



# 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*

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Monday, September 20, 2021

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 Commissioner King.](#)**

**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 May 3rd & May 17th, 2021, as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)**

**Background:**

N/A

**Attachments:**

[May 3, 2021 RCM Minutes](#)

[May 17, 2021 RCM Minutes](#)

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

**A. [Proclamation - National Family Day is celebrated on the fourth Monday in September. It is a day that encourages every family member to gather around the table to enjoy a meal together, talk to each other, and discuss everyone's day.](#)**

**Background:**

National Family Day is a day for families to gather around the table and

enjoy a meal together, talk to each other, discuss everyone's day and then commit to having another meal together before the week is out. It is a time where children learn responsibility while helping to prepare the meal and cleaning up. Conversations about grades, dating, borrowing the car, and moving away, and debate politics. These conversations start at a dinner table, they shouldn't begin when our children's world turns upside down.

**B. [Presentation- Romano Law Group to provide an update in the National Prescription Opiate Litigation.](#)**

**Background:**

On June 3, 2019 the City Commission approved to retain counsel for the National Prescription Opiate Litigation. Attorney Eric Romano with the Romano Law Group will be providing an update in the class action suit and will provide answers to questions in this case matter.

**OPTIONS:**

1. N/A
2. N/A

**C. [Presentation - Volusia Recovery Alliance presented by Karen Chrapek, RRT, RCP, WRAP Facilitator, Executive Director and information on substance abuse presented by Captain Eagan and Captain Marino.](#)**

**Background:**

Volusia Recovery Alliance, Inc. (VRA) is a nonprofit 501(c)(3) organization in Volusia County, Florida. The purpose of the Volusia Recovery Alliance is to coordinate peer driven services that provide substance use recovery resources to our local community. The VRA is a Recovery Community Organization developed with a grant received through the AETNA Foundation. They began their efforts with a community listen and discussion using a recovery community symposium as the forum. More than 200 people attended the symposium.

**OPTIONS:**

1. N/A
2. N/A

**Attachments:** [VRAoverview](#)

**6. ORDINANCES AND PUBLIC HEARINGS:**

**A. [Public Hearing - Resolution No. 2021-51, Adopting the Final Millage Rate for the levy of ad valorem taxes for Fiscal Year 2021/2022 - Mari Leisen, Deputy Finance Director \(386\) 878-8553.](#)**

[Strategic Goal: Fiscal Issues](#)

**Background:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase in millage over the rolled-back rate. The proposed millage rate of 7.8500 reflects a 9.31% increase from the rolled-back rate.
- Adopt the millage rate (Resolution No. 2021-51) and budget (Resolution No. 2021-52) by separate vote, and in that order as required by State Law.
- Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.1812), and the percentage increase compared to the rolled-back rate (9.31% increase), and the millage rate to be levied (7.8500) must be publicly announced.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Acting City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:**     [2021-51 Resolution - Final Millage - Second Hearing Septe](#)

- B. [Public Hearing - Resolution No. 2021-52 Adopting the Final Annual Budget for FY 2021/2022 - Mari Leisen, Deputy Finance Director \(386\) 878-8553.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget. This agenda item is to adopt the final Budget for Fiscal Year 2021/2022.

At this hearing, the City will:

- First discuss the percentage increase in millage over the rolled-back rate. The proposed millage rate of 7.8500 reflects a 9.31% increase from the rolled-back rate.
- Adopt the millage rate (Resolution No. 2021-51) and budget (Resolution No. 2021-52) by separate vote and in that order as required by State law.
- Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.1812), and the percentage increase compared to the rolled-back rate (9.31% increase), and the millage rate to be levied (7.8500) must be publicly announced.

Upon approval of this item authorizes any and all necessary actions, documents or budget transfers to facilitate Commission approval and further authorizes the Acting City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:**     [2021-52 Resolution - Final Budget - Second Hearing Septe](#)

- C.    [Public Hearing - Resolution No. 2021-35, Conditional Use request for a Daycare facility located at 988 Elkcarn Boulevard - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

[Strategic Goal: Economic Development - Work with existing businesses to expand/grow.](#)

**Background:**

The applicant is requesting a change of use for property located at 988 Elkcarn Boulevard. The property was developed in 1974 with an approximately 3,408 square foot main structure on a Deltona Lakes platted tract. The existing institutional use is a House of Worship use previously known as First Church of Christ Scientist. The proposal is to redevelop/repurpose the existing House of Worship use to a daycare facility supporting a maximum capacity of 70 children. The current landowner, Trinity Assembly of God of Deltona, wants to relocate their existing daycare center from 875 Elkcarn Boulevard to the 988 Elkcarn Boulevard site.

For more information see the attached staff report and related supporting materials.

At the August 18, 2021, Planning and Zoning Board hearing, the Board voted to recommend the City Commission approve Resolution No. 2021-35, granting a Conditional Use for a daycare use located at 988 Elkcarn Boulevard with the following added conditions:

1. A new Business Tax Receipt will need to be applied for prior to the relocation of the daycare center from 875 Elkcarn Boulevard to 988 Elkcarn Boulevard.
2. The applicant must connect to central sewer when service becomes immediately available. Immediately available means on either side of the road. Note: this site will be served by an on-site septic system. However, to ensure City environmental protection goals are implemented, the system will be an advanced treatment, aerobic design. The allowance of the aerobic on-site waste water disposal system for the 988 Elkcarn Blvd. site was approved by the City Commission on August 16, 2021.
3. The applicant shall maintain the existing 25-ft side and rear buffers naturally vegetated. The applicant will be required to plant shrubs within the front 25-ft landscape buffer between the two drive isles at a shrub density, per table 110-5 in Section 110

-808, as well as, provide foundation plantings along the front of the building which faces the street or parking area per Section 110-808(f)(1)a. of the City's Land Development Code.

4. Prior to Certificate of Occupancy, the applicant shall provide an appropriate dumpster location and enclosure in accordance with Section 110-808(j) of the City of Deltona Land Development Code.

Finally, consistent with LDC Sec. 110-1102(e), a Conditional Use must have City Commission super majority approval consisting of no less than five (5) City Commission votes.

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

**Attachments:**

[Staff Report](#)

[MAPS](#)

[CU Letter](#)

[Cond Use Site Plan- 988 Elkcam Blvd](#)

[City Commission Agenda Memo for 8-16-21](#)

[DRC Recommendation Staff Report Septic](#)

[Resolution No. 2021-35](#)

- D. [Public Hearing - Resolution No. 2021-36, A request to amend Resolution No. 2020-01 approved on March 16, 2020, for a Community Residential Home Conditional Use to provide a wider range of client services at 2001 Dalton Avenue - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

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

**Background:**

The City has received a Conditional Use Application to amend Resolution No. 2020-01 approved by the City Commission on March 16, 2020. The existing Community Residential Home (CRH) located at 2001 Dalton Avenue is permitted to house up to six (6) residents. Per Resolution No. 2020-01, the existing conditional use was approved subject to the following conditions:

- 1) The dwelling shall serve no more than six residents within the dwelling.
- 2) All residents and related service shall be directly associated with and regulated by the Florida Agency for Persons with Disabilities (APD).
- 3) The CRH remains under Exceptional Care Within Your Reach management and ownership.
- 4) The CRH is used only to serve minimal to moderate

developmentally disabled adults as defined and regulated by the Florida Agency for Persons with Disabilities.

- 5) No signage shall be allowed besides what is allowed for a home occupation.

Since opening their doors in mid-2020, this home has not had any incidents of noncompliance with City Code Compliance or nuisance calls to the Sheriff's Office. Finally, the CRH has complied with all conditions listed in Resolution No. 2020-01.

The applicant is requesting to amend condition number four (4) associated with Resolution No. 2020-01 be modified. Condition number four (4) reads as follows: *"4. The CRH is used only to serve minimal to moderate developmentally disabled adults as defined and regulated by the Florida Agency for Persons with Disabilities."*

This condition only allows the CRH to care for minimal to moderate disabled residents. The proposed change to condition four (4) reads: "The CRH may serve adults in accordance to APD's established Residential Habilitation Levels of supports, as may be amended from time to time."

This modification request will not increase the number of residents allowed or the amount of staff required. The amendment will ensure as a resident needs may change they can remain in the CRH and not be removed from a de facto family unit. Changing condition four (4) will also be consistent with the applicant's aspiration the Exceptional Care within Your Reach facility will be a forever home and family for its residents.

For more information see the attached staff report and related supporting materials.

At the August 18, 2021, Planning and Zoning Board hearing, the Board voted to unanimously with 4 members present to recommend the City Commission approve the amendment to condition number four (4) of Resolution No. 2020-01, approved by the City Commission on March 16, 2020.

Finally, consistent with LDC Sec. 110-1102(e), a Conditional Use must have City Commission super majority approval consisting of no less than five (5) City Commission votes.

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

**Attachments:**

[Staff Report](#)

[Zoning Letter](#)

[Survey](#)

[Resolution No. 2021-36](#)

[Signed Resolution No. 2020-01](#)

[Maps](#)

- E. [Public Hearing - Ordinance No. 04-2021, Amending Chapter 45 of the City Code of Ordinances dealing with panhandling, at second and final reading - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

[Strategic Goal: Public Safety](#)

**Background:**

Chapter 45, Panhandling regulations were adopted and added as part of the City Code of Ordinances in 2015. Since 2015, there have been legal challenges to other local government panhandling ordinances related to constitutional rights including speech.

Therefore, in order to keep Chapter 45 as up to date as possible, Staff has rewritten Chapter 45. The updated Chapter 45 language is modeled after the City of Daytona Beach panhandling ordinance. City Staff has been informed the City of Daytona Beach panhandling ordinance is defensible and has been effective at managing panhandling activities.

In addition, based on conversations with the Volusia Sherriff's Office (VSO), Ordinance No. 04-2021, as proposed, can be enforced by the VSO.

Proposed changes to Chapter 45 are included as part of attached Ordinance No. 04-2021. See attached an underline and strike document and a clean copy document.

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

**OPTIONS:**

1. Do not approve the changes to Chapter 45.

Advantage:

- a) Those on the social economic margin will continue to have greater access to areas to ask motorists and others for contributions.

Disadvantage:

- a) Panhandling activity within the City could increase especially at major intersections.
- b) The safety of the general public and panhandlers would be reduced.

2. Approve the changes to Chapter 45.

**Advantages:**

- a) Panhandling will be limited especially along major roadway thoroughfares.
- b) Other public places like parks will be off limits to panhandling.
- c) Any panhandling likely to occur within the City will be safer for both the general public and panhandlers.
- d) The updated language is more legally defensible.

**Disadvantage:**

- a) Those on the social economic margin will have less access to areas to ask motorists and others for contributions.

**Attachments:**     [Chapter 45 underlinestrike](#)  
[Panhandling Ordinance Clean Copy](#)

- F. [Public Hearing - Ordinance No. 05-2021, Granting to Duke Energy Florida, LLC d/b/a Duke Energy, an Electric Utility Rights of Way Utilization Franchise, for second and final reading - Marsha Segal-George, Assistant City Attorney \(386\) 878-8874.](#)

[Strategic Goal: Goal Infrastructure](#)

**Background:**

On January 23, 2002, via Ordinance No. 01-2001, the City approved a ten-year electric utility franchise with Florida Power Corporation granting them permission to occupy the City's right-of-ways for the purpose of providing electric services. The on November 7, 2011, via Ordinance 31-2011, the City approved another ten-year electric utility franchise with Florida Power Corporation d/b/a Progress Energy Florida, Inc. granting them permission to occupy the City's right-of-ways for the purpose of providing electric services.

A new agreement has been negotiated via Ordinance # 05-2021 with Duke Energy Florida, LLC d/b/a Duke Energy granting them permission to occupy the City's right-of-ways for the purpose of providing electrical services. The term of this franchise is 10 years with two (2) successive five (5) year periods. The City will receive a monthly franchise amount that will equal six percent (6%) of the base revenues for the preceding month.

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

**OPTIONS:**

- 1. Approve Ordinance No. 05-2021
- 2. Deny Ordinance No. 05-2021



**Attachments:**     [Deltona-Duke Franchise Agreement 7-19-21 redlinea](#)

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

- A. [Approval of budgeted purchases for FY21-22 - Mari Leisen, Deputy Finance Director \(386\) 878-8553.](#)

[Strategic Goal: Maintain current fiscal stability maximize alternative funding sources, and promote an effective system of checks and balances.](#)

**Background:**

In accordance with the City's Procurement Policy, any purchase over \$25,000 must be approved by the City Commission. The attached list represents purchases that will need to be made in the upcoming fiscal year, all of which are in the budget for FY21-22. Additional purchases over \$25,000 will be brought to the Commission as needed.

**OPTIONS:**

1. Approve attached list as presented so that purchase orders can be completed for goods and services to begin on October 1, 2021.
2. Deny some or all purchases which will cause a delay in services provided by the City.

**Attachments:**     [List for Commission Approval-2021-2022](#)

- B. [Approval of Acentria Public Risk Coverage Premiums - John Peters, Acting City Manager, \(386\) 878-8850.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

Acentria Public Risk has provided coverage premiums for the below City policies showing the rate percentage change for the coming year. All of these rate changes are within the budgeted amounts in the 2021-22 Budget.

Vendor:	Cigna (City Paid Benefit)
Type	Employee Benefits- Health-Dental
Expires	12/31/2021
Increase	3% Health, 2.5% Dental, and EAP remains the same

Vendor:	Hartford (City Paid Benefit)
Type	Firefighter Cancer Benefit
Expires	9/30/2021
Increase	Remains at current rate

Vendor: Hartford (City Paid Benefit)  
Type AD&D  
Expires 9/30/2021  
Increase 6.53%

Vendor: Madison National Life (City Paid Benefit)  
Type: STD  
Expires 12/31/2023  
Decrease -2%

Vendor: Madison National Life (City Paid Benefit)  
Type: LTD  
Expires 12/31/2023  
Decrease -3%

Vendor: Minnesota Life Insurance Company (City Paid Benefit)  
Type Group Life Insurance  
Expires 12/31/2023  
Decrease -8%

Vendor: Minnesota Life Insurance Company (Employee Paid  
Benefit)  
Type Life Insurance  
Expires 12/31/2023  
Decrease -12%

Vendor: Minnesota Life Insurance Company (Employee Paid  
Benefit)  
Type LTD  
Expires 12/31/2023  
Decrease -8.37%

Vendor: United Health Care (Employee Paid Benefit)  
Type Vision  
Expires 12/31/2022  
Decrease -8%

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

**OPTIONS:**

1. Approve Renewal of Cigna
2. Deny Renewal of Cigna

**Attachments:**

[2022 Renewal Summary](#)

[Cigna Renewal Proposal 1-1-2022](#)

- C. [Request for approval of Renewal of GA McKeown & Associate, LLC agreement for Consultants for State Government Relations and Lobbying - John Peters, Acting City Manager, \(386\) 878-8850.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

On November 7, 2016 the City Commission approved the award of RFP#17003 for a Consultant for State Government Relations and Lobbying to GA McKeown, LLC. The term of this agreement was for a period of one year with the option to renew for successive one-year terms upon mutual agreement of both parties.

Ms. McKeon has provided excellent services on behalf of the City of Deltona, and staff recommends that we move forward with a one-year extension. In the next year, we will issue a Request for Qualifications for a new contract beginning in October of 2022.

**OPTIONS:**

1. Approve Renewal
2. Deny Renewal place item out for Bid

**Attachments:**

[Renewal Form - Contracts 1](#)

[GA McKeown & Associates Agreement](#)

- D. [Approval of Contract for Fowler, Feeney & Associates, P.A., City Attorney - John Peters, Acting City Manager, \(386\) 878-8850.](#)

[Strategic Goal: Internal/External Communications](#)

**Background:**

On October 16, 2017 the City Commission selected Fowler, Feeney & Associates, P.A. for the position of City Attorney. On November 6, 2017 the Commission approved the negotiated agreement for legal services at \$175.00 per hour. The new agreement for legal services is \$215.00 per hour and provides for an annual adjustment commencing October 1, 2022, by increasing same by the greater of 4% or the percentage increase in the Consumer Price Index for all Consumers as published by the U.S. Department of Labor Statistics, for the 12 months ending on August 31st, or as parties might otherwise agree. A monthly report detailing the work with a list of all services rendered during the previous month is due by the end of the billing month and is not tied to payment of the retainer. Out of pocket expenses incurred in representing the City, such as court reporter services, filing fees, expert witness expenses, postage expense, copy costs and research fees with Lexis Nexis, shall be separately paid by the City, in addition to the monthly compensation.

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

**OPTIONS:**

1. Approved agreement.
2. Deny agreement.

**Attachments:**     [City Attorney Agreement 2021](#)

- E. [Approval of Memorandum of Understanding memorializing the Union's agreement to extend the deadline for the City completion of wage and benefit study provided for in Article 17, Section 6 of the CBA. - John Peters, Acting City Manager, \(386\) 878-8850.](#)

[Strategic Goal: Fiscal](#)

**Background:**

This is a Memorandum of Understanding memorializing the Union's agreement to extend the deadline for the City completion of wage and benefit study provided for in Article 17, Section 6 of the CBA with the understanding that any wage increase (Delta) resulting from that wage and benefit study called for under the terms of the CBA shall be applied retroactively to employee base wage rates effective with the first full pay period following October 1, 2020. Each bargaining unit member shall then have that new adjusted base hourly rate of pay applied retroactively to October 1, 2020, receiving the difference in a paycheck to be delivered as soon as practical.

In addition to the retro active pay increase and effective with the first full pay period in October 2021, the new starting hourly rate of pay for Firefighters shall be fifteen dollars and zero cents (\$15.00).

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

**OPTIONS:**

1. Approve MOU
2. Deny approval of MOU

**Attachments:**     [2021 REVISED Draft MEMORANDUM OF UNDERSTAND Firefighter Pay Increases 10.01.2020 and 10.01.2021](#)

**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. 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)*

**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 for approval of Resolution No. 2021-53, declaring certain tangible personal property owned by the City as surplus and authorizing the Acting City Manager to dispose of them - Mari Leisen, Finance Department \(386\) 878-8553](#)

[Strategic Goal: Fiscal issues - Maintain current fiscal stability, maximize alternative funding sources, and promote an effective system of checks and balances.](#)

**Background:**

Over time, certain tangible personal property items owned by the City become obsolete or lose their usefulness due to age, usage, upgrade, or damage. Staff regularly compile a list of such items to present to the Commission for approval as required by Florida Statutes. Surplus items are disposed of by the most appropriate available means available. The attached Resolution contains a list of items to be declared surplus and authorizes their disposal.

**OPTIONS:**

1. Authorize disposal of surplus on attached list, generate revenue and provide needed space for new items
2. Deny approval and have obsolete items take up needed space

**Attachments:**

[RESOLUTION FOR THE SALE OF SURPLUS  
ITEMS FOR AUCTION -September 2021](#)

- B.** [Request to award citywide garage door preventative maintenance and replacement contract to C&D Industrial Maintenance. - Fire Chief Bill Snyder, Fire Department \(386\) 575-6902.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

Staff solicited bids for Citywide Garage Door Preventative Maintenance and Replacements per Bid#21008. This bid included six Fire Department locations (25 doors), eight Public Works locations (30 doors), and four Parks locations (8 doors).

One bid was received. The bid is from C&D Industrial Maintenance and is attached for your review. The annual preventative maintenance fees on all citywide doors are approximated at \$17,640. The Fire Department spends approximately \$12,000 a year on required repairs and parts. Including the additional department's repairs this contract is expected to be over \$25,000 per year.

Staff reviewed the bid and checked references and is recommending award to C&D Maintenance for a term of three years with the option to renew for two additional one year periods.

**OPTIONS:**

1. Award the contract to C&D Industrial Maintenance
2. Deny and re-send out bid request

**Attachments:**

[Bid Memo - Garage Doors](#)  
[City Garage Door solicitation and locations 031721](#)

**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.*