



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
APRIL 17, 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.

	<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 March 20, 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. [No Presentation](#)

No presentation.

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 - Beach Apartments, LLC - Settlement of Litigation \(pp. 16-29\)](#)

Resolution approving settlement of City of Daytona Beach v. Beach Apartments of Daytona Beach, LLC, Case Number 2018-31341-CICI, brought by the City to foreclose on code enforcement liens against the property located at 215 S. Grandview Avenue. Code fines have accrued on the property in the amount of \$15,000. The code violations included lack of protective treatment and premises identification numbers; unkempt or dilapidated structural members, foundation walls, exterior walls, roofs and drainage, decorative features, and glazing; and inoperable windows. A recent inspection confirms that the structure has been demolished at the owner's expense and that the property is in full compliance with City Codes. The Defendant has offered to pay a reduced fine/lien amount of \$2,500, payable within thirty days as full settlement to resolve the foreclosure action.

Recommendation: City Attorney recommends adoption of the Resolution approving settlement of City of Daytona Beach v. Beach Apartments of Daytona Beach, LLC, Case Number 2018-31341-CICI in the amount of \$2,500.

8.B. [Police Department - U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2018 Edward Byrne Memorial Justice Assistance Grant \(JAG\) \(pp. 30-54\)](#)

Resolution authorizing a grant application, to apply, submit, accept, and expend the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG), Local Solicitation FY 2018 funding to enhance existing law enforcement initiatives including the Juvenile Electronic Monitoring (JEM) program in the amount of \$63,815. Awards are made in the 1st fiscal year of the appropriation and maybe expended during the following 3 years, for a total of a 4 year grant period. There is no match requirement to accept this grant award. This grant cycle has been delayed due to the 2017 nationwide injunction by a U.S. District

Court. In late February 2019, we received notification that funding was now available.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.C. [Police Department - U.S. Department OF Homeland Security – Urban Area Security Initiative \(UASI\) Grant Program – Terrorism Interdiction Drone \(pp. 55-71\)](#)

Resolution authorizing submittal of a grant application and acceptance of grant funds from the U.S. Department of Homeland Urban Area Security Initiative (UASI) Grant Solicitation. This grant would fund a DJI Wind 4 Drone and supporting equipment to be used in terrorism interdiction operations. This equipment will significantly enhance the capability to prevent, identify, disrupt, confront and respond to aerial or ground-based terrorist attacks through the use of cutting edge technology and unpredictable methodology. The resolution request also includes authorization for the City Manager or his designee to execute all necessary documents in furtherance of the grant application and acceptance, authorizing amendment of the budget if the grant funds are awarded, and authorizing expenditure of all funds awarded. The City of Daytona Beach Police Department’s request is for \$33,219. There is no match requirement to accept this grant award.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.D. [Utilities Department - Dedicated Transport, LLC - Contract Approval \(pp. 72-106\)](#)

Resolution terminating a contract with T. Wayne Hill Transport for convenience and approving a piggyback contract using a Gainesville Regional Utilities contract with Dedicated Transport, LLC for wet lime sludge hauling with the following provisions:

- The term of the contract will run through September 30, 2023;
- Authorize the City Manager to approve an expenditure estimated to be \$168,000 for as-needed wet lime hauling for the remainder of the fiscal year;
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year; and
- Authorize the City Manager to terminate the lime sludge hauling contract for convenience awarded to T. Wayne Hill Transport by Resolution 18-45 on February 7, 2018.

The Ralph Brennan Water Treatment Plant (WTP) operates twenty four hours a day, seven days per week and produces a lime sludge by-product

from the drinking water treatment process. On a daily average, there are three loads that need to be hauled from the water treatment plant. The City's current hauling company disposes of the sludge by land spreading the material. This method has limitations during wet weather conditions. By awarding a contract to Dedicated Transport, LLC, the WTP will have greater reliability in daily sludge removal since this company utilizes a different disposal method. Funds available in the Water & Sewer Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving a piggyback contract using a Gainesville Regional Utilities contract with Dedicated Transport, LLC in an estimated amount of \$168,000.

8.E. [Utilities Department - Ovivo USA, LLC - Change Order No. 1 to Purchase Order No. 14131 - Sole Source Purchase \(pp. 107-125\)](#)

Resolution approving Change Order No. 1 to Purchase Order No. 14131 to Ovivo USA, LLC, Order Entry Administrator, 4246 Riverboat Road, Suite 300, Salt Lake City, Utah 84123-2583 in the amount of \$189,455 to replace the turbine on Softener Clarifier No.1 at the Brennan Water Treatment Plant to maintain the treatment process in accordance with state and federal permit requirements. Resolution No. 18-393 was adopted on November 21, 2018 to replace the drive units on Softener Clarifiers No.1 and No. 2 for an amount of \$404,456. During the process of removing the old drive unit on Softener Clarifier No.1, it was discovered that the turbine has a large amount of metal deterioration requiring the turbine to be replaced in order to properly operate with the new drive unit. The influent piping is also severely rusted throughout with holes and will also be replaced. Ovivo is the sole manufacturer of equipment on all of the City's Softener Clarifiers. Funds available in Renewal & Replacement Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving Change Order No. 1 to Purchase Order No. 14131 in the amount of \$189,455.

8.F. [Development and Administrative Services, Permits & Licensing Division - Samsula Demolition - 132 Dr. Mary McLeod Bethune Boulevard \(a/k/a The Lyndhurst Hotel\) - Emergency Demolition Ratification \(pp. 126-142\)](#)

Resolution ratifying the emergency demolition of 132 Dr. Mary McLeod Bethune Boulevard (a/k/a The Lyndhurst Hotel) by Samsula Demolition, 363 State Road 415, New Smyrna Beach, Florida 32168 in the amount of \$37,000. Chief Building Inspector deemed this structure to be imminent danger as the result of neglect and deterioration. The emergency demolition was purchased under emergency provision of Purchasing Code Section 30-52(b). No additional quotes were sought due to the critical timeline of need. Funds available in the Permit and License Special Revenue Fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution ratifying the emergency demolition by Samsula Demolition in the amount of \$37,000.

8.G. [Public Works / Technical Services - Mario's Painting and Services, Inc. - ITB 19383 - Lowest and Best Responsive Bid Approval \(pp. 143-242\)](#)

Resolution approving ITB No. 19383 from the Lowest and Best Responsive bidder, Mario's Painting and Services, Inc., 12698 NW 102 Ave., Hialeah Gardens, FL 33018 in the amount of \$37,000 for the interior painting of the Midtown Cultural & Educational Center Gymnasium Building. A scope of work was developed to clean and prime the walls with a paint product that is designed minimize or prevent the re- occurrence of the paint separation from the substrate, and then apply 2 coats of finish paint. In addition, the Property Maintenance Division has replaced a defective air damper and restored the gymnasium air conditioning system to the originally intended humidity balance and is in the process of resealing the exterior subsurface joint at the interface of the foundation and tilt wall panels to stop the water intrusion found under the flooring. Small random exterior cracks located in the vicinity of some of the windows are being evaluated for further remediation efforts as well. We have worked with Leisure services to develop a time line so the gymnasium can be shut down and painted without much impact to the operations of the bldg. The project was advertised for bid and the City received two bids, Mario's Painting and Services, Inc. was the lowest and best responsive bidder. Funds available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution approving ITB No. 19383 from Mario's Painting and Service, Inc. in the amount of \$37,000.

8.H. [Finance/Information Technology - NDI Technologies Inc. - System Maintenance and Services Contract - Sole Source Provider \(pp. 243-257\)](#)

Resolution approving a five year System Maintenance and Services Contract, beginning April 1, 2019 and ending March 31, 2024, with NDI Technologies Inc., 105 E. State Road 434, Winter Springs FL 32708 in the amount of \$85,047.17 per year for the City's Advanced License Plate Reader (ALPR) system. Due to proration of amounts already paid in FY 2019, the total amount due for the remainder of FY 2019 is \$61,458.79. The APLR system is managed by the City Police Department. The City may terminate the Contract at any time for convenience. This purchase is considered sole source, since NDI Technologies Inc. is the developer, provider, and implementer of the City's ALPR system. Staff requests the Resolution authorize the City Manager to approve annual payments; subject to budgetary

approvals. Funding available in the I.T. Fund.

Recommendation: Chief Financial Officer recommends approving a System Maintenance and Services Contract with NDI Technologies Inc., in the amount of \$85,047.17.

8.I. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 258-259\)](#)

Resolution authorizing payment in the amount of:

\$200 to Daytona Express, Inc., Track & Field Club for a general donation from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$200 to Daytona Express, Inc., Track & Field Club for a general donation from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

\$200 to Daytona Express, Inc., Track & Field Club for a general donation from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 4 \(pp. 260-266\)](#)

Ordinance on second reading - PUBLIC HEARING - 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 adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 5 \(pp. 267-283\)](#)

Ordinance on second reading - PUBLIC HEARING - 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 adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 6 \(pp. 284-291\)](#)

Ordinance on second reading - PUBLIC HEARING - 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 adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Embry-Riddle Aeronautical University - Comprehensive Sign Plan \(pp. 292-324\)](#)

Resolution - PUBLIC HEARING - approving a modification to the Comprehensive Sign Plan (CSP) for Embry-Riddle Aeronautical University (ERAU). The amended CSP will include a sign and sign details for a property that is not contiguous to the ERAU main campus and is not currently included in the Embry-Riddle Aeronautical University CSP. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Rodney J. Cruise, Embry-Riddle Aeronautical University.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Resolution.

9.E. [City Attorney - City Code Amendment, Ch. 62, Article II, Section 62-34 "Possession of Cannabis or Paraphernalia" \(pp. 325-327\)](#)

Ordinance on second reading - PUBLIC HEARING - 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 adopt the Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Code of Ordinances Text Amendment - Amend Chapter 10 \(Alcoholic Beverages\) and 102 \(Vehicles for Hire\) \(pp. 328-339\)](#)

Ordinance on first reading - amending the Code of Ordinances, Chapter 10 (Alcoholic Beverages) to include an exception for consumption of beer and wine on commercial megacycles, and Chapter 102 (Vehicles for Hire) to redefine pedal buses as commercial megacycles and allow commercial megacycles within designated boundaries. Applicant: DB Beach Investments II.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, May 1, 2019.

10.B. [Development and Administrative Services, Planning Division - Minto Tomoka-Parcel B - Second Amendment to Minto Tomoka-Parcel B Planned District Agreement \(pp. 340-420\)](#)

Ordinance on first reading - amending the Minto Tomoka-Parcel B Planned District Agreement to allow clustered townhomes as a permitted use on the property and incorporate additional residential lot development criteria, and authorizing the Mayor to execute the Second Amendment to Minto Tomoka-Parcel B Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Minto Communities, LLC; Samuel R. Sutton and Robert Sutton, as Co-Trustees Under That Certain Land Trust No. 1 Dated December 15, 1992; and Latitude at Daytona Beach Homeowner's Association.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, May 1, 2019.

- 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.**