





**THE CITY OF DAYTONA BEACH
REGULAR MEETING - CITY COMMISSION
APRIL 18, 2018
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/she 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>
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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

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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 April 4, 2018 Regular City Commission Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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 - APRIL 2018 \(pp. 14-16\)](#)

Residential:

Ronald and Delores Gibson, 112 Dianna Drive, City Commissioner Ruth Trager, Zone 1, to present.

Commercial:

Streamline Hotel, 140 South Atlanta Avenue, Mayor Derrick L. Henry to present.

6.B. [Presentation - Mayor Derrick L. Henry](#)

Presentation by the Mayor, Derrick L. Henry.

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. Development Services/Cultural Services & Community Events Department - Learn to Swim Program - Donation Acceptance (pp. 19-22)

Resolution accepting a donation from the County of Volusia for capital items including a 12 passenger van and a trailer, a storage shed and lifeguard training equipment for use in the new City of Daytona Beach Area Learn to Swim Program at the Cypress Aquatic Center and Volusia County Beaches. The County received funds in the amount of \$45,908.50 for this program in January 2018. The City of Daytona Beach will take ownership of all the donated items and will be responsible for maintenance, insurance and fuel for the van.

Recommendation: Cultural and Leisure Services Director recommends adoption of the Resolution.

8.B. City Manager's Office - Local Option Fuel Tax Interlocal Agreement - Renewal (pp. 23-50)

Resolution supporting a one year renewal of the Local Option Fuel Tax Interlocal Agreement. Effective date of the renewal would be for the period of September 1, 2018 through August 31, 2019. The current interlocal agreement between Volusia County cities and the County of Volusia governing the distribution of the Local Option Fuel Tax expires on August 31, 2018.

Recommendation: Government Relations Administrator recommends adoption of the Resolution.

8.C. [Public Works, Technical Services Division - Sanderson Concrete Construction, Inc. - Concrete Delivery and Placement Term Contract Award \(pp.51-162\)](#)

Resolution awarding the Term Construction Services Contract with Sanderson Concrete Construction, Inc. 2440 Timberview Drive, New Smyrna Beach, FL. 32119, in accordance with Chapter 30 of the City Code, for Concrete Delivery and Placement Services. Projects will be issued to the contractor by issuance of a Work Authorization. The scope of services and compensation for each project will be negotiated and mutually agreed upon prior to issuance of a Work Authorization. The Contract is for provision of concrete delivery and placement services on an as needed basis at a time and at the direction of the City. The initial term of the contract is for two years with a City option for up to three additional terms of one year each. Funds available in the Five Cent Gas Tax Fund.

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

8.D. [Utilities Department - Carus Corporation - Water Plant Phosphate - Sole Source Purchase \(pp. 163-168\)](#)

Resolution authorizing the sole source purchase of phosphate at a rate of \$0.69/lb. from Carus Corporation, 315 Fifth Street, Peru, IL 61354 and authorizing the expenditure of \$130,000 for FY 2017/2018. The purpose of this request is to maintain compliance with state and federal regulatory water quality standards. Phosphate is injected into the City's water distribution system to inhibit corrosion and reduce lead and copper metals. The Florida Department of Environmental Protection (FDEP) has approved the use of phosphate in municipal water supply distribution system. Phosphate from other manufacturers were previously tested extensively by the City. The results of the tests concluded the Carus phosphate reduced the levels of lead and copper metals better than any of the other manufacturer's phosphate. The City has exclusively purchased phosphate as a sole source from Carus for the past seven years. The continued use of the Carus phosphate has enabled the City to maintain high quality drinking water and comply fully with drinking water regulatory standards. Funds available Water and Sewer Fund.

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

8.E. [Utilities Department - NOV Process and Flow Technologies U.S., Inc.](#)

[- Brennan Water Treatment Plant - Emergency Purchase Ratification \(pp. 169-186\)](#)

Resolution ratifying two (2) emergency purchase orders to NOV Process and Flow Technologies U.S., Inc., 1725 Q MacLeod Drive, Lawrenceville, GA 30043 in the amount of \$62,396. The purpose of this request is to fully comply with the City Purchasing Code Section 30-52 (b) Emergency Purchases, which authorizes the City Manager to procure goods and services as necessary to effect emergency repairs or replacement of City equipment, facilities, and property. The Brennan Water Treatment Plant's disinfection process currently needs an improved method of mixing chlorine and ammonia. The recommended solution is to replace a 48" ductile iron elbow with a tee to which a chemical mixer will be attached and installed to mix the chlorine and ammonia after they are injected into the 48" pipe. This request was to provide turnkey installation services that include: removal of a 48" elbow, installation of a 48" tee, purchase and attachment of a 10HP mixer, mount and connect all electrical equipment required, and removal and replacement of a section of sidewalk and road asphalt as needed. The need for improved chemical mixing at the plant is necessary to mitigate the formation of undesirable compounds and stabilize the effect of disinfection throughout the distribution system. Funds available in the Water & Wastewater 5% R&R Fund.

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

8.F. [Utilities Department - Tetra Tech, Inc. - Water Master Plan - Work Authorization No.1 \(pp. 187-199\)](#)

Resolution approving Work Authorization No. 1 under Contract No. 0517-3440-TT with Tetra Tech, Inc., 201 East Pine Street, Suite 1000, Orlando, FL 32801 in an amount not to exceed \$162,016.11. The purpose of this project is to develop an updated 20-year Water Master Plan to evaluate the existing system and develop a capital improvement program to address future water demands. Funds available in the Water & Wastewater 8% R&R Fund.

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

8.G. [Finance Department - Allocation of Bike Week Sponsorship Funds **Item added 04-18-18**](#)

Resolution authorizing payment in the amount of:

\$400 to Community Healing Project, Inc., for Malcolm X Community Day Festival, May 19, 2018 and \$200 to United Way of Volusia/Flagler Counties,

Inc. for the annual Tax Volunteer Celebration from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Williamson Boulevard Industrial - Large Scale Comprehensive Plan Amendment \(pp. 200-290\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from Mixed Uses to General Industrial for 80± acres of land generally located west of Williamson Boulevard, north of LPGA Boulevard, and south of Strickland Range Road. Applicant: Robert A. Merrell III, Esq., of Cobb Cole, on behalf of Consolidated-Tomoka Land Co. ****This item was continued from the March 21, 2018 Regular City Commission Meeting. Applicant has requested that it be continued to the June 20, 2018 City Commission Meeting****

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommended approval 6-to-0 at their January 25, 2018 meeting.

Action: Motion to adopt the Ordinance.

9.B. [Development and Administrative Services, Planning Division - Williamson Boulevard Industrial - Rezoning, Planned Development-General \(pp. 291-340\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 80± acres of land generally located west of Williamson Boulevard, north of LPGA Boulevard, and south of Strickland Range Road from "County" R-2 Single Family zoning to "City" Planned Development-General (PD-G) to allow for development as an industrial site, and authorize the Mayor to sign the Williamson Boulevard Industrial Planned District Agreement. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Consolidated-Tomoka Land Co. ****This item was continued from the March 21, 2018 Regular City Commission Meeting. Applicant has requested that it be continued to the June 20, 2018 City Commission Meeting****

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.C. [Development and Administrative Services, Redevelopment Division - Land Development Code Text Amendment - Amend Article 5 \(Accessory Uses and Structures\) \(pp. 341-360\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Article 5.3.C.17.h (Accessory Uses and Structures) of the Land Development Code to include language to allow dogs in designated outdoor dining areas as an accessory to eating or drinking establishments that was omitted during the adoption of the new Land Development Code. Applicant: Development and Administrative Services Department, Redevelopment Division. □

Reed Berger, Redevelopment Director, to report. □

Recommendation: Planning Board recommends approval 5-to-0. □

Action: Motion to adopt Ordinance. □

9.D. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 2, 3 and Appendix A \(pp. 361-373\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the Land Development Code (LDC) as follows: Article 2.11.C. (Board of Building Codes) to adjust the membership of the Board of Building Codes. Article 3.2. (Summary Table - Table 3.2) to include notification to adjacent jurisdictions to allow the opportunity for review of non-residential development within the Low Intensity Urban (LIU) Future Land Use. Article 3.4.K.5.d (Subdivision Plat), and Appendix A (Additional Application Requirements for Final Plats) to allow the City Commission to waive the LDC's requirement that subdividers provide performance and maintenance guarantees for infrastructure improvements, where the subdivider is another government agency. Applicant: Development and Administrative Services Department, Planning Division. □

Richard Walton, Planning Director, to report. □

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

Action: Motion to adopt Ordinance. □

9.E. [Development and Administrative Services, Planning Division - Clyde Park Office Suites - Voluntary Annexation \(pp. 374-385\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a

voluntary annexation of 0.13± acre of land located north of Integra Breeze Lane and west of Integra Shores Drive, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. The applicant is seeking consistency with all of the contiguous applicant owned property and to incorporate this parcel into the development of a multi-building office complex on adjacent property. Applicant: Colleen Miles, Land Development Resource Group, on behalf of Christopher B. Butera, Clyde Park, LLC.□

Richard Walton, Planning Director, to report.□

Recommendation: Planning Director recommends approval.□

Action: Motion to adopt Ordinance.□

9.F. [Development and Administrative Services, Planning Division - Clyde Park Office Suites - Small Scale Comprehensive Plan Amendment \(pp. 386-446\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Small Scale Comprehensive Plan Amendment (SSCPA) changing the Future Land Use Map designation for 0.13± acre of land located north of Integra Breeze Lane and west of Integra Shores Drive from “County” Urban Low Intensity to “City” Office Transition to incorporate this parcel into the development of a multi-building office complex on adjacent property. Applicant: Colleen Miles, Land Development Resource Group LLC, on behalf of Christopher B. Butera, Clyde Park, LLC.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.G. [Development and Administrative Services, Planning Division - Clyde Park Office Suites - Rezoning, Planned Development-General and Preliminary Plat \(pp. 447-494\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 0.13± acre of land located north of Integra Breeze Lane and west of Integra Shores Drive from "County" Urban Single-Family Residential (R-2) to "City" Planned Development-General (PD-G) to allow for a multi-building office complex on adjoining property, authorizing the Mayor to execute the First Amendment to Clyde Park Office Suites Planned District Agreement to adjust the total acreage to 2.2± acres, modify the plan exhibit, and approve the Preliminary Plat for Clyde Park Office Suites. Applicant: Colleen Miles, Land Development Resource Group LLC, on behalf of Christopher B. Butera, Clyde Park, LLC.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.H. [Development and Administrative Services - The Honda Dealership Transportation Improvements Cost Allocation Agreement and Proportionate Fair-Share Contribution \(pp. 495-501\)](#)

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Resolution - Quasi-Judicial Hearing - authorizing The City of Daytona Beach ("City") to enter into The Honda Dealership Transportation Improvements Cost Allocation Agreement with TT of Nova, Inc. ("Owner") and approving the proportionate fair-share contribution. The agreement provides for a proportionate fair-share contribution by TT of Nova, Inc. to the County in the amount of \$133,018.71 for the purpose of installing improvements in the impact area of Williamson Boulevard ("Williamson Improvement") which will address traffic concurrency and roadway impacts. The Owner shall make a City road impact fee payment to the City in the estimated amount of \$50,426.12 and shall be paid at the time of Building Permit development order issuance and based on the actual square footage of uses permitted under the development order and the adopted fee schedule in effect at the time of the development order issuance.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.I. [Engineering/Public Works Department - Fairlawn Boulevard - Vacation of Right-of-Way \(pp. 502-522\)](#)

Resolution - PUBLIC HEARING - vacating an unimproved section of the Fairlawn Boulevard right-of-way which is generally located east of Clyde Morris Boulevard and north of Integra Breeze Lane. The section of right-of-way (ROW) is approximately 222 feet long and 60 feet wide. Once vacated, portions of the vacated property are intended to be included in the Clyde Park Office Suites Planned Development.

The City's Land Development Code (LDC), Section 3.4.AA.4 states:

An application for vacation of a public street right-of-way shall be approved only on a finding there is competent substantial evidence in the record that:

a. The right-of-way is not now, or in the foreseeable future, needed for a

- public purpose for the city or its inhabitants; and
 b. Vacation of the right-of-way is consistent with the comprehensive plan.

The proposed vacation is consistent with the comprehensive plan. TRT staff members saw no foreseeable use for public purpose of this right-of-way.

The applicant has provided letters of no objection to the vacation from TECO (gas), Charter Communications / Spectrum (formerly Bright House), AT&T, Florida Power and Light and Volusia County. The City's Technical Review Team (TRT) offer no objection to vacating the right-of-way. There is no City funding associated with this development.

David Waller, Deputy Public Works Director, to report.

Recommendation: Planning Board recommends approval 5-0.

Action: Motion to adopt the Resolution.

9.J. [Engineering/Public Works Department - One Daytona - Preliminary and Final Plats \(pp. 523-605\)](#)

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Resolution - Quasi-Judicial Hearing - approving the Preliminary and Final Plats for One Daytona. The One Daytona development project consists of 126.57+/- acres on the north side of International Speedway Boulevard, west of Bill France Boulevard, across from the Daytona Speedway. The property is owned by Daytona Beach Property Holdings Retail LLC, Daytona Hotel One LLC, Daytona Hotel Two LLC, 220 BFB LLC, Daytona Beach Property Headquarters Building LLC, and Volusia Point Properties LLC.

The Preliminary and Final Plats have been reviewed by staff and the Technical Review Team (TRT), and were found to conform to City and State requirements. The Final Plat is consistent with the Preliminary Plat. Since all of the public infrastructure located within the platted boundaries was completed over a year ago, no contract for plat recording or performance or maintenance bonds are required as a condition of approval of the plat.

David Waller, Deputy Public Works Director, to report.

Recommendations: Planning Board recommends approval 5-0.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development & Administrative Services, Redevelopment Division - 730 E. ISB and 300 S. Atlantic Avenue - Purchase ****Item Added 04-18-18****](#)

Resolution authorizing \$1,725,000, plus closing costs, from the Capital Projects Fund to purchase of 730 E. International Speedway Blvd. and 300 S. Atlantic Ave. as an assignment from Dr. Michael Munier through his Broker, Tim Davis (SVN Alliance, 1275 W. Granada Blvd., Suite 5B, Ormond Beach, FL 32174) for the purpose of eliminating blight and assembling property for redevelopment including improving the appearance and safety of a major intersection of two highways located at the gateway of the World's Most Famous Beach and executing a land assembly strategy to redevelop a prime commercial location. The purchase of this property for future redevelopment is consistent with and supported by the goals and policies set forth in the South Atlantic Redevelopment Plan. Funds available in the Capital Projects Fund.

Reed Berger, Redevelopment Director, to report.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.B. [Development & Administrative Services, Redevelopment Division - Blue Sky of Daytona Beach - 729 E. International Speedway Boulevard - Purchase ****Item Added 04-18-18****](#)

Resolution approving a real estate contract to purchase 729 E. International Speedway Boulevard from Blue Sky of Daytona Beach, Inc. (118-B N. Beach Street, Daytona Beach, FL 32114) for the purpose of eliminating blight and assembling property for redevelopment including improving the appearance and safety of a major intersection of two highways located at the gateway of the World's Most Famous Beach and executing a land assembly strategy to redevelop a prime commercial location. The Community Redevelopment Agency (CRA) will be requested to authorize the expenditure of \$905,000, plus closing costs, from the Main Street Community Redevelopment Trust Fund prior to the City Commission's approval of the contract. The purchase of this property for future redevelopment is consistent with and supported by the goals and policies set forth in the Main Street Redevelopment Plan. Funds available in the Capital Projects Fund.

Reed Berger, Redevelopment Director to report.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

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