



**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
FEBRUARY 3, 2021  
CITY COMMISSION CHAMBERS  
6:00 PM**

**AGENDA**

Website Address - [www.codb.us](http://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.

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

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Approval of the Minutes of the the December 16, 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**

**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](mailto: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 \(pp. 21-23\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING FEBRUARY 10, 2021 RATIFYING MAYORAL EXECUTIVE ORDER NO. 26; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Information Technology - SHI International Corp - Trend Micro Computer Network Security Services Renewal \(pp. 24-31\)](#)

**Resolution** renewing Trend Micro and Tipping Point Cyber Security Systems and Services from SHI International Corp, 33 Knightsbridge Rd. Piscataway NJ 08854 in the amount of \$83,644.81. This renewal is \$21,201.28 less than last year due to non-recurring expenses incurred in the previous year. Effective period of coverage for these services is from 3/26/2021 to 3/25/2022. These purchases support the City's computer network monitoring and risk mitigation program. Trend Micro's suite of security offerings include Workstation and Server Antivirus Protection, Managed Services, Threat Detection and Response, Cloud based Protection including Email Filtering, and SharePoint and OneDrive Antivirus and Malware Protection. This is a cooperative purchase; subject to the terms, conditions, and pricing of the OMNIA Partners IT Solutions Contract # 2018011-02. The OMNIA IT Solutions contract includes section 19 for termination for convenience, and section 21 for termination for non-appropriation of funds. Funds are available in the Information Technology fund.

Recommendation: Information Systems and Services Manager recommends adoption of the Resolution.

**8.C.** [Utilities Department - Liberty Industrial Park Easements \(pp. 32-39\)](#)

**Resolution** to vacate a portion of an existing utility easement and accept a new easement from Palm Investments 2011 LLC, 500 Fentress Boulevard, Daytona Beach, FL. The easement is located approximately 1,500' south of the Dunn Avenue/Fentress Boulevard intersection. The utility easement, to be accepted, will be dedicated to the City of Daytona Beach to allow for maintenance access to a relocated 8" forcemain approved for the development of Liberty Industrial Park (DEV2016-095). There is no cost associated with the granting and conveyance of the easement.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.D.** [Utilities Department - Danus Utilities, Inc. - Emergency Ratification \(pp. 40-65\)](#)

**Resolution** ratifying an emergency contract with Danus Utilities, Inc., 2320 Beardall Avenue, Sanford, Florida 32771, to perform emergency repairs at Lift Station No. 39 with a final contract amount of \$56,369. This request is needed to fully comply with City Purchasing Code Section 30-52(b) Emergency Purchases. Lift Station No. 39 is a City-owned triplex master lift station constructed in the 1960s and serves a large portion of the City's northern beachside area. The lift station's discharge piping was corroded and leaking which contributed to flow re-entering the lift station. The discharge piping was approximately 14 feet below ground level, making this repair unable to be completed by City crews. The emergency repairs at Lift Station No. 39 were completed in January 2021. Utilities requested quotes from three companies to perform the emergency repairs at Lift Station No. 39. Based upon review of the bids, Danus Utilities, Inc., was the lowest, best responsive bidder, with a total project cost of \$56,369. No additional funds are associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.E.** [Development Services/Cultural Services - Friends of the Bandshell's Plans to Host Summer Concerts at the Bandshell \(pp. 66-77\)](#)

**Resolution** approving the request by Friends of the Bandshell to host their 2021 Summer Concert Series at the Daytona Beach Bandshell. At the July 1, 2020 City Commission meeting, the Commission voted to allow the Friends of the Bandshell to proceed with the Summer Concert Series at the

Bandshell. The operational rules approved by the City Commission were followed by the Friends of the Bandshell and the concert series was a success. Friends of the Bandshell would like the City Commission to approve their plans to host the 2021 Summer Concert Series at the Bandshell (unless public health safety concerns as determined at the sole discretion of the Commission make it necessary to terminate or abate the event). Friends of the Bandshell have submitted an operational safety plan following current CDC standards. The safety plan is part of the agenda package attached hereto. If the Commission approves the Friday/Saturday Bandshell concert series to proceed, it is proposed that the operational plan standards will be followed.

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

**8.F.** [Public Works/Solid Waste - Waste Pro Services of Florida, Inc. - Contract Renewal \(pp. 78-103\)](#)

**Resolution** authorizing the early renewal and updated terms and conditions for the collection and disposal of solid waste and recyclable materials contract with Waste Pro Services of Florida, Inc., P.O. Box 4530, St. Augustine, Florida 32085-4530 for a ten-year term ending September 20, 2032. This renewal is based upon a finding of substantial economic benefit to the City, residents, and property owners of Daytona Beach and record of excellent service to stabilize the cost of Solid Waste Services in the City for an additional 10 years without a reduction in the quality of services, or an increase in rates. The current Solid Waste and Recyclable Materials Contract with Waste Pro Services of Florida, Inc. was approved on April 4, 2012, by Resolution 12-235 after negotiations with Waste Pro for an advantageous Agreement to benefit the City, the residents, and property owners of the City, and contains provisions for renewal of the contract. No funds are associated with this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

**9. PUBLIC HEARINGS.**

**9.A.** [Development and Administrative Services, Planning Division - Land Development Code Text Amendment Furniture and Appliance Store Use \(pp. 104-118\)](#)

**Ordinance on second reading - PUBLIC HEARING** amending Article 5 (Use Standards), Section 5.2 (Principal Use), Table 5.2.A.2 of the Land Development Code, to re-establish Furniture or Appliance Store uses as a permitted use in the BR-1, BR-2, BA, RDB-2, RDB-3, RDB-5, RDD-1,

RDD-2, RDD-3, RDD-4; and to add the uses as permitted uses in the M-1, RDD-5, RDD-7, RDM-3, and RDM-5 zoning districts.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to adopt Ordinance.

**9.B.** [Development and Administrative Services, Planning Division - Project Sigma - Large Scale Comprehensive Plan Amendment \(pp. 119-268\)](#)

**Ordinance on second 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 adopt Ordinance.

**9.C.** [Development and Administrative Services, Planning Division - Project Sigma PD - Rezoning to Planned Development - General \(PD-G\) \(pp. 269-343\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** 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 adopt Ordinance.

**9.D.** [Development and Administrative Services, Planning Division - Project Theta - Large Scale Comprehensive Plan Amendment \(pp. 344-434\)](#)

**Ordinance on second 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 adopt Ordinance.

**9.E.** [Development and Administrative Services, Planning Division - Project Theta PD - Rezoning to Planned Development - General \(PD-G \(pp. 435-495\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** 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 adopt Ordinance.

**9.F.** [City Manager's Office - City Park Facility Renaming - Norma J. Bland, Multipurpose Field \(pp. 496-548\)](#)



**Resolution** approving the request by Zone 5 City Commissioner, Dannette Henry, to name the newly renovated multipurpose field at Derbyshire Park, located at 849 Derbyshire Road the “Norma J. Bland Football & Soccer Field”, to commemorate Mrs. Bland’s contributions to the City of Daytona Beach.

Bettye Goodman, Assistant City Manager, to report.

Recommendation: Commissioner action.

Action: Motion to adopt Resolution.

## 10. ADMINISTRATIVE ITEMS.

### 10.A. [Utilities Department - Amendments to Chapter 98 - Code of Ordinances \(pp. 549-554\)](#)

**Ordinance on first reading** approving revisions to various Sections in Chapter 98 – Utilities of the City’s Code of Ordinances. This request is needed to codify or clarify current Utilities’ Department and Finance Department billing practices relating to water and wastewater services; and for housekeeping purposes to remove redundancy in the Chapter resulting from additions over time.

Raftelis Financial Consultants, Inc., was hired by the City in March 2020 to perform a comprehensive water and wastewater rate study. Based on this study, a proposed rate change to the retail and wholesale water, sewer, and reuse service rates; and miscellaneous fees and charges (to become effective on October 1, 2021) will be presented for consideration by the City Commission at the second reading of this ordinance. Substantive changes being made to Chapter 98 - Utilities pertaining to rates and fees are listed below. All proposed changes can be found in the Ordinance.

Section 98-32 – Amount and effective date of annual adjustments to rates, charges and fees

- Beginning in the fiscal year commencing October 1, 2022, and thereafter, the annual adjustment to rates, charges, and fees shall be the percentage change in the Consumer Price Index.

Section 98-33 – Abatements, adjustments of charges

- The addition of a once in a lifetime water and sewer bill abatement to any account holder and any occupant at the time of the event at a given address for a leak on the customer’s side of the water meter.

Section 98-89 - Application and refund of deposits

- If a single-family customer has made timely payment of monthly utility

bills for twenty-four (24) consecutive months, the deposit will be refunded through a credit to the customer's utility account.

Shannon Ponitz, Utilities Director, to report.

Recommendation: Utilities Director recommends passing the Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 17, 2021.

**10.B.** [Utilities Department - Ordinance Creating Article VII Capital Facilities Fees - Chapter 98, City Code \(pp. 555-800\)](#)

**Ordinance on first reading** approving water and wastewater capital facilities fees based on recommendations in the *Water and Wastewater Utility Rate Study* prepared by Raftelis Financial Consultants, Inc., dated January 19, 2021. All capital facilities fees to become effective July 1, 2021.

Raftelis Financial Consultants, Inc., was hired by the City in March 2020 to perform a comprehensive water and wastewater rate study. As part of this study, new water and wastewater capital facilities fees have been developed. The design basis for these fees are established by setting a minimum level of service for a single family home, which is referred to as an equivalent residential connection or “ERC”. The ERC is the average capacity of water and wastewater used by a single family home, which is approximated at 250 gallons per day for both water and wastewater. All other user classifications (i.e. multi-family, hotel/motel and general services/commercial) capital facilities fees are calculated based on an appropriate factor or percentage, above or below, the typical single family ERC.

The table below shows the existing and proposed water and wastewater capital facilities fees on a per ERC basis.

	Existing	Proposed	Change – Amount
Water Capital Facilities Fee per ERC	\$1,376.00	\$1,580.00	\$204.00
Wastewater Capital Facilities Fee per ERC	1,825.00	2,560.00	735.00
<b>Combined Capital Facilities Fees per ERC</b>	<b>\$3,201.00</b>	<b>\$4,140.00</b>	<b>\$939.00</b>

Shannon Ponitz, Utilities Director, to report.

Recommendation: Utilities Director recommends passing the Ordinance on

first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 17, 2021.

**10.C.** [Development and Administrative Services, Planning Division - Tomoka Independent Living PD Extension Request \(pp. 801-833\)](#)

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**Resolution** approving an extension of the Tomoka Independent Living Facility Planned Development project (Tomoka ILF PD) due to the uncertainty of the Covid-19 global pandemic. The applicant is requesting the extension to allow adequate time to complete the construction while adjusting to new Covid-19 market and lending conditions. Applicant: Zachary E. Stoumbos, Esq, on behalf of THP, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

**10.D.** [City Manager's Office - Board of Adjustment - Appointments \(pp. 834-851\)](#)

**Resolution** appointing four members to the Board of Adjustment for Zones 1, 3, 4 and 5. The membership terms for Trey Harshaw (Zone 1), Maja Sander Bowler (zone 3), Patrick Connors (Zone 4) and Sharlene Barhoo (Zone 5) have expired and all four individuals would like to be reappointed. There are no additional applications. The board shall consist of seven members and one alternate appointed by the City Commission. Board member shall include one regular member nominated by each City Commissioner from among resident of their zone, plus one regular member and one alternate member that are nominated by the Mayor and may be a resident of any City Commission zone. All board members must be residents of the City and qualified electors.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.E.** [City Manager's Office - Peabody Advisory Board - Appointment \(pp. 852-857\)](#)

**Resolution** appointing one member to the Peabody Advisory Board for Zone 5. The board shall consist of seven (7) members serving four (4) year staggered terms and may be reappointed to successive terms. Members must

reside within the zone from which appointed or if mayoral from within the corporate limits of the City. There is one application from Zone 5, Malcolm Williams.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.F.** [City Manager's Office - Downtown Redevelopment Board - Appointment \(pp. 858-870\)](#)

**Resolution** to appointment one member to the Downtown Redevelopment Board. The board shall consist of seven (7) members appointed by the City Commission and one (1) Planning Board member who shall serve as an ex officio nonvoting member. Membership shall include six (6) members who reside or have their principal place of business in either the Downtown Redevelopment Area or the Ballough Road Redevelopment Area and one (1) member of the Downtown Development Authority, who shall serve ex-officio (DDA). A majority of the board members shall be residents of the City. The membership term of Daniel Harshaw has expired with Mr. Harshaw reaching the end of his second term (termed out). We have received three qualifying applications from Tibor Benke, Lori Sandman and John Zemball.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.G.** [City Manager's Office - Planning Board - Appointments \(pp. 871-888\)](#)

**Resolution** appointing four members to the Planning Board. The board shall consist of seven (7) members serving staggered terms of four years commencing January 1 and expiring December 31, with a least one member residing in each Zone within the City and one At-large member. Must be qualified electors in City and hold no other City office. The membership terms of Tony Servance (Zone 2), Jeff Hurt (Zone 4), Cathy Washington (Zone 6) and Tony Barhoo (At Large) have expired and all four individuals would like to be reappointed. There is an additional application for Zone 4 from Michael McLean.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.H.** [City Manager's Office - Citizens' Police Review Board - Appointments \(pp. 889-897\)](#)

**Resolution** appointing seven members and one advisor to the Citizens' Police Review Board. The board shall be composed of seven members appointed by the city commission. To the extent possible, the board shall reflect the racial, ethnic and cultural diversity of the city. At least five of the members shall be residents and qualified electors. The remaining two members shall have experience or training in one or more of the following fields: criminal justice, law enforcement, defensive tactics, legal or military and shall be residents of the city and qualified electors or have their principal place of business in the city. An Advisor shall also be appointed which will be a non-voting member. Meeting the cut-off date we received 46 applications with 33 individuals indicating special experience and/or knowledge. Because all 46 individuals except for one are electors of the city those that are not chosen for the specialized positions are also eligible for the non-specialized positions. It was voted upon by the Commission that each Commissioner and the Mayor would appoint one person and the Mayor would also appoint an advisor.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.I.** [City Manager/City Commission - City Commission Discussion](#)  
**\*\*Addendum added 02-02-21\*\***

City Commission Discussion on the City Manager hiring process.

**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.**