



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, March 25, 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 #5 Commissioner.

4. APPROVAL OF MINUTES & AGENDA:

- A. Approval of minutes of the Regular Commission Meeting of March 4, 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 Regular Commission Meeting of March 4, 2024, as presented. 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

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Presentation - Hispanic Chamber of Commerce
- B. Presentation - Love Your Heart 5K Check Presentation to the American Heart Association
- C. Presentation - Duke Energy has a program titled Neighborhood Energy Saver Program that will help neighbors save energy and money. The program for income eligible neighborhoods can provide up to 20 free energy improvements.

Strategic Goal: Infrastructure

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.

Lillian Mendez & Kristina Deberadinis, Mathew Shaw, Christian O'Brien, Kathy Bryan, and Lindsey Briones addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 02-2024, amending the Deltona Village Business Planned Unit Development (BPUD) to rezone an additional + 25.96 acres of land to be included within the BPUD - Planning and

Development Services (386) 878-8600.**Strategic Goal: Community Development**

The City Attorney swore in everyone that wished to speak on this item.

Each Commissioner disclosed their ex-parte communications.

The Planning & Development Services Planner II gave a brief PowerPoint Presentation to include BPUD Amendment Application Request, Background, History of this request, Parcels to be added, Previous Deltona Village BPUD Amendments, Deltona Village BPUD, Matters of Consideration, Matters of Consideration Highlights, and Staff Recommendation.

Attorney Gisselle Calderon-Cruz with Booker & Associates, P.A., representing the applicant, gave a brief PowerPoint Presentation to include Proposed land: 25.96 Acres and Current BPUD site: 140.61 Acres, Exhibit B from Development Agreement Deltona Village BPUD dated 2/15/2010, Ordinance No. 26-2016 recognizes the 25.96 acres is included in the existing traffic study, Ordinance No. 04-2023 (6) Deltona Village Transportation Impact Analysis (TIA) Obligations. (C) & (D), Deltona Village Road Impact Analysis Chart, and quick points of importance.

The Commission and Attorney Calderon-Cruz discussed the reason for removing the acreage, what could be developed, and traffic.

The City Attorney swore in Phyllis Wallace, Acting Public Works Director.

The Commission, Attorney Calderon-Cruz, Attorney Kim Booker and staff discussed why the acreage was removed, traffic impact analysis, Howland Blvd's rating, Volusia County's position and suggestion, impact fees, roadway improvements, the entrance(s) to the 25.96 acres, the Master Development Plan, requirements in 2010 vs. 2024, and growth in the area.

The Mayor opened the public hearing to those residents with standing and there were none.

The Mayor opened the public hearing and Eric Alexander and Timothy Blodgett addressed the City Commission.

Motion by Vice Mayor JodyLee, seconded by Commissioner Avila-Vazquez, to approve Ordinance No 02-2024, amending the Deltona Village BPUD to rezone and include an additional + 25.96 acres of land to the Deltona Village BPUD. The motion carried by the following vote:

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

Against: 2 - Commissioner McCool, and Commissioner Shimkus

- B. Public Hearing - Ordinance No. 03-2024- Amending the official Zoning Map to Rezone an approximately 1.37 - acre parcel of land located at 3150 Howland Boulevard from Professional Business Zoning District (PB) to the City of Deltona Retail Commercial District (C-1). - Planning & Development Services (386) 878-8600.**

Strategic Goal: Economic Development

The City Attorney swore in everyone that wished to speak on this item.

Each Commissioner disclosed their ex-parte communications.

The Planning & Development Services Planner II gave a brief PowerPoint Presentation to include Rezoning Application Request, Background, Existing Site with Zoning, Professional Business Zoning, Proposed Zoning - Retail Commercial, Maps, New Site Layout, Matters of Consideration, Matters of Consideration Highlights and Staff Recommendation.

Attorney Bill Barfield, 225 South Westmonte Drive, Suite 2040, Altamonte Springs, FL, representative for the applicant, discussed the history of the item, main concerns, agreeing to certain limitations regarding uses, approval by Planning & Zoning Board, substantial competent evidence, zoning map, the uses has to be approved, the need to adequately market the property, traffic and improvements, oil change businesses and Engineer Dave Holden.

The Commission discussed types of development, changes previously presented, reasons for voting no, and traffic concerns.

The Mayor opened the public hearing to those residents with standing and there were none.

The Mayor opened the public hearing and Eric Alexander addressed the City Commission.

Motion by Vice Mayor JodyLee, seconded by Commissioner McCool, to approve Ordinance No. 03-2024, amending the Official Zoning Map to rezone a +/-1.37-acre parcel located at 3150 Howland Boulevard from Professional Business to Retail Commercial at first rehearing. 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

8. OLD BUSINESS:**9. NEW BUSINESS:**

- A. **Request for approval to award Bid # 24007- Citywide Heating, Ventilating and Air-Conditioning Repair and Preventative Maintenance Services, to Air Current, Inc. Service under this bid contract is to be used as needed and within appropriated funding for each department for each fiscal year throughout the award term. - Mark Manning, Parks & Recreation (386) 878-8905.**

Strategic Goal: Infrastructure

The Parks & Recreation Director gave a brief explanation of the item.

The Commission and staff discussed the maintenance agreement and the local vendor.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner McCool, to approve and award Bid #24007, Citywide HVAC repairs and maintenance services to Air Current, Inc.

The Mayor opened the public comments and there were none.

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

- B. **Request for approval of Resolution No. 2024-17 and a budget amendment for purchase of IP phone migration to Webex cloud - Robert Cordero, IT Department (386) 878-8807.**

Strategic Goal: Effective Governance & Productive Government

The IT Director gave a brief explanation of the item.

The Commission and staff discussed the additional cost, budget amendments, upcoming budget, three-year agreement, presentation of the budget, and the budget process.

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

Motion by Vice Mayor JodyLee, seconded by Commissioner Heriot, to approve Resolution No. 2024-17 and the budget amendment of \$70,000 to Deltona Water Capital Funds and the approval of the contract with

Presidio for procurement of Cisco licenses and migration services for a cloud phone system in the amount \$254,532.34 with the current fiscal year not to exceed a cost of \$170,000 and additional cost being budgeted appropriately in future fiscal years. 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

- C. Request approval of the Task Authorization between the City of Deltona & Pegasus Engineering for preparation of the FEMA - Hazard Mitigation Grant Program submittal for Hurricane Idalia related to the East Brooke Drainage Improvements Project in the amount of \$30,500.00 - Phyllis Wallace, Interim Public Works Director 386/878-8965**

Strategic Goal: Infrastructure

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

The Commission and staff discussed the financial responsibility and matching funds, pursuing and receiving grants, project rankings and funding.

The Mayor opened the public comments and there were none.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Heriot, to approve the Task Authorization with Pegasus Engineering for preparation of the FEMA - Hazard Mitigation Grant Program submittal for Hurricane Idalia related to the East Brooke Drainage Improvements Project in the amount of \$30,500.00. 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. Request approval of the Task Authorization between the City of Deltona & Pegasus Engineering for preparation of the FEMA - Hazard Mitigation Grant Program submittal for Hurricane Idalia related to Property Acquisition & Demolition of 3101 Riverhead Drive in the amount of \$19,895.00- Phyllis Wallace, Interim Public Works Director 386/878-8965**

Strategic Goal: Infrastructure

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

The Commission and staff discussed additional properties, mitigation cycle, purchased property, lake properties, flood zones and relief, and the Theresa Basin Study.

The Mayor opened the public comments and there were none.

Motion by Commissioner McCool, seconded by Vice Mayor JodyLee, to approve the Task Authorization with Pegasus Engineering for preparation of the FEMA - Hazard Mitigation Grant Program submittal for Hurricane Idalia related to Property Acquisition & Demolition of 3101 Riverhead Drive in the amount of \$19,895.00. 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

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.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Heriot requested a consensus to go out for an RFQ (Request For Quote) for a grant search firm and the Commission concurred.

Commissioner McCool requested a consensus and clarification to look at the previously City Attorney applicants. The Commission discussed an in-house City Attorney and previous discussions. The City Clerk explained there will be a Workshop on the LDC (Land Development Code) on April 8th and after that will be a Special Commission Meeting for the Commission to select the City Manager finalists, discuss the City Manager interview process and discuss the City Attorney.

Commissioner Colwell requested an update on the Enrico Ridge Apartments and the

Interim City Manager replied the City is trying to do something to get the project moving again. A letter was sent with a timeline to respond which has passed and now the City is going to start the Code Compliance portion of the process. A new investor is possibly looking at helping to fund the projects. The Acting Public Works Director stated they wanted to do the project in phases, it was not a phased project to begin with, and she requested a map of the buildings to separate out the phases but, there has not been any response from Mr. Santiago or the applicant.

Vice Mayor JodyLee requested a consensus to move forward tomorrow with the Code Compliance process on the Enrico Ridge Apartments and the Commission concurred.

Vice Mayor JodyLee requested a consensus that from now until the new City Manager is on board to halt/freeze any pay raises with the exception of the 3% and 2% that the Commission voted on in the budget or have Human Resources look into the recent pay raises to make sure they are justified, and the Commission concurred.

The Mayor requested a consensus for the Caribbean American Chamber of Commerce to use Wes Crile Park's walking area for a Jamaican 5K Walk and to bring back information to the Commission for final approval and the Commission concurred.

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

15. CITY COMMISSION COMMENTS:

Commissioner Avila-Vazquez gave a shout out to Parks & Recreation's Eggstravaganza Event and she commented on the Vice Mayor and the rock wall. She spoke about the Housing Fair for first home buyers on Saturday, April 6th at The Center of Deltona.

Commissioner McCool spoke about having events at the Amphitheater, Lyonia Preserve, stormwater access, and bowing to peer pressure and she apologized to residents for those comments.

Vice Mayor JodyLee spoke about the City Manager reports, getting along, the budget process and saving money.

Mayor Avila spoke about former Commissioner King and Warrior Day on April 14th.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:40 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK