



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
SEPTEMBER 22, 2021
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 the Minutes](#)

Approval of the Minutes of the August 18, 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 - SEPTEMBER 2021 \(pp. 15-17\)](#)

Residential Award:

Breece and Debra Robinson, 932 Lora Street, Commissioner Paula R. Reed, Zone 6, to present.

Commercial Award:

Mary McLeod Bethune Performing Art Center, 698 W. International Speedway Boulevard, 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. [Police Department - Statewide Mutual Aid Agreement \(pp. 19-58\)](#)

Resolution approving the Statewide Mutual Aid Agreement between Florida Division of Emergency Management and the City of Daytona Beach. This agreement would provide assistance, if needed, due to vulnerability of a wide range of disasters that exceed local governments ability to cope with existing resources. Pursuant to Chapter 252, the Division has the authority to coordinate assistance between local governments during emergencies and to concentrate available resources where needed.

Recommendation: Chief of Police Chief recommends adoption of the Resolution.

8.B. [Public Works/Technical Services - Saboungi Construction, Inc - Butts Park Pavilion and Footbridge Renovation \(59-129\)](#)

Resolution to award the contract ITB 21563 to Saboungi Construction, Inc. 290A North U.S. Hwy 1, Ormond Beach, FL 32174 for the Butts Park Pavilion and Footbridge Renovation in the amount of \$174,872 to replace the wooden decking, handrails and benches of the main lake pavilion. Public Works staff performed an evaluation of the lake pavilion. The wood has deteriorated and weathered to the extent that it needs to be replaced. The existing pilings, joists and beams will be reused. All of the decking, handrails and benches will be replaced with new marine grade lumber. The City architect developed a plan set and specifications for the project. An Invitation to Bid was advertised and six offers were received. Saboungi Construction, Inc. was the lowest, responsive and responsible bidder. Funds are available in the Capital Project Fund.

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

8.C. [Utilities Department - Sieg & Ambachtsheer, Inc. - LPGA Lake No. 6 Drainage Weir Replacement \(pp. 130-163\)](#)

Resolution awarding Bid No. 21473 to Sieg and Ambachtsheer, Inc., 1445 Cassadaga Road, DeLand, Florida 32724 in the amount of \$131,425 for replacement of the LPGA Lake No.6 Weir. The purpose of this request is to replace the existing drainage weir for Lake No.6 located on the east side of Champions Drive across from Promenade at Lionspaw within the LPGA International residential development. This drainage weir was constructed with the initial construction of the LPGA International residential development. This control structure allows for drainage overflow into the Tomoka River and due to its age, the concrete has been showing signs of washout and deterioration around the outside of the existing weir structure.

The City issued an Invitation to Bid No. ITB 21473 on June 8, 2021 to obtain a contractor to replace the Lake No. 6 weir. Bids from five (5) contractors were received on July 19, 2021 and Sieg & Ambachtsheer, Inc. was found to be the lowest, responsive and responsible bidder. Funds are available in the Stormwater 8% Renewal and Replacement Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Utilities Department – Request for Proposal \(RFP\) No. 21374 - Continuing Professional Engineering Services \(pp. 164-294\)](#)

Resolution approving Continuing Professional Engineering Services Contract No. 21374 for multiple engineering firms to provide professional engineering services to the Utilities Department for a three (3) year period with the authority of the City Manager to authorize two (2) one-year renewal options and to terminate fifteen (15) existing continuing services contracts for convenience. This item is needed to provide professional engineering services to the Utilities Department for the execution of its master plans, capital improvement programs and continued renewal and replacement of existing infrastructure outside the limits of the treatment plants.

The City issued Request for Proposals (RFP) No. 21374 on April 12, 2021, and proposals were opened on May 12, 2021. Seventeen firms submitted proposals and were evaluated by the selection committee with the following firms selected:

McKim & Creed, Inc.	Barnes, Ferland, and Associates,
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	Inc.
· Carollo Engineering, Inc.	· Hazen & Sawyer
· Wright-Pierce, Inc.	· Mead & Hunt
· Tetra Tech, Inc.	· Half Associates, Inc.

The City's selection committee ranked these firms highest, based on their experience and requests entering into continuing contracts for the services outlined in the RFP. In addition this item terminates fifteen continuing engineering contracts for convenience which were awarded as far back as FY 2007/2008, in order to contract with firms using current labor rates and containing up to date terms and conditions. There is no City funding associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.E. [City Manager's Office, Redevelopment Division - Riverfront Esplanade Development, Maintenance, and Lease Agreement – Third Amendment \(pp. 295-301\)](#)

Resolution approving the Riverfront Esplanade Development, Maintenance, and Lease Agreement, as amended, with Brown Riverfront Esplanade Foundation, Inc., (213 Riverside Drive, Ormond Beach, FL 32176). The Agreement currently allows the Foundation to access and use State and Federal grant funds for public capital improvements and other public amenities with City approval. The third amendment clarifies that disaster relief and local grant funding may also be accessed with the City's approval.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

8.F. [Human Resources Department - American Federation of State, County, and Municipal Employees \(AFSCME\), Florida Council 79 Collective Bargaining Agreement - 10/01/2021 - 09/30/2023 \(pp. 302-361\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and American Federation of State, County, and Municipal Employees (AFSCME) for terms and conditions of employment beginning October 1, 2021 through September 30, 2023; to provide wage increases. Amending Articles 31 - Wages, 32 - Limitation on opening negotiations and 33 - Duration.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.G. [Human Resources Department - Coastal Florida Police Benevolent](#)

[Association \(CFPBA\) Collective Bargaining Agreement - 10/01/2021 - 09/30/2023 \(pp. 362-434\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and Coastal Florida Police Benevolent Association (CFPBA) for Police Officers and Sergeants for terms and conditions of employment beginning October 1, 2021 through September 30, 2023; to provide wage increases. Amending Articles 19 - Promotion, 30 - Wages, 36 - Duration and Pension Provisions.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.H. [Human Resources Department - Florida State Fraternal Order of Police \(FOP\) Collective Bargaining Agreement -10/01/2021 - 09/30/2023 \(pp. 435-493\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and Florida State Fraternal of Police (FOP) for Police Lieutenants for terms and conditions of employment beginning October 1, 2021 through September 30, 2023; to provide wage increases. Amending Articles 9 - Seniority, 27 - Wages, 28 - Specialty Pay, 30 - Duration and Pension Provisions.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.I. [Human Resources Department - IAFF LOCAL 1162 Collective Bargaining Agreement 10/01/2021 - 09/30/2023 \(pp. 494-565\)](#)

Resolution approving a Collective Bargaining Agreement between the City and IAFF, Local 1162, for the period covering October 1, 2021 through September 30, 2023; to provide wage increases. Amending Articles 27 - Paramedic Pay, 28 - Pension, 31 - Wages, 38 - Duration.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.J. [Finance Department - Allocation of Bike Week Sponsorship Funds](#)
****Addendum added 09-22-21****

Resolution authorizing payment in the amount of:

\$500 to Early Learning Coalition of Flagler and Volusia Counties, Inc., for the Dolly Parton Imagination Library's Little Literacy Heroes 5K and \$300 to Mainland High School, for the Girls' Basketball Program from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Budget Division - City of Daytona Beach FY 2021/22 Millage and Budget \(pp. 566-578\)](#)

1. **PUBLIC HEARING** - Members of the general public may speak on the proposed millage rate and the FY 2021/22 budget.

2. Presentation by the Budget Director.

3 . **Resolution** of the City of Daytona Beach adopting an ad valorem property tax final millage rate of 5.5300 (\$5.5300 per \$1,000 of assessed taxable value). This is a 2.70% tax increase from the rolled back rate of 5.3843; and a voted debt service final millage rate of 0.2394 (\$0.2394 per \$1,000 of assessed taxable value) which is a 5.52% reduction from the FY 2020/21 tax rate.

4. **Resolution** adopting the Budget for the fiscal year October 1, 2021, to September 30, 2022; prescribing estimated Revenue Sources of \$312,435,850 and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$312,435,850.

Fred Coulter, Information Systems and Budget Director, to report.

Recommendation: City Manager recommends adoption of the Resolutions.

Action: Motion to adopt the Resolutions.

9.B. [Budget Division - Downtown Development Authority FY 2021/22 Millage and Budget Adoption \(pp. 579-589\)](#)

1. Presentation by Reed Berger, Redevelopment Director. Discussion on the proposed millage rate of 1.0000 and proposed budget.

2. **PUBLIC HEARING** - Members of the general public may speak and ask questions on the proposed millage rate and the FY 2021/22 budget.

3 . **Resolution** of the Daytona Beach Downtown Development Authority adopting an ad valorem property tax millage rate of 1.0000 (\$1.0000 per \$1,000 of assessed taxable value). This is the rate utilized in the Notice of Proposed Property Taxes and is a 52.33% tax decrease from the rolled back rate of 2.0977.

4. **Resolution** adopting the Budget for the fiscal year October 1, 2021, to September 30, 2022; prescribing estimated Revenue Sources of \$309,737 and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$309,737.

Reed Berger, Redevelopment Director, to report.

Recommendation: Authority Chairman recommends action.

Action: Motion to adopt the Resolutions.

9.C. [Development and Administrative Services, Planning Division - Daytona Beach LPGA 7-Eleven Planned Development \(PD\) Agreement Rezoning \(pp. 590-660\)](#)

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 August 18, 2021 City Commission Meeting at the request of the Applicant****

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.D. [Development and Administrative Services, Planning Division - Affordable Housing Land Development Code Text Amendment \(pp. 661-687\)](#)

Ordinance on second reading - PUBLIC HEARING amending Article 6.22 of the Land Development Code, to add regulations and standards for compliance with the State Housing Initiatives Partnership Program (SHIP). Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.E. [Development and Administrative Services, Planning Division - First Amendment to Bellewood Commons Planned Development-General \(PD-G\)](#)

[Rezoning \(pp. 688-719\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the First Amendment to the Bellewood Commons Planned District (PD) Agreement, located at 1260 Beville Road, to allow a “drug store or pharmacy, without drive-through service” as a permitted use. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of JB Daytona Beach, LLC.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.F. [Development and Administrative Services, Planning Division - Outdoor Art Display and Sales Activities - Main Street and Dr. Mary McLeod Bethune Boulevard - Land Development Code Text Amendment \(pp. 720-742\)](#)

Ordinance on second reading - PUBLIC HEARING amending Article 5, Section 5.4 of the Land Development Code (LDC), to add Temporary Outside Activities as a temporary use on properties located on Main Street and Dr. Mary McLeod Bethune Boulevard; and to add use specific standards for the temporary use.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.G. [Development and Administrative Services - Daytona Beach VA Outpatient Clinic \(OPC\) Proportionate Fair Share Agreement \(pp. 743-757\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Daytona Beach VA Outpatient Clinic (OPC) Proportionate Fair Share (PFS) Agreement with Daytona Beach VA Company, LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$810,740.12 for a maximum buildout of 131,100 square foot medical facility and to address traffic concurrency and traffic impacts. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to the City's recording of the Final Plat for the Daytona Beach VA OPC project that is located 1776 N. Williamson Blvd.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Peabody Historic Overlay \(HO\) Rezoning \(pp. 758-777\)](#)

Ordinance on first reading approving a Historic Overlay (HO) zoning district map amendment for the Peabody Auditorium located at 600 Auditorium Boulevard.

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

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

Action: Motion to pass Ordinance on first reading.

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

10.B. [City Clerk - Declaring the Results of the September 21, 2021 Special Primary Election & Submitting Names for the Special General Election](#)
[**Addendum added 09-22-21**](#)

Resolution declaring the results of the September 21, 2021, Special Primary Municipal Election and submitting Larry McDermott and Ken Strickland for the November 2, 2021 Special General Election for City Commissioner for Zone 2 (remaining term).

Recommendation: Commission action.

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.