City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, May 1, 2023 **6:30 PM** **Deltona Commission Chambers**

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor Bradford
Commissioner Avila-Vazquez
Commissioner Burbank
Commissioner Colwell
Commissioner JodyLee
Commissioner McCool

3. INVOCATION AND PLEDGE TO THE FLAG:

A. **Invocation presented by District #6 Commissioner.**

4. APPROVAL OF MINUTES & AGENDA:

A. **Approval of minutes of the Regular Commission Meeting of April 17, 2023, as presented - Joyce Raftery, City Clerk (386) 878-8502.**

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to approve the minutes of the Regular Commission Meeting of April 17, 2023, as presented. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, and Commissioner McCool

5. PRESENTATIONS/AWARDS/REPORTS:

A. **Super Star Student of the Month Certificates for April 2023.**

B. **Proclamation - Day of Prayer.**

C. **Proclamation - Mental Health Awareness Month.**

D. Proclamation - Professional Municipal Clerks Week.

Mayor Avila called for a recess at 6:45 p.m. and reconvened at 6:48 p.m.

6. 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. Citizen comments for any items. (4 minute maximum length per speaker).

Billy Fowler, Douglas MacDonald, Barbara Hanrahan, Janet Deyette, Richard Bellach, Former Commissioner Sosa, and Brandy White addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 07-2023, repealing Ordinance No. 11-2018, Chapter 96-Improvements-Article II-Design and Construction Standards of Improvements-Section 96-34-Water and Sewer, (c) Sewer Facilities; By creating a new Subsection (C) 7-Relating to Sewer Connection; Repealing New Subsection (C) 7-Relating to Sewer Connection. - City Manager (386) 878-8858.

Strategic Goal: Infrastructure

The City Manager stated this is a repeal of an Ordinance that is not lawful according to the Statutes of Florida.

Motion by Vice Mayor Bradford, seconded by Commissioner Colwell, to adopt Ordinance No. 07-2023 at second and final reading. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, and Commissioner McCool

8. OLD BUSINESS:

A. Motion for rehearing of Ordinance No. 04-2023, Request to amend the Deltona Village Business Planned Unit Development (BPUD) overall Development Plan/Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units;

amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD.

Commissioner JodyLee joined the meeting electronically at 7:27 p.m.

The City Attorney asked that everyone that would like to provide testimony on this item to stand to be sworn in.

Each Commissioner expressed their ex parte communications.

Planning & Development Services Interim Director Joe Ruiz gave a brief explanation of the item to include the previous hearing and vote, school concurrency and the traffic studies.

The Applicant's Attorney Kim Booker, Booker and Associates, P.A., gave a brief explanation of the item to include vested rights, trips, the Comprehensive Plan, she listed the facts and the portions of the code, the Development Order, the level of service, mitigation threshold, the Activity Center, and the equivalency matrix.

The Commission and staff discussed no proposed changes, vote required, and vested rights.

Motion by Vice Mayor Bradford, seconded by Commissioner Burbank, to grant a rehearing of Ordinance No. 04-2023 for the following reasons: this does fall within our comp plan; it does fall within everything; we do not have a right to go against their vested interest; we do not have a right to go against anything and add our own opinion and personal opinion when it comes to items of a quasi-judicial hearing; and therefore we have to stick to the facts, the whole truth and nothing but the truth unless you are a professional to add to that.

Richard Bellach, Brandy White, and Dave Munoz addressed the City Commission.

Commissioner McCool asked that the motion be amended to include a time specific rehearing date of 60 days because the School Board is still clearing concurrency.

Amended motion by Vice Mayor Bradford, seconded by Commissioner Burbank, to include that the ordinance is reheard at the next possible meeting that is available. The amended motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

9. NEW BUSINESS:

A. Consideration of appointment or re-appointment of seven (7) members to the William S. Harvey Deltona Scholarship Advisory Board. - Joyce Raftery, City Clerk (386) 878-8502.

Strategic Goal: Internal and External Communication.

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to confirm the Commission appointments of David Dawson, Christina Raimundo, Angela Hudson, Harry Meeks, Ruben Medina, Lori Burbank and Sandra Dillard for a term to expire on May 31, 2025 to the William S. Harvey Deltona Scholarship Advisory Board. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

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.

Brandy White addressed the City Commission.

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 Avila pulled Item 11-B for discussion.

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to approve the work order agreement with CPH, LLC. The City Manager has the authority to correct Scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, Commissioner JodyLee, and Commissioner McCool

A. **Request approval of work order agreement with CPH, LLC. for continuing consulting engineering services for City Hall Upgrades and Repairs. - Mark Manning, Parks & Recreation (386) 878-8905.**

Strategic Goal: Infrastructure

Approved by Consent Agenda - to approve the work order agreement with CPH, LLC. The City Manager has the authority to correct Scrivener's errors and the like.

B. **Request approval to authorize the utilization of Pegasus Engineering & TetraTech, Inc. to provide professional services related to Grant Compliance Services on an as needed basis. The City requires qualified firms skilled in providing assistance and support for grant management in order to maximize and leverage funding from the Federal Emergency Management Agency, the State of Florida Division of Emergency Management, the Department of Economic Opportunity and other funding partners at the State & Federal levels. Glenn Whitcomb, Public Works/Deltona Water (386) 878-8929.**

Strategic Goal: Infrastructure

The Commission, City Manager and staff discussed the bid process, accountability, the 4-B Project and its history, and consultants.

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to approve the request to utilize the professional services of Pegasus Engineering & TetraTech, Inc. specifically related to Grant Compliance Services on an as needed basis. The City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 5 - Vice Mayor Bradford, Commissioner Avila-Vazquez, Commissioner Burbank, Commissioner Colwell, and Commissioner McCool

Against: 2 - Mayor Avila, and Commissioner JodyLee

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Burbank requested a workshop to discuss repealing Ordinance No.

12-2016 and he also requested to have events again at the Amphitheater.

Commissioner Avila-Vazquez requested an explanation regarding the Mayor's logo and the City's logo and if the Mayor's logo was legal. The City Attorney replied yes, the logo is legal.

Commissioner McCool gave a report on the last Transportation Planning Organization (TPO) meeting and she asked if anyone would like the TPO monthly report just let her know. She requested that the City Manager and City Attorney prepare by the next meeting an update on any type of litigation with Stone Island.

Commissioner JodyLee requested an overall audit and an update on all pending lawsuits.

Vice Mayor Bradford requested to look into solutions for speeders and using roads as cut throughs like N. Normandy Blvd., Sullivan Street, Saxon Blvd. and Finland Drive. Public Works Deputy Director Phyllis Wallace replied staff can look at the previous data as well as updated data. Vice Mayor Bradford would also like to have staff look at a roundabout at Sullivan Street and Normandy Blvd.

Mayor Avila requested that staff look into raising sidewalks.

Mayor Avila requested a consensus for him to sign a supporting letter to the school board so they can implement a Narcan policy at the schools and the Commission concurred.

Mayor Avila requested that staff contact Amazon to have them stop parking their vans in the middle of the roadways. He requested an update on the house located on Howland Blvd. with an adjusters sign on the fence. He also requested a stop sign at Courtland Blvd. by the Skate Park. The City Manager replied staff is going to look at all the things it can do as it relates to traffic.

Mayor Avila requested the Commission consider finding $5,000 in the City's budget for the Galaxy Middle School STEM (Science, technology, engineering and mathematics) Program so the kids can go to Wichita Kansas.

Commissioner McCool requested an update on the $50,000 that was being paid to the Neighborhood Center every year, homeless shelter.

Commissioner Avila-Vazquez suggested the group do events at The Center to raise funds and she suggested the group get in touch with the Parks & Recreation Director. Vice Mayor Bradford agreed to help the school raise funds for the trip by having events either at The Center or the Amphitheater.

Commissioner McCool suggested doing a lottery each year to award funds to schools.

13. CITY ATTORNEY COMMENTS:

The City Attorney stated the carrier has accepted the Stone Island litigation and they will be handling and assisting in the litigation. She is trying to put dates together for a shade meeting so the Commission can sit with the lawyer for the carrier that has been assigned and discuss some of the particulars of the claim. With regards to other claims, Florida a couple of years ago charged the law with regards to what you can have shade meetings for. The City cannot have a shade meeting just because a claim has been filed. We must have actual litigation to schedule a shade meeting with the Commission. All information with regards to claims under Florida Statutes is protected and confidential until such time as there is a result.

14. CITY MANAGER COMMENTS:

The City Manager stated that coming from Tallahassee, the City has received funding for the East Wastewater Treatment Plant, the Fisher Wastewater Treatment Plant, the Elkcam Drive project for raising the road and for the design of the Theresa Basin Outfalls and flood control. The significance of that is that they know this is the first request and that there will be other requests on these projects so it is on their radar for future funding.

The City Manager stated there will be a resident flood information workshop held on Thursday, May 18th from 6:00 - 7:00 p.m. in the Commission Chambers.

15. CITY COMMISSION COMMENTS:

Commissioner Avila-Vazquez spoke about the Deltona High School ROTC Ball, the Bacon and Brew event, Arbor Day, New Hope Services' Anniversary, and the Discovery Elementary Ride/Walk.

Commissioner McCool spoke about her Florida Cancer Specialist fundraiser, unchecked growth and traffic, educational concurrency, and the teacher deficit.

Commissioner JodyLee spoke about sidewalk improvements.

Vice Mayor Bradford spoke about the City Manager's Report, resident flooding, grant funds, Tennis Play, Volleyball open gym, Bonkers, the Flow Mobile, graduations and award ceremonies.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:41 p.m.

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Santiago Avila, Jr., MAYOR

ATTEST:

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Joyce Raftery, CMC, MMC, CITY CLERK