



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, June 3, 2024

6:30 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 Sheriff's Deputy.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Avila.

2. ROLL CALL – CITY CLERK:

Present: 6 - Mayor Avila
Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner Shimkus

Absent: 1 - Commissioner McCool

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by District #3 Commissioner.

4. APPROVAL OF MINUTES & AGENDA:

- A. **Approval of minutes of the Special Commission Meeting of May 2, 2024, the Regular Commission Meeting & Executive Session of May 6, 2024, as presented. - Joyce Raftery, City Clerk (386) 878-8502.**

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to approve the minutes of the Special Commission Meeting of May 2, 2024, the Regular Commission Meeting & Executive Session of May 6, 2024, as presented. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

5. PRESENTATIONS/AWARDS/REPORTS:

- A. **Proclamation - National Military Appreciation Month**
- B. **Proclamation - Mental Health Awareness Month**
- C. **Proclamation - LGBTQ+ Pride Month**

6. PUBLIC FORUM: Public 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.

Mayor Avila opened the public comments and Mike Williams, Carolyn Hickerson, Charles Castro, Sophia Jones, Jim Dries, Heather McLean, Kamea Blackman, Terri Ellis, Rosemarie Latham, Carter Vance, Robin Mimna, Scott Mena, Robert Trombetta, Dr. Caroline Shine, Tara D'Errico, Nick Ducharme, Courtney Cross-Burgos, Kathy Bryan, Mathew Shaw, Gale Barr, Charleen Smith, Brandy White, Elbert Bryan, Lindsey Briones and Sarah Bryan addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:

- A. **Public Hearing - Resolution No. 2024-20, Establishing the Preliminary Annual Rate Resolution - Stormwater Services for FY2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.**

Strategic Goal: Fiscal Issues

The Deputy Finance Director gave a brief explanation of the item and Brian Mantz with GovRates gave a brief PowerPoint Presentation.

The Commission, Interim City Manager and Deputy Public Works Director discussed providing information to the new City Manager, the status of the study, previous capital plans, the list of projects, the most available data, not wanting a deficient, the amounts being low and future adjustments, water quality projects, benchmarks and scope, elevating flooding and improve water quality.

Mayor Avila opened the public comments and Brandy White addressed the City Commission.

The Commission and Interim City Manager discussed impact fees, asking residents for more money, tabling the item, a project dashboard, new development, incurred costs, tax breaks, the Land Development Code, stormwater within new developments, and focusing on projects.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to adopt Resolution No. 2024-20. The Interim City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

For: 5 - Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

Against: 1 - Mayor Avila

B. Public Hearing - Resolution No. 2024-21, Establishing the Preliminary Annual Rate of Assessment for Solid Waste (Trash) Services for FY 2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

The Deputy Finance Director and Bill Redman with RCG Consulting, Inc. gave a brief explanation of the item.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to adopt Resolution No. 2024-21. The Interim City Manager has the authority to correct scrivener's errors and the like.

Vice Mayor JodyLee asked how much money did the City receive in fines and Mr. Redman replied \$27,000 last year or an average of \$1,850 a month. Vice Mayor asked where the

money collected goes and the Deputy Finance Director replied it goes back to solid waste.

Mayor Avila opened the public comments and Brandy White addressed the City Commission.

Bill Redman stated the RFP (Request For Proposal) included two prices. The price for strictly residential and with the current service for residential plus commercial under the three year statute of exclusive. At that time the recycling was going to cost \$25,000 a month to the City. The City Manager and staff at that time asked WastePro for a reduction in pricing if the City did not continue recycling. That price came down to \$10.25 therefore eliminated the cost of recycling. Therefore eliminating recycling at that time and saving the City \$25,000 a month at that point in time. So the current price and the price at the beginning of the contract did not include recycling whatsoever and it doesn't today.

The motion carried by the following vote:

For: 5 - Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

Against: 1 - Mayor Avila

C. Public Hearing - Resolution No. 2024-22, Establishing the Preliminary Annual Rate Resolution - Streetlighting Services for FY 2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to adopt Resolution No. 2024-22. The Interim City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

D. Public Hearing - Resolution No. 2024-23, Establishing the Annual Rate Resolution - Lake McGarity Aquatic Weed Control Services for FY 2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Fiscal Issues

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Heriot, to adopt Resolution No. 2024-23. The Interim City Manager has

the authority to correct scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

E. Public Hearing - Resolution No. 2024-24, Establishing the Annual Rate Resolution - Nuisance Abatement Services for FY 2024/2025 - Julia Johnson, Deputy Finance Director (386) 878-8978.

Strategic Goal: Strengthen Code Compliance and focus on the City's Beautification Program.

The Deputy Finance Director and the Code Compliance Supervisor gave a brief explanation of the item to include the updated amount of \$43,698.01 due to a payment being made for the property at 2751 Summerfield Street.

The Commission and staff discussed when the total amount changed and why, tabling the item, and correcting the amount at final reading.

Motion by Commissioner Heriot, seconded by Commissioner Colwell, to adopt Resolution No. 2024-24. The Interim City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

For: 5 - Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

Against: 1 - Mayor Avila

F. Public Hearing: Ordinance No. 05-2024, amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element providing for the replacement of the Capital Improvement Project Five-Year Schedule. - Planning & Development Services (386) 878-8600.

Strategic Goal: Economic Development

The Planning & Development Department's Planning II gave a brief presentation of the item.

The Commission and staff discussed whether students will be moved and the F.S. requirement.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner

Colwell, to approve Ordinance No. 05-2024, amending the Comprehensive Plan of the City of Deltona by updating the Capital Improvements Elements providing for the replacement of the Capital Improvement Project Five-Year Schedule. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

8. OLD BUSINESS:

9. NEW BUSINESS:

- A. Request approval for State Revolving Fund - Amendment 3 to Loan Agreement WW641860 with the Florida Department of Environmental Protection, specific to the Alexander Avenue Reclaimed Water Augmentation Project (aka Lake Monroe Project Phase 4B) in the amount of \$2,638,605- Phyllis Wallace, Interim Public Works Director (386) 878-8965.**

Strategic Goal: Infrastructure

The Deputy Public Works Director gave a brief explanation of the item.

The Commission and staff discussed update on holding someone responsible, the statute of limitations, paying out \$6.5 million and receiving nothing, the item being for executing the agreement, not precluding the City from pursuing legal action, project status overall, and getting a list of projects.

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to approve and authorize the execution of the Revolving Fund - Amendment 3 to Loan Agreement WW641860 with the Florida Department of Environmental Protection, specific to the Alexander Avenue Reclaimed Water Augmentation Project (aka Lake Monroe Project Phase 4B) in the amount of \$2,638,605. The City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

- B. Consideration for a reduction in the fine of \$40,050.00 assessed**

pursuant to Special Magistrate Cases DEL-22-241 MASSEY.
Representation from SFR JV-HD PROPERTY LLC, was present
regarding 541 Battersea Avenue, Deltona, FL 32738 - Danny Ron, Code
Compliance Manager (386) 878-8702.

Strategic Goal: Effective Governance and Productive Government

The Code Compliance Supervisor gave a brief explanation of the item.

The Commission and staff discussed when the fence was installed, when the permit was issued, the resident not being the owner, changing the fine to \$10,000 or \$20,000, the owner having 120 houses in Deltona, the owner knowing the rules and playing a game, treating residents different, the company making a profit and being able to pay the entire fine.

Motion by Commissioner Colwell, seconded by Vice Mayor JodyLee, to deny the reduction of the \$40,000 fine. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

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.

The Mayor stated Item 11-B will be pulled at the request of the Interim City Manager.

The Mayor opened the public comments and Brandy White and Elbert Bryan addressed the City Commission.

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.

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to approve Consent Agenda Items 11-A through 11-G,

tabling B for the next meeting. The motion carried by the following vote:

For: 4 - Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner Shimkus

Against: 2 - Mayor Avila, and Vice Mayor JodyLee

A. Request to award the new roof at Fire Station 62 bid to Spires Roofing LLC. - Fire Chief Bill Snyder, Fire Department (386) 575-6902

Strategic Goal: Infrastructure

Approved by Consent - to approve award of Bid #24018 for a new roof at Station 62 to Spires Roofing at a total cost of \$30,780.50 plus any additional costs related to the roof replacement.

B. Request for Approval of Halifax Humane Society, Inc. Agreement for animal services. Danny Ron, Code Compliance Manager (386) 878-8702.

Strategic Goal: Public Safety

This item was pulled from the agenda at the request of the Interim City Manager.

C. Request approval of the Task Authorization between the City of Deltona & Pegasus Engineering for Continuing On-Call Engineering Services related to stormwater management in the amount not to exceed \$150,000 - Phyllis Wallace, Interim Public Works Director 386/878-8965

Strategic Goal: Infrastructure

Approved by Consent - to approve the Task Authorization with Pegasus Engineering for Continuing On-Call Engineering Services related to stormwater management in the amount not to exceed \$150,000.

D. Request for approval of award of RFP#24019 Cell Tower Manager and Agreement for Neel -Schaffer, Inc. - Glenn Whitcomb, Acting City Manager (386) 878-8850.

Strategic Goal: Infrastructure

Approved by Consent - to approved award of RFP#24019 for Cell Tower Manager and Agreement to Neel-Schaffer, Inc. and 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.

- E. Request approval for Payment of Emergency Water Main Repairs at the intersection of Deltona Blvd and Normandy Blvd to P&S Paving (\$81,035.37) and Volusia County (\$17,460.54); in a total amount not to exceed \$98,495.91 - Phyllis Wallace, Interim Public Works Director (386) 878-8965.

Strategic Goal: Infrastructure

Approved by Consent - to approve the Payment of Emergency Water Main Repairs at the intersection of Deltona Blvd and Normandy Blvd to P&S Paving (\$81,035.37) and Volusia County (\$17,460.54); in a total amount not to exceed \$98,495.91.

- F. Request for approval to replace 17-year-old playground at Wes Crile Park - Mark Manning, Parks and Recreation, (386) 878-8905.

Strategic Goal: The Recreation City for All: maintain public facilities at a superior level.

Approved by Consent - to approve the replacement of the playground at Wes Crile Park with an ADA accessible and inclusive playground.

- G. Request for approval to replace the 18-year-old playground at Tom Hoffman Park with a new ADA Accessible and Inclusive Playground - Mark Manning, Parks and Recreation, (386) 878-8905.

Strategic Goal: The Recreation City for All: maintain public facilities at a superior level.

Approved by Consent - to approve the replacement of the playground at Tom Hoffman with an ADA accessible and inclusive playground.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Heriot requested on the next agenda the policy on proclamations to include language that requires the full Commission to vote on proclamations.

Commissioner Heriot asked in reference to the tattoo shop, does the City have a formal process to apply for a variance and does it require forward action? The Interim City Manager replied yes, in this particular case yes. Has the shop owner, resident, and/or applicant filed or begun that process? The Interim City Manager replied not to his

knowledge. Commissioner Heriot requested that staff assist the applicant with that process.

Commissioner Heriot requested to find a way to accommodate special events when renting The Center or any other facility that is willing to rent for consecutive months in a row.

Commissioner Heriot requested staff provide the Commission with the most current unrestricted fund balance for the solid waste fund.

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

The Interim City Manager stated he appreciates everyone's support over the last 9.5 months. Doc is in town moving and he spoke with him this afternoon. He wants everyone to know he is excited to start his tenor here with the City of Deltona.

The Interim City Manager stated the City received a request from Deltona High about doing some advertising in their High School Football program for this year. There are sponsorships starting at \$65 per quarter page and he will provide the Commission with a copy. He asked for a consensus from the Commission if they are interested in advertising and there was none.

The Interim City Manager reminded everyone that on Saturday, June 15th from 10:00 a.m. to Noon there will be a Joint Workshop with the Commission and the Planning & Zoning Board.

15. CITY COMMISSION COMMENTS:

Commissioner Heriot spoke about PTSD (Post-traumatic stress disorder) awareness month.

Commissioner Shimkus spoke about the community and he thanked the Interim City Manager for all he has done.

Commissioner Avila-Vazquez spoke about the Memorial Day bike event and she thanked the Interim City Manager for all he has done.

Commissioner Colwell thanked the Interim City Manager for taking on the position.

The Vice Mayor thanked the Interim City Manager for stepping up and the tattoo shop.

The Mayor spoke about Former Commissioner Loren King, he thanked the Interim City Manager, he responded to setting off the City Hall alarm and an email from the former Mayor.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:21 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK