



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
MAY 5, 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 March 3, 2021 and the March 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. [Development & Administrative Services - Presentation - Overview of the Housing Authority of the City of Daytona Beach \(HACDB\) Agency Purpose and Function \(pp. 15-36\)](#)

A presentation to provide information regarding the purpose and functions of the Housing Authority of the City of Daytona Beach (HACDB). **Terril Bates, HACDB CEO, to report**.

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 - Resolution Extending The Local State of Emergency **THIS ITEM IS BEING PULLED FROM THE AGENDA.**

8.B. City Manager's Office - Riverfront Esplanade Development, Maintenance, and Lease Agreement - Second Amendment (pp. 42-55)

Resolution providing City Commission approval to, (i) enter into the Second Amendment to the Riverfront Esplanade Development, Maintenance, and Lease Agreement ("Lease") with Brown Riverfront Esplanade Foundation, Inc., to clarify the Parties' rights and responsibilities for maintenance and operations within the Lease area, and to include Sweetheart Trail Rules for the Riverfront Esplanade as an Exhibit to the Lease; and (ii) adopting a revised Riverfront Esplanade Master Plan to provide greater detail for development of the Riverfront Esplanade improvements by the Foundation, and identifying traditional public forum areas within the Lease area.

Recommendation: City Manager recommends adoption of the Resolution.

8.C. Business Enterprise Management Department - Affordable Housing - Disposal of City-Owned Property (pp. 56-72)

Resolution approving an Affordable Housing Development Agreement between the City of Daytona Beach and Homes Bring Hope, LLC, 555 West Granada Boulevard, Suite B12, Ormond Beach, FL 32174, to increase affordable housing based on US Department of Housing and HUD guidelines. The City will donate 5 non-CRA parcels to Homes Bring Hope and allow new construction of single-family homes in the inner City for qualified buyers. Each parcel will be deed-restricted for 10 years that can be enforced by the City and be recorded in the County's public records. Homes Bring Hope will pay the closing costs. No funding is required.

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

8.D. [Public Works Department - Fleetwash, Inc. dba Krystal Klean - Agreement Award & Work Authorization No. 1 Approval \(pp. 73-115\)](#)

Resolution awarding the Painting Services Agreement between Fleetwash, Inc. dba Krystal Klean, 13679 Atlantic Blvd., Jacksonville, FL 32225, piggybacking the St. John's County BCC for professional painting services to commence on the Effective Date and end on July 8, 2025, and Authorizing Work Authorization No. 01 to paint the exterior of City Hall for an amount not to exceed \$51,721.41.

There are several facilities throughout the City that are in need of being repaired and repainted. Piggybacking off St John's County contract would provide a cost saving benefit for the City. City Hall is the face of the City, and currently the exterior of the building is damaged in numerous areas, exposing the masonry beneath to the elements. The concrete is spalling, there are cracks and gouges all throughout the exterior surfaces. There are exposed joints that detract from the beauty of the building. The exterior of the building is in dire need of being repaired and refinished to restore the building to its former glory. Funds are available in the Capital Improvement Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Public Works/Administration - Hurricane Irma – Contract/Purchase Order Amendments to include Federal Requirements \(pp. 116-196\)](#)

Resolution approving amendments to the following contracts:

- PW 7447/Project 7847 – Street Light and Traffic Lights
 - Giles Electrical Company, Amendment to Contract No. 13-001
 - LaTour Enterprises, Inc. dba Economy Electric, Amendment to ITB 0118-3380
 - Traffic Control Devices, Amendment to PO's 10877, 10878, 10879, 10880, 10881, 10882, 10883, 11079, and 12376

- PW 5594/Project 13639 – Jackie Robinson Stadium
 - Hill's Fencing, Inc. – Amendment to ITB 14-B-128VO
 - Musco Sports Lighting, LLC – Amendment to 10 Year Warranty and Service Agreement
 - R/J Group, Inc. – Amendment to RFP 0117-1030

- PW 6782/Project 63158 – Bethune Point Seawall
 - DRMP, Inc. – Amendment to Contract No. 0517-0470 Work Authorization No. 1
 - GPS Civil Construction, Inc. – Amendment to Construction Agreement ITB 20133

The Florida Department of Emergency Management requested amendments to contracts related to FEMA/State reimbursements. The amendments are to strengthen and demonstrate the City’s intent to comply with Federal procurement regulations. No funding is associated with this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Finance Department - Second Amendment to Interlocal Agreement with Orange County Industrial Development Authority \(pp. 197-224\)](#)

Resolution approving the Second Amendment to an Interlocal Agreement with Orange County Industrial Development Authority (“IDA”) authorizing the IDA to issue its refunding revenue bond in an amount not to exceed \$60,000,000 for the benefit of the Catholic Diocese of Orlando, Florida (the “Diocese”) and Catholic Charities of Central Florida, Inc. ("Catholic Charities"), a not-for-profit Florida Corporation.

The IDA issued a bond (the "Initial Bond") in 2007, to finance construction of various projects on behalf of the Diocese and Catholic Charities. The obligation to repay such bonds rests solely with these charitable organizations. Because one of the facilities financed--Father Lopez High School--is a "local project" (i.e., within the City's boundaries), Section 147(f) of the Internal Revenue Code ("IRC") required the City to approve the bond, and F.S. sec. 163.01 required an interlocal agreement between the City and the IDA. City Res. No. 07-396 approved the Initial Bond and the Interlocal Agreement. City Res. No. 12-09 authorized the refinancing of the Initial Bond and the First Amendment to the Interlocal Agreement. The refunding revenue bond now being proposed would allow the IDA, the Diocese, and Catholic Charities again to reduce the interest rate on the debt. As was true for the Initial Bond and the first refinancing, approval of the proposed refunding revenue bond and Second Amendment to the Agreement would impose no legal liability or financial obligation on the City. The letter provided in the backup from the Diocese's bond counsel for the refinancing provides additional information.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.G. [City Manager - Volusia County - Justice Assistance Grant \(JAG\) Agency Funding Allocation ****Addendum added 05-05-21****](#)

Resolution approving Volusia County's distribution of the Edward Byrne Memorial Justice Assistance Grant (JAG) County-wide funds to the SMA Healthcare, Inc. - Adult Drug Court Program and the House Next Door - Success by Design Program. The County has been notified that they are eligible to receive funding from the FY 2020/21 share of the Edward Byrne Memorial Justice Assistance Grant (JAG) County-wide funds that were released by the Florida Department of Law Enforcement (FDLE) in April 2021. In order to submit nonprofit agencies applications for this funding, the County must receive approval from 51% of cities located within Volusia County. There is no City funding associated with this request.

Recommendation: Commission action.

8.H. [Res - Finance Department - Allocation of Bike Week Sponsorship Funds ****Addenda added 05-05-21****](#)

Resolution authorizing payment in the amount of:

\$200 to Karys Foundation, Inc., for a general donation and \$200 to Beta Iota Sigma Gama Rho Sorortiy, for their Sip and Groove Sigma Stay at Home Tea to benefit their Scholarship Programs from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution

9. **PUBLIC HEARINGS.**

9.A. [Finance Department - Utility System Clean Water State Revolving Fund \(CW SRF\) Loan 2021 \(pp. 225-231\)](#)

Ordinance on second reading - PUBLIC HEARING authorizing the issuance of debt from the Florida Department of Environmental Protection (FDEP) Clean Water State Revolving Fund (CW SRF) Program secured by water and sewer utility revenues in an amount not to exceed \$88,500,000 to fund utility system improvements.

CW SRF Program is used to take advantage of a low interest rate loan; flexible disbursement draw system; and reduced arbitrage reporting requirements. The loan proceeds will cover costs including program service fees, closing costs, and capitalized interest for the planning, designing, and constructing of wastewater system improvements.

The loan agreement amount will be modified after the design is completed and bid prices are received or as grants are secured. Given the list of projects with multiple bids and completion dates, there will be multiple loan agreements issued by FDEP. The interest rate is not set until the loan agreement is approved so debt service is based on an estimated interest rate of 1.5 percent per annum. Based on the Facilities Plan, there is an expected loan disbursement draw of \$68,912,100 and a corresponding annual debt service of \$4,734,449.

The source of funds for the repayment of this loan is the net water and wastewater utility system revenues after payment of operating and maintenance expenses and other debt service. Debt service payment does not begin until six months after the project construction completion which is expected to occur in various years and the payments will be included in the appropriate adopted budget for the Water and Sewer Fund. Based on staff and consultants' assumptions, the Water and Sewer Fund will have sufficient funds available to pay the debt service without an additional rate increase above the annual price index adjustments.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Redevelopment Division - Beaches ISB Planned Development – Redevelopment \(PD-RD\) \(pp. 232-331\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 1.4± acres of land located at 301 East International Speedway Boulevard (ISB), from Business Automotive (BA) and Business Retail-1 (BR-1) to Planned Development-Redevelopment (PD-RD), to develop a mixed-use project. Approval of this request will permit redevelopment of a site on ISB and begin the creation of a new corridor to the beachside.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment Right-of-Way Vacation Notice Requirements \(pp. 332-346\)](#)

Ordinance on first reading - PUBLIC HEARING amending Article 3,

Review Procedures, Section 3.3.E, Public Hearing and Notice to modify notice requirements for Right of Way Vacations.

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, May 19, 2021.

9.D. [Public Works/Technical Services Division - Avalon Phase 1 - Preliminary Plat Approval \(pp. 347-429\)](#)

Resolution - Quasi Judicial Hearing approving the Preliminary Plat for Avalon Phase 1. The project associated with the Preliminary Plat is a mixed use subdivision located on the south side of Granada Blvd. west of I-95 at the north end of the City limits. The preliminary plat has been approved along with a PD agreement by the Planning Board at their March 25th meeting. The project has been reviewed by staff and found to be consistent with the Land Development Code as modified by the Planned Development Agreement. The final plat for some or all of the lands encumbered by the Preliminary Plat must be approved prior to development. No funds are required for this action.

Andrew J. Holmes, P.E., Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Main Street Tattoo - Rezoning to Planned Development-Redevelopment \(pp. 430-508\)](#)

Ordinance on first reading - to rezone 0.2± acres of land located at 405 Main Street, from Beachside Redevelopment-Specialty Retail (RDB-2) to Planned Development-Redevelopment (PD-RD), to allow a tattoo establishment and art gallery. Applicant: Jessica Gow, Esq., Cobb Cole, on behalf of the property owners, Tombstone, LLC, Karen Hollums-Broome, and Robert W. Guidotti, III.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, May 19, 2021.

10.B. [Finance Department - Amending Master Lease Agreement with Truist Bank and FLC for the Purchase of 20 Police Patrol Vehicles \(pp. 509-541\)](#)

Ordinance on first reading issuing debt financing by amending the previously adopted Master Lease Agreement with Truist Bank (formerly known as BB&T) using the Florida League of Cities (FLC) sponsored Equipment Financing Program in the amount not to exceed \$861,000 for the acquisition of twenty (20) police patrol vehicles. The Finance Department solicited bids for financing twenty (20) police patrol vehicles which will be purchased through the Sourcewell Cooperative Contract from Alan Jay Fleet Sales. There is a separate request for City Commission to adopt a resolution approving the vehicle purchase and the intent to use debt to finance the purchase. A comparison of the three responses from the financing solicitation is provided in the backup.

The term sheet which best meets the City's needs is from Truist Bank with an interest rate of 0.93 percent for a 3-year term to close on or before May 31, 2021. Repayment of the loan will commence in May 2022, be made annually from non-ad valorem revenue, and is collateralized (secured) by the 20 police patrol vehicles. 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 \$500 as outlined in Exhibit E of the Master Lease Agreement adopted by Ord. 2020-275. The balance of the loan will be used for the purchase of the vehicles. Using the expected principal amount of \$860,198, the annual payment will be \$292,082.35.

Funding for this initiative is part of the annual Police Vehicle Acquisition Program (VAP). The first debt service payment will become due in May 2022 and will be included in the FY2021-2022 budget. In addition to amending the Master Lease Agreement, it is recommend 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 passing the Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, May 19, 2021.

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

12. ADJOURNMENT.

- 13. PUBLIC COMMENT FORUM - During this time Citizens are allowed 2.5 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.**