



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
DECEMBER 19, 2018
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.

	<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 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 Minutes](#)

Approval of the Minutes of the November 21, 2018 and the December 5, 2018 Business Meeting of the City Commission 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. .

6.A. [*Pulled from Agenda 12-18-19* - City Manager's Office - The Brown Riverfront Esplanade Foundation, Inc. - Riverfront Esplanade Development and Maintenance Lease](#)

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. [Legal Department - Janice & James Mayer v. CODB v. Zev Cohen & Associates - Settlement of Claim \(pp. 51-55\)](#)

Resolution authorizing payment in the amount of \$60,000 to Janice and James Mayer and their attorney, Fermin Lopez, Esq. for release of all claims and full settlement arising from injuries allegedly sustained from a September 5, 2014 fall on City property. Funds available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Legal Department - Jay Pritam Inc. - Settlement of Litigation \(pp. 56-71\)](#)

Resolution approving Settlement of Litigation - City of Daytona Beach v. Jay Pritam Inc., Case Number 2018-31342-CICI, brought by the City to foreclose on code enforcement liens against the property located at 303 N. Ridgewood Avenue. Code fines have accrued on the property in the amount of \$29,400 and false alarm liens have accrued in the amount of \$700. The code violations included paint, parking lot potholes, signs, landscaping, broken fence, trash and debris, roofs, gutters, and fascia. A recent inspection confirms full compliance with City Codes. The Defendant has offered to pay a reduced fine/lien amount of \$15,000, payable in three equal monthly installments of \$5,000 each, as full settlement to resolve the foreclosure action.

Recommendation: City Attorney recommends adoption of the Resolution.

8.C. [Legal Department - Uniform Collection Method for Non-Ad Valorem Assessments \(pp. 72-88\)](#)

Resolution electing and authorizing use of the uniform method of collecting non-ad valorem assessments that may be imposed upon real property within the City for unreimbursed costs incurred by the City for the demolition of condemned structures, commencing with tax year 2019 and continuing until discontinued by the City, and requesting approval of agreements between the

City and Property Appraiser, and between the City and Volusia County/Tax Collector, providing for reimbursement of costs associated with use of uniform method of collections for such assessments.

Recommendation: City Attorney recommends adoption of the Resolution.

8.D. [Public Works/ Administration Division - Dickerson Community Center Parking Lot Improvements - Racing and Recreational Facilities District Grant Application Submittal \(pp. 89-93\)](#)

Resolution authorizing the City Manager to submit a grant application to Racing and Recreational Facilities District Grant for the Dickerson Community Center Parking Lot Improvements for an amount up to \$369,359 and accept the grant if awarded. The estimated cost for the Dickerson Community Center Parking Lot Improvements project is \$369,359. If the grant award is less than the estimated project cost, the City will be required to provide any additional funding from other sources. No funding obligations are required as a condition of the grant. After grant acceptance, funding will be made available in an appropriate project specific account as needed for the grant.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Public Works/Grounds Maintenance - Florida Department of Corrections - Contract Approval \(pp. 94-111\)](#)

Resolution approving Contract No.W1156 with the Florida Department of Corrections (DOC), 501 South Calhoun Street, Tallahassee, Florida 32399, to supply inmate labor assistance in the amount of \$57,497 per year. This contract shall begin on January 23, 2019 and will end on January 22, 2022 and may be renewed for up to a three (3) year period with the same terms and conditions. It is also requested that the City Manager be authorized to exercise renewal options as well as authorization to expend the annual budget appropriations for this contract. Funds available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Public Works/Administration Division - City of Daytona Beach and Florida Department of Transportation \(FDOT\) - I-95 Community Aesthetic Feature Agreement \(pp. 112-133\) - **Pulled from Agenda 12-19-18**](#)

Resolution authorizing the City Manager to execute an agreement between The City of Daytona Beach and Florida Department of Transportation

(FDOT) for a Community Aesthetic Feature which will be maintained by the City. The feature was designed and will be installed as part of the overall aesthetics component of a FDOT Design-Build Construction project, FM No.242715-2-52-01 and will be installed within the I-95 and I-4 interchange. The FDOT requires the City Commission's resolution authorizing execution be attached to the agreement. The agreement entails that both parties acknowledge that the FDOT shall bear the cost and responsibility of design and installation; the City shall bear the cost and responsibility of the perpetual maintenance of the feature. The terms of the agreement will commence upon full execution of the Agreement, and continue through December 31, 2068, which is determined as the lifespans of the project. There is no funding associated with this request; FDOT will be responsible for the funding of the project.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.G. [Utilities Department - Clear Waters, Inc. - Continuing Services Contract - Lowest-Best Responsive Bid Award \(pp. 134-156\)](#)

Resolution awarding Bid No. 19051 to the Lowest-Best Responsive bidder, Clear Waters, Inc. 64 Bay Harbour Drive, Ponce Inlet, FL 32127 for a two (2) year pond maintenance service contract for a total amount of \$40,200 with three 1-year renewals and authorizing the City Manager to exercise the renewals at the same terms and conditions. The work generally consists of furnishing all labor, materials, equipment, and supervision for pond and aquatic management services for nineteen (19) locations throughout the City. The contractor will utilize good environmental and aquatic best management practices (BMP's), using methods with a wide margin of safety for fish, waterfowl and human life, and to comply with applicable laws and rules. Funds available in the Stormwater Improvement Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.H. [Utilities Department - 4C's Trucking and Excavation, Inc. - ISB/SR600/US-92 Utility Repairs and Water Main Adjustments - Final Reconciliation Agreement \(pp. 157-169\)](#)

Resolution approving a Final Reconciliation Agreement with 4C's Trucking and Excavation, Inc., 331 Sawgrass Road, Bunnell, FL 32110 for the ISB/SR600/US-92 Utility Repairs and Water Main Adjustments Contract with the following stipulations:

- Approve October 15, 2018, as the final completion date and start of the warranty period

Approve the final adjusted contract price of \$285,118.39

- Approve a final payment of \$41,392.43 due under the contract, which includes retainage

The final adjusted contract price includes an overall contract increase of \$21,181.80 due to costs associated with water main adjustments to avoid two buried unknown electrical vaults and a duct bank. This request is needed to close out the ISB/SR600/US-92 Utility Repairs and Water Main Adjustments Contract and pay the contractor for work performed. Funds available in the Renewal & Replacement - 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.I. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 170-171\)](#)

Resolution authorizing payment in the amount of:

\$500 to Cultural Services for the Mayor's Fitness Challenge 2019 from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Sixth Amendment to Daytona Beach Kennel Club Planned District Agreement \(pp. 172-221\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the Daytona Beach Kennel Club Planned District Agreement to incorporate the existing billboard as an on-site sign and allow for additional wall signage on property located at 960 S. Williamson Boulevard, and authorizing the Mayor to execute the Sixth Amendment to Daytona Beach Kennel Club Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Daytona Beach Kennel Club, Inc.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services - Buc-ee's Transportation Improvements Cost Allocation Agreement and Roadway Improvements](#)

[\(pp. 222-234\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Buc-ee's Transportation Improvements Cost Allocation Agreement with Buc-ee's Ltd., ("Owner") and the County of Volusia to address traffic concurrency and traffic roadway impacts created by the Buc-ee's development located at the interchange of Interstate 95 and LPGA Boulevard on 13.97± acres. The agreement provides for Roadway Improvements in accordance with the City and the County of Volusia to satisfy traffic concurrency requirements. Buc-ee's Ltd. shall complete required traffic improvements or modification of the roadway and traffic control devices on LPGA Boulevard as stated in the Buc-ee's Transportation Improvements Cost Allocation Agreement prior to issuing the certificate of occupancy.

James S. Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.C. [Development and Administrative Services - Mosaic Transportation Improvements Cost Allocation Agreement and Proportionate Fair Share Contribution \(pp. 235-242\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into The Mosaic Transportation Improvements Cost Allocation Agreement with BII Volusia Holdings, LLC ("Owner") and the County of Volusia, and approve the proportionate fair share amount. The Agreement addresses traffic concurrency and roadway impacts created by the Mosaic development located west of LPGA Boulevard and south of Tournament Drive. The Agreement provides for a proportionate fair share contribution for the total buildout of Mosaic for offsite traffic improvements, based upon a maximum buildout of 1,200 dwelling units. The Agreement vests traffic concurrency for Mosaic in the amount of \$2,500,000 to be paid to the County. Within ninety (90) days of the effective date of this Agreement, payment in the amount of One Million (\$1,000,000) Dollars shall be paid to the County and for years two (2) through six (6), Owner shall pay Three Hundred Thousand (\$300,000) Dollars on the annual anniversary date of the first payment.

James S. Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [City Manager's Office - Amendment Of The City's 2018-2019 State Legislative Priorities List ****Added 12-19-18****](#)

Resolution amending the City's 2018-2019 State Legislative priorities list. At the December 17, 2018 Volusia Legislative Delegation meeting, a proposed local bill was introduced that will benefit the City of Daytona Beach and the Legislative Delegation gave its unanimous support of the bill. This legislation, if approved would release state owned rights and restrictions to property along the Daytona Beach riverfront to the City at no cost to the City. Release of the State restrictions has been approved by the Florida Cabinet contingent on payment by the City of an amount ~~not~~ in excess of \$8.7 million.

Hardy Smith, Government Relations Director, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

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

12. ADJOURNMENT.

13. PUBLIC COMMENT FORUM - DURING THIS TIME CITIZENS ARE ALLOWED 2.5 MINUTES TO SPEAK ON ANY TOPIC OF CONCERN. 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.