



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
NOVEMBER 4, 2020
CITY COMMISSION CHAMBERS
6:00 PM**

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission at this public meeting, such person will need a record of the proceedings and, for that purpose, such person 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. The city does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the City Commission meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Telephone: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

1. ROLL CALL.

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1. **ROLL CALL.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **APPROVAL OF MINUTES.**

4.A. [Approval of Minutes](#)

Approval of the March 24, 2020 Minutes of the Special Meeting - Declaring a State of Emergency and the September 23, 2020 Regular City Commission Meeting held City Hall, 301 S. Ridgewood Avenue, Daytona Beach, FL.

5. **AGENDA APPROVAL.**

THOSE MATTERS INCLUDED UNDER THE CONSENT AGENDA ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE REVIEW OR DISCUSSION. ITEMS WILL BE ENACTED BY ONE MOTION. IF DISCUSSION IS DESIRED BY ANY MEMBER OF THE COMMISSION, THAT ITEM MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

6. **PRESENTATION.**

6.A. [No Presentation](#)

No Presentation.

7. **CITIZENS.**

7.A. **PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION** (pp. 17-18)

EMERGENCY PROCEDURES FOR PUBLIC COMMENT AT PUBLIC MEETINGS

During this time of extraordinary circumstances dealing with the declared State of Emergency associated with the COVID-19 pandemic, the City is temporarily allowing online public comments, and limited in-person public comments at City Hall, for public meetings of the City Commission and the various City Boards.

Online Public Comment. The City is providing an online Public Comment Form to allow members of the public to submit public comments for each public meeting of the City Commission or a City Board. The Public Comment Form may be found at <https://www.codb.us/comments>. Please follow the directions on the Form to ensure proper electronic submission to the City. All Public Comment Forms completed and properly transmitted before 5 p.m. on the day prior to the public meeting will be provided to City Commission or Board members, as applicable, for their review and consideration prior to the public meeting. Any Public Comment Forms submitted after 5 p.m. on the day prior to the meeting will be provided to Commission or Board after the public meeting. All Public Comment Forms will be included in the official meeting records and retained by the City Clerk or the Board Secretary as a public record. If you have issues with accessing, completing, or submitting the online Public Comment Form please email us at comments@codb.us or call 386-671-8023.

In-Person Public Comment. Although persons are strongly encouraged to submit online Public Comment Forms during this State of Emergency, persons may visit City Hall during a public meeting to make public comment, subject to these City procedures and compliance with all recommendations from the Federal Centers for Disease Control and Prevention (“CDC”) to minimize the spread of the COVID-19 disease. The Commission Chambers will be closed for in-person attendance by the public. The City Hall Lobby adjacent to the Chambers will have a limited defined area, with social distancing, for persons waiting to make public comment. The Lobby will be equipped with an audio/video feed to the Commission Chambers, and a lectern and microphone will be placed immediately inside the Chamber door for public comment. Forms will be provided for persons to fill out who wish to make public comment. Persons may approach the Lectern to speak on an item before the Commission or Board, or to make general public comment, at appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. In addition, the exterior entryway to City Hall will be equipped with a loudspeaker for persons waiting for permission to enter to make public comment due to space limitations in the Lobby. Persons may also monitor public meetings from their iPhone, iPad, or other electronic device at

<https://www.codb.us/618/DBTV>, and enter City Hall for public comment at appropriate times, when called upon. Persons who have finished speaking or who do not intend to make public comment before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with CDC social distancing guidelines while inside City Hall, such as by remaining at least 6 feet apart. Use of facial masks in City Hall is mandated to combat the spread of the COVID-19 disease.

8. CONSENT AGENDA.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA MAY BE REMOVED FROM CONSIDERATION BY THE CITY COMMISSION AND CONTINUED FOR TWO (2) WEEKS UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING. (ONLY MEMBERS OF THE CITY COMMISSION MAY REMOVE ITEMS FROM THE AGENDA).

8.A. [Legal Department - Resolution Extending The Local State of Emergency \(pp. 19-21\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING NOVEMBER 18, 2020; AUTHORIZING THE MAYOR TO EXTEND THE LOCAL STATE OF EMERGENCY FOR UP TO FOUR ADDITIONAL SEVEN-DAY INCREMENTS SUBJECT TO CONDITIONS; RATIFYING MAYORAL EXECUTIVE ORDER NO. 19 AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Business Enterprise Management Department - EZ-GO Division of Textron, Inc., - Purchase Replacement Golf Carts \(pp. 22-33\)](#)

Resolution approving the purchase of 125 golf carts from EZ-GO Division of Textron, Inc., 1451 Marvin Griffin Road, Augusta, GA 30906-3852 in the amount of \$618,750, with a trade-in credit of \$246,000 for 123 carts, the net amount of \$372,750, and authorizing the City Manager to amend the budget. The new cart fleet purchase qualifies as a standardized purchase under the purchasing code due to the patented braking system that will save the City over \$15,000 in maintenance costs. Source of the funding is a budget amendment for the necessary funds from the capital improvement reserve fees collected from patrons over the last several years and the trade-in value from the current fleet.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8.C. [Business Enterprise Management Department - Tortugas Baseball Club, LLC](#)

[- Assignment, Assumption, and Concession Sales at Jackie Robinson \(pp. 34-38\)](#)

Resolution approving the assignment of concession sales from the Tortugas Baseball Club, LLC to the Tortugas Concessions Company, LLC located at 110 East Orange Avenue, Daytona Beach, FL 32114 for the sole purpose of selling liquor at Jackie Robinson Stadium. No funding is required for this item.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8.D. [Business Enterprise Management Department - Daytona Beach Golf Club North Course Greens Renovation Final Payment \(pp. 39-52\)](#)

Resolution approving a Final Reconciliation Agreement for the Daytona Beach Golf Club North Course Greens Renovation with JGCC Golf N' Sports Turf, Inc., 660 Ocean Shore Boulevard, Ormond Beach, FL 32176, Contract No. 19273 and authorizing the City Manager and City Clerk to execute the Final Reconciliation Agreement with stipulations. The final amount owed to JGCC, including retainage, is \$43,261.06. Funds are available in the Capital Projects Fund.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8.E. [Utilities Department - Smith & Loveless, Inc. - Emergency Ratification \(pp. 53-90\)](#)

Resolution ratifying an emergency expenditure for the purchase of equipment for Lift Station No. 73 from Smith & Loveless, Inc., 14040 Santa Fe Trail Drive, Lenexa, Kansas 66215, in a final amount of \$56,443 and an emergency contract with RCM Utilities, LLC, 100 West Mills Avenue, Eustis, Florida 32726, to install the equipment and perform emergency repairs at Lift Station No. 73 and Lift Station No. 63 with a final contract amount of \$49,500. This request is needed to fully comply with City Purchasing Code Section 30-52(b) Emergency Purchases.

Lift Station No. 73 is a City-owned, Smith & Loveless lift station constructed in 1984. The structural integrity of the Smith & Loveless baseplate was in poor condition due to years of exposure to sewer gas. The lift station had operational issues due to the condition of the baseplate. Additionally, there were concerns the baseplate would corrode completely and the lift station equipment would fall into the wet well. City staff initiated the emergency purchase of a new Smith & Loveless pumping station with a structural steel base for this repair. In order to expedite the repair, the emergency purchase of the equipment, which can take up to 16 weeks for delivery, was provided

before the emergency contract for the installation of the new equipment.

Lift Station No. 63 is a City-owned, master lift station that receives flow from six public lift stations, all of Indian Lakes Road and correctional facilities. There were a number of emergency repairs needed at this lift station to maintain operations. Utilities requested quotes from three companies to install the equipment and perform emergency repairs at Lift Station No. 73 and Lift Station No. 63. Based upon review of the bids, RCM Utilities, LLC is the lowest, best responsive bidder, with a total project cost of \$49,500. No additional funds are associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Police Department - Victim of Crime Act-VOCA Grant 2020 \(pp. 91-154\)](#)

Resolution authorizing the application, submission, acceptance, and expenditure of a grant application to the State of Florida, Office of the Attorney General, Victims of Crime Act (VOCA) Program, in the amount of, \$54,933. The Daytona Beach Police Department is requesting from the State \$42,816, to fund the continuation of the Victim Advocate Program. The Police Department has participated in this grant program since 2001. The City of Daytona Beach would be responsible to match \$12,117 to participate. The match is available from the Law Enforcement Trust Fund. Due to process changes at the Office of the Attorney General, the VOCA application for the 2020-2021 has been submitted and passed technical review by the VOCA office.

Recommendation: Chief of Police recommends adoption of Resolution..

8.G. [Development and Administrative Services Department/Leisure Services and Planning - Prohibitions on Private and Public Property \(pp. 155-161\)](#)

Resolution approving a request by the Development and Administrative Services Department, Leisure Services and Planning Divisions to ratify previous events held while Executive Order 2020-069 has been in effect and to authorize an exception for the attached list of public and private events to be held. Each request will include a safety plan that will be reviewed by City staff in advance of the event.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution.

8.H. [Development and Administrative Services - One Daytona Off Premise Alcohol License Agreement Amendment **Addendum added 11-04-20** \(pp. <->-<->\)](#)

Resolution amending the One Daytona and the City entered license agreement to allow off premise alcohol consumption sold by licensed premises or licensees located within the One Daytona development. Liability for events occurring on the overall One Daytona premise are insured by One Daytona. At One Daytona's expense, the City is a co-insured by the One Daytona's liability policy. The item proposed for approval allows a modification (expansion) of the areas covered by the One Daytona off premise license agreement with the City. All of the areas are within the bounds of One Daytona. Staff is unaware of any concerns arising from activities allowed by the present license agreement.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution.

8.I. [Finance Department - Allocation of Bike Week Sponsorship Funds](#)
****Addenda added 11-04-20****

Resolution authorizing payment in the amount of:

\$3,291.50 to Friends of the Bandshell for general donation and \$3,291.50 to Boys and Girls Clubs of Volusia/Flagler for a general donation from the Bike Week Sponsorship funds of Commissioner Robert Gilliland.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Clear - Large Scale Comprehensive Plan Amendment \(pp. 162-252\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Low Intensity Urban (LIU) and Potentially Environmentally Sensitive (PES), to Level 1 Residential (L1R) and Potentially Environmentally Sensitive (PES), for 260± acres of land generally located 0.5 miles west of Interstate-95 (I-95) and north and east of Tymber Creek Road. The request includes amendments to Neighborhood Policy V, modifying Issue “m” and adding Issue “r”, to clarify development intensities and densities. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of T.J. Clear III Trust.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 4-2.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Clear - Rezoning to Planned Development - General \(PD-G\) \(pp.253-388\)](#)

Ordinance on second reading - Quasi-Judicial Hearing to rezone 260± acres of land generally located 0.5 miles west of Interstate-95 (I-95) from Volusia County (VC) zoning to “City” Planned Development – General (PD-G) to allow for the future expansion of the Latitude Margaritaville subdivision to include an additional 500 dwelling units and 10,000 square feet (sf) of private amenities. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of T.J. Clear III Trust.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 2-to-4 motion failed.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - First Amendment to Grande Champion Combined Tracts 26, 28 & 29 - Rezoning to Planned Development - General \(PD-G\) \(pp. 389-456\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the First Amendment to the Grande Champion Combined Tracts 26, 28, and 29 PD to allow for the development of 357 single-family dwellings on Tract 28 of the Grande Champion subdivision, consisting of approximately 108.5± acres generally located north of West International Speedway Boulevard, West of the Tomoka River, and South of Champions Drive. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of LPGA Venture Holdings, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-1.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - West Speedway Town Center- Rezoning to Planned Development - General \(PD-G\) \(pp. 457-542\)](#)

Ordinance on second reading - Quasi-Judicial Hearing to rezone 177.9± acres of property generally located in the northwest quadrant of West International Speedway Boulevard and Grande Champion Boulevard

intersection from Planned Development – General (PD-G) to Planned Development – General (PD-G) to allow for a mixed use development including residential, commercial, and light industrial uses. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of LPGA Venture Holdings LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to adopt Ordinance.

9.E. [Finance Department - Utility System Drinking Water State Revolving Fund \(DW SRF\) Loan 2021 \(pp. 543-548\)](#)

Ordinance on second reading - PUBLIC HEARING authorizing the issuance of debt from the Florida Department of Environmental Protection (FDEP) Drinking Water State Revolving Fund (DW SRF) Program secured by water and sewer utility revenues in an amount not to exceed \$25,000,000 to fund utility system improvements. DW SRF Program is used to take advantage of a low interest rate loan; flexible disbursement draw system; and reduced arbitrage reporting requirements. The loan proceeds will cover costs including program service fees, closing costs, and capitalized interest for the planning, designing, and constructing of drinking water system improvements. The loan agreement amount will be modified after the design is completed and bid prices are received or as grants are secured. The interest rate is not set until the loan agreement is approved so debt service is based on an estimated interest rate of 1.50 percent per annum. Currently, there is a need for the following list of projects with an expected loan disbursement draw of \$19,444,080 and a corresponding annual debt service of \$1,128,900.

- Ozone System Replacement
- Lime System Upgrade
- Potable Water Tank and Pump Station

The source of funds for the repayment of this loan is the net water and wastewater utility system revenues after payment of operating and maintenance expenses and other debt service. Debt service payment does not begin until six months after the project construction completion which is expected to be in FY2022-2023 and the payments will be included in the appropriate adopted budget for the Water and Sewer Fund. Based on staff and consultants' assumptions, the Water and Sewer Fund will have sufficient funds available to pay the debt service without an additional rate increase above the annual price index adjustments.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Planning Division - Reserve at Strickland - Rezoning to Planned Development - General \(PD-G\) and Preliminary Plat \(pp. 549--611\)](#)

Ordinance on second reading - Quasi-Judicial Hearing to rezone 29.7± acres of property generally located at the southeast corner of Strickland Range Road and Clyde Morris Boulevard, from Volusia County Urban Single Family Residential (R-2), to Planned Development – General (PD-G), to allow for the development of a townhome subdivision and professional office/medical office complex, with associated site improvements. This request also includes the preliminary plat for the Reserve at Strickland townhome subdivision, to be developed with a maximum of 172 townhome lots. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of CRISP39-6 LLC, and ADJ Strickland, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-1.

Action: Motion to adopt Ordinance.

9.G. [Development and Administrative Services, Planning Division - Daytona Lakes RV Resort - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 612-663\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Map Amendment (LSCPA) for 173.3± acres of land, amending the FLUM from Volusia County Low Impact Urban (LIU) & Public/Semi-Public (PSP) to City Mixed Use (MU), and adding Neighborhood “V” Issue (r) policy (1) to limit the commercial square feet to 100,000 sf for 480 RV spaces and density to one (1) unit per acre. The property is generally located on the west side of the intersection of Interstate 4 and US 92 / International Speedway Boulevard. Applicant: Glenn D. Storch, Esq., Storch Law Firm, on behalf of Blue Coral Properties, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 6, 2021.

9.H. [Development and Administrative Services, Planning Division - 800 Gatepark - Partial Conservation Easement Vacation \(pp. 664-672\)](#)

Resolution - PUBLIC HEARING - approving a request to reduce an existing conservation and restrictive access easement from one-hundred (100) feet wide to twenty-five (25) feet wide, to allow for expansion of development for property located at 800 Gatepark Drive. Applicant: Jessica Gow, Esq., Cobb Cole, on behalf of CLB Properties of Florida, LLC.

Dennis Mrozek, Planning Director to report.

Recommendation: Planning Director recommends adoption of the Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Hand Avenue - Voluntary Annexation \(pp. 673-682\)](#)

Ordinance on first reading - approving a voluntary annexation of two parcels of land containing 12.9± acres and 9.0± acres of land generally located in the northeast quadrant of the intersection of Hand Avenue and Williamson Boulevard. The property is contiguous to the municipal boundary, and complies with Chapter 171 of the Florida Statutes. Applicant: Robert Merrell III, P.A., on behalf of CRISP39-6 LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Staff recommends approval

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 18, 2020.

10.B. [Development and Administrative Services, Redevelopment - Daytona Center \(Nova & ISB\) - Rezoning to Planned Development-Redevelopment \(PD-RD\) \(pp. 683-783\)](#)

Ordinance on first reading - to rezone 18.93± acres of land, located at 100 North Nova Road, from Redevelopment Midtown-Activity Center Mixed Use (RDM-3) to Planned Development-Redevelopment (PD- RD) to promote additional uses for the existing retail center and provide for additional buffers adjacent to residential areas. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Daytona Center, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 18, 2020.

10.C. [Development and Administrative Services, Planning Division - Sofran Eckerds - Third Amendment to Planned District \(PD\) Agreement \(pp. 784-813\)](#)

Ordinance on first reading - approving the third amendment to the Sofran Eckerds Planned District Agreement to change the primary tenant and change site signage to allow for continued use of a retail store. Applicant: Candi L. Gray, Emerald Coast Permitting, Inc., on behalf of Bharat Gupta, Amba Estates Daytona Beach, LLC

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 18, 2020.

10.D. [City Clerk - Declaring the Results of the November 3, 2020 Municipal General Elections \(pp. 814-815\)](#)

Resolution declaring the results of the November 3, 2020 Municipal General Election for election by Zone for City Commissioner for Zones 2 and 4; and providing terms commencing Wednesday, November 11, 2020.

Letitia LaMagna, City Clerk, to report.

Recommendation: City Clerk recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.

12. ADJOURNMENT.

13. PUBLIC COMMENT FORUM - During this time Citizens are allowed 2.5 minutes to speak on any topic. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.