



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
NOVEMBER 20, 2023 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

MINUTES

CALL TO ORDER

INVOCATION-Rabbi Ruthven Silverman, Temple Israel DeLand

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner

Absent:

ALSO PRESENT: Michael Pleus, City Manager; Darren J. Elkind, City Attorney; Julie A. Hennessy, City Clerk-Auditor; Jason Umberger, Police Chief; Todd Allen, Fire Chief; Michael Grebosz, Assistant City Manager; Rick Werbiskis, Community Development Director; Jim Ailes, Deputy Public Service/Utilities Director; Heidi VanEtten, Assistant Finance Director; Ray Bahrami, City Engineer; Carol Kuhn, Planning Director; Debi Glick, Land Development Manager; Kendall Story, Senior Planner; Belinda Williams-Collins, Senior Planner; members of the public and press.

PRESENTATIONS

1. Proclamation, Shop Small Saturday.

RESULT:	PRESENTED
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2. Employee Years of Service Awards.

RESULT:	PRESENTED
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CONSENT AGENDA

RESULT:	APPROVED, ITEMS 1-3, 5-11
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

1. Resolution Approving Final Budget Amendment FY 2022-2023.

RESOLUTION NO. 2023 - 87

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE BUDGET FOR THE GENERAL FUND, GRANTS AND SPECIAL REVENUE FUND, WATER AND SEWER FUND, AIRPORT FUND, PERMITS & INSPECTIONS FUND AND WORKERS COMPENSATION SELF-INSURANCE FUND FOR THE FISCAL YEAR 2022-2023; AND PROVIDING AN EFFECTIVE DATE.

2. Resolution Approving FDOT Public Transportation Grant Award 438416-2 for Airport East Hangar Complex Phase 1b Design Project.

RESOLUTION NO. 2023 - 88

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE STATE FLORIDA DEPARTMENT OF TRANSPORTATION, FINANCIAL MANAGEMENT NO. 438416-2-94-01; AND PROVIDING AN EFFECTIVE DATE.

3. Consideration re Award of Bid for West Apron Rehabilitation.

4. Consideration re Award of Bid, Old Fire Station Demolition and New Parking Lot.

RESULT:	APPROVED-THIS ITEM WAS PULLED FROM CONSENT
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

5. Consideration re Utility Service Agreement for Meadowlea Village.

6. Consideration re Cost Share Agreement with St. John's River Water Management District for DeLand Wiley M. Nash Water Reclamation Facility Project.

7. Resolution Approving the Authorization of the City Manager to Execute Deductive Change Orders for Owner Direct Purchases Related Solely to the Contract for Construction Management / General Contracting Services for Construction Phase Services for the City of DeLand Water Reclamation Facility (WRF) Upgrades and Plant Expansion.

RESOLUTION NO. 2023 - 89

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AUTHORIZING THE CITY MANAGER, UPON THE ADVICE AND CONSENT OF THE CITY'S DIRECTOR OF PUBLIC SERVICES OR CITY ENGINEER TO EXECUTE DEDUCTIVE CHANGE ORDERS RELATED SOLELEY TO OWNER DIRECT PURCHASES PURSUANT TO THE CONTRACT WITH WHARTON-SMITH, INC. FOR THE WATER RECLAMATION FACILITY (WRF) UPGRADES AND PLANT EXPANSION BEARING CONTRACT NUMBER RFP NO. 22-02(WRF); PROVIDING FOR ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

8. Consideration re Professional Services Agreement for Transportation Engineering Services with LTG Engineering and Planning.
9. Consideration re Professional Services Agreement for Civil Engineering Services with CPH, Inc.
10. Consideration re Professional Services Agreement for Civil Engineering Services with Freese and Nichols.
11. Consideration re Enrollment in CARFAX Investigative Tools.
12. Consideration re Miller-Fish Building (Fish Building) Historical Plaque.

RESULT:	APPROVED-THIS ITEM WAS PULLED FROM CONSENT
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

OLD BUSINESS

1. Second Reading of Ordinance No. 2023-23, Amending the Zoning of Approximately 38.5 Acres of Property, Located at 801 Sol Y Sombra for the Manchester Neighborhood Planned Development. First Reading on 10-16-2023.

ORDINANCE NO. 2023 - 23

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE MANCHESTER NEIGHBORHOOD PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 801 SOL Y SOMBRA APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 38.5 +/- 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.

RESULT:	ADOPTED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Dan Reed, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

2. Second Reading of Ordinance No. 2023-24, Amending the Zoning of Approximately 14.57 Acres of Property, Located at the Intersection of Clear Lake Road and North Spring Garden Avenue, the Pointe Grand Apartments Planned Development. First Reading 10-16-2023.

ORDINANCE NO. 2023 - 24

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE POINTE GRAND APARTMENTS PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT THE INTERSECTION OF CLEAR LAKE ROAD AND NORTH SPRING GARDEN AVENUE; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 14.57 +/- 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.

RESULT:	ADOPTED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Dan Reed, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

3. Second Reading of Ordinance No. 2023-25, Abandoning a 50-Foot Wide by 255-Foot Long Portion of the Pine Avenue Right-of-Way Running along the Western Boundary of 1632 Parade Circle, and along the Eastern Boundary of 1615 and 1607 North Woodland Boulevard. First Reading 10-16-2023.

ORDINANCE NO. 2023 - 25

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, ABANDONING A 255-FOOT LONG BY 50-FOOT WIDE PORTION OF THE PINE AVENUE RIGHT-OF-WAY, LOCATED ALONG THE WESTERN BOUNDARY OF 1632 PARADE CIRCLE AND ALONG THE EASTERN BOUNDARY OF 1615 AND 1607 NORTH WOODLAND BOULEVARD AND RESERVING A UTILITY EASEMENT OVER THE SOUTHERLY FIFTEEN FEET OF THE ABANDONED RIGHT-OF-WAY; AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

RESULT:	ADOPTED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

4. Second Reading of Ordinance No. 2023-26, Granting a Petition to Create the Cresswind DeLand Community Development District. First Reading 11-6-2023.

ORDINANCE NO. 2023- 26

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA GRANTING THE PETITION OF KH CW DELAND, LLC, FOR THE ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING THE CRESSWIND DELAND COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS, AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT, A SAVINGS PROVISION, CONFLICTS, SEVERABILITY, NON-CODIFICATION, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

RESULT:	ADOPTED W/ CHANGE
MOVER:	Charles Paiva, Commissioner
SECONDER:	Kevin Reid, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner

NAYS:	None
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5. Consideration re Interlocal Agreement for the Cresswind DeLand Community Development District.

RESULT:	APPROVED W/ CHANGE
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

6. Second Reading of Ordinance No. 2023-27, Granting a Petition to Create the Kepler Road Community Development District. First Reading 11-06-2023.

ORDINANCE NO. 2023- 27

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA GRANTING THE PETITION OF TLC TRINITY GARDENS, LLC, FOR THE ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING THE KEPLER ROAD COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS, AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT, A SAVINGS PROVISION, CONFLICTS, SEVERABILITY, NON-CODIFICATION, AND CORRECTION OF SCRIVENER’S ERRORS; AND PROVIDING AND AN EFFECTIVE DATE.

RESULT:	ADOPTED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Dan Reed, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

7. Consideration re Interlocal Agreement for the Kepler Road Community Development District.

RESULT:	APPROVED W/ CHANGE
MOVER:	Charles Paiva, Commissioner
SECONDER:	Dan Reed, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner

NAYS:	None
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NEW BUSINESS

1. First Reading of an Ordinance Amending Land Development Regulations to Add Doggie Daycare as an Allowed Use where Veterinary Clinics are Allowed and Adding Veterinary Clinics and Doggie Daycare Facilities with no Outside Runs or Kennels as a Conditional Use in C-2A.

RESULT:	APPROVED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

2. First Reading of Ordinance, Changing the Zoning Amending the DeLand Toyota PD, for +-10.43 Acres of Property, Located at 1701 South Woodland Boulevard, to Amend and Restate DeLand Toyota Planned Development, for the Purposes of Creating One Overall Development Plan with the Addition of a Proposed 8,000 Square Foot Building.

RESULT:	APPROVED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

3. Resolution Approving a Class IV Site Plan, Hillpointe/Pointe Grand Apartments, Located Southeast of the Intersection of Clear Lake Road and North Spring Garden Avenue.

RESOLUTION NO. 2023 - 90

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
APPROVING A CLASS IV SITE PLAN FOR HILLPOINTE/POINTE
GRAND APARTMENTS, LOCATED SOUTHEAST OF THE
INTERSECTION OF CLEAR LAKE ROAD AND NORTH SPRING GARDEN
AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.**

RESULT:	ADOPTED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Dan Reed, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

4. Resolution Approving Final Plat, Lakewood Park Phase 3 Located at Dr. Martin Luther King, Jr. Beltway and County Road 4139.

RESOLUTION NO. 2023 – 91

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
APPROVING THE FINAL SUBDIVISION PLAT FOR LAKEWOOD PARK
PHASE 3, LOCATED AT DR. MARTIN LUTHER KING, JR., BELTWAY
AND COUNTY ROAD 4139; AND PROVIDING FOR A CONDITION AND
AN EFFECTIVE DATE.**

RESULT:	ADOPTED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Kevin Reid, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

5. Consideration re Utility Service Agreement for DeLand Commons.

RESULT:	APPROVED
MOVER:	Charles Paiva, Commissioner
SECONDER:	Jessica Davis, Commissioner
AYES:	Charles Paiva, Commissioner; Jessica Davis, Commissioner; Dan Reed, Commissioner; Kevin Reid, Commissioner; Christopher M. Cloudman, Mayor-Commissioner
NAYS:	None

CITY COMMISSION REPORTS

1. Report re Elected Officials Round Table.
Report Given
2. Report re River-to-Sea TPO.
No Report
3. Report re River of Lakes Heritage Corridor.
Report Given

CITY MANAGER REPORT

Report Given

CITY ATTORNEY REPORT

No Report

CITY CLERK REPORT

1. Announcement of Board Vacancies.

CITY COMMISSION

Reports Given

ADJOURNMENT

10:04 P.M.