



**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
MAY 19, 2021  
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.

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

Approval of the Minutes of the April 7, 2021 and the April 21, 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 - Proclamation to Family Health Source \(pp. 14-15\)](#)

Presentation of a Proclamation to Family Health Source in recognition of their partnering with the City of Daytona Beach providing COVID-19 vaccines to residents of the City of Daytona Beach.

Mayor Derrick Henry to present.

**6.B. [Presentation - Legislative Actions \(pp. 16-18\)](#)**

Presentation on Bills affecting Local Government operations that were passed during the 2021 Legislative Session.

Hardy Smith, Government Relations Administrator, 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. [Development and Administrative Services, Permits and Licensing Division - Samsula Demolition - 312 Dr. Mary McLeod Bethune Boulevard \(pp. 20-30\)](#)**

**Resolution** ratifying the emergency demolition of 312 Dr. Mary McLeod Bethune Boulevard by Samsula Demolition. 363 State Road 415. New Smyrna Beach. Florida, in the amount of \$30,000. The structure was deemed to be imminent danger as the result of structure failure and collapse.

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

**8.B. [Development and Administrative Services, Community Development - Submission of the 2021-2025 Consolidated Plan and 2021-2022 Annual Action Plan to U.S. Department of Housing and Urban Development \(HUD\) for Grant Funding \(pp. 31-62\)](#)**

**Resolution** approving the submittal of the City's 2021-2025 Consolidated Plan and 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) to apply for Community Development Block Grant (CDBG) and Home Investment Partnership Grant (HOME) program funding.

The City of Daytona Beach is an Entitlement Agency of HUD grant funds and is required to submit these Plans to complete the funding process. The

grant funds support the production and preservation of affordable housing and promote suitable living environments in the city. Use of the grant funds will principally benefit low-income households and/or low-income areas in the City of Daytona Beach. The Plans describe programs, activities, funding, and expected outcomes for HUD to evaluate prior to awarding the grants. A summary of the Plans was advertised, and public meetings were held for citizen review and comment. No citizen comments were received. This item further requests authorization for the City Manager and Mayor to perform actions necessary to implement the activities described in the Plans inclusive of: accepting the funds if awarded; authorizing the Mayor to execute deeds; and authorizing the City Manager or his designee to execute agreements and security documents pertaining to CDBG and HOME funds.

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

**8.C.** [Legal Department - Settlement of Litigation - FC RESI 1, LLC \(pp. 63-70\)](#)

**Resolution** approving settlement in City of Daytona Beach v. FC RESI 1, LLC, Case Number 2019-30848-CICI, brought by the City to foreclose on code enforcement liens against property located at 288 N. Seneca Street. Code fines accrued on the property in the amount of \$15,250. The property was cited in January 2017 for code violations including weeds; fence in disrepair; failure to obtain business tax receipt and residential rental license. The owner brought the property into compliance on November 5, 2019. Defendant has offered to pay a reduced fine/lien amount of \$5,000, as full settlement to resolve the foreclosure action.

Recommendation: City Attorney recommends adoption of the Resolution.

**8.D.** [Legal Department - Settlement of Litigation - William Berner \(Deceased\) & Homer Phillips, Jr. \(pp. 71-77\)](#)

**Resolution** approving settlement in City of Daytona Beach v. William Berner (Deceased) and Homer Phillips, Jr., Case Number 2019-30651-CICI, brought by the City to foreclose on code enforcement liens against property located at 206-208 Arlington Avenue. Code fines accrued on the property in the amount of \$15,000. The property was cited in May 2008 for code violations included plumbing fixtures, interior surfaces (doors and walls), exterior doors, permits, no occupational license. The owner brought the property into compliance on April 3, 2009. Defendant has offered to pay a reduced fine/lien amount of \$1,200, as full settlement to resolve the foreclosure action.

Recommendation: City Attorney recommends adoption of the Resolution.

8.E. [Public Works Department/Technical Services - Kenco Sign and Awning, LLC.- Construction Contract Award \(pp. 78-226\)](#)

**Resolution** awarding the Beach Street Wayfinding Parking Signs Rebid Award (Beach Street and Palmetto Avenue) Contract No. ITB No.21293 to Kenco Sign and Awning, LLC, 1539 Garden Avenue, Holly Hill, FL 32117 for a total bid amount of \$46,692. The Wayfinding Project is providing new more recognizable signage to direct the motoring public to City Owned parking areas and improve upon the standards of appearance and aesthetics originally created by the Phase 1 portion of the project. The project was re-bid. Funds are available in the Capital Projects Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Public Works Department - Parker Mynchenberg and Associates - Beach Street Streetscape Phase II - Professional Services Design Contract No. 20143 Approval \(pp. 227-260\)](#)

**Resolution** approving Professional Services Design Contract No. 20143 with Parker Mynchenberg and Associates (PMA), 1729 Ridgewood Avenue, Holly Hill, Florida 32117 in the amount of \$619,076.07 for the Beach St, Streetscape Phase II project. The Design Contract provides for design, permitting, bidding and construction phase services for the proposed Beach Street Streetscape Phase II project. The project is a continuation of the recently constructed Beach Street Streetscape project and will extend from Bay St. to Fairview Ave. The project will include new sidewalks, traffic signals, lane reductions, paving, lighting, parking, landscaping, hardscaping, irrigation and utility improvements. The City advertised a request for design proposals (RFP) on September 29, 2020 for the project. Six (6) design consultants submitted in response to the RFP. Proposals were received on October 29, 2020 and they are as follows: Kimley-Horn, CPH Inc., OM Engineering Services, Parker Mynchenberg and Associates Inc., Patel Green and Associates and Newkirk Engineering. The selection Committee evaluated the proposals in accordance with the selection criteria set forth in the RFP. The selection Committee recommended contract negotiations with Parker Mynchenberg and Associates Inc. Funds are available in the Capital Projects Fund.

Recommendation: Public Works Department recommends adoption of the Resolution.

8.G. [City Manager's Office - Acceptance of Coronavirus Local Fiscal Recovery Funds \(pp. 261-270\)](#)

**Resolution** accepting the Coronavirus Local Fiscal Recovery Funds (CLFRF) provided by the American Rescue Plan by the City of Daytona

Beach. The City is anticipated to receive two tranches from the US Department of Treasury approximately one year apart with each tranche providing approximately \$7,505,272 for a total CLFRF allocation of \$15,010,544. Authorizing the City Manager/designee to approve and manage all necessary actions to manage the CLFRF fund program in compliance with US Department of Treasury CLFRF guidance. Authorizing the Budget Officer to amend the budget as necessary for the acceptance and expenditure of CLFRF funds.

Recommendation: City Manager recommends adoption of the Resolution.

**8.H.** [Fire Department - Municipal Emergency Services - FireDex Personal Protective Firefighting Gear - Purchase \(pp. 271-275\)](#)

**Resolution** authorizing the purchase of nineteen (19) sets of department standardized FireDex Personal Protective Firefighting Gear in an amount not to exceed \$49,998.50. Purchase to be made as a standardized purchase from Municipal Emergency Services 3789 62nd Avenue North Pinellas Park, Florida 33781 who serves as the sole source distributor of FireDex equipment in the State of Florida. Funds are available in the General Fund.

Recommendation: Fire Chief recommends adoption of the Resolution.

**8.I.** [Business Enterprise Management Department - Alan Jay Fleet Sales - Traffic Engineering Vehicle Purchase \(pp. 276-288\)](#)

**Resolution** authorizing the purchase of a 2021 Chevy Silverado 3500HD Regular Cab work truck from the Sourcewell (formerly NJPA) Cooperative Contract 2021 120716-NAF with options from Alan Jay Fleet Sales, P.O. Box 9200, Sebring, FL 33871 in the amount of \$49,381 as part of the overall replacement program for the City. The annual repairs of the current vehicle to be replaced exceeds the depreciated value. The Purchasing Department will dispose of this vehicle. Funds are available in the General Fund.

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

**8.J.** [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 289-290\)](#)

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

\$225 to Leisure Services, for the balance due on the Kingdom Outreach Ministry event that was held on April 24, 2021 from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution

## 9. PUBLIC HEARINGS.

### 9.A. [Development and Administrative Services, Planning Division - Main Street Tattoo - Rezoning to Planned Development-Redevelopment \(pp. 291-369\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** 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 adopt Ordinance.

### 9.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment Right-of-Way Vacation Notice Requirements \(pp. 370-384\)](#)

**Ordinance on second 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 adopt Ordinance.

### 9.C. [Finance Department - Amending Master Lease Agreement with Truist Bank and FLC for the Purchase of 20 Police Patrol Vehicles \(pp. 385-417\)](#)

**Ordinance on second reading - PUBLIC HEARING** 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 adopting the Ordinance.

Action: Motion to adopt Ordinance.

**9.D.** [Development and Administrative Services, Planning Division - Coquina Marina - Excess Boat Slip Allocation \(pp. 418-435\)](#)

**Resolution - Quasi-Judicial Hearing** approving an allocation of two (2) boat slips from the "excess boat slip allocation" pool, adding to the marina component of the Coquina Marina of 62 boat slips, for a total of 64 boat slips. Applicant: Joseph H. Hopkins, PE, The Performance Group, on behalf of Coquina Development LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

**9.E.** [Development and Administrative Services, Planning Division - The Halifax River Yacht Club - Excess Boat Slip Allocation \(pp. 436-453\)](#)

**Resolution - Quasi-Judicial Hearing** approving an allocation of two boat slips from the "excess boat slip allocation" pool, adding to the marina



component of the Halifax River Yacht Club of 42 in water boat slips and a 16 slip non-motorized sailing center, for a total of 44 in water boat slips. The applicant Joseph H. Hopkins, PE, The Performance Group, on behalf of the Halifax River Yacht Club.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

**9.F.** [Development and Administrative Services, Planning Division - Williamson Crossing Lot 5 - Proportionate Fair Share Agreement \(pp. 454-470\)](#)

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**Resolution - PUBLIC HEARING** authorizing the City to enter into the Williamson Crossing Lot 5 Proportionate Fair Share Agreement with Shoppes at Williamson Crossing, LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$42,890.33, based on a maximum buildout of 7,020-square-feet of development. 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 70 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 Williamson Crossing Lot 5 project that is generally located southeast of the intersection of LPGA Boulevard and Williamson Boulevard.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

**9.G.** [Public Works, Technical Services Division - Latitudes Ph. 6-Preliminary and Final Plat Approval \(pp. 471-612\)](#)

**Resolution - Quasi-Judicial Hearing** approving the Preliminary and Final Plat for Latitudes Phase 6. □The plat is a single family subdivision which is located on the north side of LPGA Boulevard and west of Tymber Creek Boulevard. The project has been reviewed by staff and found to be consistent with the Land Development Code. The Preliminary Plat has been reviewed and approved by the Planning Board at their November 19, 2020 meeting. The Final Plat has also been reviewed by the City's consulting surveyor for consistency with Chapter 177 of the Florida Statutes. The Contract for Plat Recording allows for recording of the plat before construction of the internal public improvements while the Sidewalk Agreement provides for construction of a sidewalk along LPGA Boulevard not within the boundary

of the plat.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

- 10. ADMINISTRATIVE ITEMS - No Administrative Items.**
- 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.**