MINUTES FOR A REGULAR MEETING OF
THE CITY COMMISSION OF THE CITY OF DELAND
HELD ON MONDAY, JUNE 6, 2022, AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

CALL TO ORDER

The meeting was called to order by Mayor Apgar at 7:00 p.m.

Mayor Apgar requested that anyone present who wishes to address the City Commission on an item appearing on tonight's agenda, or with regard to an item not on the agenda, please fill out a Speaker’s Card and give it to the City Clerk. The public has a right to speak with regard to any item on which the City Commission is to take action.

INVOCATION:

Mayor Apgar asked that the families of David Staples and Peter Woods be remembered in everyone’s thoughts and prayers. Both gentlemen were long time residents of the City of DeLand. Mayor Apgar also mentioned recent school shootings, asking that all of the families be remembered. He mentioned Tom Bechtol and Jessica Parker are both residents who are recovering from illness and everyone was asked to keep them in their thoughts and prayers.

Pastor Peter Migner, DeLand Church of the Nazarene, gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Apgar led the Pledge of Allegiance.

ROLL CALL

Commissioner Charles Paiva	Present
Commissioner Jessica Davis	Present
Commissioner Chris Cloudman	Present
Commissioner Kevin Reid	Present
Mayor Robert F. Apgar	Present

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julia M. Hewitt, Deputy City Clerk; Mike Grebosz, Assistant City Manager; Adam Kisthardt, Deputy Police Chief; Todd Allen, Fire Chief; Dan Stauffer, Finance Director; Chad Gamble, Public Services Director; Ray Bahrami, City Engineer; Rick Hall, Parks and Recreation Director; Mike Holmes, Planning Director; Mark Hayward, Human Resources Director; Greg Whidden, IT Director; Scott Zender, Deputy Utilities Director; Ava Hanner, Community Information Specialist; members of the public and press.

Mayor Apgar mentioned City Manager Michael Pleus received the Award for Professional Excellence last week from the Florida City and County Manager’s Association.

PRESENTATIONS

1. <u>Certificate of Recognition, Southwestern Middle School Girls Basketball</u>

Mayor Apgar thanked Commissioner Davis for bringing the success of the Southwestern Middle School Girls Basketball team to the attention of the Commission. Commissioner Cloudman read the presentation and Commissioner Davis presented same to those present.

Commissioner Davis invited Principal Jacquese Copeland to join her up front.

Certificate of Recognition

Saleigh Simpson
Gabrielle Lett
Denayah Pate
Shemia Patrick
Hailey Banks
Laila Flemmings
Jadilinette Cordero-Vasquez – Team Manager
Donta Harper – Head Coach
Taren Saunders – Assistant Coach

Serria Wulf
Ivyunna Gordon
Leilany Diaz
Kayla Smith
R'Gena Brooks
Laniyah Lane

Whereas, the DeLand City Commission is pleased and honored to give special recognition and to offer congratulations to all the members of the Southwestern Middle School Girls Basketball team on an undefeated and successful season; and

Whereas, Southwestern Middle School Girls' Basketball Team has won the District Championship for two consecutive years under the leadership of Head Coach, Donta Harper; and

Whereas, the eighth graders on the team have not lost a game during their entire middle school career; and

Whereas, the DeLand City Commission commends each team member for their individual contributions to the success of this year's team and for their dedication to the sport of basketball. We also offer our congratulations to Coach Donta Harper and Assistant Coach Taren Saunders that have motivated and guided these athletes to excel and to learn the value of good sportsmanship.

Now, therefore, I, Robert F. Apgar, Mayor of the City of DeLand, and on behalf of the City Commission and all our citizens do hereby extend this expression of pride in the team's accomplishment son the court and in the classroom and our appreciation for the fine recognition you have brought to our community by your good sportsmanship and inspired team play. We wish all of the **Southwestern Middle School Girls Basketball Team** continued success in the future.

Done and Proclaimed this 6th day of June, 2022.

/s/ Robert F. Apgar
Mayor

Attest:
/s/ Julie A. Hennessy
City Clerk - Auditor

2. Presentation re: Books from the City Commission "Say Reading Counts" Book Drive

Commissioner Reid referred to this book drive with assistance from Family Book Store. This book drive has been concluded and was successful. Each of the campers will go home with a library of at least ten "Reading Counts" books provided by citizens of DeLand and local businesses. He invited the House Next Door's leaders who were running the enrichment program to accept the presentation of books and get some photographs. Commissioner Reid expressed his appreciation to everyone who participated in the book drive.

CONSENT AGENDA

1. Resolution Approving Budget Amendment for FY 21-22
2. Resolution Approving Amended Community Development Block Grant (CDBG) Budget for Fiscal Year 2022-2023
3. Consideration re Gateway Grant for DeLand Church of the Nazarene, Located at 913 East New York Avenue
4. Resolution Approving Amendment #1 to the FDOT Public Transportation Grant Agreement FM 438416-1-94-01 for Hangars – Construction
5. Consideration re Utility Service Agreement for Caliber Collision Located at 1294 East International Speedway Boulevard
6. Consideration re Change Order No. 2, 2021 Water Main Improvements
7. Consideration re Athletic Facilities Use Agreement with Volusia County School Board Pertaining to Use of City Athletic Facilities and the Use of the DeLand Middle School Gymnasium by the City

Mayor Apgar pulled item 7 from the Consent Agenda.

Commissioner Paiva made a motion to approve items 1 – 6 on the consent agenda. Commissioner Davis seconded the motion. The motion was approved by a unanimous vote.

7. Consideration re Athletic Facilities Use Agreement with Volusia County School Board Pertaining to Use of City Athletic Facilities and the Use of the DeLand Middle School Gymnasium by the City

Mayor Apgar thanked Darren Elkind, Michael Pleus and Rick Hall for their hard work in getting the school agreement in place.

Commissioner Paiva made a motion to approve item 7 on the consent agenda. Commissioner Reid seconded the motion. The motion was approved by a unanimous vote.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

There were none.

NEW BUSINESS

Mayor Apgar stated Item 4 will be the first item for consideration under New Business.

4. Consideration re Melching Field Design-Building Contract

Michael Pleus, City Manager, stated due to cost overruns, a few options are being presented for consideration.

Chad Gamble, Public Services Director, stated there were three originally short-listed firms, however, Wharton-Smith (WS) was the only proposal submitted. Major components of the Melching Field design build contract were reviewed.

Mr. Gamble introduced Wharton-Smith representatives Bob McClelland, Director of Business Development and Andy Duffy, Director of Pre-Construction Services. In addition, project team members present include Jeff Altier, Athletic Director at Stetson College; Steve Trimper, Baseball Coach at Stetson College and Rick Hall, Parks and Recreation Director.

Wharton-Smith's original proposal for construction of the full scope of services as detailed in the DCP, completed within the required timeframe was estimated at $10,400,000. The selection committee unanimously recommended award of the design build proposal to Wharton-Smith. Noting the current budget for all project improvements, $5,798,544, the panel understood value engineering and scope analysis/reductions and/or development of a phased approach were required to complete all improvements and required code upgrades to the Melching Field.

Three options presented to the City Commission along with the detail included in each option follows:

Option 1 would be to enter a contract with Wharton-Smith for $2,376,680. This contract would construct the following elements as part of their contract:

- Traffic topping and waterproofing of concrete stadium surfaces
- Perimeter fence and padded wall installation

- Three new rows of stadium level seating
- Concrete stadium repairs

As a reminder, the stadium seating, field lighting, turf and irrigation installation, bull pen relocations, scoreboard, PA system, netting, security camera installation are all improvements to be completed under separate procurement documents with anticipated completion in Spring 2023.)

If Option 1 is selected, this would bring the project cost to $6,633,678 and would require the City to appropriate additional funds in the amount of $1,682,567, of which $1,125,000 is due to loss of the ECHO grant which had been anticipated as revenue.

Stetson University is supportive of this option and have committed to their share of the 50/50 match for additional costs.

Option 2 would be to enter a contract with Wharton-Smith for $4,240,680. This contract would construct the same improvements as option 1 detailed above, and would add the following elements:

- Improvements/upgrades to the maintenance and support areas of the stadium
- Demolition and construction of the new ADA accessible stadium ramp
- *Construction of a new multi-purpose two-story pavilion and observation area along the third base line.

If Option 2 is selected, the project cost would be $8,597,677.73 and would require the City to appropriate additional funds in the amount of $2,664,567 of which $1,250,000 is due to the loss of the ECHO grant which had been anticipated as revenue.

This option is preferred by Stetson staff. They are supportive of and have committed to their share of the 50/50 match for additional costs.

Both options 1 & 2 could be substantially complete by February 12, 2023, with the understanding that a contract for the preferred option would be authorized at this meeting.

Option 3 would be to complete Option 1 and perform all remaining items in fiscal year 2023-24. This option would require appropriations detailed under option 1. Mr. Gamble advised an appropriation of $1,250,000 would be ARPA funding which would replace the ECHO grant that was originally the City's 50/50 match with Stetson University. However, the remaining scope of service items not completed by Wharton-Smith in the first year would be completed in a second year of construction. Those items would include:

- Two-story pavilion and reconstructed pedestrian ramp
- Bathroom and related code improvements
- Concession stand renovations and code improvements

- Fabric shade structure installation
- Press box remodel/upgrades and code improvements

The total cost for the second year of construction improvements to the stadium is estimated to be $7,886,186. The City is proposing to submit an exceptional ECHO grant for the amount of $2,500,000. Thus, bringing the costs that are shared 50/50 with Stetson for the second year of construction for the construction contract to approximately $5,400,000. If this option is selected, there would have to be an additional future commitment of funding from each, the City and Stetson University, of approximately $2,700,000.

Mr. Gamble said staff is recommending the City Commission approve moving forward and authorize the execution of a contract to the Wharton-Smith design team for Option #1 or Option #2 as detailed, providing guidance on future plans for Option #3. Based on City Commission action, staff will bring forward a budget amendment reflecting the Commission's preference.

Mr. Pleus, City Manager, noted the original budget for everything was $5,700,000 split 50/50 with Stetson University. The City's portion included an ECHO grant in the amount of $1,250,000, largely for the shade structure and the pavilion. Since the budget is now $14,000,000 for everything included, basically the pavilion and shade structure would have to be removed to reduce cost. These items would be done in a future phase. The City Commission has discussed using ARPA funding for this project.

Commissioner Cloudman disclosed a potential for a conflict of interest due to his employment.

Jeff Alter, Stetson University, stated increased cost results from supply chain and construction cost issues. The University would still like to complete the entire project. Many elements in options 2 and 3 serve the community more than the university. He noted the committee has worked hard to reduce costs to a reasonable level and has been prudent in addressing the infrastructure needs for the stadium. It is the desire of Stetson University to be good partners with the City of DeLand.

Commissioner Davis clarified two potential contractors withdrew from submitting RFQ's, and she also asked if anything was submitted from Scorpion Corporation. Mr. Gamble said there was a multi-step process with the procurement of the improvements for the stadium. Because it is a design build project, there are very regimented Florida rules and regulations that set forth a detailed process. First, a consultant (CPH) had to be hired to perform the design/build criteria package. Subsequently, a Request for Qualifications was solicited from teams who would be able to demonstrate meeting a certain standard. Three teams were deemed qualified or invited to submit request for proposals on the stadium. In the end, only one proposal for these improvements was submitted.

Commissioner Davis asked what the highlights were for the project as recommended by the committee. Mr. Altier stated Wharton-Smith has demonstrated success in the rehabilitation and construction of both college and professional baseball stadiums. They brought in experienced staff and demonstrated local projects they have completed. Their ability to be flexible and do a fair amount of self performance were important factors in the decision to work with Wharton-Smith.

Mr. Gamble added the committee members have worked diligently with Wharton-Smith to break this project down into consumable parts. There is no financial waste either way, given the fashion in which the project has been packaged for design and construction.

Commissioner Paiva said for Option 1, the amount which exceeds ARPA funds is $460,000, he asked how those additional funds would be covered and Mr. Pleus advised from capital reserves. Stetson favors option 2, and funding would still have to come from capital reserves. Commissioner Paiva noted there are other capital needs. He asked Mr. Pleus his thoughts with regard to the two options.

Mr. Pleus said option 1 would be staff's preference because the shade structure as well as the pavilion are necessary in order to maximize the City's ability to get as much revenue from ECHO as possible. In addition, several priorities will be coming forward in the budget which may require either capital reserves or ARPA funding. Lastly, it is possible that next year, if this is packaged as a phase 2, that some of the inflationary pressures will ease. If so, Wharton-Smith could be asked to recalibrate their prices.

Mr. Altier said what he is authorized to put forth from Stetson University is in line with option 2. The University has committed funding for this project. If option 1 is chosen, the funding will have to be revisited at a future date. However, Stetson is committed to support either of the first two options.

Commissioner Paiva made a motion to approve Option 1 for the Melching field design-build contract with Wharton-Smith. Commissioner Reid seconded the motion. The motion was approved by a vote of 4 to 0. Commissioner Cloudman abstained from participation, voting and will complete a memorandum of conflict.

1. First Reading of Ordinance Annexing 6.73 Acres of Property Located on the East Side of South Blue Lake Avenue, South of Saffron Trail (The Oaks)

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ANNEXING A PARCEL OF PROPERTY TOTALLING APPROXIMATELY ±6.73 ACRES OF LAND LOCATED ON THE EAST SIDE OF SOUTH BLUE LAKE AVENUE, SOUTH OF SAFFRON TRAIL, AMENDING CITY BOUNDARIES TO INCLUDE THE ANNEXED PROPERTY, AFFIRMING COMPLIANCE WITH STATUTORY PROCEDURE, PROVIDING AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There were no public comments. Mayor Apgar closed the Public Hearing.

Mayor Apgar stated this annexation application was prior to the City Commission authorizing a pause in development.

Commissioner Cloudman asked if anyone was present from the Planning Board and if effort has been made with the neighborhood that will be surrounded by this property. Mike Holmes, Planning Director, stated notices were sent to surrounding property owners.

A motion was made by Commissioner Paiva to approve the Ordinance upon first reading, relating to the annexing of 6.73 Acres of Property located on the East side of South Blue Lake Avenue, South of Saffron Trail (The Oaks). Commissioner Davis seconded the motion, which carried by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

2. First Reading of Ordinance Changing the Land Use from Volusia County Urban Low Intensity to City of DeLand Urban Low Intensity for 6.73 Acres of Property Located on the East Side of South Blue Lake Avenue, South of Saffron Trail (The Oaks)

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE EAST SIDE OF SOUTH BLUE LAKE AVENUE, SOUTH OF SAFFRON TRAIL; FROM VOLUSIA COUNTY'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION TO CITY OF DELAND'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There were no comments. Mayor Apgar closed the Public Hearing.

A motion was made by Commissioner Paiva to approve the Ordinance upon first reading, relating to the changing the land use from Volusia County Urban Low Intensity to City of DeLand Urban Low Intensity for 6.73 Acres of Property located on the East side of South Blue Lake Avenue, South of Saffron Trail (The Oaks). Commissioner Davis seconded the motion which carried by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

3. First Reading of Ordinance Changing the Zoning from Volusia County RR (Rural Residential), City of DeLand R-M (Residential – Mobile Home) and City of DeLand The Oaks PD to The Oaks Community Expanded PD 2022 for 51.86 Acres of Property Located Generally at the Southeast Corner of Voorhis Avenue and South Blue Lake Avenue

Mr. Elkind, City Attorney, read the Ordinance by title only.

ORDINANCE

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S RR, RURAL RESIDENTIAL, CITY OF DELAND'S R-M, RESIDENTIAL-MOBILE HOME AND THE OAKS PLANNED DEVELOPMENT TO CITY OF DELAND'S THE OAKS COMMUNITY EXPANDED PD 2022, PLANNED DEVELOPMENT, ON PROPERTY LCOATED AT THE SOUTHEAST CORNER OF VOORHIS AVENUE AND SOUTH BLUE LAKE AVENUE, APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 51.86 ACRES OF PROPERTY MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Apgar opened the Public Hearing. There were no comments. Mayor Apgar closed the Public Hearing.

Mr. Holmes noted the Planning Board did incorporate some changes in the PD which are included in what the City Commission is being asked to approve.

A motion was made by Commissioner Paiva to approve the Ordinance upon first reading, relating to the changing the zoning from Volusia County RR (Rural Residential), City of DeLand R-M (Residential – Mobile Home) and City of DeLand The Oaks PD to The Oaks Community Expanded PD 2022 for 51.86 Acres of Property Located Generally at the Southeast Corner of Voorhis Avenue and South Blue Lake Avenue. Commissioner Davis seconded the motion which carried by the following roll call vote.

Commissioner Paiva	YES
Commissioner Davis	YES
Commissioner Cloudman	YES
Commissioner Reid	YES
Mayor Apgar	YES

4. <u>Consideration re Melching Field Design-Building Contract (Previously Acted Upon)</u>

5. <u>Request to Schedule Budget Workshops for FY 2023 for July 11 – 14, 2022, at 5:30 p.m., with Friday, July 15, 2022 Held as a Reserve Date</u>

A motion was made by Commissioner Davis to approve the schedule for budget workshops. Commissioner Cloudman seconded the motion. The motion was approved by a unanimous vote.

6. <u>Consideration re Change of Meeting Date for Fourth of July Holiday</u>

A motion was made by Commissioner Paiva to approve the change of meeting date to accommodate the Fourth of July holiday. Commissioner Davis seconded the motion. The motion was approved by a unanimous vote.

CITY MANAGER REPORT

Michael Pleus, City Manager, thanked the City Commission for the recognition of the Professional Management of Excellence Award.

Mr. Pleus announced Mike Grebosz, Assistant City Manager, is now President of the Florida City and County Management Association.

CITY ATTORNEY REPORT

Nothing to report.

CITY CLERK REPORT

Nothing to report.

CITY COMMISSION

Commissioner Davis thanked Commissioner Reid for sharing oversight committee information with the Commission. She also expressed appreciation for the Proclamation to the Staples family. As a teacher, Commissioner Davis thanked the Commission for extending the opportunity for

Southwest Elementary School to attend the meeting. She also thanked Reverend Bradley for being a part of the Championship Coaching Team.

Commissioner Reid thanked the Commission for being a resource to get the book drive going. He also thanked Mayor Apgar for the Proclamation for Rotary Achievers.

Commissioner Cloudman provided information from a recent River of Lakes meeting.

Mayor Apgar attended a recognition by the Small Business Administration in Orange City recently, and he said the Page Agency was one small business and there were others. He also reported the hurricane luncheon was successful as was the Memorial Day event.

Mayor Apgar stated on June 18, 2022, the Juneteenth Celebration will take place at Earl Brown. This morning he was at DeLand Middle School to recognize two thirty plus year teachers who were retiring.

Mayor Apgar encouraged anyone interested in serving on a League of Cities Policy Committee to submit their intent to the FLC soon.

Congratulations to Nicholas Pleus on graduation from DeLand High School. He will be attending West Point.

Commissioner Davis thanked Chair Williams for the emancipation weekend at the African American Museum of Arts.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:01 p.m.

Prepared by:	Approved on:
Julie A. Hennessy, MMC	__07/06/2026__________________
City Clerk – Auditor	Date