City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, June 20, 2022 **6:30 PM** **Deltona Commission Chambers**

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 6 - Mayor Herzberg
Vice Mayor Avila-Vazquez
Commissioner Bradford
Commissioner McCool
Commissioner Ramos
Commissioner Sosa

Absent: 1 - Commissioner King

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Ramos.

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.

Motion by Commissioner Ramos, seconded by Commissioner Bradford, to approve the minutes of the Regular Commission Meeting of June 6, 2022, as presented. The motion carried by the following vote:

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

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

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

Motion by Commissioner Ramos, seconded by Vice Mayor Avila-Vazquez, to adopt Resolution No. 2022-14. The Acting City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

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

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

Motion by Commissioner Sosa, to adopt Resolution No. 2022-14. The Acting City Manager has the authority to correct scrivener's errors and the like.

Amended motion by Commissioner Sosa, seconded by Commissioner Ramos, to adopt Resolution No. 2022-17. The Acting City Manager has the authority to correct scrivener's errors and the like. The amended motion carried by the following vote:

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

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

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner Ramos, to adopt Resolution No. 2022-15. The Acting City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

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

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

Motion by Commissioner Ramos, seconded by Vice Mayor Avila-Vazquez, to adopt Resolution No. 2022-16. The Acting City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

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

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.

Motion by Commissioner McCool, seconded by Commissioner Ramos, to adopt Resolution No. 2022-18. The Acting City Manager has the authority to correct scrivener's errors and the like. The motion carried by the following vote:

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

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.

Motion by Commissioner Ramos, seconded by Commissioner McCool, to adopt Ordinance No. 12-2022 at second and final reading. 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 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

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.

City Attorney Segal-George explained the process for the quasi-judicial hearing and she asked everyone that had standing who would like to provide testimony on this item to stand to be sworn in and there were none.

Each Commissioner expressed their ex-parte communication.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item to include changes to the Development Agreement and the addition of a 100-foot buffer which is a code requirement.

The Applicant's Attorney Joseph Posey, Storch Law Firm, 420 South Nova Road, Daytona Beach, spoke about the revised Development Agreement, accountability, bonds and entitlements.

Mayor Herzberg opened and closed the public hearing for those with standing as there were none.

Mayor Herzberg opened and closed the public hearing for those without standing as there were none.

Motion by Vice Mayor Avila-Vazquez, seconded by Mayor Herzberg, to approve Ordinance No. 11-2022, the Pell Excavation Business Planned Unit Development rezoning request with added Development Agreement language to protect the Savanna, limit hauling on certain

roadway corridors, clarify hours of operation, and recognizing the excavation will consist of one 9-acre pit at second and final hearing based on the following reasons/facts:

a) The excavation use will be managed to ensure appropriate operation including hours/days of use and heavy truck traffic usage;
b) The property will be subject to a reclamation plan;
c) The property in the future will not be eligible for urban development thus perpetuating the rural character of the east Osteen area;
d) Urban development will no longer be an option; therefore, urban sprawl will not be introduced into the Osteen area earmarked for non-urban uses;
e) There will be less potential future conflicts with City operations in the area like the Eastern Wastewater Reclamation Plant; and
f) The request is consistent with the Comprehensive Plan by furthering several provisions that address the management and conservation of soil and mineral resources and adding a 100 foot wetland buffer only intended to apply to the excavation area.
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 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

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.

City Attorney Segal-George explained the process for the quasi-judicial hearing and asked everyone that had standing or who would like to provide testimony on this item to stand to be sworn in.

Each Commissioner expressed their ex-parte communication.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item to include project history, location, phases, zoning classification, access, traffic,

excavation, parking, and amendments.

Applicant's Attorney Michael Woods, Cole Cobb, 231 N. Woodland Blvd., DeLand, and Tina Lee, Starlight Homes, 1064 Greenwood Blvd., Lake Mary, spoke about the phases, amenities and improvements, traffic, roads, parking, excavation, and access.

Mayor Herzberg opened the public hearing.

Jody Lee Storozuk, Deltona, spoke about Just say no, parking, school, ownership, cemetery, wildlife, development, traffic study, and residents.

Jennifer Sutton, 1028 Landing Lane, Deltona, spoke about Lot 1, HOA (Home Owners Association), possession, development, instability, gopher tortoise, presentation, roads and traffic, parking, and disapproving the project.

Hope Yancey, 1066 Wanderer Drive, Deltona, spoke about the pool, parking, traffic, debris, and entrance.

Tara D'Errico, Deltona, spoke about the developer, P&Z Meeting, parking, ponds, debris, traffic, zoning, and denying the request.

Mayor Herzberg closed the public hearing.

Attorney Woods and Ms. Lee spoke about HOA (Homeowners Association), units, amenities, and roads.

Motion by Commissioner McCool, seconded by Commissioner Sosa, to deny based on the following, Policy FLU 1-2.2, Policy 1-2.3, Policy FLU 1-7.8, Policy FLU 1-5.1, Policy CON 2-WR6.2, Objective T1-2, Con 2-WR4.4, Policy Con 2-WR6.2 and 6.3, also PSF 1-1.1 and PSF 1-4. The motion failed by the following vote:

For: 2 - Commissioner McCool, and Commissioner Sosa

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

Motion by Commissioner Bradford, seconded by Commissioner Ramos, to continue until August 1, 2022 date certain. The motion carried by the following vote:

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

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

Motion by Commissioner Bradford, seconded by Commissioner Ramos, to adopt Ordinance No. 06-2022, amending the Comprehensive Plan of the City of Deltona, to add Section 11, Property Rights Element to comply with the Florida Statutes requirements and directs staff to submit the package to the Department of Economic Opportunity at second and final reading. 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: 5 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner Ramos, and Commissioner Sosa

Against: 1 - Commissioner McCool

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.

Motion by Commissioner Ramos, seconded by Commissioner Bradford, to continue until time certain to July 5, 2022. The motion carried by the following vote:

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

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

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner Sosa, to approve the award of bid to GPS Civil Construction, Inc. for the Northwest Area Stormwater Management Improvements Project in the amount of $1,829,020. 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 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

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

Motion by Commissioner Ramos, seconded by Commissioner McCool, to approve the award of bid to A-C-T Environmental & Infrastructure, Inc. for Chemical Removal and Disposal Services in the amount of $248,780.50. 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 - Mayor Herzberg, Vice Mayor Avila-Vazquez, Commissioner Bradford, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

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

Motion by Commissioner Bradford, seconded by Vice Mayor Avila-Vazquez, to I move to award medical supplies and pharmaceuticals contracts to Bound Tree Medical, LLC., Henry Schein, Inc., Life-Assist, Inc., and QuadMed, Inc. The Acting City Manager has the authority to correct scrivener's errors and the like.". The motion carried by the following vote:

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

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.

JodyLee Storozuk, Deltona, spoke about his business, code enforcement, events/get together, harassment, and traffic.

Sara Bryan, Deltona, spoke about PRIDE, national recognitions, inclusiveness, and historical events/dates.

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.

Motion by Commissioner Ramos, seconded by Commissioner Bradford, to approve Consent Agenda items A and B. The motion carried by the following vote:

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

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

Approved by Consent Agenda - to approve the Task Authorization with Rocha Controls for the installation of Soft Start Motor Control Center and associated hardware at Water Plant 13, in the amount of $36,845.00. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

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

Approved by Consent Agenda - to approve 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 the amount of 46,272.00. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner McCool spoke about the car show and provided information on that event to include financials.

Commissioner Bradford spoke about an issue with reclaimed water. The Acting City Manager stated he was made aware of the issue and he will look into it further.

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

The Acting City Manager reminded everyone that the line item budget workshop will take place on Monday, June 27, 2022 starting at Noon. Also, he is trying to keep his schedule

clear so Commissioners can meet with him and staff if they have any questions regarding the budget.

15. CITY COMMISSION COMMENTS:

Commissioner McCool spoke about social services and events.

Commissioner Ramos spoke about youth basketball and the summer food program.

Commissioner Bradford spoke about public comments, Sara Bryan, Juneteenth and the sign ordinance.

The Acting City Manager spoke about the sign requirements and an issue with a code officer that was addressed.

Vice Mayor Avila-Vazquez spoke about a Freemason's and Deltona Fire Department event, public comments, Pulse event, and the car show report.

Mayor Herzberg spoke about budget meetings, Hispanic Chamber of Commerce event, Freemason's event, ribbon cutting, Juneteenth, PRIDE month and proclamations, Facebook, the community, and change.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:43 p.m.

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Heidi K. Herzberg, MAYOR

ATTEST:

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Joyce Raftery, CMC, MMC, CITY CLERK