



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor Herzberg
Vice Mayor Bradford
Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa

Tuesday, January 19, 2021

6:30 PM

Deltona Commission Chambers

- A. [In an effort to reduce the possibility of exposure of residents to the COVID-19 \(Coronavirus\) we have limited public seating inside the Commission Chambers and are practicing social distancing with the City Commission, staff and residents.](#)

Background:

*****NOTE*****

The City Commission is dedicated to working hard and keeping our city moving forward, and a top priority during the COVID-19 pandemic is to help maintain the health of our employees and residents. Another top priority is being able to maintain public participation in our City meetings. Following CDC Guidelines, we have limited public seating inside the Commission Chambers and are practicing social distancing with the City Commissioners, staff and residents. Though there are restrictions when it comes to public gatherings, we are dedicated to making sure those who would like to make their voice heard are able to.

Please note your public comments can be submitted via one of the following mediums no later than 3:00 p.m. on January 15, 2021 to ensure they are available for the Commissioners to review prior to the meeting.

- eComment
 - Click the "Agenda & Minutes" icon on the homepage;
 - Chose the meeting you want to comment on and click on "eComment" in the last column; and
 - Go to the item and click on the speech balloon marked "Comment" to make your comment.
 - To view all comments made on an item chose the speech balloon to the left.
- Visit the "Request To Speak" page of the website at <https://www.deltonafl.gov/city-commission/webforms/request-speak>
 - Under the Commission Meetings tab

- Fill out the "Request To Speak" form - which will be submitted.
- Email: cityclerkdept@deltonafl.gov
<<mailto:cityclerkdept@deltonafl.gov>>
- Fax: 386-878-8501

All submitted comments will become part of the official City record, and be attached to the meeting minutes. This is a fluid situation and as procedures change, we will be sure to update you.

Attachments: [Instructions for eComment](#)

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:

5. PRESENTATIONS/AWARDS/REPORTS:

A. [Presentation - Landmark Lodge Firefighter.](#)

Background:

Landmark Lodge #383 in Deltona has been in service to the community providing support to charitable organizations such as the Wounded Warriors, Shop with a Cop, Toys for Tots, The United Methodist Children's Home and many other organizations since 1983.

Freemasonry is a charitable organization, which acts to relieve the distress of local individuals who are victims of calamity, and it has created programs and institutions to care for its needy senior citizens, and to provide scholarship aid for worthy and needy young people in college. We also like to recognize those in the community who have gone above and beyond in service to the residents in our local communities.

This evening we would like to honor and recognize Lieutenant Larry Nipper for his outstanding performance, dedication to duty, and

exemplary service as a Deltona Firefighter for 15 years.

- B. [Report on status of CARES Act and other pandemic-related funding - Ron A. Paradise, Planning & Development Services Director \(386\) 878-8610; Camille Hooper, Finance Director, \(386\) 878-8552.](#)

[Strategic Goal: Other grants approved by the City Commission.](#)

Background:

The City of Deltona has been allocated funds from the Coronavirus Relief Fund/CARES Act through Volusia County; the Florida Housing Finance Corporation, and the Community Development Block Grant (CDBG) program administered by the Housing and Urban Development. Each of these allocations include specific guidelines regarding eligible use of funds.

The City may also apply for reimbursement of qualifying expenditures through the Federal Emergency Management Agency (FEMA).

Staff briefed the Commission on the various CARES allocations on November 2, 2020. The Commission directed staff to provide an update in January of 2021. Attached are documents relating to CARES Act funds disbursed to the City by Volusia County. Also attached is a summary regarding the status of Florida Housing Finance Corporation and CDBG CARES Act money regarding rental, mortgage, and utility assistance.

Attachments:

[CARES Act - Volusia Agenda Memo 20210104](#)
[CARES Act - Municipality Subgrant Agreement Executed v](#)
[COVID19 Municipality Memo - October 12 2020 Update](#)
[CARES Amended Budget 20201012](#)
[CARES Act - Volusia County Reimbursement 20201106](#)
[Summary Florida Housing Finance and CDBG CARES Act](#)

6. ORDINANCES AND PUBLIC HEARINGS:

- A. [Public Hearing - Ordinance No. 01-2021, updating Water and Wastewater Impact Fees, at second reading - John Peters III, Public Works, \(386\) 878-8973.](#)

[Strategic Goal: Infrastructure/Fiscal Issues.](#)

Background:

GovRates, Inc., presented its 2020 City of Deltona Water & Sewer Rate Study Final Report ("Report") to the Deltona City Commission on September 28, 2020. That Study included an analysis of the City's water and wastewater impact fees. The Study recommended that the City adjust its existing impact fees into separate water and wastewater

capital financing recovery fees. These adjustments are recommended to help the utility to meet its debt service coverage requirements and provide for needed capital improvements. This ordinance is presented to implement the updated water and sewer impact fees.

First reading of this ordinance was on January 4, 2021. This is the second and final reading.

Upon approval of this item authorizes the Acting City Manager to sign any documents necessary to further Commission approval of this item. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Attachments: [Ordinance 01-2021 20201230](#)

- B. [Public Hearing - Ordinance No. 05-2020, Large Scale Comprehensive Plan Future Land Use Map Amendment \(CP19-0002\) for a ±95.34 acre parcel from Volusia County Rural to City Low Density Residential \(LDR\) and adding Future Land Use Element Goal FLU4, Objective FLU4-1, and Policy FLU4-1.1, at second and final reading - Ron A. Paradise, Director, Planning and Development Services, \(386\) 878-8610.](#)

[Strategic Goal: Economic Development - Create more diversified and high-quality housing opportunities to provide for all market demands.](#)

Background:

The City of Deltona received an application to amend the City's Future Land Use Map by changing the Future Land Use designation on a +/-95.34 acre parcel from Volusia County Rural to City Low Density Residential. The Rural category Density Range: One (1) unit per acre to one (1) unit per ten (10) acres. The preferred density of the Rural category is one unit per 5 acres. The density allotment of the City Low Density Residential (LDR) is 0-6 dwelling units per acre. This Ordinance also amends the Future Land Use Element of the City of Deltona's Comprehensive Plan by adding Goal FLU4, Objective FLU4-1, and Policy FLU4-1.1 to address the development on individual properties within the City. The aforementioned provisions proposed to be added to the Comprehensive Plan will limit density on the property to 226 units. Please refer to the attached staff report for further details.

On August 19, 2020, the Planning and Zoning Board heard the Enterprise Osteen West Comprehensive Plan Future Land Use Map amendment request. The Planning and Zoning Board voted five (5) to two (2) to forward this ordinance to the City Commission with a recommendation to deny the FLUM amendment request. Reasons cited by the Planning and Zoning Board for the recommendation of denial was the project was too dense and the proposal was

incompatible with the surrounding area.

On October 5, 2020, the City Commission approved on first reading Ordinance No. 05-2020, and authorized City staff to transmit the proposed Comprehensive Plan amendment to the Florida Department of Economic Opportunity (DEO) and Volusia County Growth Management Commission (VGMC). On November 19, 2020, the VGMC issued the Consistency Certification. On November 12, the DEO made their Objections, Recommendation, and Comments Report with no comment on the proposed amendment. This meeting is for the adoption of Ordinance No. 05-2020. The adoption hearing also represents a submittal hearing to the Florida Department of Economic Opportunity for review and issuance of the Notice of Intent (NOI).

The City Manager has the authority to make corrections of scrivener's errors and the like.

Attachments:

[STAFF REPORT](#)

[Maps](#)

[EXHIBIT 1-TIA for Enterprise Osteen PUD 11-14-18](#)

[EXHIBIT 2-Finding of Adequate Capacity Review VCSB](#)

[EXHIBIT 3-VC comments 6-16-2020 CP20-0024 and CP1](#)

[EXHIBIT 4-Response to VC Comments dated 6-16-2020](#)

[ORDINANCE 05-2020](#)

[EXHIBIT A-Legal description](#)

[EXHIBIT B-Proposed FLUM](#)

[Exhibit C-Comp Plan FLU Element Text Amendment](#)

[DEO NO COMMENTS LETTER DATED 11-12-2020](#)

[VGMC CERTIFICATE OF CONSISTENCY](#)

- C. [Public Hearing - Ordinance No. 06-2020, rezoning request \(RZ20-0003\) for a +110.43 acre tract from County Prime Agriculture \(A-1\) to City of Deltona Residential Planned Unit Development \(Hickory Lakes Preserve RPUD\), at first reading - Ron A. Paradise, Director, Planning and Development Services, \(386\) 878-8610.](#)

[Strategic Goal: Economic Development - Create more diversified & high-quality housing opportunities to provide for all market demands.](#)

Background:

On December 16, 2020, the Planning and Zoning Board heard the Hickory Lakes Preserve RPUD rezoning request. The Planning and Zoning Board voted to table the rezoning request. The rationale of the

Board to table the request was to allow the applicant to redesign the project to minimize impacts to the 100 year floodplain. The Board will rehear the request on February 17, 2021. There is anticipation the rezoning request will be brought back to the City Commission on March 15, 2021. In the interim, Staff is requesting the City Commission table the rezoning application until the applicant redesigns the project and the Planning and Zoning Board renders a recommendation.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- D. [Public Hearing - Ordinance No. 19-2020 amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element and providing for the replacement of the Capital Improvement Project sheets, at second and final hearing - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

[Strategic Goal: Infrastructure - Capital Improvements Program.](#)

Background:

Pursuant to Chapter 163.3177(3)(b) F.S., the City Capital Improvements Element of the Comprehensive Plan must be reviewed and updated on an annual basis. It is recommended to send the Capital Improvements Element (CIE) Report to the Department of Economic Opportunity (DEO) when it is adopted by the City Commission each year. Staff has reviewed the current class "A" capital improvements and summarized expenditures and funds carried forward for the next five years. The intent of the review is to ensure compliance with the adopted level of service (LOS) standards. In collaboration with the City's Finance Department and other City Departments, adjustments have been made to update the Capital Improvement project sheets.

Please be advised the expenditures and fund carryovers are copied directly from the City budget approved by the City Commission in September of 2020. Therefore, the budgetary information cannot be altered or otherwise modified as part of the CIE update process.

On November 18, 2020, the Planning and Zoning Board heard the Capital Improvement Element update and related project sheets. The Planning and Zoning Board voted to forward this ordinance to the City Commission with a recommendation to approve the Capital Improvement Element update and related project sheets.

On December 14, 2020, the City Commission approved on first reading Ordinance 19-2020.

For more information see the attached Capital Improvement Element

update/Level of Service Report and related replacement project sheets.

Attachments: [Level of Service Report](#)
 [ORDINANCE NO 19-2020](#)
 [EXHIBIT A Replacement Project Sheets](#)

7. OLD BUSINESS:

- A. [Request for approval of revised Resolution No. 2020-64, providing for an adjustment to Wastewater and Reclaimed Water base facility charges beginning 1 April 2021, eliminating the 10,000 cap on Wastewater Usage Charges effective 1 April 2021, and providing for annual rate indexing of Wastewater and Reclaimed Water base facility and water and irrigation usage charges equivalent to the Engineering News Record \(ENR\) Construction Cost Index beginning 1 October 2024. - John A. Peters, III, P.E., Public Works/Deltona Water \(386\) 878-8973.](#)

[Strategic Goal: Infrastructure/Fiscal Issues](#)

Background:

The City of Deltona engaged GovRates, Inc. to complete a Rate Study of Deltona Water's Potable Water, Irrigation, Wastewater and Reclaimed Water Base Facility Charge and Usage Rates. In order to maintain sufficient funding to complete regulatorily mandated capital projects and an adequate level of repair and replacement projects, GovRates determined that the City of Deltona needed to modify the current Base Charges for Wastewater and Reclaimed Water, eliminate the 10,000 gallon cap on Wastewater Usage Charges, and provide for indexing of base fees and usage charges beyond 2023 based on the Engineering News Record (ENR) Construction Cost Index.

The City of Deltona Commission conducted a workshop (28 September 2020) to review all aspects of the proposed adjustments inclusive of capital projects, repair and replacement, and operation expenses. In accordance with Florida Statute 180.136, the City of Deltona will include a notification in the monthly bills informing ratepayers of the recommended rate increases. In addition, 68.65 of the City of Deltona Code of Ordinances requires that utility rate increases for water and wastewater must be considered in separate resolutions, and 68.64 of the Code of Ordinances allows the City Commission to consider annual indexing of Utility Rates.

An incorrect version of this Resolution was presented to the Commission for approval on 1/4/2021. The revised Resolution has the corrected wastewater rates, including corrected volumetric charges that are lower than the rates approved on 1/4/21.

Attachments: [Deltona WS Rate Study Presentation 9 22 2020 - JAP III](#)
[Revised Resolution No. 2020-64](#)

8. NEW BUSINESS:

- A. [Request for approval to waive fines for code violation - Deputy City Manager Dr. Marc-Antonie Cooper, City Manager's Department \(386\) 878-8852.](#)

[Strategic Goal: Internal & External Communication](#)

Background: Code Case #DEL-19-128 - re-roofed without a permit observed debris on 10/14/2019.

Order of Non-Compliance: 11/20/2019 giving 30 days to correct violation and \$100.00 per day if violations continued.

Notice of Non-compliance and Order of Fine: 01/22/2020 - \$3,500 for 35 days of non-compliance and continued to accrue for each day of non-compliance.

Compliance: Permit was issued on 01/07/2021 and the fines were stopped.

Total Days of non-compliance: 350 days (from January 23, 2020 to January 7, 2021) - total fine amount owed \$38,500.00

Attachments: [1032 Pinder BG.pdf](#)

9. 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. 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)

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

10. CONSENT AGENDA:

- A. [Request for approval of Resolution 2021-06 Adopting the Volusia Multi-Jurisdictional Program for Public Information \(MJ-PPI\) Plan - Steven](#)

[Danskine, Public Works, 386-878-8998.](#)

[Strategic Goal: 4 - Internal and External Communication, and 5 - Public Safety](#)

Background:

The Community Rating System (CRS) is a voluntary program under the National Flood Insurance Program (NFIP) that qualifies participating communities for reduced rates on flood insurance policies. The rating system is based on 19 activities that receive credit points by implementing local mitigation, outreach, and educational activities that go well beyond minimum NFIP requirements. Volusia County and 9 communities within the County currently participate in the CRS. On May 1, 2015, the City of Deltona joined in the Volusia Multi-Jurisdictional Program for Public Information, and the 5-year update to the Plan was prepared in November, 2020.

Attachments:

[Resolution No. 2021-06](#)

[Volusia Multi Jurisdictional PPI 2020 adopt](#)

- B. [Request for approval of Tyler Technologies annual renewal of support and maintenance for our ERP software. - Robert Cordero, IT Department \(386\) 878-8807](#)

[Strategic Goal: Internal & External Communication](#)

Background:

The City utilizes Tyler Technology products for financials, utility billing permitting, code enforcement, and land development projects. This invoice is the annual maintenance and support for a portion of the products, other products are invoiced at different times throughout the year. The total cost of the current invoices is \$119,025.87. Funds were appropriated in the IT software maintenance budget for the fiscal year 2020/2021.

- C. [Request for approval - Lease Agreement with the County of Volusia/Volusia ECHO for the use of Parcel ID: 8130-23-00-0021 associated with Big Lake Rookery Park. - Ron A. Paradise, Planning & Development Services Director, \(386\) 878-8610 and Jerry Mayes, Economic Development and Eco-Tourism Sustainability Manager.](#)

[Strategic Goal: Infrastructure - Focus on the expansion of park projects.](#)

Background:

The City of Deltona was awarded a grant through the Volusia ECHO Grant program for the Big Lake Rookery Park. Big Lake Rookery Park is intended to serve as an eco-park featuring passive type of improvements such as a boardwalk and lake observation deck. The park consists of four (4) separate tracts of land. During title review, there was a determination the County owned one of the tracts. To

address the ownership situation and move the project forward, the County has agreed to lease the tract to the City for recreation and open space purposes.

The attached lease is to formalize the use of the tract owned by the County of Volusia. The lease agreement is for the County to rent the tract to the City at a cost of one dollar as long as the park remains open to the public.

Work proposed for the site will not be eligible for ECHO grant reimbursement until after the Grant Agreement is executed which cannot occur until the lease is signed/executed.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Attachments: [Lease Agreement between County of Volusia and Deltona](#)

- D. [Request for approval of First Amendment to Site Agreement for Land and Colocation on Tower \(at 1190 Saxon Boulevard, Deltona, Florida, at Dewey Boster Park\) with T-Mobile South LLC, as proposed by Neel-Schaffer, Inc., cell tower consultants. John A. Peters, III, P.E., Acting City Manager \(386\) 878-8850.](#)

[Strategic Goal: Fiscal Issues](#)

Background:

This is an extension of the Site Agreement for Land with T-Mobile South LLC for a cell tower at 1190 Saxon Boulevard, Deltona, Florida at Dewey Boster Park. This cell tower provides cell tower services to residents and businesses in the areas near the tower. The extension provides annual revenue to the City in the amount of Twenty-Six Thousand One Hundred Dollars (\$26,100.00), with a 3% percent annual escalation. This agreement gives the City three (3) additional five (5) year renewal terms. This extension was negotiated by the City's cell tower consultant, Neel-Schaffer, Inc.

Attachments: [A2A1001.executable](#)

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

15. 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 48 hours in advance of the meeting date and time at (386) 878-8500.