





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
DECEMBER 15, 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 November 2, 2021 Special Election Canvassing Board Meeting, the November 3, 2021 Closed/Shade Meeting of the City Commission, the November 4, 2021 Special Election Canvassing Board Meeting, the November 17, 2021 Swearing-in Ceremony, and the November 17, 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 - Conklin-Davis Center for the Visually Impaired \(pp. 15-16\)](#)

Presentation by the Conklin Davis Center for the Visually Impaired discussing all of the services and facilities that are available at White Street in Daytona Beach.

Ms. Ronee David, CEO, and Nancy Epps, Board Secretary, Conklin Davis Center, 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 Rosemarie Cislo v. City of Daytona Beach & FDOT, Case No. 2019-30733-CICI \(pp. 18-22\)](#)

Resolution authorizing payment in the amount of \$42,500 to Rosemarie Cislo, and her attorney Alfred Washington, Jr., for release of all claims and full settlement arising from injuries allegedly sustained from an incident that occurred on November 11, 2017 on the southside of the Silver Beach ramp at the intersection of Silver Beach Road and A1A. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Business Enterprise Management Department - 709 Harvey Avenue Lease Agreement \(pp. 23-32\)](#)

Resolution approving a commercial lease agreement between the City of Daytona Beach and Larry Mullins for the use of a 19,500 square foot vacant lot located at 709 Harvey Avenue, Daytona Beach, FL 32114 to use as a parking lot for a five-year term with one (1) five-year renewal option and authorizing the City Manager to approve renewals. The first year lease payment is \$39,203.50.

The City has a 10 year lease agreement with four (4) renewal terms of five-years each with Joe's Crab Shack that was approved by Resolution 11-283. Per the agreement, the City is required to provide 75 parking spaces for Joe's

Crab Shack employees. To satisfy this requirement, the City entered into a lease agreement with Larry Mullins, the owner of 709 Harvey Avenue, to transform the lot into a parking lot approved by Resolution 11-285 which is set to expire on 12-31-21. The City desires to enter into another 5-year agreement with a 5-year renewal. The City will incur in the following expenses: \$239,357.21 for the first five (5) years and \$277,480.61 for the last five (5) years, totaling \$516,837.82 over a 10 year span. The landlord has agreed to negotiate with the City to sell the leased land to the City. Funding is available in the Pier Fund.

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

8.C. [Leisure Services Department - Daytona Beach Racing and Recreational Facilities District - Daisy Stocking Park Grant Submission \(pp. 33-62\)](#)

Resolution supporting a grant submission to the Daytona Beach Racing and Recreational Facilities District for the City's Daisy Stocking Park improvement project. Phase Two of the Daisy Stocking Park master plan calls for installation of playground equipment and two (2) pavilions at a cost of \$400,000. Our request to the Daytona Beach Racing and Recreational Facilities District will be for \$375,000, which will be supported by a \$25,000 City match.

Recommendation: Leisure Services Director recommends adoption of the Resolution.

8.D. [Leisure Services Department - Parrillo, Inc., dba Permacraft Signs - Bid Award \(pp. 63-102\)](#)

Resolution awarding Contract No. 21391, fabrication of banners and related services, to Parrillo, Inc., dba Permacraft Signs, 1644 S. Ridgewood Avenue, South Daytona, FL 32119, for a three-year term, with an option to renew for up to one (1) two-year term. Permacraft Signs was the sole bid submitted therefore the bid price, which reflects estimated annual quantities, was negotiated from \$77,186 to \$68,574.60 annually per Purchasing Code Sec. 30-82 (10). The contractor will provide as-needed banner fabrication and installation; will remove banners, flags, and mounting hardware; and transport to Public Works for storage. The City's Leisure Service Department also recommends the termination, for convenience of the service, Contract No.20411, Resolution No. 2020-360 and authorization to spend \$68,574 for services under the contract during the 2022 fiscal year. Funds are available in the General Fund.

Recommendation: Leisure Services Director recommends adoption of the Resolution.

8.E. [City Manager/Redevelopment Division - Sale of surplus property on Caroline Street \(pp. 103-129\)](#)

Resolution approving an Affordable Housing Development Agreement to convey three City- owned parcels of real property (Parcel ID 5238-27-00-0100, 5328-27-00-0120, and 5238-27-00-0180) to Homes Bring Hope. LLC. for the purpose of building single family homes and providing affordable housing to qualifies buyers. The lots are located on Caroline Street between Dr. Mary McLeod Bethune Boulevard and Alma Street, within the the Midtown Redevelopment Area. The agreement requires the construction of single family homes on each lot to be completed within two years of the closing date and provided to qualified buyers who will purchase and occupy the affordable housing. The CRA and City would agree to donate the properties, each lot having a 2021 value of \$14,400. *Approval of this item is contingent upon approval of the item at the December 15, 2021 Community Redevelopment Agency (CRA) Agenda that precedes the City Commission Meeting.*

Recommendation: Redevelopment Director recommends adoption of the Resolution.

8.F. [City Manager's Office - Framework Downtown Redevelopment Incentive Grant Agreement \(pp. 130-161\)](#)

Resolution approving the Framework Downtown Redevelopment Incentive Grant Agreement for the proposed multi-family development (DEV2021-134). The project site located in the Downtown Redevelopment Area is generally located in the 300-400 block of North Beach Street. The incentive agreement provides for an annual award equivalent to 80% of the ad valorem tax increment derived from the project site and received by the City/CRA for the remaining term of the CRA (2036) as outlined in the agreement. The proposed agreement is for the proposed development of a minimum of 290 residential units, 500 space parking garage, and associated site amenities. Award of grant not to exceed \$7,500,000 over the life of the agreement subject to the terms and conditions as provided for in the agreement. Authorizing the City Manager/designee to process the agreement. Authorizing reimbursement of funds as directed by the agreement. *Approval of this item is contingent upon approval of the item at the December 15, 2021 Community Redevelopment Agency (CRA) Agenda that precedes the City Commission Meeting.*

Recommendation: Deputy City Manager recommends adoption of the Resolution.

8.G. [Utilities Department - Mead & Hunt, Inc. - Contract No. 21374-MH - Reuse Booster Pump Station 90 - Work Authorization No. 1 \(pp. 162-210\)](#)

Resolution approving Work Authorization No. 1 under Contract No. 21374-MH with Mead & Hunt, Inc., 4401 Eastport Parkway, Port Orange, Florida 32127 for design of the Reuse Booster Pump Station 90 Project in an amount not-to-exceed \$155,266.23. Senate Bill 64 from the 2021 Florida legislative session, which was approved by the Governor on June 29, 2021, and has been adopted as a revision to Section 403.064, Florida Statutes, will require the City to eliminate the use of non-beneficial surface water discharge to the Halifax River. In order to increase the amount of reuse water sent to the distribution system to meet peak demands, a new reuse booster pump station is needed adjacent to Tomoka Farms Road in the utility easement known as the Bayless Easement. This Work Authorization will provide professional engineering services for the design of a new reuse booster pump station. Funds are available in the Water and Sewer Renewal and Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.H. [Utilities Department - Continuing Professional Engineering Services - Potable Water Supply, Potable Water Plant and Water Reclamation Facilities No. 21424 \(pp. 211-283\)](#)

Resolution approving Continuing Professional Engineering Services Potable Water Supply, Potable Water Plant and Water Reclamation Facilities contract No. 21424 for multiple engineering firms to provide professional engineering services for a three (3) year period with two (2) one-year renewal options and to terminate the existing four (4) continuing utility contracts noted for convenience. The purpose of this item is to provide professional engineering services to the Utilities Department for the multidisciplinary engineering projects related to water supply, water treatment, wastewater treatment, solids management/handling, plant hydraulic modeling, effluent management/disposal, instrumentation and controls and SCADA. The City issued Request for Proposals (RFP) No. 21424 on June 1, 2021, and proposals were opened on July 26, 2021. Fourteen firms submitted proposals and were evaluated by the selection committee with the following firms selected:

- Carollo Engineering, Inc.
- Hazen & Sawyer
- Wright-Pierce, inc.
- Tetra Tech, 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. The Utilities Department recommends the termination

for convenience of four (4) continuing engineering contracts, awarded as far back as 2007/2008 FY, 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.I. [Utilities Department – Matheson Tri-Gas, Inc. – Liquid Carbon Dioxide Supply – Ralph Brennan Water Treatment Plant \(pp. 284-345\)](#)

Resolution approving a piggyback contract using a City of Edgewater Contract with Matheson Tri-Gas, Inc. 909 Lake Carolyn Parkway, Irving, Texas, 75039 for bulk liquid carbon dioxide delivery with the following provisions:

- The term of the contract will run through May 7, 2022 with one (1), one (1) year renewal option;
- Authorize an initial expenditure of \$75,000 in FY2021-2022; and
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year.

The purpose of this request is to maintain compliance with State and Federal regulations. As part of the overall treatment process, the Brennan Water Treatment Plant (WTP) utilizes liquid carbon dioxide to stabilize the pH after the softening process is complete. The previous contract for the bulk supply of liquid carbon dioxide has expired and needs to be replaced as continued supply is critical to the treatment process.

The City of Edgewater contract has been reviewed and approved by the City's Purchasing Department and Legal Department for use by City Departments. The City of Edgewater contract is set to renew on May 7, 2022 and has one (1) remaining renewal option of one (1) year. Funds are available in the Water & Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.J. [Utilities Department - Westside Regional Water Reclamation Facility Reuse System Site – Change Order No. 1 \(pp. 346-353\)](#)

Resolution approving Change Order No. 1 for the Westside Regional Water Reclamation Facility Reuse System Site under contract No. 21273. Change order No. 1 includes the following stipulations:

- Contract increase of \$45,131.02
- Final adjusted contract price of \$150,864.90

The request is needed to close out the construction of the Westside Regional

Water Reclamation Facility Reuse System Site . Resolution 2021-182 was adopted by City Commission on June 2, 2021 accepting the low bid of Gregori Construction Inc. in the amount of \$105,733.88 for the construction of the Westside Regional Water Reclamation Facility Reuse System Site.

Change Order No. 1 is needed for contract overruns of bid quantities due to under estimating sod and embankment quantities during the preparation of the construction documents. In an attempt to save time, staff utilized a partial existing survey of the project site along with aerial topography to develop the bid quantities. The bid item overruns reflect the site conditions encountered during construction of the project. Funds are available in the Water and Sewer Renewal and Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.K. [Utilities Department - State of Florida Department of Transportation – Utility Design By FDOT Consultant Agreement – SR 600 \(International Speedway Boulevard\) Halifax River Bridge to SR A1A \(pp. 354-368\)](#)

Resolution approving a Utility Design by FDOT Consultant Agreement with Florida Department of Transportation (FDOT) related to the utilities relocation improvements associated with the FDOT roadway widening of East International Speedway Boulevard, from the Halifax River Bridge to SR A1A in the amount of \$95,839. The purpose of this item is to enter into a utility design agreement with the FDOT consultant (Inwood Consulting Engineers, Inc.) for the necessary relocation of existing utility lines within the roadway widening project limits for SR600 (International Speedway Boulevard) from Halifax River Bridge to SR A1A. FDOT is requiring that certain existing utilities be relocated to avoid conflicts with proposed underground improvements planned for the SR600 corridor. It is in the city's best interest to use the same design professional to perform the utility relocation design that is also performing the roadway design. Funds are available in Water and Sewer Renewal & Replacement 8 % Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.L. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 369-371\)](#)

Resolution authorizing the following:

\$730.21 to Leisure Services for fees for Derbyshire Multipurpose Field 1 for the Volusia County Sharks from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$100 to the Museum of Arts and Sciences for the film presentations of KING: A Filmed Record...Montgomery to Memphis; and \$200 to Allen Chapel AME Church for the film presentation of The Trumpet of Conscience: Dr. Martin Luther King, Jr. Speaks 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 - 14 S. Halifax – Redevelopment Beachside-Gateway Residential/Mixed Use \(RDB-3\) Rezoning DEV2021-003 \(pp. 372-406\)](#)

Ordinance on second reading - PUBLIC HEARING rezoning 0.1± acre of land located at 14 S. Halifax Avenue, from Redevelopment Beachside - Gateway Residential/Mixed-Use (RDB-3) and Residential Professional (RP) to Redevelopment Beachside - Gateway Residential/Mixed-Use (RDB-3). Applicant: Jessica Gow, Esq., Cobb Cole, on behalf of the property owner, Morgan & Parker, LLC.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 6-to-1.

Action: Motion to adopt the Ordinance.

9.B. [Development and Administrative Services, Planning Division - Third Amendment to the First United Methodist Church Planned Development \(PD\) Agreement & Hallmark Heritage Planned Development – General \(PD-G\) Rezoning DEV2020-056 & DEV2020-057 \(pp. 407-463\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the Third Amendment to the First United Methodist Church Planned Development (PD) Agreement, totaling approximately 78.2± acres of land, to remove 42.2± acres of vacant, undeveloped land, for a remainder of 36± acres of land; the amendment also includes a request to extend the completion schedule for the development; and to rezone the 42.2± acres of the property subject to the First United Methodist Church PD to the new Hallmark Heritage Planned Development, to allow for a mixed-use development to include a variety of residential, medical, and limited commercial uses. The property is generally located on the west side of Williamson Boulevard, north of Strickland Range Road, approximately 750 feet southeast of the intersection of Memorial Medical Parkway and Williamson Boulevard. Applicant: A. Joseph Posey, Esquire, Storch Law

Firm, on behalf of the First United Methodist Church of Ormond Beach Inc. ****This item was continued from the November 17, 2021 Commission Meeting ****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 3-to-2.

Action: Motion to adopt the Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Development Services - Amending Code of Ordinances - Bar Closing Times \(pp. 464-466\)](#)

Ordinance on first reading - amending the City of Daytona Beach Code of Ordinances, Section 10-3(b) changing the closing time for alcohol beverage establishments in the City to 2:00 AM. The current Code allows alcohol service establishments to stay open until 3:00 AM. Daytona Beach closing time is at least one (1) hour later than the closing times in other cities. The City Commission has directed staff to prepare an Ordinance amending the current Code for consideration.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends passing the Ordinance on first reading.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, January 5, 2022.

10.B. [City Clerk - Police & Fire Pension Fund Board - Appointment Ratification \(pp. 467-470\)](#)

Resolution appointing one member of the Board of Trustees of the Police and Fire Pension Fund Board, for a term expiring December 31, 2025. At the November 2, 2021 Quarterly Police and Fire Pension Fund Board Meeting, Gregg Gurdak was appointed the 5th Trustee by a majority vote of the other four members. This appointment by the City Commission is a ministerial act in accordance with Florida Statutes and City Charter, Subpart D, Section 3.1.

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.