



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 5, 2021

6:30 PM

Deltona Commission Chambers

- A. In an effort to reduce the possibility of exposure of residents to the COVID-19 (Coronavirus) we have limited public seating inside the Commission Chambers and are practicing social distancing with the City Commission, staff and residents.

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Vice Mayor Bradford
Mayor Herzberg
Acting City Manager
City Attorney

Absent: 1 - Commissioner Sosa

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner McCool.

Commissioner McCool introduced Pastor Caroline Shine with Greater Faith AME Church led everyone in the invocation and Commissioner King led everyone in the pledge to the flag.

The National Anthem was sung by Janettly Rosado a 9th Grader and her sister Nettly Rosado an 11th Grader at Pine Ridge High School.

4. APPROVAL OF MINUTES & AGENDA:

None.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Super Star Student of the Month Certificates for March 2021

The Mayor and Commission presented a video presentation recognizing the Super Star Students for the month of March 2021.

B. Proclamation - Water Conservation Month

The Mayor and Commission presented a Proclamation for Water Conservation Month.

C. Proclamation - Child Abuse Prevention Month

The Mayor and Commission presented a Proclamation for Child Abuse Prevention Month.

D. Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

Mayor Herzberg stated the Quarterly Board Reports are in written format and will be accepted as presented.

6. ORDINANCES AND PUBLIC HEARINGS:

None.

7. OLD BUSINESS:

None.

8. NEW BUSINESS:**A. Request for consideration of appointment (5) members to the Affordable Housing Advisory Committee - Joyce Raftery, City Clerk's Office, (386) 878-8502.****Strategic Goal: Internal and External Communication.**

Motion by Commissioner Avila-Vazquez, seconded by Mayor Herzberg, to confirm the appointment of Manny Rodriguez to the Affordable Housing Advisory Committee with a term to expire on October 5, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Motion by Vice Mayor Bradford, seconded by Mayor Herzberg, to

confirm the appointment of Cassie Landron to the Affordable Housing Advisory Committee with a term to expire on October 5, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to confirm the appointment of Sylvia Hayes to the Affordable Housing Advisory Committee with a term to expire on October 5, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner McCool, seconded by Vice Mayor Bradford, to confirm the appointment of Terri Ellis to the Affordable Housing Advisory Committee with a term to expire on October 5, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to confirm the appointment of Dolores Guzman to the Affordable Housing Advisory Committee with a term to expire on October 5, 2021. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

B. Notification of FDEP Consent Order OGC# 20-1509 for the Deltona Lakes

**Water Reclamation Facility along with proposed response activities -
Steven Danskine, P.E., Public Works, 386-878-8998.**

Strategic Goal: 5 - Public Safety

Commissioner McCool left the meeting at 6:53 p.m. and returned at 6:55 p.m.

City Engineer Steve Danskine gave a brief explanation of the item.

The commission and staff discussed the water treatment plant, Manatee County, parts per million, cost per million and rebuilding, proposal received with changes, goals, realigning tanks and changing piping, sand and disc filters, the RIB (Rapid Infiltration Basin) site, fines and projects.

Mayor Herzberg opened the public comments.

Elbert Bryan, Deltona, spoke about previous Commissioners, infrastructure, the process, the cost, parks, roads, new homes, shutting down the system, sewer, and focus on infrastructure.

Mayor Herzberg closed the public comments.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to enter into Consent Order OGC# 20-1509 with the Florida Department of Environmental Protection (FDEP) and proceed with the remediation and compliance activities outlined above. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King,
Commissioner McCool, Commissioner Ramos, Vice Mayor
Bradford, and Mayor Herzberg

**C. Request for approval of Resolution No. 2021-18, Budget Amendment
#2021-031 and 2021-032 for the General Fund for FY 2020-21 - Camille
Hooper, Director, Finance, (386) 878-8552.**

Strategic Goal: Fiscal Issues/Balanced Budget

Mayor Herzberg gave a brief explanation of the item.

Mayor Herzberg opened and closed the public comments as there were none.

The Commission and staff discussed the excess work on HR (Human Resources) staff due to COVID, ongoing evaluations, Cares Act Funding and the city budget after COVID funding

ends.

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to approve Resolution No. 2021-18, budget amendment #2021-031 & 2021-032 for the General Fund for FY 2020-21, to appropriate the funds for the salaries and benefits. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Resolution No. 2021-18 was approved at 7:06 p.m.

- D. Public Hearing - Resolution No. 2021-19, Request to vacate 2,471 square feet of public right of way area dedicated as part of the Davis Park 3rd Addition plat, MB 18, PG 117 - Ron A. Paradise, Director of Planning and Development Services (386) 878-8610.**

Strategic Goal: Infrastructure - Transportation CIP for roadways

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

The Commission and staff discussed the congestion in that area of Deltona, the High School across the street, the need for safe traffic flow, future improvements, current ownership, the need for a variance and design options.

Mayor Herzberg opened and closed the public comments as there were none.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to deny the request to vacate the N 1/2 of a 15' "driveway" running south of lots 18 and 29, Block 9 Davis Park 3rd Addition, MB 18, Page 117 of the Public Records of Volusia County Florida and 7.5' of the Mangoe St. Right of Way located south of the southerly extent of the Mangoe St. Right of Way vacated by Book 7819, Page 98 and not approve Resolution No. 2021-19 based on the following:

- a) The 2,471 square foot area is currently part of the Howland Blvd. right of way.**
- b) Howland Blvd. in the vicinity of the land to be vacated is congested, especially during am and pm peak hours.**
- c) Various public works and engineering professionals (including P.E.**

licensed engineers) from both the City and the County have indicated there may be a need for the land in the future to accommodate improvements to the Howland Blvd. corridor.

d) The vacation of the subject right of way, which may deleteriously impact the future efficient and cost effective provision of public infrastructure - in this case a major thoroughfare roadway, - is not consistent with the Comprehensive Plan.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Resolution No. 2021-19 was approved at 7:16 p.m.

- E. Request for approval to expend no more than \$30,000.00 in State of Florida Finance Corporation SHIP funds for an Owner Occupied Repair project - Ron A. Paradise, Director Planning and Development Services (386) 878-8610.**

Strategic Goal: Create high-quality housing opportunities.

The Commission and staff discussed the size of the home, cost of labor and materials, wiring, and rehab projects.

Mayor Herzberg opened and closed the public comments as there were none.

The Commission discussed the application, the project costs, other rehab applications, bid amounts, the roof, A/C (Air Condition) replacement, amount of funds available, residency requirements, approving the items individually, the homeowner re-applying, allowing more time, tabling the item, the homeowner doing its due diligence, being an entitlement City, and the vetting process.

Motion by Commissioner McCool, seconded by Commissioner Ramos, to grant approval to expend no more than \$30,000.00 in Florida Housing Finance Corporation SHIP funds on the rehabilitation project with the caveat that Planning & Development Services will direct the resident to provide within 30 days a notice showing due diligence that they have tried to contact the warrantee company and ask about A/C replacement before Planning & Development Services approves the full amount for the project. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened the public comments.

Elbert Bryan, Deltona, spoke about roof cost, roof condition, metal roofs, flipping homes, inspections, square footage, hurricanes, shingle roofs, life of roofs, lien and coming back for more money.

Brandy White, Deltona, spoke about the contractors, tabling it, bids, the program, inspections, and tabling the item.

Mayor Herzberg closed the public comments.

Mayor Herzberg stated her process, her experience with the program, the homes history and repairs, the selling and permitting histories, and looking at the overall homes history in the future.

The motion failed by the following vote:

For: 2 - Commissioner McCool, and Commissioner Ramos

Against: 4 - Commissioner Avila-Vazquez, Commissioner King, Vice Mayor Bradford, and Mayor Herzberg

Mr. Paradise suggested going back to the drawing board to come up with a scope of work below \$25,000 if that is the direction of the Commission and he would appreciate a vote in affirmation of that.

The Commission, Acting City Manager, City Attorney and staff discussed the spending threshold, buying a home, smoke alarms, long time homeowners, blue tarps from hurricane damage, directing staff, the Local Housing Assistance Plan, pursuing the warrantee, memorializing the decision, the true issue, service warrantees, proceeding with the full amount, applications in the queue, tabling the item, and qualified applicants.

Commissioner Avila-Vazquez called the question.

After discussion, the majority of the Commission concurred that staff stay within the \$25,000 limit and then see what happens from there.

9. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

Jason Hollenback, 696 Caldera Terrace, Deltona, spoke about Youth Soccer Club, board members, Dewey O. Boster Sports Complex, seasons, camps, open to the public, getting the word out, and the club's purpose.

TJ Riveria, 2302 Harding Circle, Deltona, spoke about Boys and Girls Club, safe place for kids, number of kids, kids having fun, the club being closed, doing a hybrid club, 2021 challenging, COVID regulations, staff members, what is offered, age group, hours of operation, extending program to 7:00 p.m., safety assessment, bathroom location, and he thanked the Commission.

Yorelis Navas, Deltona, spoke about \$50,000 for TNR (Trap and Release), board of directors, \$15,000 of CDBG (Community Development Block Grant for homelessness, vaccinations, cats at Wal-Mart, garbage, safety issues, stop TNR funding, being an animal lover and responsible owners.

Brandy White, Deltona, spoke about minutes, her address, public records request, SHIP (State Housing Initiatives Partnership Program) page that list occupation, filed suit, guide to the sunshine amendment, Jane Shang and shade meetings.

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.

Elbert Bryan, Deltona, spoke about Item 11-E regarding social media, applying to Commission, and adhering to the same rules.

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.

Mayor Herzberg requested to pull Item 10-E and Commissioner McCool requested to pull Item 10-C.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to approve Consent Agenda Items 10-A, 10-B, 10-D, 10-F and 10-G. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

- A. **Request for approval of Resolution No. 2021-20, Budget Amendment #2021-037 for the General Fund for FY 2020-21 - Camille Hooper, Director, Finance, (386) 878-8552.**

Strategic Goal: Fiscal Issues/Balanced Budget

Approved by Consent - to approve Resolution No. 2021-20, budget amendment #2021-037 for the General Fund for FY 2020-21, to appropriate the funds for a consultant to facilitate the additional public meeting for the strategic planning. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- B. **Consent Agenda - Request for approval of an agreement with Florida Housing Coalition to provide professional services related to developing the Affordable Housing Advisory Committee (AHAC) Report - Ron A. Paradise, Planning and Development Services Director (386) 878-8610**

Strategic Goal: Fiscal Issues - administer grants

Approved by Consent - to approve the agreement with Florida Housing Coalition to provide \$4,500.00 professional services related to the development of the City of Deltona's Affordable Housing Advisory Committee (AHAC) impediments to affordable housing report. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- C. **Consent - Support for the County \$144,648 expenditure of the Fiscal Year (FY) 19/20 Florida Department of Law Enforcement Edward Byrne Memorial Justice Assistance Grant (JAG) - Ron A. Paradise, Director of Planning and Development Services (386) 878-8610.**

Strategic Goal: Fiscal Issues - Other grants.

The commission and staff discussed Adult Drug Court, community service hours, Acting City Manager's (ACM) transparency policy, House Next Door, Counseling services, age groups, Children and Family Advisory Board application scoring, JAG (Justice Assistance Grant) and Stewart Marchman Act (SMA).

Commissioner King called for the vote.

Motion by Commissioner King, seconded by Commissioner Ramos, to support and otherwise approve the proposed \$144,648.00 County allocation of Justice Assistance Grant funding for the Stewart

Marchman Act Adult Drug Court program and direct the Mayor to sign the letters of support. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Vice Mayor Bradford asked the City Attorney if she needed to abstain from the vote because she is a House Next Door member and City Attorney Fowler replied he does not believe so.

The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

- D. Request for approval of recommendations for scholarship awards from the William S. Harvey Deltona Scholarship Advisory Board - Joyce Raftery, City Clerk's Department (386) 878-8502.**

Strategic Goal: Internal and External Communication.

Approved by Consent - to approve the 2020/2021 William S. Harvey Deltona Scholarship award recipients as presented. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- E. Request approval of the Administrative Policy CW19-02, Establishment of a Computer and Network Usage and Security Policy - Robert Cordero, Information Technology (IT), (386) 878-8807 and John A. Peters, III, P.E., City Manager (386) 878-8852.**

Strategic Goal: Internal & External Communications

The commission and staff discussed the Social Media Policy, the verbiage, reasons for the policy, handling online bullying and untruths, ethics training, elected officials using social media, Sunshine Law violations, monitoring the board members and commissioners and using city email addresses.

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to approve the Administrative Policy CW19-02, Establishment of a Computer and Network Usage and Security Policy as presented. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Amended motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to approve the Administrative Policy CW19-02,

Establishment of a Computer and Network Usage and Security Policy as presented for Commissioners and City Advisory Boards.

Amended motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to approve the Administrative Policy CW19-02, Establishment of a Computer and Network Usage and Security Policy as presented and including the Commission and City Advisory Boards. The amended motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

- F. Request for approval of the Agreement for Economic Development Internet & Social Media Services for Independent Contractor David Winterrose. John Peters, Interim City Manager, (386) 878-8850.**

Strategic Goal: Economic Development/ Internal External Communication

Approved by Consent - to approve the Agreement for Economic Development Internet & Social Media Services for Independent Contract David Winterrose. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- G. Request approval of a Land Acquisition Policy and Procedures modeled after Sections 6, 7, and 9 of the FDOT Right of Way Acquisition Manual.**

Strategic Goal: Infrastructure/Fiscal Issues

Approved by Consent - to approve Sections 6, 7 and 9 of the FDOT Right of Way Acquisition Manual as the City of Deltona Land Acquisition Policy. The Acting City Manager has the authority to correct scrivener's errors and the like.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Ramos provided a brief report on the TPO's (Transportation Planning Organization) study on the shortage of truck parking, the I4 Truck & Freight Parking PD Study and the impact it has on the City.

Commissioner McCool requested with regards to littering to obtain a contractor, have City staff or through outreach pick-up litter. Mayor Herzberg replied there was a litter campaign in the past initiated by former Vice Mayor Denizac and she suggested the manager look into that.

Vice Mayor Bradford requested that staff enforce the City's ordinance with regards to food trucks as there has been an influx of food trucks popping up. Acting City Manager Peters offered examples of successes with getting food trucks to move on and possible modifications to the Ordinance. Having food truck bizarre such as what will be done during the upcoming strategic planning meeting and if successful it could be a model for the City.

13. CITY ATTORNEY COMMENTS:

None.

14. CITY MANAGER COMMENTS:

None.

15. CITY COMMISSION COMMENTS:

Commissioner King reminded everyone of the District Code Enforcement meeting at the Community Center on April 14th at Harris M. Saxon Community Center, 2329 California St at 7:00 PM. Friday April 9th the Law and Order Awards Ceremony and Luncheon will be hosted by The American Legion at the Fellowship Hall in Deltona Lakes Baptist Church at 2886 Elkcam Blvd from 11:00 AM - 1:00 PM with a \$10 charge for the meal which will be catered by Texas Roadhouse and is open to the public.

Commissioner McCool reminded everyone that she is having her April District 4 Town Hall via Zoom on April 13th at 7:00 PM and those meetings will be via Zoom for the next 3 months allowing time for more people to get vaccinated. On April 22nd at 7:00 PM the Code Enforcement Community meeting for District 4 will be at City Hall on Providence in Deltona.

Commissioner Ramos stated that there is an upcoming Jazz Festival at The Center on April 11th starting at 6:30 PM, tickets are \$3-\$5 at the door and is made up of students from High School, College and adults that love music. Vaccinations will be available at Wes Crile on April 13th from 9:00 AM until they run out with no appointment needed and everyone is welcome and it is free of charge. The Deltona Soccer Awards ceremony will be on April 14th at 7:00 PM.

Commissioner Avila-Vazquez stated that on Saturday April 17th, The Masons at Landmark Lodge 383 located at the corner of Apache Rd and Normandy Blvd are having their Cornhole Tournament at the Center in Deltona and are looking for players to join. More information is available at the Lodge if anyone wants to participate. Also, the District 3 Code Enforce Meeting will be Thursday April 15th at 7:00 PM in the Commissioners Chambers at City Hall.

Vice Mayor Bradford reminded everyone that on Thursday April 8th at 7:00 PM is the Code Enforcement Meeting for District 2 and that anyone is welcome to attend the meetings for any District and it doesn't have to be their own, Vice Mayor Bradford also stated that they will be practicing social distancing and to wear face masks to the meeting and she hopes

to see as many people as possible and that this is their time to speak.

Commissioner King stated for all Veteran's and anyone else who is interested, that on the weekend of April 15th through April 18th there will be a Vietnam Veteran's Annual All Veteran's Florida Reunion that is held at Wickham Park in Melbourne every year and that it is an all weekend event and the Vietnam Traveling Wall will be there and a museum.

Mayor Herzberg reminded residents that we have the upcoming Strategic Planning Forums and that all of them are listed on the City website as well as all of the Code Enforcement Town Hall's and all of the other stuff that we have going on in the City.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:11 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK