



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Tuesday, July 6, 2021

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 9 - Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa
Vice Mayor Bradford
Mayor Herzberg
Acting City Manager
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Avila-Vazquez.

Commissioner Avila-Vazquez introduced Pastores Virgilio y Jeanette Rios with Iglesia Agape who led everyone in the invocation and she led everyone in the pledge to the flag.

The National Anthem was sung by Isabel A. Rios a student at Daytona State.

4. APPROVAL OF MINUTES & AGENDA:

None.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation by Rocco Anastasio, Video Communications Producer, on Public Service Announcements (PSAs) for “loud noise” and “fireworks” - John A. Peters, III, P.E., Acting City Manager (386) 878-8858.

Strategic Goal: Internal & External Communications

Video Communications Producer Rocco Anastasio presented PSAs (Public Service

Announcements) on “loud noise” and “fireworks”.

B. 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.

ADD-ON ITEM 5-C: Update on the 4th of July Event by Parks & Recreation Director Ryan Reckley.

Parks & Recreation Director Ryan Reckley gave a brief update on the July 4th Event and he thanked everyone that participated to include staff, residents and City sponsor Advent Health.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2021-33, Establishing the Tentative Proposed Millage Rate for the levy of ad valorem taxes for FY 2021/2022 - Camille Hooper, Finance Director, (386) 878-8552.

Strategic Goal: Fiscal Issues

Deputy Finance Director Mari Leisen gave a brief explanation of the item to include the increase of 9.31%, roll-back rate of 7.1812 and proposed millage is 7.85 which is unchanged from last year.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to approve Resolution No. 2021-33 adopting the tentative proposed millage rate of 7.85 for the levy of ad valorem taxes for FY 2021/2022. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened the public hearing.

Elbert Bryan, Deltona, spoke about the high value, roll-back, set budgets, his taxes, new residents, value of his house, homestead, paying taxes, his earned right, next year, and a bad economy.

Mayor Herzberg closed the public hearing.

The Commission discussed the roll-back rate, the increase compared to 2021, positive cash flow, not in favor of proposed rate, and the process.

The motion carried by the following vote:

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

Against: 1 - Commissioner Sosa

Resolution No. 2021-33 was approved at 6:56 p.m.

B. Public Hearing - Resolution No. 2021-34, Approval of the City of Deltona Community Development Block Grant (CDBG) Program Year 2021-2022 Annual Action Plan (AAP) - Ron A. Paradise, Director Planning and Development Services (386) 878-8610.

Strategic Goal: Fiscal Issues - administer grants.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item to include allocations, projects, public services and the ranking process.

The Commission, Acting City Manager Peters and staff discussed the Neighborhood Center vs. Hands of Hope, public services and the rankings, local services, the types of services, duplication of services, building services, food donations & food drives, the passion for Deltona, \$50,000 for beds, being spread thin, grading scale, flipping the donation amounts, social service summits, homeless and homeless prevention, Deltona Strong, Deltona centric, overall social service program, year round services, the affects of COVID, requirements, providing top three (3) equal amounts, raising the allocation, and Federal cap is 15%.

Motion by Commissioner McCool, seconded by Vice Mayor Bradford, to "I hereby move to approve Resolution No. 2021-34, the staff suggested funding, including CDBG public services, with the amendment to split the difference and make \$20,500 to Neighborhood Center/Homelessness, \$20,000 to Boys and Girls Club/Youth Programs, \$20,500 to Hands of Hope/Homelessness, \$15,000 to Council on Aging/Elder Activities and \$13,000 to Early Learning Coalition/Childcare for a total of \$89,000 and direct the Acting City Manager to transmit the Program Year 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened the public hearing.

Elbert Bryan, Deltona, spoke about the Neighborhood Center, Deltona beds, paper trail, his suggestion, residents going to DeLand, sending money to other cities, local social services, and the definition of stupidity.

Elizabeth Chavez, Deltona, spoke about Nitty Gritty True Talk Ministries, Neighborhood Center, homeless, food drives, Deltona services, paper trail, the Bridge Homeless Shelter, doing a survey, where homeless live, homeless couples with children and affects of COVID.

Mayor Herzberg closed the public hearing.

The Commission and staff discussed the Neighborhoods paper trail, conducting audits, disbursement of funds, homeless Veterans, HMIS (Homeless Management Information Systems), directing services, what the needs are, Point-In-Time (PIT) Count, staff report, rental and utility assistance, COVID funding, reporting guidelines, the General Fund, COA (Council on Aging).

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Resolution No. 2021-34 was approved at 7:37 p.m.

7. OLD BUSINESS:

A. Request for approval of changes to the Deltona Economic Development Advisory Board By-Laws - Jerry Mayes, Acting City Manager's Department (386) 878-8619.

Strategic Goal: Internal and External Communication

Economic Development Manager Jerry Mayes gave a brief explanation of the item.

Motion by Commissioner Ramos, seconded by Commissioner King, to approve the Deltona Economic Development Advisory Board By-Laws as presented and the Acting City Manager has the authority to correct scrivener's errors and the like.

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

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

B. Consideration of appointments or re-appointments of seven (7) members

and up to four (4) alternate members to the Economic Development Advisory Board. - Joyce Raftery, City Clerk (386) 878-8502

Strategic Goal: Internal and External Communication

Motion by Commissioner Sosa, seconded by Vice Mayor Bradford, to confirm District 6's appointment of Matt Rowley for a term to expire on May 31, 2023 to the Deltona Economic Development Advisory Board.

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

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Commissioner Sosa left the meeting at 7:47 p.m. and returned at 7:50 p.m.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to confirm District 5's re-appointment of Rafael Ramirez for a term to expire on May 31, 2023 to the Deltona Economic Development Advisory Board. 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 Vice Mayor Bradford, to confirm District 3's re-appointment of Jean Armstrong for a term to expire on May 31, 2023 to the Deltona Economic Development Advisory Board. 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 King, seconded by Commissioner Ramos, to confirm District 1's appointment of Tanya Boggs for a term to expire on May 31, 2023 to the Deltona Economic Development Advisory Board.

Mayor Herzberg opened and closed the public comments as there were no public comments.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Mayor Herzberg, seconded by Commissioner Ramos, to re-appointment of Glenn Woodley as the Mayor's appointment to the Deltona Economic Development Advisory Board. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Vice Mayor Bradford, seconded by Commissioner McCool, to appointment Elizabeth Chavez for a term to expire on May 31, 2023 as a member for District 2.

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

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner McCool, seconded by Vice Mayor Bradford, to confirm District 4's appointment of Roy Braddy, III for a term to expire on May 31, 2023 to the Deltona Economic Development Advisory Board.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to confirm the appointment of Eric Alexander for a term to expire on May 31, 2023 as an alternate member to the Deltona Economic Development Advisory Board. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Commissioner King left the meeting at 7:58 p.m. and returned at 8:01 p.m.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Ramos, to confirm the appointment of Ramon Rodriguez for a term to expire on May 31, 2023 as an alternate member to the Deltona Economic Development Advisory Board. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner McCool, seconded by Vice Mayor Bradford, to confirm the appointment of Edward Elliot for a term to expire on May 31, 2023 as an alternate member to the Deltona Economic Development Advisory Board. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to confirm the appointment of Eric Taulbee for a term to expire on May 31, 2023 as an alternate member to the Deltona Economic Development Advisory Board. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Economic Development Manager Jerry Mayes reminded the Commission to assign a topic for the board to work on.

Commissioner McCool left the meeting at 8:00 p.m. and returned at 8:01 p.m.

The Commission, Acting City Manager Peters and staff discussed having a workshop,

three topics, focusing on one thing, big topics, CRA (Community Redevelopment Agency) opportunities, review of commercial properties, CRA update on projects, and sanitary sewer.

After discussion, the Commission concurred that the board work on the CRA to see what opportunities for economic development within the CRA and what changes are needed to make it more viable. The second topic is a review of all commercial properties in the City in a matrix form with three (3) columns as follows: availability of utilities, availability of proper zoning and availability for proper sizing for development.

8. NEW BUSINESS:

A. Discussion re: City Manager's Evaluation - John A. Peters, III, P.E., Acting City Manager, (386) 878-8858.

Strategic Goal: Internal and External Communication

Commissioner Ramos left the meeting at 8:08 p.m and returned at 8:08 p.m.

Acting City Manager Peters gave a brief explanation of the item.

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.

None.

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 changes to the agenda, number of bids, transparency, and he is in favor of the Item 11-C.

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 Ramos, seconded by Vice Mayor Bradford, to approve Consent Agenda Items 11-A through 11-C. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- A. Request for approval of Resolution No. 2021-32, Authorizing the City to join as a participant in the MOU and Formal Agreements implementing a Unified Plan regarding the Opioid Litigation - John A. Peters, III, P.E., Acting City Manager, (386) 878-8858.**

Strategic Goal: Fiscal

Approved by Consent - to adopt Resolution No. 2021-32 Authorizing the City to join as a participant in the MOU and Formal Agreements implementing a Unified Plan regarding the Opioid Litigation which authorizes the Acting City Manager to execute the MOU and any corresponding documents necessary to finalize the settlement and implement the MOU.

- B. Request for approval of Resolution No. 2021-37 and budget amendment to provide funding for of the Parks Master Plan as part of the national accreditation process for the Parks Department. - Mari Leisen, Finance Department (386) 878-8553.**

Strategic Goals: Fiscal Issues

Approved by Consent - to recommend approval of Resolution No. 2021-37 and the budget amendment to move \$130,000 from Park Impact Fees Fund Balance to pay the consultant to prepare the Parks and Recreation Master Plan, and upon approval authorize the Acting City Manager to execute the budget amendment. The Acting City Manager

has the authority to correct scrivener's errors and the like.

- C. Request for approval to award Bid# PW 2021-02 opened on May 25, 2021 to General Underground, LLC for the Group 1 Water Main Replacements RE-BID project inn the amount of \$2,415,109. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.

Strategic Goal: Infrastructure

Approved by Consent - to recommend approval to award Bid# PW 2021-02 opened on May 25, 2021 to General Underground, LLC for the Group 1 Water Main Replacements RE-BID project, and the Acting City Manager has the authority to correct scrivener's errors and the like.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Avila-Vazquez requested to make Volusia County roads part of the Adopt-A-Road Program so businesses can adopt those roads. Acting City Manager Peters stated there was a Supreme Court decision that if there is a county road, but properties along that road are City properties then the City is responsible for sidewalks and general maintenance. The City has the ability to do things within the right-of-way to improve the appearance and the City is going to make an effort to do that.

Vice Mayor Bradford requested staff look at the noise ordinance, having it enforceable and she asked if there was a specific time frame it could be enforced. Acting City Manager Peters stated the City can do something about noise, however, it requires specialized equipment at a cost of \$1500 and coordination with VSO. Also, staff needs to look at the ordinance to give the VSO authority. He can look at his past practices regarding noise, but the City has to document the DB (decibel) levels and the type of noises.

Commissioner Sosa stated effective immediately he would like to rescind the social media policy that he signed and he directed the Acting City Manager to direct the City Clerk to return the signed copy to him.

Commissioner McCool requested Commissioners Adopt-A-Street to show community spirit and be leaders.

Commissioner McCool requested to know when sand bags would be available and Acting City Manager Peters replied have not instituted sand bags because all the warnings have been a rain event of one to two inches which is normal, but for special circumstances residents can contact Public Works.

Commissioner McCool requested a workshop with Florida Green Builders and vCard to optimize the City's dollars with the cap on impact fees and protecting the City's resources.

After discussion, the Commission concurred to bring in vCard for a workshop discussion.

13. CITY ATTORNEY COMMENTS:

City Attorney Segal-George stated July 1st the City lost the emergency declaration from the Governor. Based on the City's policies and the City Charter they do not give much flexibility with regards to a Commissioner being ill, a Commissioner's family member being ill or an emergency where that Commissioner wants to be part of the meeting and vote. She came up with language which is found in Resolution No. 2021-39 that was passed out to the Commission and she explained the language in more detail. She also suggested that section be reviewed by the Charter Review Committee.

Acting City Manager Peters gave an example of a national emergency and the Commission would need to vote for that Commissioner to participate in advance if possible. When the Charter was created the method for participation was a telephone call and with Zoom it is more interactive. He is recommending that the Commission give consideration to Resolution No. 2021-39 to allow Commissioner to participate once a quorum is established.

The Commission, Acting City Manager and the City Attorney discussed the item being a walk-on item, needing time to review the resolution, putting the resolution on an agenda, if a situation arises before it is approved, State of Emergency, State Law, and Commissioner policies.

After discussion, the Commission concurred to place Resolution No. 2021-39 on the next agenda.

The Commission and Acting City Manager discussed revisiting it, Commissioner vacations, the Commission making the decision, calling a meeting, Commissioners having to approve, Attorney General's Opinion, and Commissioners not taking advantage.

14. CITY MANAGER COMMENTS:

Acting City Manager Peters explained the "ants in a jar" for the people in the audience because a couple of Commissioners shook their jar on the dais.

15. CITY COMMISSION COMMENTS:

Commissioner Avila-Vazquez stated in response to the residents that talked about the homeless and getting them assistance, she has been there and she used to volunteer for Open House Ministry who would bring blankets and food to people in the woods. Some homeless are adamant about staying in the woods not wanting help. There is only so much a person can do unless they request help and a lot of organizations are willing to help including Open Hand Services. When a wellness check is requested the police can only go to the door and if someone does not allow them to come in they cannot help the person. She gave a shout out to Phyllis Wallace, Deputy Public Works Director, and her staff who made sure that all of the staff at the 4th of July festival got fed.

Commissioner Ramos stated on Tuesday July 13th at Wes Crile Park and then every Tuesday and Thursday there will be Piyo class. The first class is free and then it is \$5 per class after that. Friday July 16th is Latin Night at The Center, doors open at 7:00 p.m. and tickets can be bought at Event Brite. General Admission is \$15 for advance purchase and \$18 at the door. VIP tickets are available but, they are only sold through Event Brite for \$50 per couple for a private lounge, two drink tickets and a cigar roller. He also reminded everyone about Country Night coming soon to The Center and all the events are open to everyone.

Commissioner McCool thanked staff for an incredible job at the 4th of July event. She thanked anyone who serves on a City board, has applied, is doing community service, getting involved and putting both hands on the plow and again, she thanked everyone for doing that.

Commissioner King thanked staff for the information about sand bags, a lot of people have contacted him for information on that. Commissioner McCool is challenging the Commission to adopt a street, he went through the information and there is also an Adopt a Park form for anyone or for an organization that are interested. He is a member of the Veteran's Memorial Park and he walks the park every month to clean it up and it is a good thing for the community. Regarding the homelessness, it was stated tonight that some people just want to stay homeless and stay where they are. There are people in the woods right across the street from City Hall so nobody can say that there are not homeless people in Deltona. He also reminded everyone of a lady that lived in the City, graduated from Deltona High School and joined the Air Force, Tara Jacobs Brown. The City named a street after her, the one between Deltona High School and the Race Trac off of Howland Blvd. (Master Sargent Tara Jacobs Brown Avenue). She was killed in Afghanistan in 2011 and on July 24th there will be a Tara Jacobs Brown Scholarship fundraiser that her parents and family have put together. If anyone is interested in doing something that helps our kids, a scholarship is one way to do it and the American Legion will be participating by making a sizeable donation. If anyone else, business or corporation are interested in donating to get in touch with him and make checks out to the Tara Jacobs-Brown Scholarship Fund and he will take them to the event in Kissimmee. He informed everyone that about 7 years ago The American Legion formed a 501C3 Corporation called Project Vet (Veteran) Relief which is an amazing program. Regardless of the Vet's problem they will address it, from homelessness to not being able to pay a bill or whatever. The legion did a golf tournament to raise money in the past, he is proud of the organization and in 2019 up until now they have raised \$264,000.00 for Project Vet Relief. He reminded everyone if they know a Vet that needs help that they need paperwork showing they served and they have to be in the State of Florida. The number for The American Legion is 1-800-393-3378 and if anyone knows a Vet in need that is a resource for them.

Mayor Herzberg thanked City staff for all of their help with the event and for all the prep work that went on. She recognized those people that do all the hard work and maybe have to give up a family event to work the events for the City. She is mindful of that and there are a lot of

things the City can do but, there is only a finite amount of employees to do it. She thanked everyone from the bottom of her heart, her family's heart and the entire Commission.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:54 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK