



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, May 22, 2023

6:00 PM

Deltona Commission Chambers

DECORUM POLICY: The City of Deltona has a significant interest in conducting orderly and efficient public meetings, which includes preventing disruption, promoting civility, and preserving decorum. To that end, behavior which disrupts or impedes the efficient and orderly conduct of any public meeting, as determined by the Mayor, or presiding officer, or a majority of the City Commission, is not permitted. The Mayor, or presiding officer, or a majority of the City Commission, may interrupt, warn, or terminate a speaker's statement when that statement is too lengthy, personally directed, abusive, obscene, irrelevant, or otherwise reasonably perceived to be a disruption to the fair and orderly progress of the discussion at hand. The Mayor, or presiding officer, or a majority of the City Commission, may also interrupt any part of the meeting to warn any individual that they are being disruptive or otherwise impeding the efficient and orderly conduct of the meeting. The Mayor, or presiding officer, or a majority of the City Commission, may require any individual to leave a public meeting for its duration if that individual is unable to observe this Policy after being warned. Should an individual be required to leave a meeting for violating this Policy, that person shall be escorted from Commission Chambers by a Volusia County Sheriff's Deputy.

PUBLIC FORUM: Public Forum will begin at 6:00 PM at the start of each regular meeting and will conclude after 30 minutes. Comments during Public Forum are limited to items of City business that are listed on the Agenda and/or items that are not listed on the Agenda. Comments regarding listed Agenda items will take place after discussion of each item. Please be courteous and respectful of the views of others. In order to address the Commission, citizens must fill out a public participation slip and give it to the Deputy City Clerk. All citizen comments are limited to 4 minutes and shall be addressed to the Mayor or the Commission as a whole. Members of the City Commission shall not enter into discussion or respond to a citizen's comments other than to give directions or to ask for clarification. However, individual Commissioners may choose to respond under the "City Commissioner Comments" portion of the meeting.

Terri Ellis, Sue King, Billy Fowler, Richard Bellach, Tara D'Errico, Kathy Bryan, Brandy White, David Sosa and Barbara Santiago addressed the City Commission.

Commissioner JodyLee and Commissioner Colwell arrived at the meeting at 6:14 p.m.

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:**2. ROLL CALL – CITY CLERK:**

Present: 6 - Vice Mayor Bradford
Commissioner Avila-Vazquez
Commissioner Burbank
Commissioner Colwell
Commissioner JodyLee
Commissioner McCool

Absent: 1 - Mayor Avila

3. INVOCATION AND PLEDGE TO THE FLAG:**A. Invocation Presented by the Mayor.****4. APPROVAL OF MINUTES & AGENDA:****A. Approval of minutes of the Regular Commission Meeting of May 1, 2023, as presented. - Joyce Raftery, City Clerk (386) 878-8502.**

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve the minutes of the Regular Commission Meeting of May 1, 2023, as presented. The motion carried by the following vote:

For: 6 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

5. PRESENTATIONS/AWARDS/REPORTS:**A. Proclamation - Emergency Medical Services Week- May 21-27, 2023.****B. Proclamation - National Police Week 2023****6. ORDINANCES AND PUBLIC HEARINGS:****A. Public Hearing - Rehearing of Ordinance No. 04-2023, Request to amend the Deltona Village Business Planned Unit Development (BPUD) overall Development Plan/ Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units; amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD - Joseph Ruiz, Planning &**

Development Services (386) 878-8624.**Strategic Goal: Provide a diversity of housing choices in the City.**

Planning & Development Services Director Joe Ruiz stated the applicant has requested a continuance to the next available City Commission meeting. Attorney Kim Booker, Booker and Associates, P.A., stated the reason for the continuance was due to receiving additional information this morning that they would like time to analyze.

Commissioner McCool, the City Attorney and Attorney Kim Booker, Booker and Associates, P.A., discussed legal options, the continuance and additional information.

Mr. Ruiz stated that any discussions between staff and the applicant that would alter the application would come before the Commission.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Burbank, to continue the hearing to the next available regularly scheduled meeting on June 19, 2023. The motion carried by the following vote:

For: 6 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

B. Public Hearing - Ordinance No. 05-2023, amendment to the Official Zoning Map to rezone approximately 1.76 acres of land from Business Planned Unit Development (BPUD) to Retail Commercial (C-1) at first reading - Joseph Ruiz, Planning and Development Services Interim Director, (386) 878-8624.

Strategic Goal: Develop the Infrastructure and Land Need for Business Development

The City Attorney asked that everyone that would like to provide testimony on this item to stand to be sworn in.

Each Commissioner expressed their ex-parte communications.

Planning & Development Services Director Joe Ruiz gave a brief description of the item to include the location, the BPUD (Business Planned Unit Development) zoning, future land use, Catalina Pointe rezoning, traffic, uses allowed and staff recommendation.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Burbank, to approve Ordinance No. 05-2023, amending the Official Zoning Map to rezone 1.76 acres of land from Business Planned Unit

Development (BPUD) to Retail Commercial District (C-1) at first reading and schedule the second and final reading for June 19, 2023. The City Manager has the authority to make corrections of scrivener's errors and the like.

Attorney Glenn Storch representing the applicant, Storch Law Firm, 420 S. Nova Road, Daytona Beach, gave a brief explanation of the item to include the Catalina Pointe project, the designation, terms of the PUD (Planned Unit Development), and stormwater.

Vice Mayor Bradford opened and closed the public hearing as there were no public comments from residents with or without standing.

The motion carried by the following vote:

For: 6 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

C. Public Hearing - Ordinance No. 06-2023 amending the Comprehensive Plan of the City of Deltona, amending the Capital Improvements Element by providing for the replacement of the Capital Improvement Project sheets, at first hearing - Joseph Ruiz, Planning and Development Services Interim Director, (386) 878-8624.

Strategic Goal: Provide Sustainable and Effective Public Services

Planning & Development Services Director gave a brief explanation of the item.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Burbank, to adopt Ordinance No. 06-2023, approving the 2022-2023 Capital Improvements Element update by providing for the replacement of the Capital Improvement Project sheets at first reading and schedule a second and final reading for June 19, 2023. The City Manager has the authority to make corrections of scrivener's errors and the like.

Jim Pescha and Richard Bellach addressed the City Commission.

The motion carried by the following vote:

For: 6 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

7. OLD BUSINESS:

8. NEW BUSINESS:

- A. Consideration the request from Devin Williamson owner/investor of MADD Assets, LLC for a partial release of lien - Danny Ron, Code Compliance Division (386) 878-8702 and Suzette Cameron, Assistant to the City Manager (386) 878-8615.**

Strategic Goal: Effective Governance and Productive Government

Code Compliance Division Manager Danny Ron gave a brief explanation of the item.

The Commission, City Attorney, staff and Mr. Williamson (the property owner) discussed the cross-attached liens, taxes, City costs, fines, and no title search.

Motion by Commissioner JodyLee, seconded by Commissioner Colwell, to deny partial release of lien related to 257 Fort Smith Boulevard, Deltona, FL 32738.

Brandy White, David Sosa and Richard Bellach addressed the City Commission.

The Commission, City Attorney, staff and Mr. Williamson discussed equitable distribution, due diligence, partial reduction, violations, and setting a precedent.

The motion carried by the following vote:

For: 4 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Colwell, and Commissioner JodyLee

Against: 2 - Commissioner Burbank, and Commissioner McCool

- B. Consideration for a reduction in the fine of \$75,100.00 assessed pursuant to Special Magistrate Cases DEL-22-060, DEL-22-061 & DEL-22-062. Mr. Erich Spivey (Real Estate Agent) is present as representation regarding 1299 Fountainhead Drive, Deltona, FL 32725 - Danny Ron, Code Compliance Manager (386) 878-8702 and Suzette Cameron, Assistant to the City Manager (386) 878-8615.**

Strategic Goal:

Code Compliance Division Manager Danny Ron gave a brief explanation of the item.

Motion by Commissioner McCool, seconded by Commissioner Burbank, to approve the reduction of fine on all three (3) cases upon the recommendation of the Code Compliance Manager and the Special Magistrate in reference to case numbers DEL22-060, DEL22-061 and DEL22-061, Code Compliance approves the recommendation for the reduction of the fine provided by the Special Magistrate to the sum of

\$6,000 for all three cases. The owner/requestor is Vermont LLC/Real Estate Agent Erich Spivey for the property located at 1299 Fountainhead Drive, Deltona, Florida 32725. The fine is to be paid within 30 days from today, May 22, 2023, or the fine will revert back to the original amount. The motion carried by the following vote:

For: 4 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, and Commissioner McCool

Against: 2 - Commissioner Colwell, and Commissioner JodyLee

C. Contract - Request for approval to expend no more than \$40,000.00 in State of Florida Finance Corporation (SHIP) funds for a Disaster Assistance project located at 1785 Tanner Court. - Suzette Cameron, Assistant to the City Manager (386) 878-8615.

Strategic Goal: Housing and Community Development.

Assistant to the City Manager Suzette Cameron gave a brief explanation of the item.

The Commission and staff discussed the property value, liens, occupancy, hurricane disaster funds, the lien length, and reviewing documentation.

Brandy White addressed the City Commission.

Motion by Commissioner JodyLee, seconded by Commissioner Burbank, to deny the expenditure of no more than \$40,000.00 of the State of Florida Finance Corporation (SHIP) funds for the project located at 1785 Tanner Court. The motion carried by the following vote:

For: 6 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

9. 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.

10. 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.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to I move to approve Consent Agenda Items 10-A through 10-E. The motion carried by the following vote:

For: 6 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

- A. Request approval of Bid Number 23009 for the installation of 5/8" x 3/4" Automated Meter Reading (AMR) water meters to Vanguard Utility Service, Inc. in the amount of \$547,515 - Glenn Whitcomb, Public Works/Deltona Water (386) 878-8929.**

Strategic Goal: Infrastructure

Approved by Consent Agenda - to approve Bid Number 23009 for the installation of 5/8" x 3/4" AMR water meters to Vanguard Utility Service, Inc. in the amount of \$547,515. The City Manager has the authority to make correction of scrivener's errors and the like.

- B. Request approval for the direct purchase of a permanent By-Pass Pump from Xylem Dewatering Solutions, utilizing the Florida Sheriffs Association Contract #FSA20-EQU18.0 in the amount of \$111,348.40 - Glenn Whitcomb, Public Works/Deltona Water (386) 878-8929.**

Strategic Goal: Infrastructure

Approved by Consent Agenda - to approve the direct purchase of a diesel driven CD180M pump and accessories from Xylem Dewatering Solutions utilizing the Florida Sheriffs Association Contract #FSA20-EQU18.0 in the amount of \$111,348.40. The City Manager has the authority to make correction of scrivener's errors and the like.

- C. Request approval to award Bid# 23010, Nuisance abatements (lot mowing and property maintenance) for Code Compliance Division.**

Ronald Riggs Bucket Man, LLC; Ferrells Logistics, LLC; JBJ Operations, LLC and One Tru Solutions, LLC. - Danny Ron, Code Compliance Manager (386) 878-8702 and Suzette Cameron, Assistant to the City Manager (386) 878-878-8615.

Strategic Goal: Compliance of Residential and Commercial properties.

Approved by Consent Agenda - to approve the award of Bid# 23010 to Ronald Riggs Bucket Man, LLC; Ferrells Logistics, LLC; JBJ Operations, LLC and One Tru Solutions, LLC, to provide service of nuisance abatements (lot mowing and property maintenance) for Code Compliance Division in the amount of \$30,000.00 and as approved by the City Commission up to the approved budget amounts for each fiscal year. Award shall be for an initial period of three (3) years with the option to renew for two (2) additional one (1) year terms upon mutual agreement of both parties.

- D. **Approval of Construction Contractors for Housing and Community Development grant programs - Suzette Cameron, Assistant to the City Manager, (386) 878-8615.**

Strategic Goal: Effective Governance and Productive Government

Approved by Consent Agenda - to award RFP#23014 to A Quick Board Up Service, Inc. Parthy, LLC, UDH Contractors, LLC and Votum Construction.

- E. **Request for approval of Resolution No. 2023-10, declaring certain tangible personal property owned by the City as surplus and authorizing the City Manager or designee 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.

Approved by Consent Agenda - to adopt Resolution No. 2023-10 declaring certain property of the City as surplus and authorize the sale or disposal of such property. The City Manager has the authority to make correction of scrivener's errors and the like.

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner McCool requested the Commission give up their parking area and change it to handicapped parking.

Commissioner Burbank requested to move Commission Workshops back to the 2nd Floor Conference Room.

Vice Mayor Bradford suggested looking at having the Commission go on the floor in the Chambers for Workshops and the Commission concurred.

Commissioner JodyLee requested to discuss the Comprehensive Plan.

Vice Mayor Bradford requested an update on the moratorium.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

Commissioner JodyLee spoke about an animal shelter, new staff, moving forward, the shed ordinance, and permits.

Commissioner McCool spoke about the City Attorney, growth and development, educational concurrency, quality of life, law enforcement and demanding better.

Commissioner Avila-Vazquez spoke about the affordable housing workshop, the public information staff, hurricane fliers, Deltona Magazine and Pat Northey.

Commissioner Burbank spoke about speed signs, the Planning & Development Services Director, and Tanner Court.

Vice Mayor Bradford spoke about the FLOW Mobile and new staff.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:36 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

