





**THE CITY OF DAYTONA BEACH
REGULAR MEETING - CITY COMMISSION
SEPTEMBER 20, 2017
CITY COMMISSION CHAMBERS
6:00 PM**

AGENDA

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

NOTICE- If any person decides to appeal any decision of the City Commission at this meeting, he will need a record of the proceedings and, for that purpose, he 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 needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**

AGENDA

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

NOTICE- If any person decides to appeal any decision of the City Commission at this meeting, he will need a record of the proceedings and, for that purpose, he 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 needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 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 September 6, 2017 Regular Meeting of the City Commission will be presented at the October 4, 2017 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. [BEAUTIFICATION AWARDS - SEPTEMBER 2017 \(pp. 18-20\)](#)

Residential Award:

Ms. Mildred Fields, 800 Magnolia Avenue, City Commissioner Paula R. Reed, Zone 6, to present.

Commercial Award:

Mount Carmel Missionary Baptist Church, 703 George W. Engram Boulevard, Mayor Derrick L. Henry to present.

6.B. [2017 Annual Shriner's Convention Overview & 2018 Preview](#)
****Addendum added 09-15-17****

Gary Bergenske, Chairman of Shriners International's Board of Directors, to present an overview of the 2017 annual convention held in Daytona Beach (July 9-13) and a preview of 2018's convention.

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. Items or discussions not listed on the Agenda will not be heard during this comment section.

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, Technical Services Division - Halifax Harbor Coast Guard & Armory Demolition - Lowest Responsive Bidder Contract \(pp. 22-185\)](#)

Resolution awarding a facilities demolition contract with the lowest responsive bidder Samsula Waste Inc., 363 South State Road 415, New Smyrna Beach, Florida 32168, in the amount of \$135,000, to demolish the old Armory and Coast Guard Annex, finish grade area and seed all disturbed areas. Funds available in the General Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.B. [Public Works/Technical Services Division - Revised FDOT Traffic Signal Maintenance Agreement - Approval \(pp. 186-200\)](#)

Resolution approving a revised Traffic Signal Maintenance Agreement with the Florida Department of Transportation (FDOT). This agreement will replace the current Traffic Signal Maintenance Agreement executed in 2002. The implementation of this agreement is in the best interests of the City of

Daytona Beach by providing additional FDOT reimbursement for various traffic signal components currently maintained for no compensation. The revised reimbursement amount would be \$228,000 versus \$133,000 under the current agreement. Additionally yearly increases will be based on the Consumer Price Index (CPI).

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.C. [Finance Department - Utility Billing Print and Mail Services - Contract Approval \(pp. 201-224\)](#)

Resolution awarding a Utility Billing Printing and Mailing Services Contract to Northeast II, Inc. d/b/a TC Delivers, 8879 Boggy Creek Road, Orlando, FL 32824. An RFP for utility bill printing and mailing services was issued June 21, 2017. The City received seven (7) proposals; the selection committee evaluated the proposals and recommended TC Delivers as the best for the City. The price per utility bill is \$0.08933. Based on an estimated 364,000 bills processed annually, the approximate one year cost is \$32,517. Services include printing of utility bills, inserting into envelopes, sorting by delivery address to take advantage of the lowest postage cost, and delivering to the United States Postal Service. The cost to insert additional flyers in same utility bill envelope is \$2.50 per 1,000. The contract is for a three (3) year period with one (1) optional one-year renewal, which can be authorized by the City Manager. Contract to begin October 2017. Funds available in the Water and Sewer Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.D. [City Attorney - Amendment of Laws Related to Animal Cruelty \(pp. 225-231\)](#)

Resolution urging members of the Florida Legislature to consider amending the penalty listed in F.S. 828.12(2) for the commission of aggravated animal cruelty from a third-degree felony to a second-degree felony.

Recommendation: City Attorney recommends adoption of the Resolution.

8.E. [Utilities Department - Bennett Swamp Aquifer Recharge Project - Change Order No. 1 to Work Authorization No. 9 – Contract 6235-CH. \(pp. 232-278\)](#)

Resolution approving Change Order No. 1 to Work Authorization No. 9 to Contract No. 6235-CH with CH2M HILL Engineers, Inc., 225 E. Robinson St., Suite 505, Orlando, FL 32801-4321 in an amount not to exceed

\$54,560.56. Work Authorization No. 9 was approved by Resolution 16-198, and it approved a scope of services to CH2M HILL for engineering services for Bennett Swamp . The scope of services in the amount of \$561,017.62 included a feasibility study, permitting, design, bidding and construction phase services. CH2M HILL budgeted sufficient funds to obtain all known relevant permits, however the Florida Department of Environmental Protection (FDEP) required a major modification to the Westside Regional Wastewater Treatment Plant’s National Pollutant Discharge Elimination System (NPDES) permit. The FDEP insisted on a major modification because they determined that the reuse discharge to be a secondary outfall. This resulted in the permit having to be issued at the national level by the Environmental Protection Agency (EPA) rather than at the state level by the (FDEP). CH2M HILL was able to assist the city to obtain the required NPDES permit and a flowage easement while maintaining the compressed timeframe to bid, start construction and complete the Bennett Swamp Project by March 31, 2018. Funds available in the Renewal & Replacement 8% Fund.

Recommendation: Business Enterprise Director recommends adoption of the Resolution.

8.F. [Public Works Department - DRC Emergency Services, LLC – Emergency Debris Removal Services Hurricane Matthew \(DR-4283-FL\) – Additional Debris Collection Tickets \(pp. 279-316\)](#)

Resolution approving the expenditure of additional Debris Collection tickets in the total amount \$169,968.36 for DRC Emergency Services, LLC, 740 Museum Drive, Mobile, AL 36608 for Debris Removal Services in response to Hurricane Matthew (DR-4283). DRC Emergency Services, LLC is under a continuing contract to provide the City with post-storm or other post-disaster related debris removal services along with Thompson Consulting Services, LLC (TCS), responsible for Debris Monitoring tickets. Additional debris collection tickets were identified and reviewed by TSC as City maintained roads in the total amount of \$169,968.36. (See attached third party payment recommendation reports) Upon review of Geographic Information System (GIS) mapping and Memorandum of Agreement (MOA) for State collection roadways, additional debris collection tickets were determined eligible for Federal Emergency Management Agency (FEMA) reimbursement. FEMA and the State historically reimburses the City for a portion of these costs. Assistance for the State and affected local Governments can include as required:

- Payment of not less than 75 percent of the eligible costs for debris removal and emergency protective measures taken to save lives and protect property and public health. Emergency protective measures assistance is available to state and eligible local governments on a cost-sharing basis

including direct federal assistance (Source: FEMA funded, state administered.)

- The State of Florida historically reimburses 50% of the remaining balance of the local cost share.

General fund balance will be used for anticipated unreimbursed costs up to 12.5% (\$21,246.05). A future budget amendment will authorize all Hurricane Matthew related costs not covered by FEMA.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.G. [Public Works Department. Technical Services Division - Earnhardt Memorial Pedestrian Bridge Repair - Award of Contract to Lowest Responsive Bidder \(pp. 317-477\)](#)

Resolution awarding a contract with the lowest responsive bidder, Sieg & Ambachtsheer, Inc., 1445 Cassadaga Road, Deland, Florida 32724 in the amount of \$193,690, for the Eanhardt Memorial Pedestrian Bridge Repair project.

Florida Department of Transportation (FDOT) requires inspections and repairs on a schedule of every two (2) years. Volkert Incorporated performed the inspection per FDOT standards and has submitted the report to the City of Daytona Beach for implementations of the repairs. Performing and completing the work will satisfy our agreement with FDOT until the next inspection that is due in approximately two (2) years.

Repairs will hinder further damage and prolong the life of the structure. Bids for this project were received on August 4th, 2017 and Sieg & Ambachtsheer was the only bidder. Sieg & Ambachtsheer comes highly recommended by FDOT and has performed a number of successful projects with them.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.H. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 478-480\)](#)

Resolution authorizing payment from the General Fund in the amount of:

\$100 to Alpha Phi Alpha Fraternity, Inc., Beta Delta Lambda Chapter for the State Conference September 15th & 16th, 2017 and \$168 to Cultural Services for fees for the Bold, Beautiful, & Bald Beauty Bazaar from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$168 to Cultural Services for the Bold, Beautiful, & Bald Beauty Bazaar from the Bike Week Sponsorship Funds of Commissioner Kelly White.

\$1,200 to Daytona Beach Police Foundation for a general donation and \$168 to Cultural Services for the Bold, Beautiful, & Bald Beauty Bazaar from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

\$168 to Cultural Services for the Bold, Beautiful, & Bald Beauty Bazaar from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$168 to Cultural Services for the Bold, Beautiful, & Bald Beauty Bazaar from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Budget Office - FY 2017/18 Property Taxes and Budget - City of Daytona \(pp. 481-494\)](#)

1. PUBLIC HEARING - Members of the general public may speak on the millage rate and the FY 2017-2018 budget.

2. Presentation by the Budget Review Committee.

3. Presentation by the Budget Officer.

4. **Resolution** of the City of Daytona Beach adopting an ad valorem property tax millage rate of 6.3333 (\$6.3333 per \$1,000 of assessed taxable value). This is a 4.04% reduction from the rate utilized in the Notice of Proposed Property Taxes and a 3.00% tax increase from the rolled back rate of 6.1488; and a voted debt service tentative millage rate of 0.3389 (\$0.3389 per \$1,000 of assessed taxable value) which is a 9.12% reduction from the current tax rate.

5. **Resolution** adopting the Budget for the fiscal year October 1, 2017, to September 30, 2018; prescribing estimated Revenue Sources of \$227,189,319, and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$ 27,189,319.

Fred Coulter, Budget Officer, to report.

Recommendation: City Manager recommends adoption of the Resolutions.

Action: Motion to adopt the Resolutions.

9.B. [Budget Office - FY 2017/18 Property Taxes and Budget - Downtown Development Authority \(DDA\) \(pp. 495-505\)](#)

1. Presentation by Jason Jeffries, Redevelopment Project Manager. 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 2017/18 budget.
3. **Resolution** of the Daytona Beach Downtown Development Authority adopting an ad valorem property tax 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 9.29% tax increase from the rolled back rate of 0.9150.
4. **Resolution** adopting the Budget for the fiscal year October 1, 2017, to September 30, 2018; prescribing estimated Revenue Sources of \$246,599 and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$246,599.

Jason Jeffries, Redevelopment Project Manager, to report.

Recommendation: Authority Chairman recommends action.

Action: Motion to adopt the Resolutions.

9.C. [Development and Administrative Services, Planning Division - City Property - Large Scale Comprehensive Plan Amendment \(pp. 506-583\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from Volusia County - Conservation (C) to City - Low Intensity Urban (LIU) for 626± acres of land located northwest of Interstate 4 and south of International Speedway Boulevard (ISB); amending the Future Land Use Element to implement the Interlocal Service Boundary Agreement (ISBA) between the City and the County; and amending the Intergovernmental Coordination Element to establish the ISBA as the joint planning agreement required by §171.204, Florida Statutes. Applicant: Development and Administrative Services, Planning Division.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.D. [Development and Administrative Services, Planning Division - City Property - Annexation \(pp. 584-607\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a voluntary annexation of 626± acres of land, not contiguous to the municipal

boundary, located south of International Speedway Boulevard and northwest of Interstate 4, pursuant to Chapter 171, Florida Statutes. The property is owned by the City of Daytona Beach and has been designated as a municipal service area pursuant to the Interlocal Service Boundary Agreement (ISBA) between the City and the County. The ISBA serves as the joint planning agreement and the City has adopted comprehensive plan amendments related to the area. Applicant: Development and Administrative Services, Planning Division on behalf of The City of Daytona Beach.

Richard Walton, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt the Ordinance.

9.E. [Development and Administrative Services, Planning Division - Eagle Marsh/Gray Hawk - Second Amendment to Renar Golf Communities at LPGA International Planned District Agreement \(pp. 608-636\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending the Renar Golf Communities at LPGA International Planned District Agreement to add the maximum lot coverage of 47 percent for lots located in Eagle Marsh and Gray Hawk, Unit 2 Subdivisions, and authorizing the Mayor to execute the Second Amendment to Renar Golf Communities at LPGA International Planned District Agreement. Applicant: Jim Butler, with Eagle Marsh Homes on behalf of Renar Golf Communities at LPGA International Homeowners' Association, Inc.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.F. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 3 and 4 \(pp. 637-648\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Article 3.4.K.2.c. (Subdivision Plat), and Article 4.2.B.3. (Single-Family Residential-5 (SFR-5) to clarify required minimum lot sizes in the SFR-5 (single-family) zoning districts related to the subdivision of property on existing lots of record. Applicant: Development and Administrative Services Department, Planning Division.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.G. [Development and Administrative Services, Planning Division - River Pointe - Rezoning, Planned Development-General \(pp. 649-721\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 4.7± acres of land located north of Silver Beach Avenue on S. Peninsula Drive from Multifamily Residential 20 (MFR-20) to Planned Development-General (PD-G), to allow the construction of a 28-unit condominium development and associated site improvements, and authorizing the Mayor to execute the River Pointe Planned District Agreement. Applicant: Glenn D. Storch, Storch Law Firm, on behalf of Emerald Financial, Inc.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.H. [Development and Administrative Services, Planning Division - River Pointe - Boat Slip Allocation \(pp. 722-732\)](#)

Resolution - Quasi-Judicial Hearing - approving an allocation of fourteen (14) excess boat slips associated with the River Pointe Planned Development project located on the east side of the Halifax River and north of Silver Beach Avenue. The public benefit includes a payment to the City in the amount of \$4,000 per slip for a total of \$56,000. Applicant: Glenn Storch, P.A., Storch Law Firm, on behalf of Loreal Rushin, Emerald Financial, Inc.

Richard Walton, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Resolution.

9.I. [Development and Administrative Services, Planning Division - Daytona Beach Kennel Club - Fifth Amendment to Planned District Agreement \(pp. 733-782\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending the Daytona Beach Kennel Club Mason Planned District Agreement, located at 960 S. Williamson Boulevard, to allow for an increase in the frequency of change of sign copy from 60 seconds to 10 seconds, and authorizing the Mayor to execute the Fifth Amendment to the Daytona Beach Kennel Club Planned District Agreement. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Daytona Beach Kennel Club, Inc.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.J. [Development and Administrative Services, Planning Division - Daytona Mitsubishi - Rezoning, Planned Development-General \(pp. 783-861\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 4.3± acres of land located at 900 N. Nova Road from Residential/Professional (RP) and Business Automotive (BA) to Planned Development-General (PD-G), to allow for an automotive dealership, and authorizing the Mayor to execute the Daytona Mitsubishi Planned District Agreement. Applicant: Mark Dowst, Mark Dowst & Associates, Inc., on behalf of Richard Nisbett, Triple Diamond Real Estate, LLC.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Human Resources - American Federation of State, County and Municipal Employees \(AFSCME\). Florida Council 79 Memorandum of Agreement FY 2017-2019 \(pp. 862-923\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and American Federation of State, County and Municipal Employees (AFSCME) for terms and conditions of employment beginning October 1, 2017 through September 30, 2019; to provide wage increases. amending Articles 28 - Leave and 31 - Wages.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends approval.

Action: Motion to adopt the Resolution.

10.B. [Human Resources - Coastal Florida Police Benevolent Association \(CFPBA\) Collective Bargaining Agreement - 10/01/2017 - 09/30/2019 \(pp. 924-996\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and Coastal Florida Police Benevolent Association (CFPBA) for Police Officers and Sergeants for terms and conditions of employment beginning October 1, 2017 through September 30, 2019; to provide wage increases.

Amending Articles 29 - Personal Leave, 30 - Wages, 31 - Special Assignment Pay and 36 - Duration.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends approval. Action: Motion to adopt the Resolution.

10.C. [Human Resources - Florida State Fraternal Order of Police \(FOP\) Collective Bargaining Agreement - 10/01/2017 - 09/30/2019 \(pp. 997-1055\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and Florida State Fraternal Order of Police (FOP) for Police Lieutenants for terms and conditions of employment beginning October 1, 2017 through September 30, 2019; to provide wage increases. Amending Articles 26 - Personal Leave, 27 - Wages, 28 - Special Assignment Pay and 30 - Duration.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends approval. Action: Motion to adopt the Resolution.

10.D. [Human Resources - IAFF LOCAL 1162 Collective Bargaining Agreement 10/01/2017-09/30/2019 \(pp. 1056-1076\)](#)

Resolution authorizing a Collective Bargaining Agreement between the City and IAFF LOCAL 1162, for the period covering October 1, 2017, through September 30, 2019; to provide wage increases. Amending Articles 24 - Personal Leave, 27 - Paramedic Pay, 28 - Pension, 30 - Wages, 31(a) - Wages Specialty Assignments, and 38 - Duration.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends adoption of the Resolution. Action: Motion to adopt the Resolution.

11. DISCUSSION.

11.A. [Development and Administrative Services - Structural Engineering - First Step Shelter \(pp. 1077-1080\)](#)

Structural Engineering Discussion of First Sep Shelter. James Morris,

Deputy City Manager/Administrative Services, to report.

- 12. PUBLIC COMMENTS - DURING THIS TIME CITIZENS HAVE THE OPPORTUNITY TO ADDRESS THE CITY COMMISSION ON ANY MATTER THAT IS NOT ON THE AGENDA.**
- 13. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.**
- 14. ADJOURNMENT.**