



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, October 7, 2024

5:30 PM

2nd Floor Conference Room

CITY MANAGER AGENDA REVIEW

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. ORDINANCES AND PUBLIC HEARINGS:

- A.** Public Hearing - Ordinance No. 07-2024, amending Section 22-186 to 22-191, of Article VI, "Street Vendors" of Chapter 22 "Businesses" of the Land Development Code, at first reading.

Background:

The City has an adopted, citywide Land Development Code (LDC). The City LDC regulations change over time based on current trends, state preemptions, public input, and regulatory reviews, amongst other things. The City Commission adopted the latest revision to the Street Vendor Sections on May 2, 2022.

The Commission has requested staff to update the Street Vendor section in the LDC, as some Sections needed to be updated to follow Florida Statutes and update the regulations.

Highlights of proposed Ordinance No. 07-2024 are as follows:

1. Adding Mobile Vendors.
2. Updating language regarding Mobile Food Dispensing Vehicles (MFDV) and Mobile Vendors to reflect current Florida Statutes.
3. Fixing spelling errors and grammar issues.
4. Providing a limit to the number of Mobile Food Dispensing Vehicles permitted to operate on an approved property.
5. Extended the hours of operation for weekends.
6. Prohibited on property with code violations.
7. Removing tables, seating and canopies and permitting use of existing outdoor dining or other permanent seating authorized for existing business.
8. Prohibiting alcohol to be sold or dispensed by a Mobile Food Dispensing Vehicle.
9. Adding restrictions within the Section, which includes no overnight parking and equipment that may be used for vending.

- B.** Public Hearing - Ordinance No. 09-2024, amending the Official Zoning Map to rezone \pm 10.10 acres of land located at 3141 Howland Boulevard from General Commercial (C-2) and Business Planned Unit Development (BPUD) to BPUD, at second and final reading.

Background:

Ordinance No. 09-2024, requests to rezone the property at 3141 Howland Boulevard from C-2 and BPUD to a BPUD. The current C-2 zoning does not allow for the RV Storage Facility. The request is consistent with the Comprehensive Plan, as the parcel is located off Howland Boulevard near other Commercial zoned properties and will provide employment opportunities for the community.

The property will provide uses that are needed within the City of Deltona. The Business Park will have not only medical-type offices but also provide RV and Boat storage. The City currently does not have any RV or Boat parking facilities, with residents having to park these in their backyards or side yards.

The uses being proposed will be beneficial for the residents of Deltona and provide jobs within the City. The requested BPUD request is neighborhood-oriented and represents a logical progression of land use intensity. As stated in the staff report, the

developer will be required to perform a full environmental study during the Final Site Plan. A field review and single warrant analysis will be required for the intersection of Howland Boulevard and Roseapple Avenue to ensure no further improvements are required.

- C. Public Hearing - Resolution No. 2024-54, Declaring Zoning in Progress regarding amendments to the Land Development Code Section 110-319 PUD, Planned Unit Development to establish criteria to achieve exceptional quality community designs.

Background:

Zoning in progress is a legal status that is created when a change to a local government's zoning code is proposed. The purpose of zoning in progress is to prohibit development that will not conform to the proposed changes. Because this status does not require final legislative action by the governing body of the local government, it either expires upon the failure of the governing body to adopt the proposed legislation, or becomes law upon adoption of the changes. The local government announces its intention of changing the zoning code. At that time, the proposed changes are enforceable against new zoning applications not yet filed with the local government. All existing applications continue to be governed by the law in effect at the time the application was originally filed.

In return for greater flexibility in site design requirements, PUD (Planned Unit Developments) shall deliver exceptional quality community design and staff proposes the following amendments to the Land Development Code:

1. Preserve critical environmental resources.
2. Provide high quality community amenities.
3. Incorporate creative design in the layout of buildings and orientation.
4. Provide greater efficiency in the layout and provisions of roads, utilities, drainage and other infrastructure.
5. Provide larger common open and recreational space.

- D. Public Hearing - Ordinance No. 15-2024, amending Chapter 30-31, Elections and adding Sec. 30-38, Filing Officer, at first reading.

Background:

This Ordinance is to amend Chapter 30-31, Elections, of the City's Code of Ordinances: Section 30-1, Early Voting; Section 30-31, Qualifying period; and Section 30-34, Filing of other items.

Additionally, this ordinance is to add a new section: Section 30-38, Filing Officer. These changes will make the City consistent with Florida Statutes, the City Charter, House Bill 1515, and the City of Deltona Articles of Incorporation.

4. OLD BUSINESS:

5. NEW BUSINESS:

- A. Request for approval to appoint Fire Chief Snyder as the designated government official and Deputy Fire Chief Swisher as the designated alternate government official for the City of Deltona to the opioid settlement government committee.

Background:

At the Regular Commission Committee held on May 2, 2022, the City Commission appointed Sheriff Chitwood as the designated government official for the City to the opioid settlement government committee. However, at this time Sheriff Chitwood is not able to be on this committee for the next year.

At the Opioid Abatement Advisory Board meeting on March 18, 2024, the advisory board approved an amendment to the interlocal agreement and on July 21, 2024, the board approved an amendment to the bylaws (attached). The amendments to the interlocal agreement and bylaws will allow appointments and/or reappointments of primary board members to begin on October 1st (instead of January) for a 2-year term and will allow for the appointment of an alternate voting member with the same term expiration date.

- B. Request for approval to expend no more than \$60,000.00, per household, in Florida Housing Finance Corporation State Housing Initiatives Partnership (SHIP) funds for the Owner-Occupied Repair projects, listed below.

Background:

The City is an entitlement community and receives funds from the Florida Housing Finance Corporation under the State Housing Initiatives Partnership (SHIP) program. The City administers a SHIP approved program known as Owner Occupied Rehabilitation (OOR). The OOR program assist residents with home repairs.

Staff has determined the households/properties below should be considered “very low” and “low” income, based on income and household size (number of people residing in the house). The income thresholds are predicated on area median income data derived from the Deltona, Daytona Beach, and Ormond Beach Municipal Statistical Area (MSA).

The SHIP income approved properties, and allocated amounts are:

1413 Randolph Street - \$55,750.00,
2975 Inca Court - \$53,680.00,
1650 Gainesville Drive - \$28,327.00
2556 Otis Avenue - \$47,900.00
520 Geneva Avenue - \$47,500.00
1032 Eastbrook Avenue - \$47,100.00

The properties referenced will utilize funds budgeted in FY 2023/2024 SHIP funding. If additional funds are needed for any of the projects, then a budget amendment will be processed using FY

2024/2025 adopted budget.

Information related to each scope of work is attached. Each awardee (contractor) was the lowest bidder, for each of the above referenced properties. The State funds invested in these properties will be subject to a non-interest-bearing lien for 15-years. The lien will be forgiven should the present owners remain in their properties for the 15-year life of the lien.

- C. Renewal requests for Acentria-United Health Care Employee Benefits and Service Contract.

Background: Renewal rate with Acentria- United Healthcare (Medical) for FY 2024-25 will allow employee rates to remain the same with no change to benefits for the upcoming Fiscal year.

6. 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 for approval of minutes of the Regular Commission Meetings of September 4th & September 16th, 2024, as presented.

Background: N/A

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

Background: July through September 2024 Quarterly Reports of City Advisory Boards/Committees:

1. Affordable Housing Advisory Committee
2. Firefighter Pension Board
3. Planning and Zoning Board
4. Team Volusia

- C. Request for approval of the 2025 holiday, meeting and invocation calendars.

Background: Historically, the Commission has chosen to have no workshops the month of November and December and to combine the two (2) regular meetings in December into one (1) meeting approximately in the middle of the month of December.

- D. Request for approval of purchases for FY24-25 contingent on approval of final budget.

Background:

In accordance with the City’s Procurement Policy, the Commission must approve any purchase over \$25,000 regardless of if it has already been approved in the budget. The attached list represents purchases that will need to be made in the upcoming fiscal year contingent on the approval of the final budget. Additional purchases over \$25,000 will be brought to the Commission as needed.

- E. Request for approval of engagement with Purvis Gray, LLC to provide professional external audit services.

Background:

The City is required to obtain an annual audit of its financial statements. Purvis Gray and Company, LLC, is offering an engagement with the City to perform the annual audit through fiscal year 2023-2024 with the option to further extend the contract for subsequent years pending appropriation of funding for each additional fiscal year.

Continuance of these professional services allows for efficiency provided by the firm’s knowledge of the City and ensures objectivity via rotation of assigned audit staff. The rates proposed in this extension are comparable to those charged for audit services to other entities, and the vendor has demonstrated experience performing equivalent services for Deltona and other governments.

FY 2023-2024 Budget	\$80,000	Actuals \$60,000 *
FY 2022-2023 Budget	\$73,500	Actuals \$73,500
FY 2021-2022 Budget	\$67,500	Actuals \$67,500

*Interim work was not performed during the summer of FY 2023-2024 therefore all the funds were not expended. The interim work is scheduled for November; the FY 2024-2025 adopted budget includes funds for this change in workload.

- F. Request for approval for roadway transfer from Volusia County to the City of Deltona, specifically for that portion of Fernanda Drive from Howland Boulevard East to the Fernanda Subdivision Entrance at Landing Lane.

Background:

Fernanda Subdivision Phase I & II have access to Howland Boulevard through unincorporated Volusia County. It had been the intent of the City and County to have that portion of Fernanda Drive transferred to the City of Deltona. The attached Agreement provides for that transfer of jurisdictional control from Volusia County to the City of Deltona.

- G. Request for Approval of Interlocal Renewal Agreement with Volusia County Sheriff’s Office for provisions of Law Enforcement Services.

Background:

The City currently contracts with the Volusia County Sheriff’s for law enforcement services. The Sheriff shall provide 24-hour law

enforcement services with staffing level of eighty-nine (89) personnel including 1 Captain, 3 Lieutenants, 11 Patrol Sergeants, 3 CIS Sergeants, 48 Patrol Deputy Sheriffs, 4 K9 Deputy Sheriffs, 16 Detectives and three unsworn office/administrative workers. This is an increase of 4 Deputies from last year's staffing level. The proposed agreement will continue these services for the period of 3 years subject to budget appropriations, the Sheriff may on an annual basis request increase in the total cost of the services by a figure that does not exceed the actual increase in cost of services and providing the option to renew for 3 additional 1-year periods.

- H. Request for approval of the Team Volusia Economic Development Corporation Cooperative Agreement for 2024-2025.

Background:

The purpose of this annual Agreement is for the City of Deltona and Team Volusia Economic Development Corporation to continue to support and implement a program of economic and business development as well as expansion within the City of Deltona and throughout Volusia County to enhance the economic well-being of the citizens of the City of Deltona and Volusia County.

- I. Request for Approval of Letter of Engagement with Marsha Segal-George, Esquire for general government law as the City Attorney until the new City Attorney is retained.

Background:

The city is currently seeking a new City Attorney. Marsha Segal-George has resigned effective September 30, 2024. This letter of engagement would permit Marsha Segal-George to continue as the City Attorney until the city has retained new legal counsel wherein Marsha Segal-George would assist the new legal counsel with transitioning all legal matters until December 31, 2024.

- J. Request for approval of bid award for fiber optic cable expansion from Howland Blvd and Austin Ave. to Dwight Hawkins Park, and accompanying Resolution No. 2024-59 which represents a budget amendment.

Background:

City staff identified a need for fiber optic cables to be installed to connect Harris Saxon Community Center and Park, Dwight Hawkins Park, and a Deltona Water facility to the City's fiber optic network for high-speed access. The community needs cameras and high-speed access, and monitoring in case of an emergency. The Housing department proposed funding from CDBG since the project qualifies due to public safety and potential flooding issues within the community. The project will be completely funded by the grant. This will eliminate an existing circuit, extend our fiber network, increase bandwidth to improve site resilience and performance for all three sites, and provide real-time monitoring. The IT Department went out to RFP, a total of (8) bids were received, and the lowest bidder was Unitec for a total bid of \$249,360; we are requesting an amount not to exceed \$300,000 for contingencies that may arise while

completing the project. We are requesting the City Commission award the bid to Unitec for an amount not to exceed \$300,000 and re-allocate funding from CDBG to this project that will be reimbursed by CDBG when the project is completed as per the terms of the grant.

K. Request for recognitions for the month of October.

Background:

Per the City Recognition Policy adopted by the City Commission at the Regular Commission Meeting held on Monday, June 17, 2024, the following recognitions are being requested for the month of October:

1. Proclamation - Hispanic Heritage Month
2. Proclamation - Fire Prevention Week - October 6th - October 12th
3. Proclamation - 2 Domestic Violence Awareness Month (Deltona & Orlando)
4. Proclamation - Breast Cancer Awareness Month
5. Proclamation - Cybersecurity Awareness Month
6. Proclamation - Florida City Government Week - October 21st - 27th
7. Proclamation - Red Ribbon Week - October 23rd - 31st
8. Proclamation - Extra Mile Day - November 1st
9. Proclamation - First Annual Veteran's Fall Festival - November 2nd

L. Requests for presentations before the City Commission.

Background:

Per the City Commission Operating Guidelines & Meeting Rules and Procedures adopted by the City Commission "Any group or organization, other than staff, wishing to make a presentation to the City Commission must submit their request to the City Manager and obtain Commission approval to have the item placed on the next available City agenda." Also, all documentation to be presented must be submitted to the City Clerk by 5:00 p.m. on the Thursday, eleven (11) days prior to the regular meeting.

The following presentations have been requested:

1. Rotary Club of DeBary-Deltona-Orange City - Update by President Joe Hearn
2. Terri Ellis - Domestic Violence Awareness Month

7. 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.