



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
NOVEMBER 3, 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.

	<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.

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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 October 6, 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. [Presentation - Milestone Recognition for Council-Manager Organization from FCCMA \(2022\)\(pp. 16-17\)](#)

Presentation of a Certificate to the City of Daytona Beach for being an organization that (according to ICMA & FCCMA records) has officially operated under a council-manager form of government for the past 100 years. Michael Grebosz, Secretary-Treasurer & District II member for

FCCMA on the behalf of the Professional Management Matters Committee, to present.

6.B. [Mayor's Beachside Action Committee Report \(pp. 18-28\)](#)

Mayor Henry to present a report from the Mayor's Beachside Action Committee (MBAC) on the Daytona Beachside Cleanup Update No.1 from MBAC and the City of Daytona Beach's Public Works Department.

6.C. [Presentation - Impact Fee Projects \(29-31\)](#)

A presentation of planned projects funded by impact fee funds collected and currently available as well as some future collections of impact fees.

Fred Coulter, Information Systems & Budget Director, 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. [Legal Department - Settlement of Jomardrick Wilcox v. City of Daytona Beach and Jerome Hassell and Cody Cassidy, Case No. 6:20-cv-02375-RBD-DCI \(pp. 33-37\)](#)

Resolution authorizing payment in the amount of \$95,000 to Jomardrick Wilcox and his attorney, Arthur Huggins, for release of all claims and full settlement of damages against the City and the individual officers after the plaintiff's arrest for disorderly conduct on June 9, 2019, at or near 504 Seabreeze Boulevard. Funds available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Leisure Services Department - JDs Atlantic Pool Service, LLC, - Bid Award \(pp. 38-83\)](#)

Resolution awarding bid number 21491, to JDs Atlantic Pool Service, LLC,

204 Kirkland Road, New Smyrna Beach, FL 32169 in the amount of \$30,000 annually. Contractor will provide pool chemicals and service for Breakers Park and Clock Tower Fountain for one year, commencing on the effective date, with the City having the option to renew the supplier up to 4 terms of 1 year each. The City issued Bid No.21491 and JDs Atlantic Pool Service was the sole bid received. Funds are available in the Pier Fund.

Recommendations: Leisure Service Director recommends adoption of the Resolution.

8.C. [Development and Administrative Services, Permits and Licensing Division- Samsula Demolition - Change Order \(pp. 84-102\)](#)

Resolution approving the Change Order request for asbestos remediation at 821 George W. Engram Boulevard by Samsula Demolition, 363 State Road 415, New Smyrna Beach, Florida 32168 in the amount of \$15,550 resulting in a total demolition and remediation cost of \$27,450 which exceeds the City Manager's authorization limit and requires City Commission approval. The property owner was provided with a Notice of Condemnation and Demolition Order on October 6, 2020 due to the dilapidated condition of the property. The owner's appeal to Board of Building Codes was denied by the Board on February 16, 2021. The owner's appeal filed with the Circuit Court was dismissed by the Court on June 2, 2021. Proposals for demolition of the property were requested from 13 companies. The lowest responsive bidder was submitted by Samsula Demolition in the amount of \$11,900. 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 1,975 sq. ft. of contaminated exterior siding, roofing tar black shingles, black mastic under floor tile, marble like tan floor tiles and exterior caulking around approximately 28 openings which requires remediation. The additional cost for remediation of the contaminated materials is \$15,550 resulting in a total demolition and abatement cost of \$27,450. Funds are available in the Permit & Licensing Special Revenue Fund.

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

8.D. [Utilities Department - Continuing Professional Engineering Services Citywide Stormwater System Contract No. 21434 \(pp. 103-181\)](#)

Resolution approving Continuing Professional Engineering Services Citywide Stormwater System Contract No. 21434 for multiple engineering firms to provide professional engineering services for a three (3) year period with the authority of the City Manager to authorize two (2) one-year renewal options and to terminate the existing nine (9) continuing stormwater contracts

noted for convenience. The purpose of this item is to provide professional citywide stormwater engineering services to the Utilities Department for the execution of its master plans, capital improvement programs and continued renewal and replacement of existing systems related to the citywide stormwater system. The City issued Request for Proposals (RFP) No. 21434 on June 1, 2021, and proposals were opened on July 12, 2021. Seventeen firms submitted proposals and were evaluated by the selection committee with the following firms selected:

- Singhofen & Associates, Inc.
- Mead & Hunt
- Zev Cohen & Associates Inc.
- Four Waters Engineering, Inc.
- DRMP

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. The Utilities Department recommends the termination for convenience of nine (9) continuing engineering services contracts, awarded as far back as 2008/2013 FY, in order to contract with firms using current labor rates and containing up to date terms and conditions. No City funding is associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.E. [Business Enterprise Management Department - Ring Power Corporation - Public Works Vehicle / Heavy Equipment Replacement \(pp. 182-188\)](#)

Resolution approving the purchase of a 2021 Caterpillar 289D Compact Track Loader Skid Steer with a Mulcher and Debris Barrier Kit from Ring Power Corporation, 500 World Commerce Parkway, St. Augustine, FL 32092 under the terms of Florida Sheriff's Association Bid FSA20-EQUI8.0, item No.154 in the total amount of \$91,146 after net trade-in of \$13,500. The new skid steer will replace an 8 year old skid steer that does not have the safety option of a Mulcher and Debris Barrier Kit. Due to its design, this kit cannot be modified to fit the current skid steer. The Mulcher and Debris Barrier Kit is a safety feature used to protect the operator from flying debris. The Grounds Maintenance Division will be using this new skid steer to clear vacant lots and will only require one employee to operate compared to currently needing up to 6 employees and 2-3 mowers to complete. Funds are available in the General Fund.

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

8.F. [Public Works, Technical Services Division - Volusia County - Easement for Seawall Construction and Maintenance \(pp. 189-195\)](#)

Resolution granting Volusia County an easement for constructing and maintaining a new seawall on City Island and authorizing the City Manager to execute the Volusia County easement agreement and any related documents. There is no funding associated with this Volusia County easement request.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.G. [Public Works Department - American Janitorial Inc. - Approval of Amendment No. 1 to Contract No. 0118-0590 \(pp. 196-219\)](#)

Resolution approving Amendment No. 1 to Contract No. 0118-0590, with American Janitorial, Inc., 87 North Central Avenue, Umatilla, FL 32784. We are requesting to amend the language of Exhibit A, Section 1, Subsection N. regarding necessary background checks for all staff assigned to city facilities. We are also requesting to add Section 1, Subsection R to include Criminal Justice Information Security Awareness training for select janitorial staff assigned to public safety facilities: e.g., police department headquarters, code enforcement offices, police substations. The amendment also modifies to Exhibit B to allow the Contractor to bill the City up to (2) hours per employee to complete the required CJISA training. The total cost is anticipated to be an estimated \$390.00 increase to the Police Department's portion of the total custodial contract. Funds are budgeted in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.H. [City Manager / Redevelopment Division - Sale of Surplus Property \(pp. 220-248\)](#)

Resolution approving the sale of two City-owned parcels of real property (Parcel ID 5339-49-00-0040 and 5339-49-00-0050) located at the southwest corner of Cedar Street and Marion Street within the Midtown Redevelopment Area to Stephanie Jones, owner of adjacent property located at 521 Cedar Street, who was selected in response to a Request for Proposals. Ms. Jones will pay a total sum of \$24,000 for the two parcels, equivalent to the current assessed value of both parcels, and proposes to begin construction of residential homes. Ms. Jones was recently issued a building permit for construction of a residential structure at 521 Cedar Street.

Recommendation: Redevelopment Director recommends adoption of the Resolution on the condition that the City of Daytona Beach Community

Redevelopment Agency approves the sale of surplus property.

8.I. [Development and Administrative Services - Third Amendment to Protogroup's Utility Agreement \(pp. 249-269\)](#)

Resolution approving the Third Amendment to the Daytona Beach Convention Hotel & Condominiums (Protogroup) Utility and Off-Site Improvement Agreement. Protogroup began construction of the Daytona Beach Convention Hotel & Condominiums in October 2017. The project had three (3) phases; Phase I - parking garage. Phase II - 28 story- hotel, and Phase III - 32 story condos/hotel structure. In 2021. Phase I is complete and Phase II is virtually complete open and operating pursuant to a Temporary Certificate of Occupancy (T. C.O.), a T. C.O. is not issued unless the subject structure may be safely occupied by the public. In this instance the notable item that remains to be finished is the intersection of SR-A1A and Oakridge. The agreement between the City and Protogroup allows the City to deduct the sum of \$283,829 from the proceeds Protogroup is entitled to receive from the City as a result of extending water and sewer lines along Oakridge from Halifax to the Protogroup site at SR- A 1 A and Oakridge. The withheld funds will be used solely for FDOT to perform the repairs to the intersection of SRA 1 A and Oakridge Boulevard. Additional monies for the completion of sidewalk improvements is not being withheld; instead, before receiving reimbursement, Protogroup must provide the City a performance bond for the sidewalk improvements.

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

9. PUBLIC HEARINGS

9.A. [Development and Administrative Services Daytona 634 Development Proportionate Fair Share Agreement \(pp. 270-292\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Daytona 634 Development Proportionate Fair Share Agreement with Daytona 634 Development, LLC ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution in the amount of \$2,754,955.26, based on a maximum buildout of project offsite traffic improvements based upon specific trip generation rates similar to those generated by ITE 155 non-sort distribution warehouse use proposed for the, as further detailed in the approved TIA. The agreement further provides for the developer's construction of Pelican Bay Drive north of S.R. 400 on property that is owned by the County as part of Daytona Beach International Airport ("DBIA"). The purpose is to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 72 of the County's Land

Development Code. The contribution will provide local transportation improvements to County and City roads and shall be paid to the County prior to final site plan approval of the project that is generally located southeast of the intersection of Williamson Boulevard and Bellevue Avenue.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [City Manager's Office - Charters of Freedom Project - Memorandum of Understanding \(pp. 293-302\)](#)

Resolution approving Memorandum of Understanding between Foundation Forward Inc. and the City of Daytona Beach. The Shriners have facilitated an opportunity for the City to be a recipient of the Charters of Freedom display project. The Charters of Freedom program is a nationwide project of Foundation Forward, Inc. The foundation builds public displays of the Declaration of Independence, the United States Constitution and the Bill of Rights. The cost to the City would be approximately \$5,000 for coquina materials and cost of in-kind work done by City Public Works. Funds are available in the General Fund.

Hardy Smith, Government Relations Administrator, to report.

Recommendation: Government Relations Administrator recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.B. [Public Works/Streets Maintenance Division - Better Barricades, Inc. - Program Budget - Citywide Road Resurfacing and Restoration Program \(pp. 303-345\)](#)

Resolution approving the Program Budget of the Citywide Road Resurfacing and Restoration Program, in an amount not to exceed \$4,000,000, for the fiscal year 2021-2022, authorizing the Street Striping Services - Standard Contract Services with Better Barricades, Inc. (Florida) for pavement markings throughout the City by piggybacking the City of Port Orange Contract CA 7591 and authorizing the City Manager to approve blanket not to exceed purchase orders issued to the contractor submitting the lowest quote, based on contract pricing and availability, for each of the grouped streets within the area of work. The Citywide Road Resurfacing and

Restoration Program is needed to bring back the quality of the City's infrastructure.

The scope of work is milling and resurfacing, full depth reclamation, concrete replacement, ADA improvements, brick pavers, pavement markings, shoulder restoration, contracted inspection services, and geotechnical testing and reporting services throughout the City. The Program is expected to complete approximately 18 miles in fiscal year 2021-2022. Contracts preapproved by City Commission will be utilized for this Program based on the individual services provided. Blanket Purchase Orders will be issued using unit prices in established contracts. Work Authorizations will be issued to selected Contractor(s) and will be based on Contractor estimates per location. Work authorizations will be tracked in detail by the Public Works Streets Division staff. Estimated costs for each area of roadway to be repaired will be obtained from the appropriate Contractor(s) under Piggyback, Term, and Continuing Professional Services contracts. Contractor selection will be based on the City scheduling, Contractor workload, and time constraints. Funds are available in the Capital Projects Fund.

David Waller, Deputy Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.C. [Development and Administrative Services, Planning Division - First Amendment to Project Sigma PD –Planned Development-General \(PD-G\) Rezoning DEV2021-094 \(pp. 346-374\)](#)

Ordinance on first reading approving the First Amendment to the Project Sigma Planned District (PD) Agreement, generally located on the west side of North Clyde Morris Boulevard and the northwest quadrant of the LPGA Boulevard and Clyde Morris Boulevard intersection to allow single-family landscaping criteria for certain multifamily developments. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Crisp39-6 LLC & Crisp 39-7 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, November 17, 2021.

10.D. [Development and Administrative Services, Planning Division - First Amendment to Project Theta PD – Planned Development-General \(PD-G\)](#)

[Rezoning DEV2021-092 \(pp. 375-399\)](#)

Ordinance on first reading approving the First Amendment to the Project Theta Planned District (PD) Agreement, generally located in the southeast quadrant of the Williamson Boulevard and Strickland Range Road intersection to allow single-family landscaping criteria for certain multifamily developments. 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, November 17, 2021.

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.