day, seven days a week. May 19-25, 2024 marks the 50th anniversary of EMS week and this year's theme is "EMS" Week: Honoring our Past. Forging our Future."

**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: 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 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](#)

- 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 MASSEY Case File - DEL-22-241 MASSEY](#)

- C. [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](#)

- D. [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](#)

- 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.

**Attachments:** [Deltona Blvd & Normandy Blvd Emergency Purchase Expl:](#)  
[Deltona Blvd & Normandy, 4.24.24](#)  
[PR#01 Deltona WM Asphalt Repair](#)

- F. [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](#)

**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.

**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](mailto: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.*