



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Wednesday, September 4, 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:

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool
Commissioner Shimkus

3. INVOCATION AND PLEDGE TO THE FLAG:

**A. Invocation Presented by District #1 Commissioner.
Honoring Veteran -**

4. PRESENTATIONS/AWARDS/REPORTS:

The City Manager introduced the new Planning & Development Services Director and the new Finance Director.

5. 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 Matthew Shaw, Robert Solano, Courtney Cross-Burgos, Kathy Bryan, Brandy White, and Jose Pereira addressed the City Commission.

6. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2024-46, Adopting the Tentative Millage Rate - Levy of Ad Valorem taxes for FY 2024/2025.

Strategic Goal: Effective Governance and Productive Government

Mayor Avila stated at this time we are going to enter into public hearing Resolution No. 2024-46, Adopting the Tentative Millage Rate - Levy of Ad Valorem taxes for FY 2024/2025.

The City Manager gave a brief presentation to include TRIM Notice vs. Proposed Millage, Deltona FY 24/25 Ad Valorem Millage Rate, Parcel Count of Taxes Paid by Range, Reduced Ad Valorem Taxes, What is the Tax Reduction?, FY 24/25 Budget Allocation, FY 24/25 Millage Rate Allocation, and Major Changes in the Budget.

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

The Commission discussed full rollback, cost of living, City expenses, the breakdown of taxes and other entities' taxes, stormwater management, scholarships, reducing the millage and reserves, maintaining infrastructure, spending, City Hall renovations, field maintenance, developers, the history of the millage rate, the Board of Education, and retirement and benefits.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Heriot, to approve Resolution No. 2024-46 adopting the Tentative Millage Rate for Fiscal Year 2024/2025. The motion carried by the

following vote:

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

Against: 3 - Mayor Avila, Vice Mayor JodyLee, and Commissioner Colwell

Mayor Avila stated this is a public hearing to hear and consider comments and questions regarding the City's tentative millage rate and proposed annual budget for the coming fiscal year 2024/2025. The City of Deltona hereby proposes a tentative millage rate of 7.00. The tentative millage rate reflects an 3.35% increase from the rolled-back rate of 6.7730 mills. The tentative millage rate is higher than the rolled-back rate of 6.7730 in order to cover increased operating costs.

B. Public Hearing - Resolution No. 2024-47, Adopting the Tentative Annual Budget - Annual Budget for FY 2024/2025.

Strategic Goal: Effective Governance and Productive Government

Mayor Avila stated the floor is now open to hear public comments and to take any questions from the public.

Elbert Bryan, Brandy White, Kathy Bryan, Courtney Cross-Burgos, and Pat Blodgett addressed the City Commission.

Mayor Avila closed the public participation period and opened the floor for City Commission comments and questions.

The Commission discussed placeholders, facility renovations, scholarships, school taxes, ADA compliance, procurement process, being financially healthy, increased expenses, and using available resources responsibly.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Shimkus, to approve Resolution No. 2024-47 adopting the Tentative Budget for Fiscal Year 2024/2025.

Mayor Avila read the title of Resolution No. 2024-47 for the record.

A RESOLUTION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, ADOPTING THE TENTATIVE ANNUAL GENERAL FUND, SPECIAL REVENUE FUNDS, ENTERPRISE FUND, AND CAPITAL PROJECTS FUNDS BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025; PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

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

Against: 3 - Mayor Avila, Vice Mayor JodyLee, and Commissioner Colwell

C. Public Hearing - Ordinance No. 10-2024, vacating portions of the rights-of-way known as Florida Avenue and Clara Street associated with the Davis Park Plat, at final hearing.

Strategic Goal: Economic Development

Motion by Commissioner Heriot, seconded by Vice Mayor JodyLee, to approve Ordinance No. 10-2024 at final hearing, vacating portions of rights-of-way known as Florida Avenue and Clara Street associated with the 1925 Davis Park Plat. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

D. Public Hearing- Ordinance No. 09-2024, amending the Official Zoning Map to rezone + 10.10 acres of land located at 3141 Howland Boulevard from General Commercial (C-2) and Business Planned Unit Development (BPUD) to BPUD, at first hearing.

Strategic Goal: Economic Development

The City Attorney swore in those people with and without standing who wished to speak on the item.

Each Commissioner disclosed their ex-parte communications.

The Planning & Development Services Manager gave a brief presentation to include The Request, Current Master Development Plan, Elevations for LEHA Business Park BPUD, Matters for Consideration, Comprehensive Plan, and Recommendation.

The Commission and Attorney Watts, representative for the applicant, spoke about storage and parking, traffic and turn lanes, minimal standards required, putting safety first, approved uses, site plan process, additional access, the TIA (Traffic Impact Analysis) the number of stories, and maximizing height.

The City Attorney swore in resident Mr. Potts who has standing.

Mayor Avila opened the public hearing for those people with standing and Mr. Potts

addressed the City Commission.

Motion by Vice Mayor JodyLee, seconded by Commissioner McCool, to approve Ordinance No. 09-2024 at first hearing, amending the Official Zoning Map to rezone 3141 Howland Boulevard from C-2 and BPUD to BPUD.

The City Attorney read the title of Ordinance No. 09-2024 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE +/-10.10 ACRES OF LAND LOCATED AT 3141 HOWLAND BOULEVARD FROM GENERAL COMMERCIAL (C-2) AND BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) TO BPUD; PROVIDING FOR CONFLICTS, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

- E. Public Hearing - Resolution No. 2024-37, accepting the Final Plat for Catalina Pointe RPUD to subdivide the commercial outparcel from the multifamily parcel on 36.6-acres of land, located at 2965 Howland Boulevard.**

Strategic Goal: Economic Development

Commissioner McCool left the meeting at 7:58 p.m.

Mayor Avila opened the public comments and Pamela Hicks addressed the City Commission.

Motion by Vice Mayor JodyLee, seconded by Commissioner Colwell, to accept the Final Plat for Catalina Pointe, to subdivide the multifamily parcel and commercial outparcel. The motion carried by the following vote:

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

7. OLD BUSINESS:

- A. Request approval for the Proportionate Fair Share Agreement for Catalina Pointe Residential Planned Unit Development (RPUD).**

Strategic Goal: Economic Development

The applicant requested to pull this item from the agenda.

B. Request to approve award of RFP#24014 for a Time and Attendance Solution to Andrews Technology HMS, Inc.**Strategic Goal: Effective Governance and Productive Government**

The City Manager gave a brief explanation of the item.

The Commission and the City Manager discussed the bid process, being a finance function, the cost, the vendors, the system's capability, references, and integration.

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

Motion by Commissioner Heriot, seconded by Commissioner Avila-Vazquez, to approve the award of RFP#24014 for a Time and Attendance Solution to Andrews Technology HMS, Inc. at a total cost not to exceed of \$50,000 for fiscal year 2023/2024. 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. NEW BUSINESS:**A. Request approval for reimbursement to Starlight Homes Florida, LLC an amount not to exceed \$74,157.72 as agreed upon in the Municipal Utility Installation & Reimbursement Agreement. This agreement was approved by the Commission on May 16, 2022 to cover the cost of upsizing the sanitary sewer infrastructure and available capacity.****Strategic Goal: Economic Development - Infrastructure**

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to approve the reimbursement to Starlight Homes Florida, LLC as agreed in the Municipal Utility Installation & Reimbursement Agreement between the City and Starlight Homes Florida, LLC. The motion carried by the following vote:

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

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.

Mayor Avila opened the public comments for Consent Agenda items and Brandy White addressed the City Commission.

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.

The City Manager requested to pull Item 10-E from the Consent Agenda.

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

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

A. Approval of minutes of the Regular Commission Meeting of August 5, 2024, as presented.

Strategic Goal: Accurate, Timely and Identifying Communication

Approved by Consent - to approve the minutes of the Regular Commission Meeting of August 5, 2024, as presented.

B. Request approval for the Interlocal Agreement Regarding Transportation Impact Coordination between the City of Deltona and the County of Volusia.

Strategic Goal: Economic Development

Approved by Consent - to approve the Interlocal Agreement Regarding Transportation Impact Coordination between the City of Deltona and the County of Volusia.

- C. **Request for approval of bid award for fiber optic cable expansion from Eastern Water Reclamation Facility to Public Works.**

Strategic Goal: Accurate, Timely, and Identifying Communication

Approved by Consent - to approve the awarding of bid #24023 to RKC Site Solutions, LLC to install fiber optic cables from Eastern Water Reclamation Facility to Public Works in the amount of \$147,742.52.

- D. **Request approval of Resolution No. 2024-45 and Budget Amendment to increase the economic development initiative account to fund the reimbursement of taxes to Amazon for the Fiscal Year 2024.**

Strategic Goal: Effective Governance and Productive Government

Approved by Consent - to approve Resolution No. 2024-45 and Budget Amendment to increase the economic development initiative account to fund the reimbursement of taxes to Amazon for the Fiscal Year 2024 at a cost of \$58,500.

- E. **Request for approval of Resolution No. 2024-48, adopting amended Procurement Policies and Procedures Manual.**

Strategic Goal: Effective Governance and Productive Government

The City Manager requested to pull Item 10-E from the Consent Agenda.

- F. **Request approval of Resolution No. 2024-49 and Budget Amendment for temporary services for Human Resources.**

Strategic Goal: Effective Governance and Productive Government

Approved by Consent - to approve Resolution No. 2024-49 and Budget Amendment to increase the Purchase Order for Robert Half PO 240660 for temporary services for Human Resources.

- G. **Request approval of Resolution No. 2024-44 and budget amendment to**

reduce the operating budget for Division 364 (Deltona Water Field Operations) by 25K and move the funds to capital equipment for the purchase of an additional ground penetrating radar used for locates of utility lines.

Strategic Goal: Public Safety

Approved by Consent - to approve Resolution No. 2024-44 and Budget Amendment to reduce the operating budget for Division 364 (Deltona Water Field Operations) by 25K and move the funds to capital equipment for the purchase of an additional ground penetrating radar used for locates of utility lines.

- H. **Request approval of Resolution No. 2024-43 and budget amendment to transfer unencumbered budgeted funds to the Hawkins Inc. purchase order for Water Plant Chemicals needed for the remainder of the FY 23/24 year.**

Strategic Goal: Public Safety

Approved by Consent - to approve the requested Resolution No. 2024-43 and budget amendment to transfer unencumbered budgeted funds to the Hawkins Inc. purchase order for Water Plant Chemicals needed for the remainder of the FY 23/24 year.

11. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

The City Manager stated Deltona University is sold out, there will be about 30 students in the first semester, and will be six classes over the fall. The Communications Department will be promoting a number of citywide events for fall and winter to include a Chili Cook-off. Staff is working diligently on the Golden Book which is an easy to read booklet for the City's most important laws, policies, and contact information and he is hoping it will be available before the end of the year. He reminded everyone of the Workshop to take place Monday, September 9th.

14. CITY COMMISSION COMMENTS:

Commissioner Heriot spoke about a senior prom (for senior citizens), ball field drainage and maintenance, and upgrades to Harris Saxon Park.

Commissioner Avila-Vazquez spoke about sports teams, the Mason's Teacher

Appreciation Breakfast, Daytona State College (DSC) ribbon cutting, Deltona & Pine Ridge High Schools' ratings, the Deltona High School awards ceremony, City recognition policy, events and invites, the Town Hall with Representative Mills, elected officials, and respect.

Commissioner Avila-Vazquez requested a consensus of the Commission that all proclamations from the City should have the City's official seal on them and should read from the Mayor and City Commission.

Commissioner Avila-Vazquez requested a proclamation for the Sons and Daughters of Italy next month, October.

Mayor Avila asked if the logo on proclamations had changed and confirmed that the ones made by City staff have the City logo on it.

Commissioner Colwell spoke about the City Attorney search to include the timeline and a contingency plan. The City Manager replied there are other attorneys that the City has worked with in the past that can be utilized and we will learn more at the Workshop on Monday.

Vice Mayor JodyLee spoke about City Hall access, things he has heard, Commissioners' rights, and directing staff.

Vice Mayor JodyLee requested a consensus of the Commission to turn back on City Hall access for elected officials.

The City Manager and Vice Mayor JodyLee discussed concerns regarding the elected officials to City Hall access.

Vice Mayor JodyLee requested a consensus of the Commission to turn back on City Hall access for elected officials and the consensus failed with only Commissioner Colwell and Vice Mayor JodyLee voting in favor.

Mayor Avila spoke about the State of Florida Chief Financial Officer (CFO) Jimmy Patronis and home insurance, meeting with U.S. Senator Rick Scott and tax relief for residents, a senior prom (for senior citizens), and the Town Hall with Representative Mills.

Mayor Avila called for a point of order.

Mayor Avila continued to speak about the Key to the City presentation and moving forward united.

15. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:40 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK