



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

Monday, April 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 Noon on April 19, 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 Commissioner Ramos.](#)

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. [Proclamation - PowerTalk 21® Day](#)

Background:

B. [Proclamation - National Borinqueneers Day - April 13, 2021](#)

Background:

A proclamation recognizing April 13, 2021 as National Borinqueneers Day for the sacrifices made and adversities overcome by Puerto Rican and Hispanic members of the Armed Forces as well as recognize the significant contributions to the history of United States made by the Borinqueneers.

C. [Proclamation - National Volunteer Appreciation Week - April 18-24, 2021](#)

Background:

Volunteers are vital to our future as a caring and productive city who serve immeasurable hours volunteering as board and committee members by meeting regularly to assist the Fire Department, Planning & Development Services Department, Enforcement Services Department, Parks & Recreation Department, Economic Development

and the Volusia Sheriff's Office.

D. [Volusia County Tax Collector Update](#)

Background: Update provided to the Commission by Volusia County Tax Collector, Will Roberts

Attachments: [Tax Collector Presentation 4-19-21](#)

6. ORDINANCES AND PUBLIC HEARINGS:

- A. [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 \(RPUD\), at second and final 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: The City of Deltona received an application to change the zoning on a ±110.43 acre parcel from County Prime Agriculture (A-1) to Residential Planned Unit Development (RPUD). The project as designed features 189 detached single family lots. The minimum lot size within the project is 6,000 square feet. The project, known as Hickory Lakes Preserve, is located off of Enterprise Osteen Road just west of SR 415 situated in the southeastern section of the City near the community of Osteen. The project will have access to Enterprise Osteen Road but will be designed with a vehicular stub-out to property situated to the west. The intent of the stub-out is to promote efficient connectivity between land uses independent of the City thoroughfare network. The project features community amenities including a small dog park and an open play area. For more information relating to the project see the attached staff report and related graphics.

All PUD zoning actions are associated with a written Development Agreement (DA). The Hickory Lakes Preserve DA is attached. The DA illustrates how the property will be developed by articulating requirements such as minimum lot sizes, setbacks, etc.

With regard to the Hickory Lakes Preserve RPUD and as with any rezoning request, there are alternatives the City could consider when determining the appropriateness of the project. However, each member when considering an alternative should provide rationale for their vote. The rationale needs to be fact based, predicated on evidence.

The two following alternatives including some advantages, disadvantages, and evidentiary rationales for each approach are offered for the City Commission to consider:

1. Deny the project.

Advantages: The area will remain unchanged. There will be less traffic in the area, and the rural state of mind in the vicinity will be reinforced.

Disadvantages: The City is an urban institution. The City is poised, including through investments in central utilities, to promote well planned urban development within its boundaries. State law under Florida Statutes 163.3177(1)(f)3. requires the City accommodate its fair share of growth. Therefore, the City may need more dwelling units.

Rationale for Denial - Findings of Fact:

a) The proposal to entitle the property for suburban densities is not compatible with the surrounding development pattern because:

- 1) Much of the lot sizes in the area are acreage oriented lots (one acre or larger);
- 2) At least two abutting parcels are engaged in bona fide, commercial agriculture; and
- 3) The property abuts conservation oriented land.

b) The property does have environmental resources like wetlands, floodplain areas, etc.

2. Approve the project.

Advantages: The project makes efficient use of City land and infrastructure resources. This will allow the City to support growth in a manner that comports with the suburban community character of the City at large. In addition, the project has been redesigned to minimize impacts to the floodplain and direct residential development away from hazardous areas. A more resilient and sustainable development pattern will result which will require less future City intervention and investment. More open space is afforded under the revised plan. Finally, wetland and open water resources will be protected.

Disadvantages: Even with the reduction of density, the project represents a suburban scale development that could be considered incompatible with the neighborhood in the immediate vicinity.

Rationale for Approval - Findings of Fact

a) There is adequate infrastructure to support the development including roadway, school, and utility

- capacity;
- b) Environmental resources like wetlands, waterbodies and floodplains will be safeguarded;
 - c) Based on a preponderance of urban entitlements allocated to the area by both the County and the City, including but not limited to, the Osteen Local Plan, the rezoning request is compatible with the envisioned urban development of the area;
 - d) Significant buffers will be afforded to protect scenic vistas, adjacent agricultural uses and abutting conservation land; and
 - e) The requested RPUD is consistent with the Comprehensive Plan.

Note: this request for a rezoning is a quasi-judicial hearing. There will be a swearing in of witnesses and commissioners will be asked to disclose all ex parte communication. In addition, this request will generate some public comment. However, the standing of those parties making comment is an important component of quasi-judicial decision making. At a minimum, those presumed to have standing would be parties situated within the City required 300 foot mailing radius that were directly noticed. A staff memorandum to the Planning and Zoning Board regarding updates to the rezoning request is included within this agenda item. Attached to the memorandum is a list of parties notified by mail about this request.

On February 17, 2021, the Planning and Zoning Board heard the Hickory Lakes Preserve RPUD rezoning 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 RPUD rezoning request. The reason cited by the Planning and Zoning Board for the recommendation of denial was the proposed project at the density proposed was not compatible with the rural character (larger, acreage-oriented lots and some bona fide agriculture uses) of the surrounding area.

On March 15, 2021, the City Commission voted four (4) to three (3) to approve on first reading Ordinance No. 06-2020.

Finally, at the March 15, 2021 meeting topic of urban sprawl was broached. Please be advised the requested rezoning maximizes the use of existing and proposed urban services; represents an efficient use of land within the jurisdiction of Deltona; and directs investment and development away from ecologically sensitive and/or hazardous areas.

Attachments: [Memo to P&Z and Attachment 2-5-2021](#)
 [STAFF REPORT-Revised 2-3-2021](#)
 [STAFF REPORT EXHIBIT 1-TIA](#)
 [MAPS](#)
 [ORDINANCE NO. 06-2020](#)
 [EXHIBIT A-DA-Clean Document-Revised 2-5-2021](#)
 [EXHIBIT A -DA-Underline-Strikethrough Format-Revised 2](#)
 [EXHIBIT B Legal Description](#)
 [EXHIBIT C MDP Revised 2-4-2021](#)
 [EXHIBIT C MDP](#)

- B. [Public Hearing - Acceptance of Final Plat SD20-0018, Courtland Park Phase I - Ron A. Paradise, Director of Planning and Development Services, \(386\) 878-8610.](#)

[Strategic Goal: Create more diversified and high-quality housing opportunities.](#)

Background:

The subject property was rezoned by the City in 2019 to Residential Planned Unit Development facilitating the development of a residential subdivision. On March 5, 2020, the DRC approved the Courtland Park preliminary plat and related engineering construction plans. In the interim, the property has been improved under the preliminary plat development order. On March 18, 2021, the DRC approved the Courtland Park Phase I final plat. Courtland Park Phase I is a residential project and the plat involves the creation of 117 single family lots on 29.409 acres. The Courtland Park Phase I roadway network will connect to Doyle Road. Courtland Park Phase I will be fully serviced with utilities including water and central sewer. All technical matters associated with the subdivision have been addressed as part of the DRC process.

As well as being reviewed by the Deltona Development Review Committee (DRC), the final plat has been peer reviewed by a professional surveyor and mapper from the engineering firm Tetra Tech. The plat has been deemed technically sufficient by the City's peer reviewer. For more information see the attached plat materials.

Attachments: [COURTLAND PARK PHASE 1 PLAT-3-9-21](#)

7. OLD BUSINESS:

8. NEW BUSINESS:

- A. [Discussion re: City Manager's Evaluation - John A. Peters, III, P.E., Acting City Manager, \(386\) 878-8858.](#)

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

Background:

The City Commission has discussed in recent meetings the need for Charter Officer evaluations and that the results be presented at a public meeting.

Attached for the Commission's use as applicable are the following documents:

- City Manager's performance evaluation as submitted by the City Commission;
- Section 7, City Charter, Charter Officers; and
- Acting City Manager's contract.

Attachments:

[Mayor Herzberg - ACM Eval](#)
[Vice Mayor Bradford - ACM Eval](#)
[Commissioner Avila-Vazquez - ACM Eval](#)
[Commissioner King - ACM Eval](#)
[Commissioner McCool - ACM Eval](#)
[Commissioner Ramos - ACM Eval](#)
[Commissioner Sosa - ACM Eval](#)

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. 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. 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)

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 the Task Authorization with Rocha Controls for the IP Video System Improvement projects at 11 Water Treatment Plant Sites, in accordance with their Agreement with the City of Deltona and RFQ# PW 18-04 for Supervisory Control and Data Acquisition \(SADA\) System Upgrades and Maintenance. - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Public Safety and Security](#)

Background:

As part of the ongoing SCADA project it has been determined that installation, upgrading and replacement of the security cameras is necessary for the security and monitoring of the 11 active water treatment plants throughout the City. Approving of this contract will enable Rocha Controls to coordinate with our consultant WSP for the design and implementation of this aspect of the plant security and controls upgrades. This project is part of the on-going effort to reduce Utility cost by allowing for the reduction of water treatment plants from the current 17 plants to 11 plants.

Attachments:

[2020-2021-Renewal-Rocha-through 8.15.2021](#)
[Fully Executed Agreement-Rocha Controls-RFQ# PW18-0.](#)
[Signed Rocha Controls TA-SCADA IP Video System](#)

- B. [Request approval of the Task Authorization with Dewberry Engineers for the Post Design Services for the Elkcarn Paved Shoulders-Segment 1 project, in accordance with their Agreement with the City of Deltona and RFQ# PW 17-06 for On-Call Civil Engineering Services - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Infrastructure/Transportation](#)

Background:

On February 23, 2021 the City opened bids on the Elkcarn Boulevard Paved Shoulder project which includes adding a 5-foot paved shoulder to the two-lane Elkcarn Boulevard section between Sylvia Drive and Ft. Smith Boulevard, a distance of 1.6 miles. Project elements include milling and resurfacing, paved shoulders, sidewalk construction, driveway reconstruction, minor drainage improvements, detectable

warning surface installation, signage and thermoplastic pavement markings. In addition, mobilization, maintenance of traffic (MOT), erosion control, clearing and grubbing, earthwork, and sodding are also included as part of this project. P&S Paving, Inc. was determined to be the lowest responsible, responsive bidder at \$1,062,300.62. Concurrence with FDOT has been obtained.

As the Engineer of Record on this project, Dewberry Engineers, Inc. is the preferred consultant for Post Design Services on this project for questions concerning their design, specifications and materials during construction.

Attachments: [Dewberry Rates- Package](#)
[Dewberry Renewal through 01.31.22, PW 17-06](#)
[Partial Sign TA & Scope Dewberry-Post Design Elkcam Pa](#)
[Dewberry Engineering LLC. - PW 17-06 Civil Engineering /](#)

- C. [Request approval of the Task Authorization with Mead & Hunt, Inc. for the procurement of Elevation Certificates for properties constructed since 2014 with a Special Flood Hazard designation attached to the property, in accordance with their Agreement with the City of Deltona and RFQ# PW 2020-08 for On-Call Stormwater Engineering Services - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

Strategic Goal: Public Safety

Background:

Every 5 years the Federal Emergency Management Agency (FEMA), through their various Consultants, conducts reviews of each community participating in the Community Rating System (CRS) program. During the 2021 review it was discovered that the single most important element of participation in this program (Elevation Certificates for homes built within established flood zones) had neglected to be obtained by the prior CRS Coordinator and/or the Chief Building Official since the last review period. These EC's document that homes approved for construction by the participating community are constructed with a Finished Floor Elevation (FFE) at least one (1) foot above the Base Flood Elevation (BFE). During the review, it has been determined that as many as one hundred thirty-six (136) residences have been constructed with properties with an established flood zone encroaching upon them. Without the EC's for these buildings, our City will be ejected from the CRS program and our residents will be subject to paying full price for flood insurance. Staff is currently in communication with FEMA in an effort to continue support for our program.

Staff is also communicating with the affected property owners to determine if they have previously obtained an EC without the City's knowledge as part of mortgage applications, and the Task Authorization with Mead & Hunt utilizes their Survey services under the above referenced Stormwater Engineering contract.

Agreement has been made between the Building Enforcement Department, Planning and Zoning Department and Stormwater Division to split the expenses associated with these services evenly.

Attachments: [FEMA Certs FY21 Proposal 3-29-2021](#)
[Fully Executed Agreement-Mead & Hunt, RFQ# PW 2020-1](#)

- D. [Request approval to award Bid# PW 2020-12 to P&S Paving, Inc. in the amount of \\$1,062,300.62 for the construction of the Elkcam Paved Shoulders Segment 1 from Sylvia Dr. to Ft Smith Blvd project. - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Infrastructure/Transportation](#)

Background: On February 23, 2021 the City opened bids on the Elkcam Boulevard Paved Shoulder project which includes adding a 5-foot paved shoulder to the two-lane Elkcam Boulevard section between Sylvia Drive and Ft. Smith Boulevard, a distance of 1.6 miles. Project elements include milling and resurfacing, paved shoulders, sidewalk construction, driveway reconstruction, minor drainage improvements, detectable warning surface installation, signage and thermoplastic pavement markings. In addition, mobilization, maintenance of traffic (MOT), erosion control, clearing and grubbing, earthwork, and sodding are also included as part of this project.

P&S Paving, Inc. was determined to be the lowest responsible, responsive bidder at \$1,062,300.62. Concurrence with FDOT has been obtained.

Attachments: [BID TAB-ITB# PW 2020-12](#)
[Partial Sign Overview of Findings, ITB# PW 2020-12-Elkca](#)
[PW 2020-12 Bid Copy-P&S Paving Elkcam Paved Shoulders](#)
[Agreement-Elkcam Paved Shoulders, P&S Paving, ITB# P](#)

- E. [Request approval to award Bid# PW 2021-04, Lawn and Landscaping Services to McMaster Lawn and Pest Services to provide Citywide Lawn and Landscaping Services for the various Stormwater, Water and Wastewater Plants and Parks and Recreation locations. - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

Strategic Goal: Infrastructure

Background: Purchasing received five (5) responses to ITB# PW 2021-04 for Lawn and Landscaping Services. This bid will provide Citywide Lawn and Landscaping services to multiple divisions to include Stormwater, Water Plant Operations, Wastewater Plant Operations, Parks and Recreation and Fire Station 65. Staff reviewed bids and is recommending award to the low bidder, McMaster Lawn and Pest Services.

Attachments: [Bid Tab for Bid #PW2021-04 LAWN AND LANDSCAPING](#)
[Deltona Bid- McMaster Lawn & Pest Services](#)
[Signed Award Memo](#)
[Approved Agreement McMaster Lawn & Pest Svcs w Exhibit](#)

- F. [Request for approval to purchase computers and accessories for the Mobile Computer Upgrade project. - Bill Snyder, Fire Department, \(386\) 575-6902.](#)

Strategic Goal: Public Safety/Internal & External Communication

Background: This upgrade was started early in the year prior to the new policy of bringing forth capital projects and we have already replaced four patient data tablets used by the Fire Department transport vehicles. We spent approximately \$13,000 already on these devices and will need to spend around another \$3,000 on accessories for them. These tablets are used to collect and report patient data for documentation and billing purposes. The change of devices was necessary to remain compatible with patient data systems used by the County of Volusia, under whose auspices the City provides ambulance transports. The replacement tablets are rugged all-weather models to withstand heavy-duty usage under a variety of conditions.

Approximately \$78,000 will be used to replace mobile data terminals (MDTs) that all of our emergency vehicles use to receive information and respond to emergency calls. The current terminals have exceeded their useful lives and are out of warranty. Replacement of the terminals have been accompanied by a replacement of our connectivity infrastructure to remain compatible with the County's upgraded equipment, ensuring uninterrupted communications that are vital to emergency response.

\$16,000 will be used to establish iPad tablets on our frontline vehicles that will serve several functions. The first function will be to serve as a secondary alarm system for our crews. The first alarm is via the alarm in the station called a Z-tron but Insurance Service Office (ISO) requires a

secondary alarm system as backup. Currently, we use old outdated flip phones and they tend not to be reliable and fail due to battery issues. Some other functions that the iPad will be used for are: Inventory control program, emergency apps for better scene information such as hazmat scenes, a pre-fire planning of buildings program called Mobile eyes, apparatus check sheets, apparatus maintenance recording and the ability to hotspot our monitors if needed.

The remaining \$5,000 will be for accessories and the purchase of one or more router(s) for our County CAD service. These routers will be used for spares and be readily available for rapid replacement when a frontline router is in need of repair.

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