





**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
SEPTEMBER 9, 2020  
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.

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

Approval of the Minutes of the March 17, 2020 Special City Commission Meeting - Declaration of a State of Emergency and the August 5, 2020 Regular City Commission Meeting held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, FL.

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** (pp. 29-30)

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**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 real-time public comments at City Hall, for public meetings of the City Commission and the various City Boards consistent with the requirements of the Governor's Executive Orders Nos. 20-69 (Local Government Public Meetings), 20-91 (Essential Services and Activities), and 20-112 (Phase 1 Plan).

**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. The City Commission and City Boards will not be taking general public comment on matters that are not on the agenda or will not be voted upon at the public meeting. 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.

**Public Comments 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 comments on propositions coming before the City Commission or Board for a vote, subject to these City procedures and all social distancing requirements established by the Governor's Executive Orders. The Commission Chambers will be closed to the public. Commission or Board members may be physically present in the Chambers, or may appear via communications media technology. The City Hall lobby will be equipped with a lectern and microphone for public comment, and an audio/video feed to the Commission Chambers. Forms will be provided for persons to fill out who wish to make public

comment. Persons may enter the lobby 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 \(pp. 31-33\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING SEPTEMBER 16, 2020; AUTHORIZING THE MAYOR TO EXTEND THE LOCAL STATE OF EMERGENCY FOR UP TO FOUR ADDITIONAL SEVEN-DAY INCREMENTS SUBJECT TO CONDITIONS; RATIFYING MAYORAL EXECUTIVE ORDER NOS. 14 AND 15; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

### 8.B. [Legal Department - Mazhar Zaza - 416 Zelda Boulevard - Settlement of Claim \(pp. 34-36\)](#)

**Resolution** authorizing payment in the amount of \$120,000 to Mazhar Zaha for release of all claims and full settlement of damages to his house and contents after the City replaced the water meter at 416 Zelda Boulevard in 2017 leaving the water in the ON position to the unoccupied house which caused significant water damage in 2018 when a plumbing failure occurred. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.C. [Legal Department - Rejection of Settlement of Enforcement Action - 408 Dr. Mary M. Bethune Boulevard \(pp. 37-54\)](#)

**Resolution** approving the rejection of the offer from the Florida Department of Environmental Protection's proposed Consent Order for the City to administratively settle alleged violations by the City of state and federal regulations committed as a result of demolition by the City's contractor of a dangerous structure located at 408 Dr. Mary M. Bethune Boulevard, pursuant to a Condemnation and Demolition Order issued by the City's Building Official. The Consent Order provides for imposition of a fine against the City in the amount of \$4,000.

Recommendation: Adoption of the Resolution.

8.D. [Human Resources Department - International City/County Management Corporation - Retirement Corporation \(ICMA-RC\) - Agreement Amendment \(pp. 55-69\)](#)

**Resolution** approving the amended Governmental Money Purchase Plan and Trust Adoption Agreement between the City and the International City/County Management Corporation-Retirement Corporation (ICMA-RC) increasing the City's contributions to the 401A plan for General, Administrative, Professional and Technical employees in Plan No.109439 from 8.47% to 10.00% commensurate with FY2020-2021. The quantity of employees has decreased through attrition resulting in an overall increase in projected annual employer cost by \$16,012. Funds are available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.E. [Human Resources Department - Brown & Brown of Florida, Inc. - Property Insurance Coverage - Proposal Acceptance \(pp. 70-116\)](#)

**Resolution** authorizing the acceptance and payment of the property insurance proposals submitted by Brown & Brown of Florida, Inc., 220 Ridgewood Ave. Daytona Beach, FL 32115 on behalf of:

- Preferred Governmental Insurance Trust (PGIT) for named storm/flood and other peril coverage for buildings/structures, contents and machinery that is essential to continued operations with a total insured value of \$90,803,184.
- Landmark American Insurance Company for buildings/structures, contents and machinery with a total insured value of \$214,381,936 for covered perils excluding named storm coverage.

Endurance American Insurance Company providing a \$1,000,000 primary layer of coverage including named storm and flood for the same buildings/structures, contents and machinery insured under the Landmark American policy.

All policies are for the period of October 1, 2020 to October 1, 2021 for a total premium of \$833,896. This is a \$62,525 increase in last year's annualized premium due to rate increases, lack of competition from other carriers and adding additional buildings/structures to the policies. Authorization is also requested to pay an additional property insurance premium due to adjustments of property values or coverage or adding additional properties, up to an additional \$20,000 for the period of October 1, 2020 to October 1, 2021. Funds are available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

**8.F.** [Human Resources - Daytona Beach Pier/Building - Property Insurance - Proposal Acceptance \(pp. 117-139\)](#)

**Resolution** authorizing acceptance of the proposal submitted for the pier/building property insurance policy by the insurance broker, Brown & Brown of Florida, Inc., 220 S. Ridgewood Ave., Daytona Beach, FL 32117. The insurance carrier, Arch Specialty Insurance Company, provided a proposal for property insurance coverage excluding named storms, windstorms, flood, wave wash/storm surge. Coverage for the pier/building and loss of rental income coverage under this policy is for the total insured value of \$10,250,000 for the period of September 30, 2020 through September 30, 2021 and for a total renewal premium of \$45,004. There has been no change in premium amount in the last three years. Funds are available in the Pier Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

**8.G.** [Risk Management - Brown & Brown of Florida, Inc. - Employee Benefits Insurance Consulting Services Proposal Acceptance \(pp. 140-163\)](#)

**Resolution** accepting the proposal submitted by Brown & Brown of Florida, Inc., 220 South Ridgewood Ave., Daytona Beach, FL 32114, and approving a contract for employee benefits insurance consulting services, including on-line employee benefits open enrollment program, for one-year term with five one-year renewal options at an hourly rate of \$150 (as-needed basis) and \$3.00 per employee per month for the on-line open enrollment program at a not-to-exceed annual amount of \$75,000; and authorizing the City Manager

to exercise the renewal options as outlined in the contract.

Recommendation: Human Resources Director recommends adoption of the Resolution.

**8.H.** [Development and Administrative Services / Redevelopment - Riverfront Esplanade Development, Maintenance, and Lease Agreement - First Amendment \(pp. 164-213\)](#)

**Resolution** authorizing the City Commission to amend the Riverfront Esplanade Development Maintenance, and Lease Agreement with Brown Riverfront Esplanade Foundation, Inc., (213 Riverside Drive, Ormond Beach, FL 32176) approved on March 20, 2019. The amendment to the Agreement provides for two phases of development, clarifies that the Sweetheart Trail and the sidewalk immediately adjacent to the Park along Beach Street are not considered a part of the Foundation's Premises, and that the relocation of the Sweetheart Trail within the Park requires prior written approval by the City Manager and a submittal of as-built drawings upon completing said relocation.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

**8.I.** [Police Department - U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2020 Edward Byrne Memorial Justice Assistance Grant \(JAG\) \(pp. 214-221\)](#)

**Resolution** authorizing a grant application, to apply, submit, accept, and expend the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG), Local Solicitation FY 2020 funding to enhance existing law enforcement initiatives through the purchase of an ice cream truck, associated equipment, and wrapping the truck with a police department design. The total amount is \$53,018. Awards are made in the 1<sup>st</sup> fiscal year of the appropriation and maybe expended during the following 3 years, for a total of a 4 year grant period. There is no match requirement to accept this grant award.

Recommendation: Chief of Police recommends adoption of the Resolution.

**8.J.** [Police Department - Derelict Vessel Removal Grant \(pp. 222-265\)](#)

**Resolution** authorizing the application, submission, acceptance, and expenditure for approximately \$53,358.00 grant from the Florida Fish and Wildlife Conservation Commission (FWC). The Daytona Beach Police Department (DBPD) has identified six (6) vessels that represent a severe hazard to the City of Daytona Beach's waterways. All the vessels are located

within busy and popular nautical areas, therefore creating severe risk of being struck by other vessels, and/or disintegrating and thereby causing severely hazardous discharges e.g. iron oxide (commonly referred to as 'rust'), oil, sewage, plastics and fuel into the water. These risks are not just to humans, but are also harmful to wildlife e.g. manatees, dolphins, fish, birds etc. In addition, the identified vessels negatively impact the natural beauty of the waterways and their surroundings. The Police Department is requesting Commission approval to award Change Order 1 to the contract with Salty Marine, Inc., Db a Sea Tow Daytona/Ponce/New Smyrna to pay for the removal of 6 additional derelict vessels in the amount not to exceed \$53,358 for a revised contract amount of 161,187. The scope of work approved by FWC is based on the quote from vendor Sea Tow Daytona, for the removal and destruction of the identified vessels out of the Intercoastal waterway. To be in compliance of this grant all work must be under contract and or completed by September 31, 2020.

Recommendation: Police Chief recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**8.K.** [Business Enterprise Management Department - Termination of Municipal Stadium Agreement \(pp. 266-270\)](#)

**Resolution** approving the termination of the Municipal Stadium Lease, Management, and Operation Agreement between DME Sports, LLC, a Florida limited liability company and the City of Daytona Beach. The City acknowledges DME has resolved all claims in order to terminate the management agreement, and all obligations and responsibilities with the City. No funding is required and the City will resume the management of the Municipal Stadium upon termination.

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

**8.L.** [Information Technology Department – Veytec Inc., - Purchase of Cisco High Availability Firewall Pair and Services \(pp. 271-279\)](#)

**Resolution** approving the purchase of two Cisco Firepower 2130 firewall appliances, with associated subscriptions and services, from Veytec Inc., 2418 Silver Star Rd. Orlando FL 32804 in the amount of \$122,667.04. This purchase includes five year subscriptions to: Cisco Smartnet Total Care, Cisco Threat Defense and Malware Protection, and Cisco Umbrella DNS Security essentials. System installation and configuration by a qualified Cisco partner is included. Cisco Services provide: 4 hour premium hardware replacement and support; and threat, malware, and data exfiltration prevention, plus URL filtering. The system will be comprised of two firewalls configured as a high availability (HA) pair for redundancy and



throughput. The City's existing firewall is reaching the end of its useful life. Cisco Firepower firewalls and services represent significant advancements in security and data integrity and will add multiple layers of filtering. All City Internet traffic such as: commerce, remote workers, Police and Fire access, and the streaming of public meetings, traverses the City's firewall. This is a piggyback purchase. Component and services pricing is pursuant to Florida Department of Management Services Participating Addendum Alternative Contract Source No: 43220000-WSCA-14-ACS, subject to WSCA-NASPO Cooperative Purchasing Organization Data Communications Products and Services 14-19 Master Agreement No: AR233. Funds are available in Information Technology Fund.

Recommendation: Information Technology Manager recommends adoption of the Resolution.

**8.M.** [Public Works/Technical Services Division - Construct Co., Inc. - Main Street Pier Piling Replacement - Emergency Contract Ratification \(pp. 280-296\)](#)

**Resolution** ratifying the City Manger's award of an Emergency Contract for the Main Street Pier Piling Replacement, ITB No. 20463 to Construct Co., Inc., 1510 E. Colonial Drive, Suite 300, Orlando, FL 32803 in the amount of \$224,797.08. Recent storm damage to the pilings on the east end of the Main Street Pier caused concerns for the structural integrity of the fishing section of the pier and prevented the reopening of that portion of the pier. Bids for the Emergency Contract for the Main Street Pier Piling Replacement were received on May 20, 2020 with Construct Co., Inc. being the lowest responsive bidder in the amount of \$224,797.08. On June 1, 2020, the City Manager approved the award of an Emergency Contract to the low bidder, Construct Co., Inc., to perform the work. The action taken by the City Manager allowed the work to be completed to prevent further structural damage to the Main Street Pier due to tropical storms. Funds available in the Pier Improvements Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.N.** [Public Works/Technical Services Division - Sanderson Concrete Construction, Inc. - Municipal Golf Course Cart Path Improvements - Work Authorization 24 \(pp. 297-311\)](#)

**Resolution** approving Work Authorization No. 24 with Sanderson Concrete Construction, Inc., 2440 Timberview Drive, New Smyrna Beach, FL 32168 in the amount of \$203,417.75. The purpose of this work authorization is to replace sections of golf cart path that have failed to alleviate trip and fall

hazards for pedestrians and golfers. Due to the numerous complaints and potential safety hazards the paths create, the liability outweighs the replacement cost. The City has a current existing contract for concrete construction services under Contract No. 0118-0230 with Sanderson Concrete Construction, Inc. and is familiar with working within the Golf Course while keeping it open to players. Funds are available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.O.** [Public Works/ Technical Services Division - Right of Way Licensing Agreement Between the City of Daytona Beach and American SW-30 Investments, LLC \(pp. 312-354\)](#)

**Resolution** authorizing the execution of a License Agreement between the City of Daytona Beach and American SW-30 Investments, LLC. American SW-30 Investments, LLC is currently developing the project known as Integrated LPGA, which is generally located east of LPGA Blvd. and north of US 92, or International Speedway Blvd. The project is a single-family development consisting of several phases. As part of the development there are multiple areas where landscaping or signage will be constructed within City rights of way. This agreement will provide the requirements for the maintenance of such improvements and outline the responsibilities of both parties. No funding is associated with this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.P.** [Utilities Department - Florida Department of Environmental Protection \(FDEP\) - Agreement No. R2120 - Coastal Resiliency Planning Grant \(pp. 355-400\)](#)

**Resolution** approving FDEP Grant Agreement No. R2120 with the following stipulations:

- Accept award amount of \$75,000 for Coastal Resiliency Planning;
- Authorize the City Manager to execute the Agreement and any future minor changes as described in the grant agreement and Resolution 18-76; and
- Authorize the Budget Officer to amend the current year's Fiscal Year Revenue and Expense Budget in accordance with the grant funds.

This request is needed to accept an FDEP grant to perform a sea-level rise and extreme flooding event vulnerability study, with recommended mitigation measures, for the Bethune Point Water Reclamation Facility.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.Q.** [Utilities Department - B Braun Medical, Inc. - Amendment No. 1 to the Agreement for Payment and Amortization of Water and Sewer Capital Facilities Fees \(pp. 401-439\)](#)

**Resolution** approving Amendment No. 1 to the Agreement for Payment and Amortization of Water and Sewer Capital Facilities Fees with B Braun Medical Inc. (B Braun), 824 12th Avenue, Bethlehem, PA, 18018 which includes agreeing to work in good faith with B Braun on future expansion of the facility to establish written agreements for the payment of water and sewer capital facilities fees on monthly installments over a term not to exceed 360 months using the rates and calculation methodologies effective at the time of the building permit submittal.

Resolution 19-237 adopted on September 19, 2019 approved an “Agreement for Payment and Amortization of Water and Sewer Capital Facilities Fees” with B Braun Medical, Inc., associated with the Phase 2 Expansion of B Braun’s Medical Supply Manufacturing and Distribution Business, located at 1845 Mason Avenue. This Agreement allowed for extended payment of the Capital Facilities Fees associated with Building Permits C1608-064 and C1812-028, and provided the City an Administrative Fee. Amendment No. 1 to this agreement allows the addition of the impact fees associated with Building Permit No. C1910-177 (Phase 2.1). The breakdown of the additional Fees are as follows - Capital Facilities Fees:

- Water: \$133,882 (in monthly installments based on volumetric rate of \$0.05/ Kgals)
- Sewer: \$133,882 (in monthly installments based on volumetric rate of \$0.05/ Kgals)
- Administrative Fee: \$385.12 (flat monthly rate based on 3% interest over 360 months)

All other contract terms remain in effect. There is no City funding required with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.R.** [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 440-441\)](#)

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

\$5,000 to Early Learning Coalition of Flagler & Volusia Counties, Inc., for

the Dolly Parton Imagination Library's Little Literacy Heroes Virtual 5K event from the Bike Week Sponsorship Funds of Commissioner Aaron Delgado.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

## 9. PUBLIC HEARINGS.

### 9.A. [Development and Administrative Services, Planning Division - Project Delta West - Large Scale Comprehensive Plan Amendment \(pp. 442-510\)](#)

**Ordinance on second reading - PUBLIC HEARING** - approving a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map (FLUM) designation from Commercial Mixed Use to High Intensity Mixed Use for 2.0± acres and amending Neighborhood "E" to allow a maximum density of 150 du/ac and re-establishing the maximum F.A.R. of 10 for 5.9± acres, to allow for a mixed use redevelopment. The property is located northeast of the intersection of International Speedway Boulevard and Ridgewood Avenue. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, DB Mainland. LLC.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

### 9.B. [Development and Administrative Services, Planning Division - Walkers Green - Community Development District \(CDD\) \(pp. 511-559\)](#)

**Ordinance on second reading - PUBLIC HEARING** establishing the Walkers Green Community Development District (CDD), generally located east of I-95, west of Williamson Blvd. near Madeline Avenue and comprises approximately 390.8± acres of land. Applicant: Mark Watts, Esq., Cobb Cole, on behalf of Masroc Land, L.P.

Dennis Mrozek, Planning Director, to report.

Recommendation: Deputy City Manager, James Morris recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

### 9.C. [Police Department- Amendment to Municipal Ordinance Chapter 94; Traffic and Motor Vehicles \(pp. 560-574\)](#)

**Ordinance on second reading - PUBLIC HEARING** authorizing an

amendment to the Daytona Beach City Ordinance Chapter 94, Traffic and Motor Vehicles. The amendment to the Daytona Beach City Code Chapter 94 will include regulations for operations and parking of motorized scooters, and micromobility scooter devices. The proposed changes to the City Code Ordinance will promote public health, safety, and welfare of city residents and visitors.

- Impoundment of these devices operated or located upon public right-of-way;
- Identifies the definition of motorized scooters and micromobility scooter devices;
- Establishes Franchise agreements and licenses required; and
- Clarifies operation and parking within the city limits of Daytona Beach.

Recommendation: Commission action.

Action: Motion to adopt Ordinance.

**9.D.** [Finance Department - Truist Bank and FLC - Capital Financing Master Lease Agreement Approval \(pp. 575-627\)](#)

**Ordinance on second reading - PUBLIC HEARING** issuing debt financing and approving the Master Lease Agreement with Truist Bank, 5130 Parkway Plaza Boulevard, Charlotte, North Carolina 28217 using the Florida League of Cities (FLC) sponsored Equipment Financing Program in the amount not to exceed \$354,030.48 for the acquisition of a Dell computing system. The City received a proposal regarding the purchase of Dell computing system including equipment, installation, and services from Computers at Work! d/b/a vTechio. In conjunction with this agenda item, there is a corresponding request for City Commission to adopt a resolution approving the purchase and the intent to use debt to finance the purchase. The City is participating in the (FLC) sponsored Equipment Financing Program, it can be used for IT equipment which is often difficult to secure financing as the equipment depreciates at a very high rate. The term sheet which best meets the City's needs is from Truist Bank with an interest rate of 1.80 percent for a 5-year term to close on or before September 15, 2020. Repayment of the loan will commence on September 15, 2021, be made annually from non-ad valorem revenue, and is secured by the IT equipment. The financing can be prepaid in whole with no additional costs at any time without penalty. Closing fees are payable to FLC in the amount of \$1,000. The balance of the loan will be used for the purchase of equipment, installation, and services. Using the expected principal amount of \$354,030.48, the annual payment will be \$74,675.09. As a comparison, Dell has offered to finance the equipment at an interest rate of 4.1 percent over 5 years. Funding for this initiative was not contained in the FY2019-2020 adopted budget; however, the acquisition of this additional IT equipment is needed now to replace and modernize the City's aged and problematic

computing infrastructure in support of critical business applications and processes and guard against catastrophic failure. The first debt service payment will become due in September 2021 and will be included in the FY2020-2021 budget. It is also requested that the City Manager be authorized to execute documents needed to complete the capital financing as well as any necessary budgetary changes. Funds are available in the Capital Financing Fund.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

**9.E.** [Development and Administrative Services, Planning Division - Dollar General - Clyde Morris - Large Scale Comprehensive Plan Amendment \(pp. 628-680\)](#)

**Ordinance on first reading - PUBLIC HEARING** - approving a Large Scale Comprehensive Plan Amendment (LSCPA) for 3.8± acres of land, changing the Future Land Use Map designation from Office Transition (OT) to Retail (R), for 2.9± acres of land generally located on the northeast corner of North Clyde Morris Boulevard and Mason Avenue; amending the language in Neighborhood K Issue (a), Policy (1) to add language limiting the Floor Area Ratio (FAR) to 0.5, and Policy (2), to revise language designating office, storage and service-related businesses and retail activities from accessory uses to principal uses. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of PHB Investments LLC, and Hix Snedeker Companies LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 18, 2020.

**9.F.** [City Manager's Office - FY 2020/21 Tentative Property Taxes and Budget \(pp. 681-693\)](#)

1. **PUBLIC HEARING** - Members of the general public may speak on the proposed millage rate and the FY 2020/21 budget.

2. **Resolution** of the City of Daytona Beach adopting an ad valorem property tax tentative millage rate of 5.5300 (\$5.5300 per \$1,000 of assessed taxable value). This is a reduction from the current millage rate of 5.8587, and a 0.10% decrease from the rolled back rate of 5.5357; and a voted debt service tentative millage rate of 0.2543 (\$0.2543 per \$1,000 of assessed taxable

value) which is a 8.23% reduction from the current tax rate of 0.2771.

3. **Resolution** adopting the tentative Budget for the fiscal year October 1, 2020, to September 30, 2021; prescribing estimated Revenue Sources of \$255,406,641, and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$255,406,641.

Fred Coulter, Budget Officer, to report.

Recommendation: City Manager recommends adoption of the Resolutions.

Action: Motion to adopt the Resolutions and set the second Public Hearing as September 23, 2020.

9.G. [City Manager's Office - Downtown Development Authority FY 2020/21 Tentative Millage and Budget \(pp. 694-703\)](#)

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 2020/21 budget.

3. **Resolution** of the Daytona Beach Downtown Development Authority adopting an ad valorem property tax tentative 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 4.31% tax increase from the rolled back rate of 0.9587.

4. **Resolution** adopting the tentative Budget for the fiscal year October 1, 2020, to September 30, 2021; prescribing estimated Revenue Sources of \$267,502 and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$267,502.

Reed Berger, Redevelopment Director, to report.

Recommendation: Authority Chairman recommends action.

Action: Motion to adopt the Resolutions.

10. **ADMINISTRATIVE ITEMS.**

10.A. [Development and Administrative Services, Planning Division - Dollar General - Clyde Morris - Rezoning \(pp. 704-767\)](#)

**Ordinance on first reading** - rezoning 3.8± acres of land generally located at the northeast corner of North Clyde Morris Boulevard and Mason Avenue from Single-Family Residential-5 (SFR-5) and Residential/Professional (R/P)

zoning to Planned Development – General (PD-G), to allow for the development of a 10,640 sf retail sales establishment and associated site improvements. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of PHB Investments LLC, and Hix Snedeker Companies LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 18, 2020.

**10.B.** [Development and Administrative Services, Planning Division - The Blake PD - Rezoning \(pp. 768-852\)](#)

**Ordinance on first reading** - rezoning 14.4± acres of land generally located in the northeast quadrant of the LPGA Boulevard and Williamson Boulevard intersection from "City" Planned Development-General (PD-G) and "Volusia County" R-2 (Urban Single-Family Residential) to Planned Development-General (PD-G), to allow for development of the remaining vacant, undeveloped lots within the LPGA PCD "A" subdivision, to include an assisted living facility on Lot 4, potential commercial uses on Lot 1, and expansion of the existing storm water pond on Lot 3. Applicant: A request by Michael Sznajstajler, Esquire, Cobb Cole, on behalf of North Williamson Square LLC, Concierge LPGA LLC, Concierge Property Owners' Association Inc., and The Blake at Daytona Beach LLC,

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 23, 2020.

**10.C.** [Development and Administrative Services, Planning Division - Mobile Food Vendors - Code of Ordinances Text Amendment \(pp. 853-864\)](#)

**Ordinance on first reading** - amending Chapter 103, Section 2, deleting Paragraphs (n)-(q) of the City Code of Ordinances to remove the regulations and licensing requirements for Mobile Food Vendors, and thereby complying with Florida Legislature CS/HB 1193, prohibiting local governments from requiring a local license, registration, permit, or payment of a license, registration, or permit fee for mobile food dispensing vehicles operating within the City.

James Morris, Deputy City Manager, to report.

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



Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 23, 2020.

**10.D.** [Police Department - Amendment to Municipal Ordinance Chapter 14; Animal Control \(pp. 865-870\)](#)

**Ordinance on first reading** - authorizing an amendment to the Daytona Beach City Ordinance Chapter 14, Animal Control. The amendment to the Daytona Beach City Code Chapter 14 will address improper and unsafe tethering of dogs or cats, adding and revising certain definition, and repealing all inconsistent ordinances. This will provide codification and severability. The proposed changes to the City Code Ordinance will ensure the best interests of the general health, safety and welfare of the community.

Craig Capri, Chief of Police, to report.

Recommendation: Chief of Police recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 23, 2020.

**10.E.** [City Manager's Office - Endorsement of Two Referenda on the General Election Ballot \(pp. 871-881\)](#)

**Resolution** endorsing two referenda on the general election ballot that extend Volusia Forever and Volusia Echo programs, urging support from the citizens of Daytona Beach.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

**10.F.** [City Manager's Office - HUD Choice Neighborhood Planning Grant \(pp. 882-889\)](#)

**Resolution** to endorse and support the City of Daytona Beach Housing Authority's application to HUD for a Choice Neighborhoods Planning Grant entitled "Palmetto 32114 Neighborhood, which includes the Palmetto Park property. The Choice Neighborhoods Initiative provides an opportunity to revitalize the neighborhood while promoting investment and improving the quality of life for local residents.

Terril Bates, CEO - Housing Authority of the City of Daytona Beach, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

**10.G.** [City Manager's Office - Affordable Housing Advisory Board - Appointment \(pp. 890-895\)](#)

**Resolution** appointing one (1) Commissioner to serve on the Affordable Housing Advisory Board. Florida Statute 420.9072, which effectively created the Affordable Housing Advisory Committee, was revised to add one locally elected official to the Advisory Committee. There are some specific requirements for the Commissioner that is appointed such as attending biannual regional workshops. This appointment is required to be completed by October 1st.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.H.** [City Manager's Office - Board of Adjustment - Appointments \(pp. 896-906\)](#)

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**Resolution** appointing three (3) members to the Board of Adjustment The membership terms of Roger Stine, Gary Libby and Eddie Gentle have expired and all three individuals would like to continue to serve. 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.I.** [City Manager's Office - Code Enforcement Board - Appointments \(pp. 907-920\)](#)

**Resolution** appointing four (4) members to the Code Enforcement Board. The membership terms of Karen Robey, Weegie Kuendig, Neil Harrington and Bradford Gonzalez recently expired and all four individuals would like to be reappointed. The board shall consist of seven members appointed by the City Commission. Members of the board shall be residents of the City. We have no additional applicants.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

**10.J.** [City Manager's Office - Housing Authority Commission - Appointment \(pp. 921-929\)](#)

**Resolution** appointing one (1) member to the Housing Authority Commission. Members are appointed by the Mayor and approved by the City Commission. The board shall consist of five (5) members serving four (4) year terms. The membership term of Dr. Irma Browne Jamison has expired and she would like to be reappointed. We have received an additional application from Bradford Gonzalez.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.K.** [Development and Administrative Services - Biketoberfest 2020 - Safety Plan - Private Plan - Public Plan \\*Addendum added 09-09-20\\*\\*](#)

1. **Resolution** approving the Biketoberfest 2020 Private Property Safety Plan as submitted by the Daytona Beach Convention and Visitors Bureau (CVB) Biketoberfest Advisory Committee.

Lori Campbell Baker, Director of Public Relations, Daytona Beach Area CVB, to report.

2. **Resolution** approving the Biketoberfest 2020 Master Plan for Private Property as submitted by the Daytona Beach Area Convention & Visitors Bureau and the Biketoberfest Advisory Committee. The Biketoberfest Advisory Committee has reviewed the applications for consistency with the Master Plan Guidelines for Bike Week and Biketoberfest and recommends approval.

Lori Campbell Baker, Director of Public Relations, Daytona Beach Area CVB, to report.

3. **Resolution** adopting the Biketoberfest 2020 Master Plan for Public Property. Activities included in the plan are consistent with activities in previous years. City staff has reviewed the requests and found them to be acceptable.

James Morris, Deputy City Manager, to report.

## 11. DISCUSSION & ACTION

### 11.A. [Discussion & Action - Establishing a Procedure of Appointment to the Citizens' Police Review Board \(pp. 930-937\)](#)

Discussion and action on appointment procedure for 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. 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. We have 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.

Betty Goodman, Assistant City Manager, to report.

### 11.B. [Development and Administrative Services - Methods and Potential Policies to Promote Affordable and Workforce Housing Choices in the City of Daytona Beach \(pp. 938-940\)](#)□

The report for discussion is a staff effort to create a compendium of known methodologies to address the creation and availability of Affordable and Workforce housing. Following the presentation of the definition of terms (Affordable and Workforce) the document first addresses various methodology (inclusionary zoning, tax increment financing, federal and state financing scenarios developer proposed housing. Housing Authority supported, rent support and rehabilitation funds) as a way to provide affordable and workforce housing. Following presentation of methodology procedural suggestions for managing housing proposals to be presented to the Commission are also discussed.

James Morris, Deputy City Manager to report.

### 11.C. [Development and Administrative Services - Proposed LDC Amendment - Discussion \(pp. 941-946\)](#)

The proposed amendment is intended to encourage the developers of residential PD projects to include Affordable and/or Workforce housing in their proposals to convert land from an economically plausible standard zoning category to a Residential PD which creates development rights in the property proposed for the PD project. As justification for enactment of a PD, the Commission shall find that public benefits, over and above those created

in development by standard zoning requirements, is created or potentially is created because the PD is approved by the Commission.

James Morris, Deputy City Manager to report.

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

**13. ADJOURNMENT.**