



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JUNE 16, 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 May 19, 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. [No Presentation.](#)

No presentation.

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. [Police Department - American Society for the Prevention of Cruelty to Animals \(ASPCA\) Grant Application \(pp. 17-33\)](#)

Resolution authorizing the application, submission, acceptance, and expenditure of a \$7,500 grant from the American Society for the Prevention of Cruelty to Animals (ASPCA). This amount contributes to the safe housing of 42 dogs rescued by the Daytona Beach Police Department (DBPD) from being used for dog fighting. The rescued dogs are to be housed by the Halifax Humane Society, Inc.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.B. [Police Department - DME Delivers, LLC - Contract Approval \(pp. 34-82\)](#)

Resolution approving the contract with DME Delivers, LLC, a Florida limited liability company ("Contractor"), 2441 Bellevue Avenue, Daytona Beach, FL 32114 to conduct the vehicle stripping redesign on police vehicles. On March 22, 2021, the City issued an ITB to solicit bids for re-stripping 68 Police Tahoe vehicles and 6 prisoner transport vans. The bids were due on April 09, 2021. As a result of the ITB, the City received 4 bids with one being found non-responsive. DME Delivers submitted the lowest bid of \$52,155.48. Funds are available in the General Fund.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.C. [Utilities Department - Tetra Tech, Inc. - Change Order No. 2 to Contract No. 19334 - Emergency Ratification \(pp. 83-110\)](#)

Resolution ratifying an emergency expenditure for Change Order No. 2 to Contract No. 19334 with Tetra Tech, Inc., 201 E. Pine Street, Suite 1000, Orlando, Florida 32801 for the Heineman Street Potable Water Tank and Pump Station Project in an amount not-to-exceed \$53,795.72. This item is needed to fully comply with City Purchasing Code Section 30-52(b). Resolution 19-123 was adopted by City Commission on June 5, 2019, approving Contract No. 19334 with Tetra Tech, Inc., in the amount of \$467,069.49 for the design and permitting of the Potable Water Tank and

Pump Station Project. Change Order No. 1 was approved by the City Manager in March 2021 in the amount of \$20,936.76 for design services associated with the addition of an ammonium hydroxide chemical feed system and tank mixing equipment and additional permitting services.

Change Order No. 2 to conduct a project noise study, including an evaluation of project enhancements to aid in onsite acoustics dampening, in an amount not-to-exceed \$53,795.72 is needed to address concerns raised by a citizen at the April 7, 2021, City Commission meeting approving the Public Use Permit for the project. This project was awarded \$1.7M in principle forgiveness by the Florida Department of Environmental Protection (FDEP) through their State Revolving Fund (SRF) low interest rate loan program. The project documents were finalized and ready for bidding, but the project has been placed on hold to complete this noise study. As such, Change Order No. 2 was processed as an emergency in an effort to best manage the project schedule. The project schedule has been updated in the loan agreement with FDEP in order to maintain funding through the SRF program. Currently, the only storage for the City's water system is located at the Water Treatment Plant on LPGA Blvd. Construction of a new 5 million gallon ground storage tank and pump station at 700 Heineman Street will provide storage in a central location of the City as well as provide increased fire protection and water quality to the surrounding area. Since the proposed site was once used for an elevated storage tank, the remaining water system piping efficiently and economically accommodates the use of this site for a new storage tank. This project will bring the available water storage in the City to the projected 2040 year level as documented in the City's Water Master Plan. The new contract price including Change Order Nos. 1 and 2 is \$541,801.97.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Utilities Department - PC Construction dba PCEO Inc., In Florida - Contract No. 20173 Amendment No. 1 - Ralph Brennan Water Treatment Plant Gravity Filter Upgrade Design-Build Project \(pp. 111-258\)](#)

Resolution approving Contract No. 20173, with PC Construction Company dba PCEO, Inc. (PC Construction) in FL, 193 Tilley Drive, South Burlington, VT 05403 for Design-Build upgrades to the gravity filters at the Ralph Brennan Water Treatment Plant with the following provisions:

- Approve Amendment No. 1 in the amount of \$4,424,598.13 for an amended contract amount not to exceed \$6,600,000.
- Amend Article 8.1 of the Contract to allow final Guaranteed Maximum Price (GMP) development at the 30% phase.
- Add Article 10.7.1 to the Contract to establish Liquidated Damages at

\$1,200 per day beyond Substantial Completion and \$600 beyond Final Completion.

The City issued Request for Proposals No. 20173 on November 12, 2019 for Design-Build services to replace the aged gravity filters. The Design-Build Team of PC Construction and Carollo Engineers, Inc. was selected and subsequently awarded Contract No. 20173. The Design-Build negotiations used a 2-step process where Phase I services were initially negotiated for design and preconstruction services. Once a mutually agreed upon design milestone is achieved, Phase II services for construction costs are negotiated. The combination of Phase I and Phase II costs are then incorporated into a GMP.

Resolution 2020-313 authorized Phase I preconstruction services in the amount of \$523,094. During Phase I services, two (2) change orders for the procurement of long lead items were approved for a cumulative amount of \$2,175,401.87 (Resolution No. 2021-103 and Resolution 2021-134). The final GMP for the overall project is \$6,600,000, including Phase I services and previously approved Change Orders No. 1 and 2. This approval will increase PC Construction's contract value by \$4,424,598.13. Funds are available in the Water & Sewer Improvements Construction Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.E. [Utilities Department – Wharton-Smith, Inc. – Contract No. 21174 – Westside Regional Water Reclamation Facility Influent Pump Station and Headworks Design-Build Project \(pp. 259-406\)](#)

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Resolution awarding Contract No. 21174 to Wharton-Smith, 750 Monroe Road, Sanford, FL 32771 for Design-Build services and approving Phase I Design Services in the not to exceed amount of \$2,167,520.07 for upgrades to the Westside Regional WRF Influent Pump Station and Headworks project as follows:

This request is to provide design-build services for the design, permitting and construction of a new Influent Pump Station and Headworks facility at the Westside Regional WRF. Based on the recommendation of a Wastewater Master Plan completed in February of 2020, the addition of an Influent Pump Station would reduce the pressure in the collection system and positively benefit the upstream force mains and lift stations. Additionally, the Wastewater Master Plan identified the Headwork's structure as needing replacement due to its age, condition and hydraulic limitations.

The City issued Request for Proposals No. 21174 on January 8, 2021, for Design-Build services of an Influent Pump Station and Headworks structure

at the Westside WRF. The City's selection committee met on March 10th, 2021 and ranked the Design-Build teams based on the selection criteria. The shortlisted teams went on to the interview phase which took place on March 29th, 2021. At the conclusion of the interviews, the Design-Build team of Wharton-Smith, Inc., Hazen and Sawyer, and Freese & Nichols, Inc. was ranked highest.

The Utilities Department has negotiated the Phase I Design Services and design fees for this project. Phase I services will include design and permitting as well as pre-construction investigation and constructability review. Phase II Construction Services will be finalized once design reaches the 90-percent stage. Phase I and Phase II fees will be incorporated into the Guaranteed Maximum Price (GMP) and presented to the City Commission for approval and incorporated into the contract via amendment. Funds are available in the Water & Sewer Improvement Fund and the Renewal & Replacement 5% and 8% Accounts.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Utilities Department – Barney's Pumps, Inc. – Influent Pump – Bethune Point Water Reclamation Facility – Sole Source \(pp. 407-415\)](#)

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Resolution approving a purchase from Barney's Pumps Inc., P.O. Box 56710, Jacksonville, FL 32241-6710, in the amount of \$42,350 for one influent pump for the Bethune Point Water Reclamation Facility. The purpose of this request is to maintain compliance with state and federal permit requirements. The Bethune Point Water Reclamation Facility (WRF) utilizes three (3) centrifugal Aurora pumps operated in parallel to move raw sewage from the influent wetwell to the treatment process. These pumps are critical to maintaining proper operation of the treatment process. This purchase would provide a spare pump for emergencies or should any of the existing pumps fail. Sole Source is being requested as Barney's Pumps is the sole distributor for Aurora pumps. Aurora is the original pump manufacturer and the only pump that will connect to the existing infrastructure without significant modifications. Funds are available in the Water & Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.G. [Public Works / Technical Services Division – Consor Engineers, LLC - CEI Services for Beville Road Trail \(pp. 416-426\)](#)

Resolution authorizing Work Authorization No. 6 to Continuing Services

Contract 0516-1120-IEI (Consor) for Consor Engineers, LLC, 2121 Old Hickory Tree Road, St. Cloud, Florida 34772, to perform the Construction Engineering Inspection (CEI) Support Services on the Beville Road Multi-Use Path Project for an amount not to exceed \$241,286.85. This is an FDOT LAP project which requires consultant CEI oversight. Funds are available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.H. [Public Works/Grounds Maintenance - RJ Landscape Contractors, Inc. - Purchase Order Approval for Irrigation System - Oakridge Boulevard \(pp. 427-434\)](#)

Resolution approving a Purchase Order to RJ Landscape Contractors, Inc., 1766 Taylor Road, Port Orange, Florida 32128, in an amount not to exceed \$49,775 and allowing a waiver of the competitive requirements of the purchasing code contained in Section 30-81(a). As part of the Florida Department of Transportation (FDOT), Project No.441139-1-52-01, P&S Paving has contracted RJ Landscape Contractors to remove and replace all the landscape material along Oakridge Boulevard, from Halifax Avenue to A1A on the north and south sides of the road. FDOT has not included a plan to install an automatic irrigation system to establish and sustain the new landscape material. An automatic irrigation system is crucial to ensure the new material survives to avoid expensive landscape material replacement costs. We are requesting to utilize FDOT's contractor as a sole source to eliminate any scheduling or warranty conflicts between the contractors. The only effective process is to have the same contractor first remove the existing material, secondly install the irrigation system and finish by installing the new landscape material with an establishing irrigation schedule. Having the same contractor undertake the entire project will allow for smooth consistent workflow and guarantee that the new landscape material receives proper hydration during the most critical time, the establishment period. Therefore, it has been determined using RJ Landscape Contractors to install the fully automatic irrigation system will be the most efficient and feasible solution. Funds are available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.I. [Public Works Department - Construct Co. Inc. - Main Street Pier Repairs 2021, City Contract No. 21233 - Change Order No. 1 \(pp. 435-456\)](#)

Resolution approving Change Order No.1 for the Main Street Pier Repair 2021 project, City Contract No. 21233 with Construct Co. Inc., 1519 E. Colonial Dr. STE 300, Orlando, FL 32803 in the amount of \$43,125.66 to

provide compensation to the contractor for additional work items due to unforeseen conditions and City directed work items, no additional days are being requested. On April 07, 2021 City Commission adopted Resolution 2021 - 113 awarding City Contract No. 21233 with Construct Co., Inc. for the Main Street Pier Repairs 2021 in the amount of \$67,044.97. During construction it was discovered that two additional pilings on the East end of the pier were severely deteriorated and needed to be replaced before the upcoming Hurricane season. Additional cross bracing at the new pile locations was also required due to the alignment of the replacement pilings. Cross bracing at several locations were also increased in size at the City's direction. The replacement of all items described are necessary for maintaining the pier in a safe condition for Public Use. Funds are available in the Main Street Pier Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.J. [Public Works/Administration - Local Option Fuel Tax Interlocal Agreement – Five-Year Renewal \(pp. 457-487\)](#)

Resolution authorizing a five-year renewal of the Local Option Fuel Tax Interlocal Agreement with an updated formula to be effective September 1, 2021 through August 31, 2026. Resolution 2020-241 authorized the current Interlocal Agreement between Volusia County cities and the County of Volusia governing the distribution of the Local Option Fuel tax expiring on August 31, 2021. The renewal being requested at this time would be effective September 1, 2021 through August 31, 2026. No funding is associated with this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.K. [Public Works Department - Parker Mynchenberg and Associates - Beach Street Streetscape Phase II - Professional Services Design Contract No. 20143 Approval \(pp. 488-523\)](#)

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 and recommended contract negotiations with Parker Mynchenberg and Associates Inc. Funds are available in the Redevelopment - Downtown Fund.

Recommendation: Public Works Department recommends adoption of the Resolution.

8.L. [City Manager's Office - Daytona Beach Racing and Recreational Facilities District - Colin's Park - Grant Submission \(pp. 524-541\)](#)

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Resolution requesting support of a grant submission to the Daytona Beach Racing and Recreational Facilities District for the City's Colin's Park improvement project. Phase One of the Colin's Park master plan calls for installation of new playground equipment at a cost of \$100,000. Our request to the Daytona Beach Racing and Recreational Facilities District will be for \$75,000 which will be supported by a \$25,000 City match.

Recommendation: Government Relations Administrator recommends adoption of the Resolution.

8.M. [Development and Administrative Services - Atlantic Housing Development Incentive Agreement \(pp. 542-557\)](#)

Resolution - approving an incentive agreement between the City of Daytona Beach and Atlantic Housing Partners, LLLP, a Florida limited liability partnership and Clyde Morris Partners, Ltd., a Florida limited partnership (collectively the Partners). For a fifteen (15) year period in an annual sum not to exceed \$60,000.00 annually the City will provide funds to the Partners in exchange for the guarantee from the Partners to construct and manage 216 multifamily units in the City. The units shall be designated as affordable housing units with rental rates not exceeding the 30% limits published by the U.S. Department of Housing and Urban Development (HUD) standards for low-income, very low-income, or extremely low-income households. Following the Partners or the successors to the Partners' payment of their annual tax bill and confirmation via review of the Partners rental rates, that affordable households have been served the required payment will be made.

Recommendation: Deputy City Manager recommends adoption of the

Resolution.

8.N. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 558-560\)](#)

Resolution authorizing payment in the amount of:

\$250 to B. A. L.D.Y Athletics Inc., for the 4th Annual Back2School Bash and \$250 to Payit4ward Corp., for the 4th Annual Back2School Bash from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$300 to Alpha Phi Alpha Fraternity, Inc., Beta Delta Lambda Chapter, for the Seventh Annual Jimmy Huger Scholarship Golf Tournament, June 26, 2021 from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.O. [Public Works/Technical Services Division - A.G. Pifer Construction Co., Inc., Contract Approval - **Addendum added 06-15-21**](#)

Resolution authorizing the City Commission approve the contract with A.G. Pifer Construction Co., Inc., 3269 Old Deland Road, Daytona Beach, FL 32124 in the amount of \$196,856.82 for the soffit, fascia and roof replacement at the Daytona Beach Golf Course. Staff performed an evaluation of the soffit, fascia and roof system at the golf course clubhouse building. The roof system over the clubhouse are is leaking and requires replacement. The restaurant roof was replaced in 2014 and is in good condition. The soffit and fascia overhand on the entire building is in disrepair and falling off. An invitation to bid was advertised w3ith A.G. Pifer Construction Co. Inc. being the lowest, responsive and responsible bidder. Funds are available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

9. PUBLIC HEARINGS - No Public Hearings.

10. ADMINISTRATIVE ITEMS

10.A. [Legal Department - Memorandum of Understanding - Opioid Settlement Proceeds \(pp. 561-586\)](#)

Resolution authorizing the City of Daytona Beach to join with the State of Florida and other local governmental units in the Florida Memorandum of Understanding regarding opioid settlement proceeds.

Robert Jagger, City Attorney, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.B. [City Manager's Office - TPO Citizens Advisory Committee - Appointment \(pp. 587-594\)](#)

Resolution appointing one member to the The Citizens Advisory Committee. This is a subcommittee of the River To Sea Transportation Planning Organization (TPO). Recommendations for this committee is to come from the City's representative on the TPO Board which is Commissioner Quanita May. The Commissioner has received two resumes from individuals interested in serving on this committee: A. Shawn Collins and Emily Nice.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

11. DISCUSSION.

11.A. [Discussion - City Manager's Office - Citizen's Comments \(pp. 595-596\)](#)

City Commission Discussion regarding incorporating the general Public Comments into the Business Meeting Agenda.

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

13. ADJOURNMENT.

14. 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.