





**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
AUGUST 18, 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](#)

Approval of the Minutes of the July 21, 2021 Regular City Commission Meeting held at 301 S. Ridgewood Avenue Daytona Beach, Florida 32114.

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. [BEAUTIFICATION AWARDS - AUGUST 2021 \(pp. 16-18\)](#)

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Residential Award:

Kim Gadson, 1108 Barbara Drive, Commissioner Dannette Henry, Zone 5, to present.

Commercial Award:

Living Faith World Ministries, Inc., 950 Derbyshire Road, Mayor Derrick L. Henry to present.

## 7. CITIZENS.

### 7.A. PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION

During this time Citizens have the opportunity to address the City Commission on any item on the Consent Agenda.

## 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. Business Enterprise Management Department - Zimmet & Zimmet Law Office - Commercial Lease Agreement (pp. 20-54)

**Resolution** approving a two-year commercial lease agreement for a 1,754 square foot office space at the Halifax Harbor Plaza between the City of Daytona Beach and Zimmet & Zimmet, PL commencing August 1, 2021 with one three-year renewal option and authorizing the City Manager to approve the renewal.

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

### 8.B. Utilities Department - Accurate Power and Technology, Inc. - Continuing Services Contract Approval (pp. 55-99)

**Resolution** approving a continuing services contract with Accurate Power and Technology, Inc. 15519 US Hay 441, Suite A101 Eustis, FL 32726 for emergency generator maintenance and repair services in an amount up to \$254,942.82 annually with the following provisions:

- The contract term for 3 years with the option to renew the Contract on a yearly basis consistent with the Contract's two one year renewal options.
- Authorize an initial expenditure in an amount up to \$254,942.82 in FY2021.
- The total amount of this service contract for 3 years will be up to \$764,828.46.

- Authorize the City Manager to exercise the renewal option and expend such sums as budgeted each year.

The purpose of this request is to maintain State Regulations (FAC 62-604.400) by obtaining a contract for maintenance and repair services on emergency standby generators. The value of preventive maintenance ensures that the Utility will have well maintained standby emergency generators that can last from between 10,000 to 30,000 hours. For many generators, these hours are spread out over a period of 20 to 30 years. This reduces long term maintenance expenses, helps ensure reliable operation when it is needed, and reduces the need to purchase frequent generator replacements.

The City issued Invitation to Bid No. ITB 21411 on May 5, 2021 to obtain a Contractor to provide maintenance and repair services on the Utility's 55 emergency standby generators located at the Westside Regional Wastewater Reclamation Facility, the Brennan Water Treatment Plant, the Bethune Point Wastewater Reclamation Facility, the Central Maintenance Division and the Stormwater Division. The lowest, responsive and responsible bidder is Accurate Power and Technology, Incorporated. Funds are available in the Water & Sewer Operating Fund and the Stormwater Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.C.** [Public Works Department - Kompan Inc. - Dickerson Center Playground Improvements \(pp. 100-120\)](#)

**Resolution** authorizing the establishment of a project budget of \$402,400 for a new playground at the Dickerson Center, improvements also include new seating, landscaping, lighting, fencing, and site furniture for the playground. Authorizing the purchase and installation of playground equipment from Kompan Inc., 605 West Howard Lane Suite 101 Austin Texas 78753 in the amount of \$347,599.87. It is also requested that the City Manager be authorized to make purchases not to exceed the project budget amount to complete the playground project, including the equipment in the proposal from Kompan Inc. for the material and installation of new playground at the Dickerson Center. The new playground at the Dickerson Center is part of a larger master plan for the park that includes parking improvements, increased access to existing buildings for both pedestrians and automobiles, pedestrian connectivity within the park, flexible green spaces, expanded landscaping with seating, increased site security and site lighting which are all part of a cohesive restructuring of the park. Resolution 2020-108 approved the acceptance and City's matching funds of a Racing and Recreation Facilities District Grant in the amount of \$302,400 in grant funds and \$100,000 in matching funds. Funds are available in the Capital Projects Fund in the amount of \$100,000 and in the Grant Fund in the amount of \$302,400.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.D.** [Public Works/Technical Services - ACF Standby Systems and Economy Electric - Fire Station No.5 Generator System Replacement \(pp. 121-144\)](#)

**Resolution** authorizing the acceptance of the direct purchase of a new 50kva emergency generator and 300 AMP emergency automatic transfer switch from ACF Standby Systems, 7830 Kingspointe Parkway, Suite 2, Orlando, FL 32818 in the amount of \$30,500 under the Florida Sheriff's Association contract FSA20-VEH18.0/2020-2021, and authorizing the acceptance of the work authorization by LaTour Enterprises, Inc. d/b/a/ Economy Electric Company, 538 West St., Daytona Beach, FL 32114 in the amount of \$11,455 under contract 0118-3380 for the removal of existing equipment, and the installation of the new equipment at Fire Station No.5. The total accumulative amount is \$41,955. The existing generator system is in poor condition and no longer provides the required emergency back-up power to the fire station. Funds are available in the General Fund.

Recommendation: Public Works Director recommends the adoption of the Resolution.

**8.E.** [City Manager's Office-Coronavirus Fiscal Recovery Funds - 2021 Programming Plan \(pp. 145-157\)](#)

**Resolution** approving the Coronavirus Local Fiscal Recovery Fund - 2021 Programming Plan. To assist in our community's recovery from the Coronavirus pandemic and providing for resiliency to future pandemics, the established CLFRF 2021 Programming Plan provides for the equitable and inclusive distribution of federal recovery funds through targeted programming to provide for a positive impact throughout the community. Authorizing the City Manager/Designee to establish programming criteria, program formulation, execution of partnership agreements, and distribution of CLFRF funds as outlined in the CLFRF 2021 Programming Plan in compliance with city policy. Authorizing the Budget Officer to amend the budget as necessary for the timely processing of CLFRF funds. Providing for authorization to process all documentation as required in accordance with US Department of Treasury reporting requirements.

Recommendation - Deputy City Manager/Fire Chief recommends adoption of the Resolution.

**8.F.** [Legal Department - J. David Tax Law -Reimbursement for Legal Services \(pp. 158-162\)](#)

**Resolution** authorizing reimbursement in the amount of \$4,650 for legal services provided by J. David Tax Law to City employee, Charles Walls, Peabody and Bandshell Operations Manager. The issue arises from the IRS inadvertently crediting as personal income to the City employee, a Form 1099 for amounts collected through the City's "Square" Mobile Credit Card Reader System, for City sponsored event tickets, and food and beverage sales. The Employee hired J. David Tax Law to correct the IRS error for his 2019 income taxes. As a result of the efforts of the Employee's attorney, the Employee's tax records have been corrected by the IRS, and the amounts in question properly credited to the City, which is a tax exempt entity. Staff has also resolved the reporting error with its Credit Card System Contractor.

Recommendation: City Attorney recommends adoption of the Resolution.

**8.G.** [Development and Administrative Services - Two Year Waiver of Permit and Inspection Fees \(pp. 163-172\)](#)

**Resolution** approving a two year fee waiver for property owners within the borders of Mason Avenue to Shady Place and Nova Road to Ridgewood Avenue. Permit and inspection fees for renovation and rehabilitation projects will be issued to the property owners within the named borders at no cost to the property owner. The fees ordinarily associated with the permit and process associated with construction will be expensed to and paid from a General Fund appropriation to be applied during the two year time period of the waiver. The Financial relief to residents and businesses is to encourage property owners to repair and improve buildings within the described area. Funds are available in the General Fund.

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

**8.H.** [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 173-174\)](#)

**Resolution** authorizing payment in the amount of:

\$500 to Leisure Services Department for the 2021 Mayor's Fitness Challenge from the Bike Week Sponsorship Funds of Mayor Derrick L. Henry.

\$200 to Ancient City Pipes & Drums, Inc., d/b/a Coastal Florida Police and Fire Pipes and Drums, for a general donation from the Bike Week Sponsorship Funds of Commissioner Stacy Cantu.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

## 9. PUBLIC HEARINGS.

### 9.A. [Development and Administrative Services, Planning Division - Daytona Beach LPGA 7-Eleven Planned Development \(PD\) Agreement Rezoning \(pp. 175-245\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** approving the Daytona Beach LPGA 7-Eleven Planned Development (PD) Agreement for property located at 2100 LPGA Boulevard. This agreement renames and amends the existing Investor Realty Company PD, to allow a car wash as a permitted use, revise minimum lot development criteria, and incorporate additional signage, in addition to the existing 7-Eleven store located on the property. Applicant: Joshua Long, Gunster Law Firm, on behalf of Slazenger Green Inc. **\*\*Item was continued from the July 21, 2021 City Commission Meeting\*\***

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to adopt the Ordinance.

### 9.B. [Development and Administrative Services, Planning Division - Third Amendment to Minto Tomoka Parcel B Planned District Agreement – Planned Development-General \(PD-G\) Rezoning \(pp. 246\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** approving the Third Amendment to the Minto – Parcel B Planned District (PD) Agreement to add additional commercial uses and incorporate additional signage for the partially developed Latitude Landings shopping center consisting of approximately 36.4± acres of property generally located on the north side of LPGA Blvd, on both the east and west sides of the FPL powerlines. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Sutton Land Trust No. 1. **\*\*Due to an advertising error on the part of the News Journal, it is requested that this item be continued to the September 8, 2021 City Commission Meeting\*\***

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt the Ordinance.

### 9.C. [Development and Administrative Services - Property Rights Element - Large Scale Comprehensive Plan Text Amendment \(pp. 247-254\)](#)

**Ordinance on first reading - PUBLIC HEARING** - approving a Large



Scale Comprehensive Plan Text Amendment, creating the Property Rights Element, adding Goals, Objectives and Policies to ensure that private property rights are considered in local decision making in accordance with House Bill 59.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

**9.D.** [Development and Administrative Services, Planning Division - Reserve at LPGA - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 255-344\)](#)

**Ordinance on first reading - PUBLIC HEARING** approving a Large Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 90± acres of land from Low Intensity Urban (LI-U) to Level 1 Residential (L1R), amending Neighborhood “V” creating a policy to reduce density, to allow for a multifamily residential development. The property is generally located approximately 3600-feet northwest of the intersection of West International Speedway Boulevard and LPGA Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of LPGA Equity Land Trust No. 153.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

**9.E.** [Development and Administrative Services, Planning Division - Ocean Center - Public Use Permit \(pp. 345\)](#)

**Resolution - Quasi-Judicial Hearing** approving the Amended and Restated Ocean Center Public Use Permit (PUP), to consolidate the PUP and all Interlocal Agreements between The City of Daytona Beach and the County of Volusia, related to special events and outside activities at the Ocean Center, located at 101 N. Atlantic Avenue, and its associated parking areas. **\*\*Due to an advertising error on the part of the News Journal, it is requested that this item be continued to the September 8, 2021 City Commission Meeting\*\***

James Morris, Deputy City Manager, Development and Administrative Services, to report.



Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt the Resolution.

**9.F.** [Development and Administrative Services - Second Avenue Plaza - Temporary Outside Activities \(pp. 346-364\)](#)

**Resolution** approving outside activities associated with a festival from Thursday, October 14, 2021 to Sunday, October 17, 2021, on property located 560 Dr. Mary McLeod Bethune Boulevard.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

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

Action: Motion to adopt the Resolution.

**10. ADMINISTRATIVE ITEMS.**

**10.A.** [Development and Administrative Services - Land Development Code Text Amendment - Outside Activities Associated with Bike Week and Biktoberfest Master Plan Activities \(pp. 365-380\)](#)

**Ordinance on first reading** - amending Article 5, Section 5.4.C.11 of the Land Development Code to modify the use standards for Temporary Outside Activities Associated with a Festival; and amending Article 10, Section 10.4.B to modify the criteria for remedies and penalties for properties that violate the regulations and conditions in Section 5.4.C.11.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 8, 2021.

**10.B.** [Development and Administrative Services - Amendment to the Bike Week & Biktoberfest Master Plan Guidelines \(pp. 381-392\)](#)

**Resolution** approving an amendment to the Bike Week and Biktoberfest Master Plan Guidelines, to modify existing guidelines and add new criteria for consistency with current practices for outside activities associated with a festival.

James Morris, Deputy City Manager, Development and Administrative

Services, to report.

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

Action: Motion to adopt the Resolution.

**10.C.** [Development and Administrative Services - Biketoberfest 2021 Master Plan for Private Property- Additional Applications \(pp. 393-400\)](#)

**Resolution** amending the approved Biketoberfest 2021 Master Plan for Private Property to allow two additional properties to participate in Master Plan activities.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

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

Action: Motion to pass Ordinance on first reading.

**10.D.** [Development and Administrative Services, Planning Division - Reserve at LPGA-Rezoning to Planned Development-General \(PD-G\) \(pp. 401-453\)](#)

**Ordinance on first reading** - rezoning 90± acres of property, from Planned Development-General (PD-G) and Volusia County (VC) A-2 (Rural Agriculture) to Planned Development-General (PD-G), to allow for a multifamily development with a maximum of 560 residential units. The property is located approximately 3600' northwest of the intersection of West International Speedway Boulevard and LPGA Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of LPGA Equity Land Trust No. 153.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

**10.E.** [Development and Administrative Services - Development Loan to Beneficial Community Partners \(pp. 454-483\)](#)

**Resolution** supporting Beneficial Community Partners in their effort to apply for housing tax credits with the Florida Housing and Finance Corporation (FHFC) in the 2021 RFA Cycle to develop affordable housing in the City of Daytona Beach within the midtown redevelopment district at the site ordinarily referred to as the Midtown Lofts on Martin Luther King

Boulevard. The loan commitment letter prepared and executed will state contingencies, loan terms and allow attachment of collateral for security and grant a loan from the City of Daytona Beach to Beneficial Community Partners in the amount of \$460,000 to support the construction of an 82-unit workforce housing development to be known as Midtown Manor Apartments. The item supports the City Commission's commitment to addressing affordable housing.

James Morris, Deputy City Manager, Administrative and Development Services, to report.

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

Action: Motion to adopt the Resolution.

**10.F.** [Development and Administrative Services - Nascar Special Event Approval \(pp. 484-494\)](#)

**Resolution** approving a special event to allow temporary off-road motorcycle racing, with associated spectator-oriented uses such as vendor sales and food and beverages. The property is generally located north of the intersection of Clyde Morris Boulevard and Bill France Boulevard. Proposed event dates are January 7, 2022 – January 9, 2022. Applicant: Cobb Cole Attorney at Law on behalf of Event Equipment Leasing Inc.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt the Resolution.

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

**12. PUBLIC COMMENT FORUM - During this time Citizens are allowed 3 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.**

**13. ADJOURNMENT.**