



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
AUGUST 4, 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.
--	---	--	---

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.

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not prepare or provide such a record.

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

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.**
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 27, 2021 Special City Commission Meeting - City Manager Selection, the June 30, 2021 Coronavirus Local Fiscal Recovery Funds - City Commission Workshop and the July 7, 2021 Regular City Commission Meeting.

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 - Zone 2 - Resignation/Special Election \(pp. 16-17\)](#)

City Commissioner Aaron Delgado, Zone 2, announced his resignation in a letter dated July 26, 2021.

6.B. [Presentation - Mayor's Math Bootcamp **Addendum added 08-02-21**](#)

Presentation by Mayor Derrick L. Henry - Mayor's Math Bootcamp which is a part of the Mayor's Literacy Initiative.

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. [Public Works Department - R/J Group, Inc - Ratification of Emergency Roof Repair Work at Joe's Crab Shack \(pp. 19-35\)](#)

Resolution ratifying the emergency work and payment to RJ Group, Inc., 4244 Jackson Street, Port Orange, FL 32127 for roofing repairs and new deck installations at Joe's Crab Shack, for a cumulative total of \$36,565.40. The southwest side of the rooftop had multiple voids and punctures that needed to be repaired due to age and heavy traffic. A walkable decking was installed to protect the rooftop from further damage. In the course of repairing the southwest portion of the roofing system, further damage extending far into the northeast portion of the roof was reported. The roofing system on the northeast side of the building was found to have multiple voids and punctures that needed to be repaired due to the age and heavy traffic. These punctures and voids led to roof leaks within the building. The walkable decking was also in poor condition and needed to be replaced with new decking. The City has a contract with R/J Group, Inc., Contract No. 0117-1030, for roof repairs. Funds are available in the Pier Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.B. [Public Works, Technical Services Division - Beach Street Streetscape - Orange To Bay, City Contract No. 20013, Authorization of Deductive Change Order No. 9 \(Final\) \(pp. 36-77\)](#)

Resolution approving Deductive Change Order No. 9 (Final) for the Beach

Street Streetscape project, City Contract No. 20013 with P and S Paving, Inc., 3701 Olson Drive, Daytona Beach, FL 32124. The purpose of this request is to make final payment to the contractor for work performed and to provide an adjustment to the contract time. On December 18, 2019 City Commission adopted Resolution 19-357 awarding City Contract No. 20013 with P and S Paving, Inc., for the Beach Street Streetscape - Orange to Bay project in the amount of \$4,479,842.10. During construction Change Orders Nos. 1 through 8 were authorized by the City Manager as they were less than five percent of the adjusted contract price in accordance with Section 30-142 of the City Code of Ordinances. Deductive Change Order No. 9 reconciled line item overruns and underruns for various unit price items in the contract. There were three (3) FPL transformers along the east side of Beach Street that were in conflict with the sidewalk construction on Beach Street and also needed to be relocated to match the Riverfront Park renovation design. Additional time is being added to the contract due to the amount of time it took FPL to relocate the transformers. The contractor could not complete the contract items in the vicinity of the three (3) transformers until FPL had finished relocating the transformers. No additional funding is required for this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.C. [Public Works, Technical Services Division - Nelson Engineering Co - Work Authorization No. 33 \(pp. 78-90\)](#)

Resolution authorizing Work Authorization No. 33 under Continuing Services Contract 2006-014B with Nelson Engineering Co, 5355 N. Courtenay Parkway, Merritt Island, FL 32953 to complete the required annual assurance, water quality monitoring and reporting, permit renewal, and site closure services for the City's Construction & Demolition (C&D) Landfill in the lump sum amount of \$91,293.95. While the C&D landfill was in operation, host fees were collected and placed in a reserve account for site closure and long-term monitoring cost. This item requests City Commission approval to use the reserve for site closure activities, long term monitoring and reporting, and MPIS and annual assurance reporting to the FDEP. Funds are available in the Solid Waste Management Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Public Works Department - Fleetwash, Inc. dba Krystal Klean - Work Authorization No. 6 Approval \(pp. 91-111\)](#)

Resolution approving Work Authorization No. 06 to Fleetwash, Inc. dba Krystal Klean, 13679 Atlantic Boulevard, Jacksonville, FL 32225 to repair

and paint the exterior of the Peabody Auditorium for an amount not to exceed \$75,347.13. The exterior of the Peabody Auditorium 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, and the paint is cracked and peeling in multiple areas. The exterior of the building is in dire need of being repaired and refinished to revitalize the building. The City has a Painting Services Agreement with Fleetwash, Inc. dba Krystal Klean, piggybacking the St. John's County BCC for professional painting services. Funds are available in the Capital Improvement Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Utilities Department - Water Treatment & Controls Technology, Inc. - Integrity Municipal Systems, Inc. - Lime Slaking Upgrades - Brennan Water Treatment Plant \(pp. 112-135\)](#)

Resolution approving purchases totaling \$461,218.44 for the Brennan Water Treatment Plant Lime Slaking Upgrades project with the following provisions:

- Approve a purchase from Integrity Municipal System, Inc., 13135 Danielson Street, Suite 204, Poway, CA in the total amount of \$285,700.
- Approve a purchase from Water Treatment & Controls Technology, Inc., 9900A North Palafox Street, Pensacola, FL 32534 in the amount of \$175,518.44.

The purpose of this request is to maintain the operational reliability within the Brennan Water Treatment Plant (WTP). The City of Daytona Beach Utilities Department operates the Brennan WTP that supplies drinking water to all customers within the City's service area. The treatment process utilizes a lime softening process, including four (4) lime slakers and three (3) lime softening basins, to reduce the overall hardness in the potable water. The existing lime slakers have reached the end of their useful life and are in need of repair/replacement to increase the overall efficiency of the Brennan WTP.

The Brennan WTP is standardized around Integrity Municipal Systems, Inc. for the lime slakers and components, as they are the manufacturer of the existing units. Equipment and components for Integrity Municipal Systems, Inc. lime slakers are available from one source, which is Water Treatment & Controls Technology, Inc. (WTCT), due to an exclusive sales territory. For this reason, the parts to rebuild the two (2) units as well as the new control panels are being purchased through WTCT. However, WTCT has waived their exclusive sales territory in regards to the new slaker units, which allows

the City to purchase the new slakers directly from Integrity Municipal Systems, Inc. to reduce the overall costs. Funds are available in the Water and Sewer Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Utilities Department - Mettler-Toledo, LLC - Westside Regional Water Reclamation Facility - Truck Scale Software and Unattended Terminal Upgrade - Sole Source \(pp. 136-149\)](#)

Resolution approving a purchase from Mettler-Toledo, LLC 190 Polaris Parkway, Columbus, Ohio 43240-4035 in the amount of \$34,876. The purpose of this request is to maintain operational reliability of the truck scale system located at the Westside Regional Water Reclamation Facility (WRF). The scale allows the City to accurately track the weight of biosolids being hauled from the Westside Regional Facility WRF as well as lime sludge being hauled from the Brennan Water Treatment Plant. The weights are used to confirm the hauling costs billed by the contracted hauling companies.

The existing unattended truck scale terminal has become unreliable and consistently breaks down, requiring an added level of effort from plant personnel. Additionally, the scale operation is manual and does not make use of available software upgrades. As part of this project, the unattended terminal will be upgraded as well as the software system that will allow truck weights to be reported automatically via e-mail. Funds are available in the Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of this Resolution.

8.G. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 150-151\)](#)

Resolution authorizing payment in the amount of:

\$1,000 to First Step Shelter, Inc., for a general donation from the Bike Week Sponsorship Funds of Commissioner Stacy Cantu.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Neighborhood F - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 152-163\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment, amending the Future Land Use Element Neighborhood “F”, removing issue (b), Policy (1) which prohibits retail uses on properties adjacent to South Ridgewood Avenue in Neighborhood “F” Development Area. Applicant: The City of Daytona Beach Development Services Department, Planning Division.

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 - Land Development Code \(LDC\) Text Amendment BOA Quorum \(pp. 164-173\)](#)

Ordinance on first reading - PUBLIC HEARING amending Article 2, Section 2.5.I. of the Land Development Code (LDC), to amend the quorum and necessary vote requirements for the Board of Adjustments. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 18, 2021.

9.C. [Development and Administrative Services, Planning Division - Masonova Commerce Park - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 174-221\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 3.4± acres of land from Level 1 Residential (L1R) to Retail; 2.4± acres of land from Level 2 Residential (L2R) to Retail; 2.9 acres from Level 2 Residential (L2R) to Park/Recreation (P/R); and 5.9 Acres from Level 1 Residential (L1R) to Park/Recreation (P/R). Total acreage included in the LSCPA request is 14.6± acres of land. Applicant: Harry Newkirk, of Newkirk Engineering Inc., on behalf of Masonova LLC and The City of Daytona Beach Planning Division, on behalf of the City of Daytona Beach. ****This item passed on First Reading at the July 7, 2021 City Commission meeting; however, due to an advertising error on the part of the News Journal, this item required another first reading.****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading. □

Note: If passed, Public Hearing, October 6, 2021.

9.D. [Development and Administrative Services, Planning Division - Hand Avenue - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 222-317\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment, amending the Future Land Use Map designation for 22.2± acres of land, from Volusia County Commercial (C) 4.9± acres and Urban Medium Intensity (UMI) 17.3± acres to City Level 2 Residential (L2R). The subject property will be incorporated into the Neighborhood “S” Development Area. ****This item passed on First Reading at the July 7, 2021 City Commission meeting; however, due to an advertising error on the part of the News Journal, this item required another first reading.****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 6, 2021.

9.E. [Development and Administrative Services, Planning Division - Project Zeta - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 318-395\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large-Scale Comprehensive Plan Amendment (LSCPA), changing the Future Land Use Map for 5.3± acres from Level 1 Residential (L1R), 10.9± acres from Level 2 Residential (L2R), and 7.0± acres from Office Transition (OT), to Mixed Use (MU) (total of 23.2±) acres; and amending Future Land Use Element Neighborhood “U”, creating a new issue (M) limiting the 23.2± acres to a maximum of 95,000 square feet for nonresidential development and residential density to a maximum of 300 multifamily units or 100 townhome units. The property is generally located approximately 2,500 feet northeast of the intersection of West International Speedway Boulevard and LPGA Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Lamms Investments, LLC. ****This item passed on First Reading at the July 7, 2021 City Commission meeting; however, due to an advertising error on the part of the News Journal, this item required another first reading.****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 6, 2021.

10. ADMINISTRATIVE ITEMS.

10.A. [City Clerk - Calling a Special Municipal Election - Zone 2 \(pp. 396-399\)](#)

Emergency Ordinance calling a Special Municipal Election to elect a City Commissioner Zone 2, due to a vacancy; providing for a Special Primary Elections (if necessary), Tuesday, September 21, 2021 and providing for a Special General Municipal Election to be held on November 2, 2021 and establishing and providing for a Qualifying period for Candidates, Election Procedure, Polling Places, and date of taking office.

Recommendation: City Clerk recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

10.B. [Development and Administrative Services, Planning Division - Third Amendment to Minto Tomoka Parcel B Planned District Agreement – Planned Development-General \(PD-G\) Rezoning \(pp. 400-545\)](#)

Ordinance on first reading approving the Third Amendment to the Minto – Parcel B Planned District (PD) Agreement to add additional commercial uses and incorporate additional signage for the partially developed Latitude Landings shopping center consisting of approximately 36.4± acres of property generally located on the north side of LPGA Blvd, on both the east and west sides of the FPL powerlines. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Sutton Land Trust No. 1.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 18, 2021.

10.C. [Development and Administrative Services - Anti-Discrimination Income Source \(pp. 546-548\)](#)

Ordinance on first reading - authorizing the City Commission, the opportunity to exercise its legislative discretion to elect to make it illegal under City law, to discriminate against a person based on their ability to obtain housing due to a person's lawfully derived income source for rental payment.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Deputy City Manager, Development and Administrative Services, recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 18, 2021.

10.D. [Development and Administrative Services, Planning Division - Pro S & K Planned District \(PD\) Agreement - Request for Extension \(pp. 549-570\)](#)

Resolution requesting to extend development rights authorized under the Pro S & K PD Agreement by an additional six years from the date of approval of the Resolution. Commission authorization to extend is provided by the Land Development Code (LDC) Article 3, Section 3.4.F.8, for good cause shown. The development will provide a 17,093± square-foot (sf) commercial building and associated site improvements on 2.39± acres located at 832 Bill France Boulevard. Applicant: Gerry Hebert.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10.E. [City Manager's Office - Daytona Beach Racing and Recreational Facilities Commission - Appointment \(pp. 571-576\)](#)

Resolution appointing one member to the Daytona Beach Racing and Recreational Facilities District. The board shall consist of five members, serving four (4) year terms. Must be qualified electors of the District and are appointed by the City and County Commission jointly. The membership term of Christopher Bowler has expired and he would like to be reappointed. This is a Daytona Beach City Commission appointment.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.F. [City Manager's Office - Downtown Development Authority - Appointment \(pp. 577-579\)](#)

Resolution appointing one member (a Commissioner) to the Downtown Development Authority. The board shall consist of five (5) members, one (1) of which shall be a member of the City Commission. Except for the City Commissioner, each member may be appointed for consecutive terms of 3 years, beginning July 1. Non-City Commission members shall reside in or have a principal place of business in the City (CR-BO), shall not be serving as a City officer or employee, and shall be an owner of realty within the Downtown area, a lessee thereof, or a director, officer, or managing agent of an owner or of a lessee thereof. This appointment is for the City Commissioner's position and Commissioner Quanita May would like to continue to serve on this board.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.G. [City Manager's Office - Planning Board - Appointment \(pp. 580-585\)](#)

Resolution appointing one member to the Planning Board. The board shall consist of seven (7) members serving staggered terms of four years commencing January 1 and expiring December 31, with at least one member residing in each Zone within the City and one At-large member. Must be qualified electors in City and hold no other City office. William Pageau resigned who represented Zone 3. We have received an application from James Newman for this position.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

11. DISCUSSION.

11.A. [Discussion - 2:00 a.m. Bar Closings and the Seabreeze Neighborhood \(pp. 586-587\)](#)

Discussion - Mayor Henry requested a discussion on 2:00 a.m. bar closings and the Seabreeze Neighborhood.

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

13. PUBLIC COMMENT FORUM - During this time Citizens are allowed 3 minutes to speak on any topic. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.

14. ADJOURNMENT.