



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, July 19, 2021

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

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

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Avila-Vazquez
Commissioner McCool
Commissioner Ramos
Commissioner Sosa
Vice Mayor Bradford
Mayor Herzberg
Acting City Manager
City Attorney

Absent: 1 - Commissioner King

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner McCool - Pastor Bradley from New Hope Baptist Church.

Commissioner McCool introduced Pastor Bradley with New Hope Baptist Church who led everyone in the invocation and led everyone in the pledge to the flag.

The National Anthem was played on a ukalalie by Kaliana Pizza a home schooled 9 year old 4th Grader.

4. APPROVAL OF MINUTES & AGENDA:

None.

5. PRESENTATIONS/AWARDS/REPORTS:

None.

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.

City Attorney Fowler explained the process for a quasi-judicial hearing and he asked everyone who would be offering testimony on this item to please stand, raise their right hand and he swore them in.

Each City Commissioner expressed their ex parte communications.

Planning and Development Services Director Ron Paradise gave a brief explanation of the item to include the modifications to the Development Agreement and he stated that the applicant is on his way.

The Commission discussed fair share, the Rhode Island Extension, four laning costs, projected start date, the Development Agreement, number of businesses approved, building green, and social responsibility or community commitments.

Mayor Herzberg opened the public hearing.

Elbert Bryan, Deltona, spoke about being for the project, and peak driving hours.

Mayor Herzberg closed the public hearing.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to approve Ordinance 02-2021 rezoning +129.02 acres from Industrial to Industrial Planned Unit Development at first second and final adoption hearing based on the following:

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 higher paying than most service sector jobs.

Distribution and manufacturing jobs are more likely to have benefits like 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.

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

The City Attorney read the title of Ordinance No. 02-2021 for the record.

The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

Ordinance No. 02-2021 was approved at 6:52 p.m.

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

Acting City Manager Peters gave a brief explanation of the item.

Mayor Herzberg opened and closed the public comments as there were none.

Motion by Vice Mayor Bradford, seconded by Commissioner Ramos, to authorize the \$2,500 increase in salary to \$165,000 annually based on the satisfactory evaluations submitted by the Commission. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- 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

Acting City Manager Peters gave a brief explanation of the item.

The Commissioner discussed the approval and agenda process, meeting dates and times, sensitive topics, reasons, the intent of the Resolution, Commission approval, State of Emergency, remote meeting policy or decorum, quorum, the TPO (Transportation Planning Organization) meeting process, the definition of emergency, past processes, voting, COVID exposure, abusing the privileges', and there being a two part review.

Motion by Vice Mayor Bradford, to adopt Resolution No. 2021-39, minus, with the removal of the statement "No action of the Commission shall be valid unless adopted by an affirmative vote of the majority of the Commission in attendance, unless otherwise provided by law or stated herein."

Amended motion by Vice Mayor Bradford, seconded by Commissioner McCool, to adopt Resolution No. 2021-39 with the removal in Section 5. 1., "...with a majority vote of the Commission..." and invert the words "as such" to "such as".

The Commission discussed who determines the emergency and a quorum.

Mayor Herzberg opened the public comments.

Elbert Bryan, Deltona, spoke about Section 5, 1., definition of family and emergency, having a workshop, and changing to "immediate family".

Mayor Herzberg closed the public comments.

The amended motion carried by the following vote:

For: 5 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Vice Mayor Bradford, and Mayor Herzberg

Against: 1 - Commissioner Sosa

Resolution No. 2021-39 was approved at 7:24 p.m.

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

Acting City Manager Peters gave a brief explanation of the item and he requested to table the item in order for staff to review the applications to make sure they are all current.

The Commission discussed the ORC (Ordinance Review Committee), how it was set-up, last meeting February 2020, ordinances needing review, direction and who it comes from, the process and the length of the process, the purpose of the ORC, and to table or dissolve the committee.

Commissioner McCool left the meeting at 7:26 p.m. and returned at 7:27 p.m.

Commissioner Sosa left the meeting at 7:28 p.m. and returned at 7:30 p.m.

The Commissioner discussed redundancy, board challenges, boards being resource hungry, State Statutes, and the Planning & Zoning Board.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to dissolve the committee. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

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.

Elbert Bryan, Deltona, spoke about the CRC (Charter Review Committee) and he thanked the Commission for creating the Committee.

Joe Sanchez, West Volusia Senior Softball League (WVSSL), 1920 Tilburg Avenue, Deltona, spoke about managing Ace Hardware, the condition of the fields and bathrooms, Commissioners attendance, attendees, being embraced, injuries received, the dirt compared to DeBary fields, and flooding.

Paul Sotiropoulos, 1837 Dublin Road, Deltona, spoke about dates/times of games, being rained out, no drainage, very little grass, dirt levels, dug out conditions, signing a waiver, injuries, the infield, lighting on left field, area behind the fence, and appreciating staff.

Sheldon Dobie, 1189 Balfour Drive, Deltona, spoke about the field conditions, their ages,

girls softball, the dug out size, holes in grass, signing a waiver, issues rain causes, and fixing the fields.

Mike Leon, 3326 Ronald Street, Deltona, spoke about meeting members of the Commission, bathroom conditions, bathroom mirrors, nothing done in 31 years till recently, the scoreboard, being senior tax payers, other City parks, and giving respect to the league.

Acting City Manager Peters stated he spoke with the Director to address the concerns, fixing the drainage and bathrooms and putting more money toward facilities.

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.

Elbert Bryan, Deltona, spoke about the cost for Item 11-A and what the money is being used for.

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.

Acting City Manager Peters requested to table Item 11-A for discussion.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to approve Consent Agenda Item 11-B. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

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

Acting City Manager Peters gave a brief explanation of the item to include changes to Deltona Water and City Hall to accommodate the VSO. Also, using Law Enforcement Impact Fees to pay for the changes and that the furniture meets green building standards.

Motion by Vice Mayor Bradford, seconded by Commissioner Avila-Vazquez, to grant approval for purchase of office furniture and associated equipment at a total cost of \$73,921.58 paid for from the Law Enforcement Impact Fees. The Acting City Manager has the authority to make minor modifications to the plans, correct scriveners' errors and the like. The motion carried by the following vote:

For: 6 - Commissioner Avila-Vazquez, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

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.

Approved by Consent - to approve the River to Sea TPO FY 2021/2022 Funding Agreement and authorize the City Manager to execute the agreement. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner McCool reported that vCard will be coming before the Commission with a presentation and that she is looking forward to other Commissioner's adopting a street in Deltona.

13. CITY ATTORNEY COMMENTS:

None.

14. CITY MANAGER COMMENTS:

None.

15. CITY COMMISSION COMMENTS:

Commissioner McCool wished everyone a beautiful evening. She gave thanks for the privilege of finishing her ethics training and she thanked the residents for their participation tonight.

Commissioner Ramos stated the WVSSL are passionate on and off the field. There have been improvements to the Dupont Lakes Park over the years like lights, the scoreboard and mulch, but the field is an old field. The Parks & Recreation (P&R) Department having been doing patch work, but when it rains there is no irrigation system that will help. Staff needs to wait till after the rainy season in order to drag the field so that it is safer for all the players. He explained the condition of the fields when it rains and this is the "Field of Dreams" for them so he understands their frustrations. He understands there were some challenges with regards to the restrooms and staff was starting to lock them because people were using them after hours creating issues.

Commissioner Avila-Vazquez stated the WVSSL is one of the few teams that pays a registration fee per player and the rental fee to the City. She asked if for the Adopt-A-Street program a sign would go up with the person's name that adopted it and Commissioner Ramos replied yes. Commissioner Avila-Vazquez gave kudos to The Center for the Latin dance held on Friday, the band was awesome. She reminded everyone that COVID is getting really bad again, to be careful and to wear a mask when possible. She thanked Elbert Bryan for volunteering to the Charter Review Committee (CRC).

Vice Mayor Bradford thanked the CRC volunteers, it looks like the board is diverse and she is excited about what will be brought forward. She encouraged everyone to attend the Deltona Firefighters' annual backpack event at The Center on Sunday, August 1st from 8:00 a.m. to 11:00 a.m., all items are donated and it is a free event.

Mayor Herzberg stated on Monday she attended the Roundtable of Elected Officials and discussed affordable housing, bus benches and dealing with inadequate bus benches/shelters. She attended the Volusia League of Cities (VLC) Executive Board meeting and discussed the VLC dinner which will be the first one in person and the topic is the American Rescue Funding. On Friday she attended the second Florida League of Cities Policy Committee meeting, she chairs the Utility's Natural Resources and Public Works Policy Committee whose focus is on all things water, but this time it will be on the tree ordinance or statute that passed in the previous session. It provided no teeth to any ordinance of cities, counties or the State and prevents people from cutting down trees for any reason. The policy is going to ask the legislature to define "dangerous tree" and "certified arborist". The legislature will not repeal it, but may it will make modifications. Another thing the committee is looking at is the forever chemical PFAS (Per-and polyfluoroalkyl substances), there is a lot of in-depth information about the chemical and groundwater and bringing awareness to that. There were five policy committee meeting and she encouraged the Commission to get involved next session. It is interesting to understand that Deltona is not the only city facing these issues and most are statewide. She is glad the WVSSL came out, this is citizenry in action and she has gone to the games at the park which looks better, but it needs help and it could be a showcase. She asked the manager to

look at it from an aesthetic point of view and do some landscaping.

Commissioner Avila-Vazquez reminded everyone that the county is accepting assistance applications at the Deltona Library for rental assistance.

Mayor Herzberg asked if someone applied prior and funding was not available the county is reaching out to those people.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:14 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK