



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
APRIL 3, 2019
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 Minutes](#)

Approval of the Minutes of the March 6, 2019 Business Meeting of the City Commission held at City Hall, 301 S. 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. [City Clerk's Office - Florida Department of Transportation \(FDOT\) - reThink Your Commute Program - Presentation \(pp. 15-16\)](#)

Presentation from the Florida Department of Transportation's (FDOT) "reThink Your Commute", a program that promotes smart transportation solutions for the region's workforce. The program brings together businesses and employees to explore the shared benefits of carpooling, vanpooling,

transit, biking, walking and telecommuting. By connecting commuters with alternatives to driving alone, the program strengthens our area's quality of life by decreasing traffic congestion, improving air quality, conserving natural resources, and helping people save money.

FDOT will present a summary of the campaign and photos from this year's events to the City Commission to potentially identify ways to partner with The City of Daytona Beach in 2020.

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. [City Attorney's Office - Settlement of Claim \(pp. 18-22\)](#)

Resolution authorizing payment in the amount of \$55,000 to Kevin Stokes and his attorney, Sam Masters, Esq., for release of all claims and full settlement arising from injuries allegedly sustained from an incident that occurred on March 18, 2018 involving police officers. Funds available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Business Enterprise Management Department - Second Amendment to Joe's Crab Shack Lease Agreement \(pp. 23-31\)](#)

Resolution approving a Second Amendment to the lease agreement between the City of Daytona Beach and Crab Shack Acquisitions FL, LLC dba Joe's Crab Shack located at 1200 Main Street, Daytona Beach, FL 32118. The purpose is to expand the boundaries of the original lease agreement, giving the tenant an additional 6,322 square feet on the Pier so they can reach the annual percent of sales breakpoint sooner, thus increasing the revenue paid to the City. No funding is required.

Recommendation: Business Enterprise Management Department Manager recommends adoption of resolution.

8.C. [Utilities Department - Carollo Engineers - Work Authorization No. 33 - Ratification Of Emergency Expenditure \(pp. 32-54\)](#)

Resolution ratifying an emergency expenditure to Carollo Engineers, 200 East Robinson Street, Orlando, Florida 32801 for an amount not to exceed \$119,411 for Work Authorization No. 33 under Contract No. 1307-1022. Emergency engineering work is needed to design the replacement of the 36 inch discharge header pipe at the Brennan Water Treatment Plant which was recently discovered to have extensive corrosion. This pipeline was installed in a 150-foot tunnel located under the high service pump building in the 1970's. The tunnel provides poor ventilation and creates a humid environment which has led to extensive corrosion of the header, particularly of the bolts that hold the header together. All potable water distributed to the City passes through this header. A failure of the header would lead to a City-wide water outage and boil water notice. In order to mitigate the risk of pipe failure, and to provide the City with operational flexibility, the existing header needs to be abandoned and a new header constructed above grade, directly over the tunnel that houses the existing header. Design services has proceeded on an emergency basis to be followed by construction, which is anticipated to commence approximately at the end of May 2019. Funds available in the Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Utilities Department - JI Mason Avenue 319, LLC, - Mason Industrial Development - Amendment To Easement To Lift Station - Amendment To Drainage Retention Easement Agreement \(pp. 55-81\)](#)

Resolution approving an Amendment to Easement for Lift Station and an Amendment to Drainage Retention Easement Agreement with JI Mason Avenue 319, LLC, for the Mason Industrial Development. The City's Technical Review Team approved the Mason Industrial Site Plan on February 28, 2019, with the condition the City Commission approves modifications to an existing Drainage Retention Easement Agreement and an Amendment to Easement for Lift Station located on the development parcel. An Amendment to the Drainage Retention Easement Agreement is needed because the existing pond area is being enlarged as part of the site design. The Amendment to Easement for Lift Station is needed to enlarge the area designated for the public lift station for consistency with current City easement requirements and to allow adequate area for future improvements. Both easement documents include a change in ownership of the property from Gateway Center of Daytona Beach Owners' Association, Inc., to JI Mason Avenue 319, LLC. No funds are associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.E. [Public Works Technical Services Division - P&S Paving, Inc.- Sweetheart Trail – Sickler Trail \(Chez Paul Restaurant to Northern City Limits\) - Only, Responsive and Responsible Bid Award \(pp. 82-104\)](#)

Resolution awarding Bid No. 19013 to P&S Paving, Inc., 3701 Olson Drive, Daytona Beach, FL 32124, for an amount not to exceed \$122,104.10 for the construction of a 12' wide 350' portion of the Sweetheart Trail on the east side of Sickler Boulevard from 350 feet south of 2nd Street to 2nd Street. P&S was the only bidder for the project. With one bid, Purchasing Code, Sec 30-82 (11), allows the City Manager to negotiate with the bidder in order to obtain a fair and reasonable price. P&S's initial bid was \$139,494, staff has negotiated with P&S to obtain a fair and reasonable price of \$122,104.10. Funds available through the SUNTrail Grant Agreement No. 439871-1-54-01 in the amount of \$100,000 and the Ballough Road Community Redevelopment Area (CRA) funds in the amount of \$22,104.10.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Public Works/Administration - Florida Department of Transportation Highway Maintenance Memorandum of Agreement Renewal, Contract No. ARY46 \(pp. 105-126\)](#)

Resolution approving the three (3) year renewal of the Florida Department of Transportation (FDOT) Highway Maintenance Memorandum of Agreement (MOA), Contract No. ARY46 for an annual reimbursement in the amount of \$267,014.28. The Highway Maintenance MOA is needed to complete the routine maintenance activities provided by the City on FDOT rights-of-way and the Speed Zone area located on International Speedway Boulevard including mowing, edging, chemical weed control, roadside litter collection, road-sweeping, and tree trimming along selected FDOT roadways within the City limits. These maintenance activities are needed to maintain the quality of our roadway landscape assets. The current contract will expire on June 12, 2019, and the renewal contract will commence on June 13, 2019 and be in effect until June 12, 2022. Quarterly payments will be made to the City in the amount of \$66,753.57, for a total annual sum of \$267,014.28.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.G. [Public Works/Administration - A.G. Pifer Construction -](#)

Emergency Expenditure Ratification (pp. 127-135)

Resolution ratifying an emergency expenditure for the repair of the cart barn at the Municipal Golf Course, Purchase Order No. 15012 to A.G. Pifer Construction, 3629 Old DeLand Road, Daytona Beach, FL 32124 in the amount of \$88,551, as well as a 10% contingency in the amount of \$8,855 for a total of \$97,407. The Public Works Department was recently asked to evaluate the condition of the Cart Barn at the Municipal Golf Course. RCG Consulting, Inc., a general services consulting group was hired to evaluate the significant deterioration of the structural elements of the building. The building is in a condition that is dangerous for use and needs immediate attention to ensure the safety of staff that utilizes the building in support of the golf course operation. A.G. Pifer Construction provided a proposal dated January 31, 2019 in the amount of \$88,551. Construction is currently under way. The bracing and verification of the structure have been completed. During construction, the golf course and cart barn will remain open and accessible. Funds available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.H. [Finance/Information Technology - Computer Power Systems, Inc. - Uninterruptable Power System - Sole Source Provider - Purchase \(pp. 136-141\)](#)

Resolution approving purchase of a Toshiba 4400 Series 25kVA 3-phase Uninterruptable Power System (UPS), including electrical installation and 3 year warranty, from Computer Power Systems Inc., 3421 State Road 419, Winter Springs, FL 32708 in the amount of \$30,150.25. The purpose of the proposed UPS is to provide clean, uninterrupted, backup power for mission critical computerized systems. The proposed UPS is to be installed in the Police Department's main file server room and is intended to replace an aged 18kVA UPS, having been in operation since 2009, and that is undersized for the current electrical demand. Computer Power Systems is considered sole source for this purchase and installation since they are currently contracted by the City to maintain all major UPS systems and since Computer Power Systems possesses institutional knowledge regarding the City's existing systems and installation configurations. Computer Power is an authorized Toshiba channel partner for the area, enabling them to provide factory authorized warranty service. Funds available in the Information Technology Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

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

[\(pp. 142-143\)](#)

Resolution authorizing payment in the amount of:

\$100 to National Council of Negro Women, Inc., for their annual Brain Bowl, Saturday, April 20, 2019 from the Bike Week Sponsorship Funds of Mayor Derick Henry.

\$500 to Greater Daytona Shrine Club for a general donation from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

\$290 to Campbell Middle School for a general donation from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Finance Department - Amendment To Ordinance 16-110 \(pp. 144-151\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the not-to-exceed amount to \$62,500,000 for Ordinance 16-110 which authorized the issuance of debt secured by water and sewer utility revenues for system improvements. Ordinance 16-110 authorized the issuance of Clean Water State Revolving Fund (CW SRF) loan in an amount not to exceed \$50,000,000 to finance specific water and wastewater system improvements. Loan agreements and amendments to loan agreements issued under Ordinance 16-110 currently total \$47,165,992 and finance the Westside Regional Wastewater Treatment Plant/Reclamation Facility Improvement project and the Halifax River Force Main project.

There are two remaining projects to be bid under Ordinance 16-110: Beach Street/Palmetto Avenue force main project and the bio-solids dewatering process improvement at the Westside Regional Reclamation Facility with a current capital cost estimate of \$11,564,878. The loan amount will be modified after the design is finalized, bid prices are received, construction is completed or as grants are secured. The source of funds for the repayment of the loan will come from the net water and wastewater utility system revenues after payment of operating and maintenance expenses and debt service. The debt service for this CW SRF loan is not expected to commence until FY2021-2022 and will be included in the appropriate adopted budget for the Water and Sewer Fund.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends adopting Ordinance.

Action: Motion to adopt Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 4 \(pp. 152-158\)](#)

Ordinance on first reading - amending the Land Development Code, Article 4, subsection 4.9.D Scenic Thoroughfare Overlay (STO) District of the Land Development Code (LDC) to amend the permitted plant material, specifically trees. 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, April 17, 2019.

10.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 5 \(pp. 159-174\)](#)

Ordinance on first reading - amending the Land Development Code, Section 6.10.J.2.C.iii. to switch a potentially allowable digital billboard location from Clyde Morris Boulevard and West International Speedway Boulevard to Fentress Boulevard and West International Speedway Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Joseph Foerch, The Lamar Company, LLC,.

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, April 17, 2019.

10.C. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 6 \(pp. 175-182\)](#)

Ordinance on first reading - amending the Land Development Code, Article 6, Section 6.10.O. of the Land Development Code to modify the standards for a Comprehensive Sign Plan (CSP), allowing CSP's for a College or University to include properties that are not contiguous. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Rodney J. Cruise, Embry-Riddle Aeronautical University (ERAU).

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, April 17, 2019.

10.D. [City Attorney - City Code Amendment, Ch. 62, Article II, Section 62-34 "Possession of Cannabis or Paraphernalia" \(pp. 183-185\)](#)

Ordinance on first reading - amending Chapter 62 - Article II Section 62-34 "Possession of cannabis or paraphernalia" providing that such ordinance violations are punishable by civil fines only not exceeding \$500.

Robert Jagger, City Attorney to report.

Recommendation: City Attorney recommends passing the Ordinance on first reading.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, April 17, 2019.

10.E. [City Clerk/City Manager's Office - Volusia County Tourist Development Council Appointment \(pp. 186-188\)](#)

Resolution appointing a Commissioner to the Volusia County Tourist Development Council. In 2011, Commissioner Kelly M. White was appointed as the City's representative and she served until her departure in November of 2018. This advisory council makes recommendations to the Volusia County Council for the effective operation of the special projects or of the uses of the tourist development tax revenue. Members include the county chair, elected officials from municipalities, and persons involved in the tourism industry.

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.