





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
DECEMBER 2, 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.

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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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.

AGENDA

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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 Minutes of the April 15, 2020, the April 28, 2020, the May 5, 2020 Special Meeting of the City Commission and the October 21, 2020 Regular City Commission Meeting.

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 MEETINGS AND PUBLIC COMMENTS

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 Forms. 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 on Propositions before the City Commission or a Board. 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 on propositions coming before the City Commission or Board for a vote, subject to these City procedures and all social distancing requirements recommended by the Federal Centers For Disease Control and Prevention. The Commission Chambers will be closed for in-person attendance by the public. The City Hall 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 at appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. The lobby will also have a limited defined area, with social distancing, for persons waiting to make public comment. 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 not intending to speak on a matter coming before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with social distancing requirements while at City Hall, such as by remaining at least 6 feet apart. Use of facial masks 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 DECEMBER 9, 2020; RATIFYING MAYORAL EXECUTIVE ORDER NO. 21; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Business Enterprise Management Department - Parking Program Enforcement and Management Agreement](#) (pp. 22-54)

Resolution approving a 5-year contract for management of the City's parking program with one 5-year renewal option between SP Plus Corporation, 200 East Randolph Street No.770, Chicago, IL 60601, and the City of Daytona Beach in the amount of \$15,650 for the first year. This new contract will save the City \$25,000 over the term of the contract. Funds are available in the General Fund and the Pier Funds.

Recommendation: Business Enterprise Management Director recommends approval of this Resolution.

8.C. [Leisure Services - Ila's Diamonds, LLC dba F.R.E.S.H. Book Festival - Grant Award](#) (pp. 55-65)

Resolution approving a \$6,650 grant to Donna M. Gray-Banks, President of Ila's Diamonds, LLC, dba F.R.E.S.H. Book Festival, 59 Woodfield Drive, Palm Coast, FL 32164 for the 10th Annual Fresh Book Festival. For the past

nine years, Ms. Gray-Banks, has successfully worked with community volunteers and City staff to organize and host the F.R.E.S.H Book Festival at the City's Midtown Cultural and Educational Facility. A Community Film Festival was added in previous years. This event could potentially reach thousands of people worldwide. The FRESH Book Festival has proven to be very successful and free for our community, children and students to attend. These community events fulfill the requirements of the Echo grant which was awarded to build the Midtown Cultural and Educational Facility. The film and book festival has been scheduled for two (2) consecutive days in January 2021. This grant funding will be contingent on budget approval by City Commission.

Recommendation: Leisure Services Director recommends adoption of the Resolution.

8.D. [Finance Department/Utility Billing Division - Sensus USA, Inc., through Authorized Distributor, Core and Main, LP - Agreement \(pp. 66-133\)](#)

Resolution approving a ten year Software as a Service (SaaS) Agreement with Sensus USA Inc., and a Billing Agreement with Core and Main LP, 1830 Craig Park Court, Saint Louis MO 63146 for Sensus to host and maintain the City's Regional Network Interface (RNI), and support City owned Sensus Flexnet™ Base Stations (FBS). Purchases to be made through Core and Main LP, Sensus' only authorized distributor for the State of Florida. An RNI is a computer based system that interfaces with Sensus Flexnet™ Base Stations that wirelessly obtain water meter readings, monitor system health, and receive alerts. Sensus plans to cease supporting the City's current RNI software December 31, 2020. Total costs for fiscal year 2021 are \$65,357, and include non-recurring expenses for installation, setup, and training. Years two through ten will have annual maintenance fees beginning at \$40,702 with an annual escalation. The ten-year contracted total is \$749,965 over the life of the SaaS Agreement. Both agreements include Termination for Non-Appropriation clauses. Subsequent year's maintenance fees will be included in each annual Information Technology budget. Staff requests the Resolution authorize the City Manager to exercise annual renewals, subject to budgeting and appropriation. Funds are available in the Water & Sewer Improvement Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.E. [Utilities Department - Freese and Nichols, Inc. – Contract No. 20622 – Bethune Point Resiliency Plan \(pp. 134-161\)](#)

Resolution approving Project Specific Professional Service Contract No. 20622 with Freese and Nichols, Inc., 100 South Ashley Drive, Suite 600,

Tampa, Florida 33602 for Bethune Point Resiliency Plan for a Lump Sum Fee of \$75,000. The purpose of this request is to perform a sea-level rise and extreme flooding event vulnerability study, with recommended mitigation measures, for the Bethune Point Water Reclamation Facility in accordance with the FDEP Florida Resilient Coastline Program grant. The City accepted an FDEP Grant through the Florida Resilient Coastlines Program for a vulnerability study of Bethune Point Water Reclamation Facility on September 15, 2020. This grant covers the entire amount of \$75,000 for this study. The City issued Request for Proposals (RFP) No. 20622 on August 14, 2020, and proposals were opened on September 14, 2020. Firms that submitted a proposal are AARC Consultants and Freese and Nichols, Inc. The City's Selection Committee scored the proposal in accordance with the evaluation criteria published in the RFP and based on results, recommended awarding of the Contract to Freese and Nichols, Inc. Funds are available in the Water & Sewer Grant Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Utilities Department - HACH Company Service Group - Meter Service Agreement - \(pp. 162-174\)](#)

Resolution approving a purchase order to HACH Company, 5600 Lindbergh Drive, Loveland Colorado, 80539 for an annual service agreement for HACH meters in the amount not to exceed \$34,286. The Westside Regional Water Reclamation Facility (WRF) utilizes various HACH meters to monitor the treatment process to ensure compliance with regulatory requirements. These meters measure and monitor permit parameters (nutrients, dissolved oxygen, and UV transmittance) present in the wastewater and reclaimed water. The agreement will provide routine maintenance for the upkeep and replacement of these meters; routine maintenance is an integral part of the meters overall reliability. Failure to maintain specific meter parameters could lead to operating permit violations (FDEP Permit No.FLA111392). HACH Company Service Group is the sole source provider of annual service agreements for the brands of meters present at the Westside Regional WRF. Funds are available in the Water and Sewer Operation Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.G. [Public Works/Administration - Redman Consulting Group, Inc. - Technical Review Services \(pp. 175-180\)](#)

Resolution approving the continuation of technical review services on an as-needed basis for development projects with Redman Consulting Group, Inc., 7017 S Atlantic Ave., New Smyrna Beach, FL 32169 for FY 2020/21 for an amount not to exceed \$70,000. Redman Consulting Group, Inc. was hired on

a trial basis in 2019 to review development projects referred to the Technical Review Team (TRT). The services have had a positive effect on the department's performance and customer service. Services will continue to include coordinating the preliminary and final plat review, approval, and recording process, all Right of Way vacation City Staff reviews, City Commission approval process, as well as attending all TRT meetings relating to current projects. Funds are available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.H. [Development and Administrative Services / Permits and Licensing Division - Samsula Demolition - Demolition and Remediation Approval \(pp. 181-199\)](#)

Resolution approving the Change Order request for asbestos remediation at 406 S. Atlantic Avenue by Samsula Demolition, 363 State Road 415, New Smyrna Beach, Florida 32168 in the amount of \$63,000 resulting in a total demolition and remediation cost of \$75,925. The property owner was provided with a Notice of Condemnation and Demolition Order on August 12, 2020 due to the dilapidated condition of the property. The owner's authorized agent has advised that they would not file an appeal to the Notice of Condemnation and Demolition Order and to proceed with the demolition process. Proposals for demolition of the property were requested from 10 companies. The lowest proposal was submitted by Samsula Demolition in the amount of \$12,925. A purchase order for demolition has been issued. At commencement of demolition, the contractor obtained an asbestos survey for the property. The asbestos survey reflects approximately 12,600 square feet of contaminated interior walls/ceilings/drywall/joint compound and plaster multiple layers down to studs and 1,000 square feet of flat rolled roofing which requires remediation. The additional cost for remediation of the contaminated materials is \$63,000 resulting in a total demolition and abatement cost of \$75,925. Funds are available in the Permit and Licenses Special Revenue Fund.

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

8.I. [Development and Administrative Services - Peabody Auditorium Foundation Agreement \(pp. 200-209\)](#)

Resolution approving an agreement between the City of Daytona Beach and the Peabody Auditorium Foundation. PAF is an independent 501 (c)(3) not-for-profit charitable organization whose mission is to support the Auditorium and related activities by fundraising. The City and PAF share a common goal of maintaining the Auditorium as a premier performing arts facility in

Volusia County. The prior Agreement between the City and PAF expired on September 30, 2020. By way of this Agreement, the City and PAF intend to define their contractual relationship. This agreement supersedes and revokes all prior agreements between the parties and will be in force for a four (4) year term commencing on October 31, 2020. Termination of this Agreement shall be governed by expiration of the term date of this Agreement or as permitted or allowed by the provisions of this Agreement.

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

8.J. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 210-211\)](#)

Resolution authorizing payment in the amount of:

\$300 to Alpha Phi Alpha Fraternity, Inc., Beta Delta Lambda Chapter, for purchase of a tent for their food distribution efforts from the Bike Week Sponsorship Funds of Commissioner Quanita May.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Project Sigma - Large Scale Comprehensive Plan Amendment \(pp. 212-362\)](#)

Ordinance on first reading - PUBLIC HEARING approving a Large Scale Comprehensive Plan Amendment for 118± acres of land, generally located on the west side of North Clyde Morris Boulevard and the northwest quadrant of the LPGA Boulevard and Clyde Morris Boulevard intersection, changing the Future Land Use Map designation for 70.1± acres of the 118± acre parcel from Level 1 Residential (L1R), Office Transition (OT) and Potentially Environmentally Sensitive (PES), to Mixed Use (MU) and Potentially Environmentally Sensitive (PES); amending the Future Land Use Element, Neighborhood “K”, creating Issue (i), Policies limiting commercial development to 600,000 square feet, and residential density shall be limited to 700 dwelling units; and preserving the PES land use overlay through development techniques and implementing the City's wetland regulations. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6 LLC & CRISP39-7 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, February 3, 2021.

9.B. [Development and Administrative Services, Planning Division - Project Theta - Large Scale Comprehensive Plan Amendment \(pp. 363-453\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment for 37.1± acres of land, generally located in the southeast quadrant of the Williamson Boulevard and Strickland Range Road intersection changing the Future Land Use Map designation from Level 1 Residential (L1R) Office Transition (OT) and Potentially Environmentally Sensitive (PES), to Mixed Use (MU) and Potentially Environmentally Sensitive (PES) amending the Future Land Use Element Neighborhood “K” creating Issue (j) Policies limiting commercial development to 400,000 square feet and residential density shall be limited to 14 units per acre and preserving the PES overlay through development techniques and implementing the City's wetland regulations. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6 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, February 3, 2021.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Project Sigma PD - Rezoning to Planned Development - General \(PD-G\) \(pp. 454-528\)](#)

Ordinance on first reading - to rezone 118± acres of land, generally located on the west side of North Clyde Morris Boulevard and the northwest quadrant of the LPGA Boulevard and Clyde Morris Boulevard intersection, from “Volusia County” Urban Single-Family Residential (R-2) and “City” Residential/Professional (R/P) to Planned Development-General (PD-G), to allow for a mixed-use development, including a variety of residential, commercial, institutional, and light industrial uses, as well as compensatory storage as a principal use. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of CRISP39-6 LLC & CRISP39-7 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, February 3, 2021.

10.B. [Development and Administrative Services, Planning Division - Project Theta PD - Rezoning to Planned Development - General \(PD-G\) \(pp. 529-589\)](#)

Ordinance on first reading - to rezone 37.1± acres of land, generally located in the southeast quadrant of the Williamson Boulevard and Strickland Range Road intersection, from Volusia County Urban Single-Family Residential (R-2), to Planned Development –General, to allow for a mixed-use development, including a variety of residential, commercial and institutional uses, as well as compensatory storage as a principal use. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of CRISP39-6 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, February 3, 2021

10.C. [Development and Administrative Services, Planning Division - Hand Avenue - Rezoning to Multifamily Residential 12 \(MFR-12\) \(pp. 590-602\)](#)

Ordinance on first reading - approving a request to rezone 35.0± acres of land generally located at the northeast quadrant of the intersection of Hand Avenue and Williamson Boulevard from Volusia County Urban Single-Family Residential (R-4 & R-5) and Planned Development - General (PD-G) to Multifamily Residential-12 (MFR-12). Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6 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, December 16, 2020.

10.D. [Development and Administrative Services, Planning Division - Daytona Beach VA OPC PD - Rezoning to Planned Development - General \(PD-G\) \(pp. 603-679\)](#)

Ordinance on first reading - approving a request to rezone 76.1± acres of land generally located on the west side of N. Williamson Boulevard, 1,800± feet north of LPGA Boulevard, from "Volusia County" Urban Single-Family Residential (R-2) zoning to "City" Planned Development – General (PD-G), to allow for the development of a Outpatient Clinic for the Department of Veterans Affairs and/or other commercial and medical uses. Applicant: Abdull Alkadry, Harris Civil Engineers, LLC., on behalf of Carnegie Management and Development Corporation, and the School Board of Volusia County.

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, December 16, 2020

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.