



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor Herzberg
Vice Mayor Bradford
Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa

Monday, July 19, 2021

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. [Invocation Presented by Commissioner McCool - Pastor Bradley from New Hope Baptist Church.](#)

Background:

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.

4. APPROVAL OF MINUTES & AGENDA:

5. PRESENTATIONS/AWARDS/REPORTS:

6. ORDINANCES AND PUBLIC HEARINGS:

- A. [Public Hearing - Ordinance No. 02-2021, Rezoning +129.02 acres from Industrial to Industrial Planned Unit Development \(IPUD\), at second and final reading - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

[Strategic Goal: Economic development - Business Niche.](#)

Background:

The ±129.02-acre tract, referred to as the Portland Industrial Park, is currently zoned Industrial and distribution and manufacturing uses are permitted within the Industrial classification. However, the property is

located within the Activity Center. The Activity Center is a special planning area where urban type of uses including employment centers are envisioned. To implement the provisions of the Activity Center, all significant developments are required to be processed as Planned Unit Developments (PUDs).

The Industrial PUD will allow distribution and light industrial uses as permitted principal uses. Other uses include office and flex space. Finally, service commercial type activities including convenience stores and restaurants are allowed as ancillary uses. The scale of these commercial uses will be limited to 15,000 square feet.

With regard to industrial and distribution uses, the storage, processing, handling, manufacturing or transport of hazardous, radioactive, or explosive materials will not be allowed. In addition, heavy industrial uses like foundries or slaughter houses are prohibited.

The initial proposal for the Portland Industrial Park IPUD is to create six outparcels and two larger land reservations for distribution and light manufacturing uses. There are modern distribution type uses included as options within the IPUD, including a high-cube warehouse. As proposed, the industrial/distribution areas of the property will be occupied by large, high volume, logistics-oriented users. At buildout, the project should in total yield just over two (2) million square feet of gross floor area. Depending on end user activity, the realization of the two (2) million square feet could be realized relatively quickly or over a period of years.

For more information on the project see the attached staff report. Please note, a written Development Agreement and Master Development Plan is attached under separate cover.

On May 19, 2021, the Planning and Zoning Board heard the IPUD request. The Planning and Zoning Board voted unanimously as part of a quasi-judicial hearing to recommend the City Commission approve the requested IPUD by adopting Ordinance No. 02-2021. At the Planning and Zoning Board, the applicant also proposed a second option with regard to general project design. None of the controlling factors including transportation requirements, use requirements, etc. associated with the IPUD are proposed to change. The difference between the attached Master Development Plan and a second development option is the number of out parcels have been reduced. Under this scenario, larger, more unified distribution/warehouse/manufacturing development formats can be accommodated. In addition, the internal roadway network has been reconfigured. When presented with the request of the applicant to

incorporate a second option as part of the Portland Industrial Park IPUD, the Planning and Zoning Board directed Staff, as part of the motion to recommend approval, of the rezoning request to incorporate this concept into the Development Agreement. To implement this direction attached is a revised Development Agreement and an Option One (1) and Option Two (2) Master Development Plan. At first reading staff informed the City Commission about further changes to the Development Agreement language. The latest version of the Development Agreement is attached as "Portland Industrial DA Multiple Options". The new language referred to by staff as part of the June 21, 2021 City Commission meeting is highlighted in yellow appearing on pages 3, 4, and 7 of the "Portland Industrial DA Multiple Options" version of the Development Agreement. Staff also made some minor clarification changes to Section I of the DA to eliminate potential confusion regarding minimum lot size requirements. Changes to Section I appear on pages 4 and 5 of the DA and the changes are highlighted on the "Portland Industrial DA Multiple Options" version. In addition, the option two MDP has been updated to label the location of large end users such as distribution and high cube warehouse uses.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The Portland Industrial Park represents a continuation of a distribution trend established by Amazon. Portland Industrial Park also portends a significant private investment within the City.

As with any land use decision, there are alternatives for policymakers to contemplate. In the case of the Portland Industrial Park IPUD rezoning, basic alternatives include approval of the rezoning request or denial. The City may attempt to the modify terms of the development which would result in the development being approved.

The two following alternatives, including some advantages, disadvantages, and evidentiary rationales for each approach are offered for the appointed and elected officials to consider:

1) Deny the IPUD request.

Advantages: The property will remain forested and undeveloped.

There will be less traffic, including heavy truck traffic on City roadways, and the City will not have to make roadway improvements in the short term. The City will not have to provide fire and law enforcement services to the project.

Disadvantages: The jobs/housing imbalance associated with a large percentage of the working population commuting for work outside of the City will remain. The City will not receive an increase in the tax base

from the investment associated with Portland Industrial Park.

Rationale for Denial - Findings of Fact:

The property has environmental resources, including wildlife habitat.

Development of the property will result in the loss of open space.

Truck traffic on City roadways will not be increased.

The City can further delay the need for improving roads since vacant land does not generate traffic.

2) Approve the IPUD Request.

Advantages: The City has earmarked the PIP land for years for industrial, employment oriented development. The project will address the jobs/housing imbalance and bring living wage jobs to the City, likely featuring benefit packages. The City tax base will be increased. Also, the land proposed to support the Portland Industrial Park is suitable to support intensive urban development. The property does not have wetlands or floodplains, and the soils are sandy and well drained. Finally, the project can be served with public facilities like roadways and utilities.

Disadvantages: The project will create traffic, including heavy truck traffic on City roads. The City will have to make eventual investments in the transportation network, including upgrading N. Normandy Blvd. The development of the property will result in a loss of open space.

Rationale for Approval - Findings of Fact:

Portland Industrial Park will create jobs within the City and help address the jobs/housing imbalance.

Most jobs created will be in distribution and manufacturing, which are full time and higher paying than most service sector jobs.

Distribution and manufacturing jobs are more likely to have benefits such as healthcare coverage.

Portland Industrial Park, utilizing Amazon as a comparable, would generate approximately \$650,000 per year in taxes at present millage rates.

The project can be served by public facilities like roads utilizing existing capacity or making fair share payments.

Portland Industrial Park is located on land long planned for intensive uses and employment oriented development; is situated in an area of existing and planned commercial and industrial development; and is located well away from residential neighborhoods.

The project is consistent with the City Economic Development Goals.

The Portland Industrial Park IPUD is consistent with the City Comprehensive Plan.

Attachments: [Staff Report](#)
 [Staff Report Maps](#)
 [TIA July 2020](#)
 [Ordinance No. 02-2021](#)
 [Portland Industrial DA Multiple Options](#)
 [Portland Industrial DA clean copy](#)
 [EXHIBIT B-Legal Description](#)
 [Exhibit C MDP - Option 1](#)
 [Exhibit C MDP Option 2](#)
 [EXHIBIT D-Equivalency Matrix](#)

7. OLD BUSINESS:

- A. [Request for approval for a salary increase for the Acting City Manager based on his satisfactory evaluations - John A. Peters, III, P.E., Acting City Manager, \(386\) 878-8858.](#)

[Strategic Goal: Internal and External Communication](#)

Background:

The City Commission has discussed in recent meetings the need for Charter Officer evaluations and that the results be presented at a public meeting. The Acting City Manager's evaluations were presented and discussed at the Regular Commission Meeting held on July 6, 2021. Per the vote on Item 8-D of the Regular Commission Meeting held on December 14, 2020 the \$2,500 increase in salary was to be "*based on satisfactory evaluations of and vote of the Commission*". No vote was taken on this item at the Regular Commission Meeting held on July 6, 2021 which is why this item is coming before the Commission.

OPTIONS:

1. Authorize the \$2,500 increase in salary based on the satisfactory evaluations by the Commission in accordance with the Contract approved on December 14, 2020 to a new salary of \$165,000.
2. Do not authorize the \$2,500 increase in salary based on the submitted evaluations by a vote of the Commission.

Attachments: [Acting City Manager's Contract - Mr. Peters](#)
[ACM 2nd Quarter Eval - C.Avila-Vazquez](#)
[ACM 2nd Quarter Eval - C.King](#)
[ACM 2nd Quarter Eval - C.McCool](#)
[ACM 2nd Quarter Eval - C.Ramos](#)
[ACM 2nd Quarter Eval - C.Sosa](#)
[ACM 2nd Quarter Eval - V.M. Bradford](#)
[ACM 2nd Quarter Eval - Mayor](#)

- B. [Request for approval of Resolution No. 2021-39, amending the Commission Operating Guidelines and Policies and Procedures - Marsha Segal-George, Assistant City Attorney \(386\) 878-8872.](#)

[Strategic Goal: Internal & External Communication](#)

Background: Amending the City Commission's Operating Guidelines and Policies and Procedures, Section Five. Quorum., to allow "A Commissioner with a majority vote of the Commission may join a meeting for good cause shown as such as illness of the Commissioner or their family or an emergency situation. The Commissioner participating by Zoom or similar platform may not be used to constitute a quorum. However the Commissioner attending the Zoom may participate and vote as long as said Commissioner is not necessary for the quorum." The Florida Attorney General Advisory Legal Opinion, Dated July 20, 2016 - Video Conferences - Public Meetings is attached.

OPTIONS:

1. That the Commission adopts Resolution No. 2021-39.
2. That the Commission does not adopt Resolution No. 2021-39.

Attachments: [Resolution No. 2021-39](#)
[Attorney General Opinion](#)
[Commission Operating Guidelines](#)

8. NEW BUSINESS:

- A. [Consideration of appointment or re-appointment of seven \(7\) members to the Ordinance Review Committee. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

[Strategic Goal: Internal and External Communications](#)

Background: On July, 6, 2015 the City Commission approved Ordinance No. 08-2015, creating the Ordinance Review Committee.

The terms of all seven (7) members of the Ordinance Review Committee will expire on August 3, 2021. All of the current members have expressed that they wish to be re-appointed to the Ordinance Review Committee.

The City has run press releases, posted the opening on D-TV, the City's web page and on bulletin boards. To date the City has received applications from the following individuals: Gino Hanco and Giovanni Rick Jo Teresi Arnett.

OPTIONS:

1. Reappoint members currently serving on the board.
2. Appoint new members to the board.

Attachments:

[Ordinance No. 08-2015](#)

[ORC Member List - 03-20-2020](#)

[Current member - Scott Bridges](#)

[Current member - Donald Freeman](#)

[Current member - Richard Allen Post](#)

[Current member - Troy Shimkus](#)

[Current member - Eric Taulbee](#)

[Current member - Cheri Taylor](#)

[Application - Gino Hanco](#)

[Application - Giovanni Teresi Arnett](#)

9. 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)

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.

- A. [Request for approval to purchase office furniture and associated equipment from American Interiors in the amount of \\$73,921.58 for the relocation of the Information Technology and Economic Development Divisions. An additional \\$10,000 is requested to pay for anticipated costs to accommodate the HVAC system and sprinkler system requirements. Also, request approval of the budget amendment to allocate \\$60,000 of Capital Fund balance to City Hall Improvements account. - John A. Peters, III, P.E., City Manager's Office \(386\) 878-8858.](#)

[Strategic Goal: Fiscal Issues - Improvements to City Hall](#)

Background:

We are working to reconfigure the office floor plan in an effort to place employees performing related duties in locations that promote efficiency, and to maximize the space at City Hall and Deltona Water. Currently, classrooms 148, 149 and 150 are vacant and underutilized. The classrooms will be redesigned as office space and the Information Technology staff will reside in the two classrooms and Economic Development staff will occupy the third. The Finance Department staff currently located at Deltona Water will be moved to the vacated offices in City Hall in the Finance Department. Lastly, the space made available in Deltona Water will be available for Volusia Sheriff's Office deputies for a satellite office since the current office on Providence Boulevard lacks adequate space.

The quotes from American Interiors are provided through State of Florida purchasing agreement 56120000-19-ACS. This furniture meets the requirements of the US Green Building Council.

OPTIONS:

1. Approve the purchase of office furniture and associated equipment for the Information Technology and Economic Development Divisions at a total cost of \$73,921.58, plus additional costs associated with redesigning office space and approve the budget amendment to allocate funds from Capital Fund Balance to City Hall Improvements account.
2. Deny purchase.

Attachments:

[State Contract 56120000-19-ACS](#)
[Knoll Subcontractor Dealer](#)
[City Of Deltona Proposed Stations DESIGN](#)
[21 06 29 City of Deltona Proposals - Rm 150](#)
[21 06 29 City of Deltona Proposals - Rms 148 & 149](#)
[Contract Award Notification# 23109](#)
[2021-40 - Resolution - Muni Complex Fund - increase City](#)
[2021-71 Muni Complex - Furniture-Remodel Classrooms](#)

- B. [Request for approval of contract renewal of City membership with the River to Sea Transportation Planning Organization - FY 2020-2021 - Ron A. Paradise, Director, Planning and Development Services \(386\) 878-8610.](#)

[Strategic Goal: Infrastructure - Transportation CIP.](#)

Background:

The River to Sea Transportation Planning Organization (TPO) is a regional transportation planning entity which covers all of Volusia County (and municipalities) and a large portion of Flagler County including the City of Palm Coast. The TPO is underpinned by federal law and is very involved in how federal and state transportation funds are allocated within the Volusia/Flagler planning area.

Deltona has been a long-standing member of the River to Sea TPO. The City has applied for and secured various transportation grants through the TPO including several intersection improvement projects (Howland Blvd. and Catalina Blvd., Tivoli Dr and Providence Blvd. and Tivoli Dr and Saxon Blvd.) and pedestrian projects (Lake Monroe Loop Trail and sidewalk extensions associated with Spirit and Deltona Lakes elementary schools).

To continue to actively participate in regional transportation planning and remain eligible for TPO grant opportunities, the City must remain a dues paying member of the River to Sea TPO. Dues for participating local governments are determined on a population basis. The membership dues this year for the City of Deltona amount to \$9,101.00.

Attached is an invoice from the TPO and a TPO FY 2021/2022 Funding Agreement.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

OPTIONS:

1. **Authorize the City Manager to execute the Funding**

Agreement.

- a. Authorizing the execution of the TPO funding agreement will maintain City membership and ensure the City will remain an active participant in regional transportation planning.
- b. With active TPO membership, the City will remain eligible for transportation grants funded through the Federal Highway Administration and/or FDOT.

2. Do not approve execution of the TPO Funding**Agreement.**

- a. The City will not be able to effectively participate in transportation planning and the City will be at a disadvantage with regard to influencing how regional transportation projects are planned and designed.
- b. The City will lose access to a significant source of transportation grant funding.

Attachments: [TPO Invoice](#)
 [TPO Funding Agreement](#)

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:**13. CITY ATTORNEY COMMENTS:****14. CITY MANAGER COMMENTS:****15. CITY COMMISSION COMMENTS:****16. ADJOURNMENT:**

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 3 business days in advance of the meeting date and time at (386) 878-8500.