



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Regular Commission Meeting

### City Commission

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

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Monday, June 20, 2022

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 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:

##### A. [Approval of minutes of the Regular Commission Meeting of June 6, 2022 as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

**Background:**

N/A

**Attachments:**

[June 6, 2022 RCM Minutes](#)

#### 5. PRESENTATIONS/AWARDS/REPORTS:

##### A. [Presentation of Community Rating System \(CRS\) Activity 510, Annual Progress Report on Implementation of the Floodplain Management Plan \(Hazard Mitigation Plan\). - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Public Safety](#)

**Background:**

The City has been participating in the Volusia County Multi-Jurisdictional Local Mitigation Strategy since 2020 along with the majority of the other municipalities in the County.

The annual progress report is attached as required under Activity Section 510 of the CRS Coordinator's Manual.

**OPTIONS:**

1. For informational purposes only.

**Attachments:**

[510- Deltona Report on Implementation of Credited Plan \(C](#)

**6. ORDINANCES AND PUBLIC HEARINGS:**

- A. [Public Hearing - Resolution No. 2022-14, Establishing the Preliminary Annual Rate Resolution - Stormwater Services for FY2022/2023 - Mari Leisen, Finance Director \(386\) 878-8553](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

The Stormwater Utility System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution. Attached is the Preliminary Rate Resolution for stormwater utility assessments for FY 2022/2023. Staff is proposing an annual rate of \$128.00 per ERU (Equivalent Residential Unit), which is unchanged from the current annual rate of \$128.00 per ERU.

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.

**OPTIONS:**

1. Keep the current ERU for fiscal year 2022/2023.

**Attachments:**

[2022-14 Reso - Stormwater rate- June](#)

- B. [Public Hearing - Resolution No. 2022-17, Establishing the Preliminary Annual Rate Resolution - Lake McGarity Aquatic Weed Control Services for FY 2022/2023 - Mari Leisen, Finance Director \(386\) 878-8553.](#)

Strategic Goal: Fiscal Issues**Background:**

The Lake McGarity Special Assessment District was established to provide aquatic weed control services for the Lake. The cost of those services is apportioned to properties that will benefit from those services and will be levied to the property owners.

Section 54-16 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution. Attached is the Preliminary Rate Resolution for Aquatic Weed Control Services assessments for the Lake McGarity Special Assessment District for FY 2022/2023. Staff is proposing an annual rate of \$30.00 per assessed parcel, which is reduced from the rate of \$134.15 for the current fiscal year.

Approval of this item authorizes the necessary 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.

**OPTIONS:**

1. Approve the proposed annual rate to \$30.00 per assessed parcel, which is a reduction of the current rate of \$134.15.
2. Maintain the current assessed annual rate of \$134.15.

**Attachments:**     [2022-17 Reso - Lake Clean Up - June](#)

- C. [Public Hearing - Resolution No. 2022-15, Establishing the Preliminary Annual Rate of Assessment for Solid Waste Services for FY 2022/2023 - Mari Leisen, Finance Director \(386\) 878-8553.](#)

Strategic Goal: Fiscal Issues**Background:**

The Solid Waste Collection System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-56 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution. The annual solid waste assessment rate for FY 2022/2023 is proposed at \$202.80 per Equivalent Residential Unit (ERU), which is unchanged from the rate for the current fiscal year.

Approval of this item authorizes the necessary 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.

**OPTIONS:**

1. Approve the \$202.80 ERU for fiscal year 2022/2023.

**Attachments:**     [2022-15 Reso - Solid Waste assessment- June](#)

- D. [Public Hearing - Resolution No. 2022-16, Establishing the Preliminary Annual Rate Resolution - Streetlighting Services for FY 2022/2023 - Mari Leisen, Finance Director \(386\) 878-8553.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

The Streetlighting Services System is based on operational and capital needs, and is funded by fees levied to the property owners in the City.

Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary and Annual Rate Resolutions. Attached is the Preliminary Annual Rate Resolution for street lighting assessments.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the Acting City Manager to sign any documents necessary to further Commission approval.

**OPTIONS:**

1. Approve the proposed streetlighting assessments for fiscal year 2022/2023.

**Attachments:**     [2022-16 Reso - Streetlighting-June](#)

- E. [Public Hearing - Resolution No. 2022-18, Establishing the Annual Rate Resolution - Nuisance Abatement Services for FY 2022/2023 - Mari Leisen, Finance Director \(386\) 878-8553.](#)

[Strategic Goal: Strengthen Code Compliance and focus on the City's Beautification Program.](#)

**Background:**

The Nuisance Abatement Assessment was established in 2018 for the collection of unpaid costs and expenses incurred by the City for

nuisance and lot clean-up.

Section 54 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The initial proceedings for the adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution. Attached is the Annual Rate Resolution for Nuisance Abatement Services for FY 2022/2023. The total outstanding and unpaid assessments for the provision of Nuisance Abatement Services for FY 2022/2023 is \$11,127.30.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

**Attachments:**     [2022-18 Reso - Nuisance Abatement June 2022](#)

- F. [Public Hearing - Ordinance No. 12-2022, Moratorium on Future Land Use Map amendments and rezoning requests that result in an increase of single-family detached residential density entitlements, at second and final reading - Ron A. Paradise, Director, Community Services \(386\) 878-8610.](#)

[Strategic Goal: Effective governance and productive government.](#)

**Background:**

At the February 21, 2022 hearing, the City Commission, by consensus, gave authorization to the Acting City Manager to explore a moratorium on rezoning applications that involve requests for increases in single-family detached residential density from existing zoning entitlements. Please refer to the attached staff report for further information.

On May 18, 2022, the Planning and Zoning Board heard Ordinance No. 12-2022. The Planning and Zoning Board voted unanimously to forward this ordinance to the City Commission with a recommendation to approve the moratorium on Future Land Use Map amendments and rezoning requests that result in an increase of single-family detached residential density entitlements.

Ordinance No. 12-2022 was heard and approved at first reading by the City Commission on June 6, 2022.

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

**Options:**

- 1) Approve Ordinance No. 12-2022.

**Advantages:**

- a. The City will have time to engage in public scoping in a more meaningful manner without having to decide single-family detached oriented rezoning applications.

**Disadvantages:**

- a. Certain projects that may have some public benefits may be delayed.  
b. There may be reputational ramifications; and  
c. The City may be confronted with various applications for increases in single-family detached residential land use entitlements prematurely.

- 2) Do not approve Ordinance No. 12-2022.

**Advantages:**

- a. Projects that may have some public benefits may be processed without delay;  
b. The City will not run the risk of reputational ramifications; and  
c. There would be a less chance of premature single-family detached rezoning applications.

**Disadvantages:**

- a. The City will have time to engage in public scoping in a more meaningful manner without having to decide single-family detached oriented rezoning applications.

**Attachments:**

[Staff Report](#)

[Ordinance No. 12-2022](#)

[Legal Ad - Ord. 12](#)

- G. [Public Hearing - Ordinance No. 11-2022, rezoning request to Business Planned Unit Development \(BPUD\), Pell Excavation, for approximately 197 acres of land at the second and final hearing - Ron A. Paradise, Community Services Director \(386\) 878-8610.](#)

[Strategic Goal: Identify distinctive villages and economic development districts.](#)

**Background:**

The Business Planned Unit Development (BPUD) zoning request is to facilitate an excavation use. Excavation uses are extractive and are typically situated in remote areas outside of urban landscapes associated with municipal limits. While located within the City of Deltona, the 197 acre site proposed for the excavation use is located in a rural area of the City. The property is also included within the Osteen Joint Planning Area (JPA). The JPA is a joint planning effort between the City and the County to appropriately manage growth and development within the Osteen area.

According to the City of Deltona Osteen local plan appended to the City Comprehensive Plan Future Land Use Section, most land development activities are to be processed as a Planned Unit Development. The goal of requiring a PUD zoning is to ensure land development and zoning entitlements are consistent with City planning provisions including policies of the Osteen local plan. Therefore, the excavation request was processed as a BPUD.

The Pell excavation use will involve the creation of two pits located within the northeastern section of the property. The pits will yield about 413,000 cubic yards of fill and result in the creation of open water features totaling approximately 11.5 acres on the Pell property. The Pell excavation use will be managed as part of an excavation use occurring on a neighboring property located in unincorporated Volusia County known as the McCaskill property. The majority of the fill - about 857,800 cubic yards - will be generated by excavation activity on the McCaskill property. The County late last year approved the excavation use on the McCaskill property, but approval was contingent on the City approving the BPUD on the abutting Pell property.

All of the fill from both properties will be transported through the Pell property to a driveway cut with a temporary median cut on SR 415. There is anticipation the use will generate about 400 heavy truck trips per day. The majority of those trips will go north on SR 415 with some of the trips being dispersed throughout the City supplying fill needs for various construction projects like commercial developments and even individual single-family dwelling unit projects.

Hours of operation will be limited to 6:00 am to 5:00 pm on Monday through Friday. In addition, the excavation use will have a five (5) year lifespan and the site will be reclaimed after the operation has ceased.

For more information see the attached staff report, written BPUD Development Agreement and supporting information.

The Planning and Zoning Board heard this request on April 20, 2022. The Board recommended unanimously to recommend the City Commission approve Ordinance No. 11-2022 predicated on the following:

- 1) Suitable areas of the site could be considered for a hurricane debris storage area;
- 2) The property after reclamation could be eligible for a public park use;
- 3) A large and significant wetland system known locally as the Savanna would be encumbered by the conservation easement

- for perpetual resource protection; and
- 4) A statement indicating housing options on the property will be very limited (one house) and any future request for housing would need to be processed as an amendment to the BPUD.

The City Commission heard this request at the first reading on May 16, 2022. The City Commission approved the request predicated on the addition of protection-oriented language for a wetland system known locally as the Savanna being added to the Development Agreement, a limitation of hauling on certain roadways, revision of hours of operation, and clarification there will be only one 9-acre pit on the property. Based on the May 16, 2022 hearing, there has been updated language added to the written Development Agreement. Those changes are summarized as follows:

- 1) A statement about the Savanna being used for passive agricultural uses has been added to the Development Agreement. In addition, there is a provision to consider, at a future date associated with an amendment to the BPUD, placing the Savanna within a conservation easement. See page 8 of the attached Development Agreement.
- 2) The Development Agreement has been updated to prohibit the use of the Doyle/Debary Drive corridor from Interstate 4 to SR 415 for any hauling associated with the excavation. In addition, the added language includes not allowing the use of Enterprise-Osteen Rd. or Lakeshore Dr. as an alternative to the Doyle Rd./Debary Dr. corridor. Finally, no hauling will be allowed on Goldenhills Street within the City of Deltona. See page 5 of the attached Development Agreement.
- 3) A clarification of hours of operation from 6:00 am to 5:00 pm to 7:00 am to 5:00 pm. See page 5 of the attached Development Agreement.
- 4) Recognition the excavation on the Pell property will be limited to one 9-acre pit. See page 3 of the Development Agreement.

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

**OPTIONS:**

1. **Approve Ordinance No. 11-2022 at the second and final reading.**

**Advantages:**



- a) The project will not be delayed;
- b) Needed fill resources will be available to support the robust construction market;
- c) The environmental sensitivity of the Savanna will be further recognized and memorialized in the Development Agreement; and
- d) Hauling will be restricted from using certain sensitive roadway corridors.

**Disadvantages:**

- a) The project will be delayed; and
- b) Fill resources will not be as readily available.

**2. Deny Ordinance No. 11-2022 at the second and final reading.****Advantages:**

- a) The site will remain used for agricultural activities; and
- b) There will not be added truck traffic on SR 415.

**Disadvantages:**

- a) Fill resources will not be as readily available; and
- b) Upland areas of the property could be developed at greater density sometime in the future to support urban oriented development.

**Attachments:**[Pell McCaskill Staff Report](#)[Excavation Staff Report Map Series](#)[Ordinance 11-2022](#)[BPUD Pell Excavation DevAgreemostuptodatejune](#)[Exhibit B-Legal Description](#)[MDP](#)[Legal ad - Ord. 11-2022](#)

- H. [Public Hearing - Ordinance No. 13-2022, Fernanda Place RPUD Major Amendment to include a new ±43.55-acre phase \(Phase 3\) to the Fernanda Place RPUD. The RPUD amendment includes changing the zoning for a ±43.55 acres of land from Agriculture Classification \(A\) to Residential Planned Unit Development \(RPUD\), at first reading - Ron A. Paradise, Community Development Director, \(386\) 878-8610.](#)

Strategic Goal: Community Development.**Background:**

The City of Deltona received an application for a rezoning to amend the Fernanda Place RPUD adding a new phase - Phase 3. The request involves changing the zoning on a ±43.55-acre parcel from Agriculture Classification (A) to Residential Planned Unit Development (RPUD).

The Future Land Use designation of proposed Phase 3 of Fernanda Place is Low Density Residential (LDR) (0-6 dwelling units per acre). The Residential Planned Unit Development amendment proposes a maximum net density of 3.49 dwelling units per acre, which is consistent with the Future Land Use Element of the Comprehensive Plan. The applicant is proposing 152 units as part of this rezoning. The density thresholds of the LDR, or any land use designation are expressed in gross terms. There are features like open water bodies and other physical features such as easements that may result in a reduction of actual density. In addition, right-of-way dedications and infrastructure like stormwater and environmental constraints can impact the final net density associated with a project. The project net density of 3.49 dwelling units per acre is consistent with the Future Land Use Map.

In comparison to the existing Agriculture (A) zoning, Phase 3 is currently entitled to have up to a gross density of one (1) dwelling unit per acre (43 units). After calculations accounting for the minimum one (1) acre lot size, and factoring necessary infrastructure (stormwater, roads, utilities, and landscape buffers), staff determined the site could possibly accommodate approximately 28 single-family lots. The RPUD proposal provides for approximately 124 more single-family lots than what would be allowed under the Agricultural zoning classification. However, the applicant proposing an urban type of residential project that will be fully serviced by central water, sewer and reclaim connections from the existing Fernanda Place Subdivision.

The 152-unit Phase 3 will be connected and integrated into existing Phases 1 and 2 by a roadway connection, shared amenities and a similar housing type (detached dwellings on individual lots). In addition, the applicant has indicated the Homeowners Association (HOA) will be updated to ensure all three phases of Fernanda Place are managed in a comprehensive and unified manner. All traffic from proposed Phase 3 will use existing Fernanda Dr. to access Howland Blvd. In light of the 1,535 trips forecasted to be generated by the new phase, safe Howland Blvd. access at the intersection of Fernanda Dr. and Howland Blvd. is important. Therefore, the intersection of Fernanda Dr. and Howland Blvd. will need to be signalized. To facilitate signalization, a roadway connection from Pride Elementary school will need to be constructed. The new roadway will extend from between Learning Lane and Fernanda Dr. along the southern margin of Fernanda Phase 1.

There are several outstanding matters associated with existing Phases 1 and 2 of Fernanda Place that staff has suggested be addressed as part of this amendment to the Fernanda Place project. Those matters are summarized as follows:

- 1) Amenity location and improvement;
- 2) Parking within existing Phases 1 and 2;
- 3) Reclamation of an excavated area located within the northern section of Phase 2; and
- 4) Heavy truck hauling through the existing neighborhood to cut, fill and grade new Phase 3.

Staff suggests information will need to be generated by the applicant and changes to the updated Development Agreement (DA) for the RPUD amendment need to occur with the goal of improving the design, function and internal compatibility of the project. Therefore, the following is applicable:

- 1) Phase 3 of the project will have active amenities including a tot lot playground to be located on Tract P-3, as depicted on the MDP. The project will also provide a pedestrian connection within Park Tract P-2 to the dog park (Tract P-1) to be located at the northeastern portion of the property. The applicant also proposes to expand the existing pool amenity situated within Phase 1 to accommodate for and serve the additional 152 single-family lots of Phase 3. The pool expansion will include the construction of a new pool and more parking. The new pool will be appropriately designed and constructed to support the increase of usage associated with new Phase 3. Finally, Staff suggests a trail should be incorporated around the perimeter of the stormwater area to better connect pedestrian mobility to other amenities (dog park) and sidewalk network.
- 2) The applicant has proposed retrofitting Fernanda Phase 1 and Phase 2 with 17 additional overflow parking spaces situated within Tract J of Fernanda Phase 2. The applicant has determined there will be parking afforded as part of the amenity center expansion. Amenity center parking will provide a remote parking option during amenity center off hours. The total new parking spaces for Phases 1 and 2 will be 23. In addition, the applicant is going to construct a roadway connecting Fernanda Dr. to Pride Elementary school. The road will be a two-lane facility accommodated within a 60-foot wide right-of-way envelope. This roadway segment will be designed to accommodate on street parking along one side of the roadway. The City will not be responsible for maintaining parking areas.
- 3) To address parking within existing Phases 1 and 2 of Fernanda

Place, the applicant has suggested allowing on street parking within the existing phases along with the 17 spaces proposed within Tract J of Phase 2. Staff is not opposed to the concept of on street parking especially if associated with an enforceable and uniform, designated area for parking (just one side of the road, for example). However, the limitation is the roadway network within Phases 1 and 2 is associated with an existing 24-foot, two-way travel lane contained within a 50-foot right of way. Without expanding the paved travel lane envelop to accommodate on street parallel parking, on street parking design within Phases 1 and 2 is dysfunctional. For example, the standard width of a parking place is nine feet. If a portion of the existing 24-foot travel lane area was repurposed for on street parking there would not be enough travel lane width to accommodate two-way traffic. In addition, there would not be enough room to allow the staging and use of certain emergency vehicle types. The applicant is proposing an on-street parking design for Phase 3 along with remote parking. The on-street parking within Phase 3 will be limited to one side of the street and may only be available within certain segments of the local roadway network within Phase 3. The Phase 3 on-street parking cross-section design will include two 12-foot travel lanes (24 feet) and a 9-foot parallel parking area on one side of the street. The 9-foot parallel parking area can include the gutter stormwater conveyance area located on the travel lane side of the curb. The City will not be responsible for maintaining the parking area and maintenance responsibility will rest with the HOA.

- 4) As part of the Fernanda Place Phase 2 Plat, there were two amenity pond tracts created. These areas were planned to also provide a level of drainage/retention function. Ponds were excavated in these areas and fill from the ponds were used on both phases 1 and 2 of Fernanda Place and some of the fill was hauled off of the property. The amenity pond areas were never completed. The existing condition of the ponds include steep slopes, abandoned fill piles, old piping, and a network of unpaved haul/excavation trails which create an attractive nuisance and are unsafe. According to City Code regarding excavation uses (Sec. 110-817(o)) there are extensive site, including pond, restoration requirements. Even stormwater pond

design is carefully regulated to ensure a high level of safety and function. The amenity pond areas in the existing condition represent neither.

This unacceptable situation has been discussed with the applicant. Parenthetically, the applicant nor any home builders within Phase 1 or Phase 2 of Fernanda Place actually did any of the amenity pond work. The work was undertaken by a former owner. However, the applicant now through controlling ownership, is responsible for the abandoned amenity pond work. The applicant has agreed to address this matter. The issue of the amenity and stormwater pond area is also affiliated with the below issue of hauling of fill through the existing Phases of Fernanda Place.

- 5) Heavy truck hauling through an existing neighborhood can be very disruptive. The effort to mitigate the hauling impacts is appreciated through a limitation on the days and hours of operation.

Another matter for consideration is, if the development of Phase 3 will require the importation of fill and the applicant cannot obtain fill from the amenity pond area where will the fill come from? The only option to bring fill to the Phase 3 site is through a network of local streets either through Fernanda Place or the neighborhood of which access to Osteen Cemetery Rd. will be gained. With regard to this matter of pond restoration, hauling and the filling associated with Phase 3, the following is recommended:

- A. The applicant will be required to undertake restoration/reclamation of the amenity ponds consistent with the mechanical reclamation guidelines of Sec. 110-817(o) of the City Land Development Code.
- B. The reclamation will include appropriate modification of slopes and the removal of fill from the haul road wetland crossing. All fill and related infrastructure shall be removed from the wetland and the impacted wetland area shall be replanted with appropriate wetland vegetation. The wetland restoration area shall be fenced to discourage off highway vehicle use.
- C. There shall be a detailed geo-technical report prepared by

the applicant to outline the terms of the pond restoration/reclamation including the amount of fill that may be removed from the site. The geo-technical report shall only address restoration/reclamation activities and shall not represent a method of which to facilitate the removal of fill beyond what should be removed to facilitate restoration/reclamation. City staff will request an escrow amount from the applicant for peer review services of the geo-technical report.

- D. Beyond what may be yielded and otherwise quantified for the restoration/reclamation of the amenity pond areas by the geo-technical report, there shall be no fill imported to or exported from Phase 3. If there are inherent limitations to the land, those limitations need to be recognized and otherwise accounted for in the land development process.
- a. The hours of operation - both earthwork and hauling shall be limited to 9:00 am to 2:00 pm.
  - b. The days of operation shall be limited to Monday through Friday not including Federal holidays.
  - c. There shall be no tracking on City streets.
  - d. There shall be no stockpiling of material on site.
  - e. A bond of at a minimum of 115% shall be posted to ensure hauling impacts to City streets are addressed.
  - f. Best management practices shall be employed with regard to dust management.
  - g. During active restoration/reclamation, the site shall be secured to prevent unauthorized use of the area.
  - h. The lifespan of the hauling activity shall be determined by the amount of fill that may be removed from the site as per the required geo-technical report.

Staff suggest the above conditions could be implemented as part of the DRC process. To facilitate reclamation and appropriate management of fill hauling, the applicant has agreed to pledge a performance bond in the amount of 115% to facilitate restoration and to protect City infrastructure from hauling. (The bond will also cover the construction of the 17 parking spaces in the amenity pond tract.)

For more information see the attached staff report.

On May 18, 2022 the City Planning and Zoning Board heard the rezoning amendment to the Fernanda Place RPUD. The P/Z Board voted five (5) to two (2) to recommend denial of the project.

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

A summary of needed updates to the DA and other RPUD documentation are as follows:

- 1) Description of applicable roadway cross-sections including on-street parking design;
- 2) Information about the expansion of the pool and parking associated with the proposed amenity center;
- 3) Statement about the allocation of pedestrian trail for Phase 3 along the proposed stormwater area;
- 4) Parking retrofits for Phase 1 and 2 need to be discussed;
- 5) Updates to how parking regulations will be enforced by the HOA;
- 6) Clarification ensuring the HOA will cover/manage all phases of Fernanda Place in a unified manner;
- 7) Limitation of model homes within new Phase 3 to five (5), with conditions.
- 8) Addition of language about the reclamation of the amenity pond area including geo-technical or permitting information;
- 9) Recognition about the posting of a 115% bond for reclamation, hauling, and parking; and
- 10) Update all exhibits within the Ordinance as applicable.

The intent is these matters be fully incorporated into the updated RPUD Development Agreement in advance of the second and final hearing for this rezoning request.

**OPTIONS:**

1. Approve Ordinance No. 13-2022.

**Advantages:**

- a. The approval of this project will result in the entitlement of an additional 152-unit residential development intended to be fully serviced by utilities and other infrastructure.
- b. The natural features of the site are integrated with the proposed development.
- c. The subdivision will be managed by a Homeowner Association (HOA).
- d. The RPUD application gives the City the ability to retrofit Phase 1 and 2 to include overflow parking to address

- on-street parking issues within the neighborhood.
- e. The RPUD creates a condition where the amenity pond area can be restored in a safe manner without having to resort to Code Compliance action.
- f. A portion of wetland will be restored.
- g. A signal will be installed at the intersection of Fernanda Dr. and Howland Blvd. to facilitate protected movements for use by both Pride Elementary and Fernanda Place.
- h. The applicant will donate \$100,000 to furtherance of affordable housing efforts within the City.

**Disadvantages:**

- a. The project will connect the additional 152 single-family units into an existing residential subdivision and dependent on Fernanda Drive for access. Therefore, approval of the project will also bring about increased traffic volumes along the local road system, as the project is anticipated to generate up to 1,602 average daily trips.
- b. The City may have to take Code Compliance action with regard to the restoration of the amenity ponds.
- c. The ability to retrofit Phase 1 and 2 to include overflow parking to address on street parking issues within the neighborhood will be diminished.
- d. A signal may not be installed at the intersection of Fernanda Dr. and Howland Blvd. to facilitate protected movements for use by both Pride Elementary and Fernanda Place.

**2. Deny Ordinance No. 13-2022.****Advantages:**

- a. The area will remain unchanged and there will be less traffic in the area.

**Disadvantages:**

- a. This is an extension of an existing development. Not allowing extension of a compact development pattern, will result in a less efficient use of City land resources.
- b. Under the existing zoning classification of the site (A - Agriculture with maximum density of one dwelling unit per acre) no development agreement is required between the City and the property owner/developer.



- c. The PUD development agreement contains the obligations of the owner/developer and the City, and lays out the various conditions and standards that will control the development of the property (i.e. amenities, parking, Homeowner Association, environmental protection requirements, etc.).
- d. Parking within existing Phase 1 and 2 Fernanda Place will be more difficult to address.
- e. A signal may not be installed at the intersection of Fernanda Dr. and Howland Blvd. to facilitate protected movements for use by both Pride Elementary and Fernanda Place.
- f. The City will not receive a \$100,000 donation by the applicant for the furtherance of affordable housing efforts within the City.

**Attachments:**[Legal ad - Ord. 13-2022](#)[Staff Report RZ21-0002 Ord No 13-2022](#)[Ordinance 13-2022 Fernanda RPUD Addition Final](#)[Fernanda DA 1st Hearing](#)[Fernanda Place Phase 1-3 MDP](#)[Revised Development Agreement 2022 \(Redline\)](#)

- I. [Public Hearing - Ordinance No. 06-2022 amending the Comprehensive Plan of the City of Deltona, to add Section 11, Property Rights Element to comply with Florida Statutes requirements at second and final hearing - Ron A. Paradise, Director, Community Services \(386\) 878-8610.](#)

**Strategic Goal: Productive Government****Background:**

On June 29, 2021, House Bill 59, became a law as Chapter 2021-195 amending Florida Statutes Section 163.3177. The amendment to Section 163.3177(6)(i), F.S. requires local governments to include a property rights element in their comprehensive plan to ensure private property rights are considered in local decision making. Any comprehensive plan amendment submitted to the Department of Economic Opportunity (DEO) after July 2, 2021, without a municipality adopting a Property Rights Element will be returned to the local government without review by the DEO.

A local government may adopt its own property rights element or use the statement of rights provided in Section 163.3177(6)(i). To this effect, staff is proposing to add the statement of rights provided in Section 163.3177(6)(i) F.S., in the format of Goals, Objectives, and Policies to the City of Deltona Comprehensive Plan by way of Section

11-Property Rights Element. The proposed Policies provided in Exhibit A of Ordinance No. 06-2022 have been written verbatim from the Florida Statutes.

The Planning and Zoning Board heard Ordinance No. 06-2022 at their scheduled meeting on March 23, 2022. The Planning and Zoning Board voted to forward this ordinance to the City Commission with a recommendation to approve and transmit to the Department of Economic Opportunity (DEO) and to the Volusia Growth Management Commission (VGMC).

On April 18, 2022, at first reading, the City Commission approved transmitting Ordinance 06-2022 to the VGMC for the Certificate of Consistency and to the DEO for review. On May 20, 2022, the DEO issued a review letter with no comment. On May 23, 2022, the VGMC issued a Certificate of Consistency. Correspondences from the reviewing agencies are attached.

For more information see the attachments including the new Comprehensive Plan Property Rights Element (Exhibit A of Ordinance No. 06-2022).

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

**OPTIONS:**

- 1) Adopt and submit Ordinance No. 06-2022 to the Department of Economic Opportunity (DEO).

**Advantages:**

- a. The City will remain in compliance with State planning laws; and
- b. Comprehensive Plan amendments submitted to the Department of Economic Opportunity will be reviewed by the Department.

**Disadvantages:**

- a. None.

- 2) Do not adopt and do not submit Ordinance No. 06-2022 to the Department of Economic Opportunity (DEO).

**Advantages:**

- a. None.

**Disadvantages:**

- a. The City will not be in compliance with State planning laws; and
- b. The Department of Economic Opportunity will not review any Comprehensive Plan amendment submitted to the Department and will return it to the City.

**Attachments:**[STAFF REPORT](#)[2021 FLORIDA STATUTES-SECTION 163-3177](#)[ORDINANCE NO 06-2022](#)[EXHIBIT A](#)[DEO REVIEW LETTER DATED 5-20-20](#)[VGMC CERTIFICATE OF CONSISTENCY](#)[Legal ad - Ord. 06-2022](#)

- J. [Public Hearing - Resolution No. 2022-13, Approval of the City of Deltona Community Development Block Grant \(CDBG\) Program Year 2022-2023 Annual Action Plan \(AAP\) - Ron A. Paradise, Community Services Director \(386\) 878-8610.](#)  
[Strategic Goal: Effective Government.](#)

**Background:**

The City of Deltona is recognized by the United States Department of Housing and Urban Development (HUD) as an entitlement community and is therefore eligible to receive CDBG funding. For funding cycle Program Year (PY) 2022-2023, the City is tentatively approved to receive approximately \$558,558. This amount is approximately \$50,000 less than the City received last program year.

In order to appropriately manage federal grant dollars, HUD requires entitlement communities to annually report how grant funds will be expended as part of an Annual Action Plan (AAP). The Plan illustrates how the City has used CDBG funds, how those funds were leveraged with State (SHIP) money and how CDBG funds will be used in the next year. There is also information presented in the report regarding COVID-19 allocations administered by the City.

CDBG money within the City of Deltona has been used to fund stormwater improvement projects, park and recreation upgrades, owner occupied home rehabilitation for low income households, and non-profit entities providing public services. Please note: Parks and stormwater projects are directed to certain areas of the City with a preponderance of low income households known as Areas of Greatest Need (AGN).

For a number of years as part of the Annual Action Plan process, the City has funded through the annual Community Development Block Grant (CDBG) several public service entities providing a wide range of public services, including childcare, elder activities, homeless

prevention (food, utility/rent assistance), counseling, and after school programs. The amount of money the City can allocate for public service applicant funding is capped at 15% of the entire annual CDBG entitlement. While the City of Deltona in the past has been encouraged by the United States Department of Housing and Urban Development (HUD) to fund public services, the City is under no obligation to fund public services or fund public services at or near the 15% cap. However, the City has had a history of funding various public services, and every year public service applicants are competing for limited CDBG public service dollars.

Per Commission direction, staff has performed the public service ranking and provided a funding recommendation. Staff ranking is predicated on written evaluation criteria. The criteria include important elements ranging from the demonstration of service capacity to the usage of the HMIS or similar tracking system. This year there were five (5) public service applicants vying for up to \$83,000 in possible CDBG funds.

The ranking committee was made up of a cross section of four staff members who were provided with the application packages and ranking criteria. Some staff members have experience with public service project implementation, contract compliance, and HUD monitoring and auditing requirements. Other staff members do not work directly in the community development disciplines but understand contract compliance, tax return matters, financial leveraging, staff capacity, etc. The ranking represents strict adherence to the points based ranking criteria, including implementing 'National Objectives' and City priorities. The ranking and suggested awards indicate the public service applicants were generally prepared to implement requisite missions. Higher ranked applicants tended to be better leveraged having established relationships with other public funders and private donors. The five applicants have been longstanding partners with the City regarding the provision of public services. The five public service providers have demonstrated an ability to effectively implement projects and comply with required tracking and monitoring activities.

During deliberation of the ranking committee, there was a determination that full funding should be granted to all Public Service applicants. However, the total amount of funding requested by the applicants is \$94,500 or \$11,500 more than the 15% public service cap. The proposal of staff is since the City has over \$350,000 in CDBG CARES CV-3 money to expend and there are two public service entities (New Hope Human Services and The Neighborhood Center of West Volusia) that provide CDBG CARES CV-3 eligible services (rental, utility, and mortgage assistance), \$11,500 of CDBG CARES CV-3 could be used in a manner to ensure all five of the public service entities were awarded the full requested amount of funding.

Therefore, the amount of funding recommended is as follows: Neighborhood Center/Homelessness \$25,000 (\$5,750 funded via CARES CV-3); Boys and Girls Club/Youth Programs \$20,000; Hands of Hope/Homelessness \$21,500 (\$5,750 funded via CARES CV-3), Council on Aging/Elder Activities \$15,000; and Early Learning Coalition/Childcare \$13,000 for a total of **\$94,500**. \$83,000 from the PY 2022-2023 CDBG allocation and \$11,500 from the CDBG CARES CV-3 allocation. For more information on the public service ranking, see the ranking score sheet which is attached as an exhibit to the attached AAP.

Besides public service funding, the City has allocated the majority of the program year 2022-2023 funding for housing assistance (\$365,000). The remaining funds will be allocated to administration (\$110,000).

For more information see the attached Program Year 2022-2023 Annual Action Plan.

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

**Options:**

**Option 1**

Approve the funding as follows:

- 1) Housing Assistance: \$365,000
- 2) Public Service Funding:

<u>Public Service Provider/Mission</u>	<u>Amount Proposed</u>
Neighborhood Center/Homelessness via CARES)	\$25,000 (\$5,750 funded
Boys and Girls Club/Youth Programs	\$20,000
Hands of Hope/Homelessness CARES)	\$21,500 (\$5,750 funded via
Council on Aging/Elder Activities	\$15,000
Early Learning Coalition/Childcare	\$13,000
<b>Total</b>	<b>\$94,500 (\$83,000 CDBG)</b>
3) Administration:	\$110,000

Rationale for approving Option 1: Option 1 represents CDBG compliant expenditures which involves administration, public service provision, and housing assistance. In addition, the public service funding (ranking and award amount) has been vetted utilizing Commission accepted ranking methodology in light of National Objectives and City priorities. The total public service award amount does not exceed the CDBG 15% cap. However, an extra \$11,500 from CDBG CARES CV-3 is proposed to be added to public service funding. The use of the CARES money to help the City appropriately allocate the over \$350,000 in CARES funding granted to the City. The administration amount will pay for the Community Development Staff members and is consistent with CDBG rules - cannot exceed 20% of the grant award. Finally, the

suggested housing assistance allocation will be leveraged with SHIP or other funds to improve City housing stock and prevent homelessness.

**Option 2**

The City Commission may choose other funding arrangements and projects. However, those projects and arrangements need to be consistent with HUD requirements including being located within an Area of Greatest Need (AGN) and projects must be consistent with a myriad of Federal contractual and monitoring parameters including the timely expenditure of funds. Currently, there are no projects that meet the CDBG/HUD criteria for location within an AGN or can be completed in a timely manner. Finally, public service ranking and award amounts are based on staff ranking. If the rankings and awards are changed, such changes should be done in a manner that maintains the spirit and intent of the application and ranking process.

**Attachments:**     [Resolution No. 2022-13](#)  
[CDBG 2022-2023 AAP 6-20-22](#)  
[Legal Ad - CDBG AAP](#)

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

- A. [Request approval to award Bid# PW 22-028, for Northwest Area Stormwater Management Improvements project to GPS Civil Construction, Inc. to provide stormwater improvements along the roadways of N. Covington Drive, Pigeon Cove Street; Madeville Street, Monarch Avenue, E. Slater Drive & Hanley Street., at a cost of \\$1,829,020. - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

The city received four (4) bids for Bid #PW 22-028 for the Northwest Area Stormwater Management Improvements Project. The low bid was \$1,829,020 from GPS Civil Construction, Inc. with their corporate office in Holly Hill, Florida.

The purpose of this bid is to provide the NW Area of the City with much needed stormwater improvements. The project includes, but not limited to, underdrains, driveway culverts and a stormwater lift station.

Staff is requesting approval to award the contract for the Northwest Area Stormwater Management Improvements Project to GPS Civil Construction, Inc. based on the competitive bid process utilized to obtain four (4) bids from Carr & Collier, Inc., Central Florida

Environmental Corporation, GPS Civil Construction, Inc. and Prime Construction Group, Inc.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

**OPTIONS:**

1. Approve - Proceed with award of bid for construction of the NW Area Stormwater Management Improvements Project.
2. Deny - Toss out bids and continue with in-house maintenance & repairs to this area.

**Attachments:**    [NW Area GPS Bid Submittal.pdf](#)  
[NW Area SW Bid Tabulation.pdf](#)  
[SW-NW Project 380](#)

- B. [Request approval to award Bid# PW22031, for chemical removal or repurpose to A-C-T Environmental & Infrastructure Inc. to provide removal of unused chemicals at the Eastern Wastewater Facility at a cost of \\$248,780.50. - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

The city received two bids for Bid #22031 for Chemical Removal or Repurpose. The low bid was \$248,780.50 from A-C-T Environmental & Infrastructure Inc.

The purpose of this bid is to provide the City of Deltona with disposal, transfer and removal of unused hazardous chemicals and holding tanks at the Eastern Wastewater Facility.

This turnkey service will include pick-up, transportation, labeling, analysis, fate determination and audit trails until ultimate treatment and disposal and transfer of hazardous chemicals are complete. The chemicals and approximate volumes to be removed are as follows;

Sodium Nitrite - 4,450 gallons

Sodium Chlorite - 1,070 gallons

Sulfuric Acid - 4,310 gallons

Ferric Sulfate - 1,820 gallons

Sodium Hydroxide - 2,800 gallons

Polymer - 450 gallons

Polyaluminum Hydroxychloride - 2,800 gallons

The above chemicals were previously utilized for bio-solids treatment

when the plant was first brought online. Subsequently, the process proved to be inefficient and ineffective. The process has been modified to eliminate the chemicals and is now more cost effective.

Staff is requesting approval to award the contract for chemical removal and disposal to A-C-T Environmental & Infrastructure, Inc. based on the competitive bid process utilized to obtain 2 bids from Alpha Omega Training and Compliance Inc, and A-C-T Environmental & Infrastructure, Inc. with the lowest most competitive bidder being A-C-T Environmental & Infrastructure, Inc.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

**OPTIONS:**

1. Approve - Proceed with award of bid to remove chemicals.
2. Deny - Toss out bids and look at other alternatives for chemical removal.

**Attachments:**     [Chemical Removal Bids.pdf](#)  
[DW-Professional Svcs 365](#)

- C.    [Request to award medical supplies and pharmaceuticals contracts to Bound Tree Medical, LLC., Henry Schein, Inc., Life-Assist, Inc., and QuadMed, Inc. - Fire Chief Bill Snyder, Fire Department \(386\) 575-6902.](#)

[Strategic Goal: Public Safety](#)

**Background:**

Staff solicited bids for Medical Supplies and Pharmaceuticals per Bid#22032. This bid is to supply the Fire Department with the necessary medical supplies and pharmaceuticals for the Advanced Life Support (ALS) and Basic Life Support (BLS) functions of the Fire Department.

Seven bids were received. The bids are from Bound Tree Medical, LLC., Dealmed Medical Supplies, LLC., Henry Schein, Inc., Life-Assist, Inc., Maklin Ryan, QuadMed, Inc., and School Health Corporation and are attached for your review. The Fire Department will spend approximately \$260,000 this year on required medical supplies and pharmaceuticals.

Staff reviewed the bid and checked references and is recommending award to Bound Tree Medical, LLC., Henry Schein, Inc., Life-Assist, Inc., and QuadMed, Inc., for a term of three years with the option to



renew for two additional one-year periods.

**OPTIONS:**

1. Award contracts to Bound Tree Medical, LLC., Henry Schein, Inc., Life-Assist, Inc., and QuadMed, Inc.
2. Re-send out bid request

**Attachments:**    [ITB #22032 Approval Of Award Memo](#)  
[Bound Tree Submittal](#)  
[Henry Schein, Inc. Submittal](#)  
[Life-Assist, Inc. Submittal](#)  
[QuadMed, Inc. Submittal](#)

**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 approval of the Task Authorization with Rocha Controls for the installation of Soft Start Motor Control Center and associated hardware at Water Plant 13, 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. In the amount of \\$36,845.00 - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

This project is to replace the failing Motor Control Center soft start at Water Plant 13. This Motor Control Center is used to start and stop well 23's motor operation to pump ground water from the well for treatment and distribution to the water systems customers for consumption and fire protection. The upgrade from motor contactors to soft start will increase the life of water plant equipment as well as lessen distribution system impacts from hard starts. The existing contactor is a simple on/off while the soft start will slowly increase speed of starts and stops. Without this well in operation we could experience low pressure in the service area around this plant.

**OPTIONS:**

1. Approve: Install Soft Start Motor Control Center at Water Plant 13, and make the plant more reliable.
2. Deny: Don't approve project and risk plant failure.

**Attachments:** [Rocha Controls Quote Plant 13](#)

- B. [Request approval of the Task Authorization with Rocha Controls for the installation of VFD \(Variable Frequency Drive\) Motor Control Center and associated hardware at Water Plant 15, 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. In the amount of \\$46,272.00 - Steven Danskine, Public Works/Deltona Water \(386\) 878-8998.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

This project is to replace the failing Motor Control Center soft start at Water Plant 15. This Motor Control Center is used to start and stop well 28's motor operation to pump ground water from the well for treatment and distribution to the water systems customers for consumption and fire protection. The upgrade from motor contactors to VFD's will increase the life of water plant equipment as well as lessen distribution system impacts from hard starts. The existing contactor is a simple on/off while the VFD (Variable Frequency Drive) will slowly increase speed of starts and stops and enable the motor speed to be adjusted up or down to maintain proper water pressure in the distribution system. Without this well in operation we could experience low pressure in the service area around this plant.

**OPTIONS:**

1. Approve: Install VFD Motor Control Center at Water Plant 15, and make the plant more efficient and reliable.
2. Deny: Don't approve project and risk high pressure in the system.

**Attachments:**     [Plant 15 VFD Quote](#)

**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.*