





The CITY OF DAYTONA BEACH

BUSINESS MEETING OF THE CITY COMMISSION

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Wednesday, October 2, 2019
6:00 PM

NOTICE – Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board 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 Board meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 6 7 1-8 0 2 3, Email: clerk@cityofdaytonabeach.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.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **APPROVAL OF MINUTES.**

4.A. [Approval of Minutes](#)

Approval of the Minutes of the August 21, 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. [Presentation - Donna Banks - F.R.E.S.H. Book Festival \(pp 17-40\)](#)

Donna Banks, Founder/Director of F.R.E.S.H. Book Festival will be presenting the financial report for the 2019 F.R.E.S.H. Book Festival. The City of Daytona Beach has sponsored the Festival since 2012. The City's celebration of literacy is greatly appreciated by the F.R.E.S.H. Book Festival.

6.B. [Presentation - Billie Wheeler - 2020 Census Complete Count Committee \(pp. 41-43\)](#)

Presentation by Volusia County Council member Mrs. Billie Wheeler, who is the co-chair along with Volusia County Council member Barbara Girtman for the 2020 Census Complete Count Committee.

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. [Business Enterprise Management Department - Halifax Harbor Marina Management - Emergency Expenditures Ratification \(pp. 45-75\)](#)

Resolution ratifying emergency expenditures of \$10,681 for FY 2019 and \$129,400 for FY 2020, contingent on annual budget approvals, to Founders 3 Management Company doing business as F3 Marina, 252 Eas Highland Avenue, Milwaukee, WI 53202 for the management of the Halifax Harbor Marina for the term of one year. International Marina Group was the previous management company. Due to the length of contract negotiations, the lease expired. They continued management on a month to month basis allowing the City to make diferent arrangements. However, at the end of July 2019, International Marina Group informed the City that August 31 would conclude their services, leaving 27 employees without a job and the Halifax Harbor Marina without management. F3 Marina sartered managing the Halifax Harbor Marina as of 08-20-19. As such, the City will pay \$10,681 for the remaining FY 2019. For FY 2020, the City will pay a one-time sartup fee of \$7,500 and a one-time software license fee of \$12,500.

The annual base management fee is \$92,400 with an estimated incentive fee of \$17,000 based on FY 2019 calculations. This ratification is to fully comply with the City Purchasing Code section 30-52 (b) Emergency Purchases. Funds available in the Halifax Harbor Fund.

Recommendation: Business Enterprise Management Department Manager recommends adoption of the Resolution.

8.B.

[Public Works Department - P&S Paving, Inc., - Sweetheart Trail – Sickler Trail \(353' South of 2nd Avenue to 2nd Avenue\) FPN: 439871-1-54-01- Final Reconciliation Agreement \(pp. 76-104\)](#)

Resolution approving a Final Reconciliation Agreement of the Sickler Trail Project under Contract No. 19013 with P&S Paving Inc., 3701 Olson Drive, Daytona Beach, FL 32124 and authorizing the City Manager and City Clerk to execute the Final Reconciliation Agreement with the following stipulations:

Approve July 2, 2019, as the substantial completion date and start of the warranty period;

Approve August 2, 2019 as the final completion date; Approve the final adjusted contract price of \$133,728.06;

Approve a final payment of \$ 15,514.81 due under the contract, including retainage.

The final adjusted contract price for the project is \$133,728.06, which includes an overall contract increase of \$11,623.96 due to overruns of bid quantities in the amount of \$2,380 and Change Orders No. 1 for \$7,668.96 and Change Order No.2 for \$1,575. This request is needed to close out the Sweetheart Trail - Sickler Drive from 353' south of 2nd. Ave. to 2nd Ave. and pay the contractor for work performed. Funds available in the Redevelopment Ballough Road Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.C.

[Public Works, Technical Services Division - P&S Paving, Inc. and Halifax Paving, Inc. - Asphaltic Concrete and Removal of Existing Surfaces by Milling Piggybacking Volusia County Contract 15-B-05KW 5300 \(pp. 105-139\)](#)

Resolution authorizing the Asphaltic Concrete and Removal of Existing Surfaces by Milling - Term Construction Services Contract to P & S Paving, Inc., 3701 Olson Drive, Daytona Beach, FL 32124, and to Halifax Paving, Inc., 814 Hull Road, Ormond Beach, FL 32174, for as-needed Milling and Resurfacing throughout the City limits by piggybacking Volusia County Contract 15-B-05KW 5300, to be able to make certain repairs and improvements to City streets, parking areas, and other transportation projects

by issuing Work Authorizations to P&S Paving, Inc., and Halifax Paving, Inc. Other considerations for piggybacking onto the County's Asphaltic Concrete and Removal of Existing Surfaces by Milling - Term Construction Services Contract would be:

- Availability of funds for administering the City's Annual Milling and Resurfacing Program.
- Large emergency and non-emergency patches in state, county, and city roads due to utility pipe malfunctions, significant vehicular crash damage, and weather related damages.
- Unanticipated funding for roadway improvement projects from FDOT, County, and other granting agencies.
- Unanticipated funding and changes in funding priorities for capital projects.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Public Works/Technical Services Division - Mosaic Phase 1B-1 Utility and Access Easements \(pp. 140-160\)](#)

Resolution authorizing the City Manager to accept and record on the City's behalf two easements associated with the Mosaic 1B-1 Final Plat. The two easements: a Terminable Nonexclusive Utility and Vehicular Access Easement and a Terminable Nonexclusive Drainage Easement are located at the northern end of Phase 1B-1 of the Mosaic Subdivision. These easements provide for a temporary cul-de-sac at the northern terminus of Mosaic Boulevard and temporary drainage pond that will serve this phase of the Mosaic Subdivision. These easements are terminable, they will no longer be needed when the next phase of the subdivision to the north is platted, as the next phase's plat will address any permanent easements required in association with the extension of Mosaic Boulevard. The final plat for Mosaic Phase 1B-1 was approved at the March 20th, 2019 City Commission meeting with Resolution 19-73. These easements will be recorded at the same time as the Mosaic 1B-1 Final Plat.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Public Works/Facilities and Property Maintenance Division – Shaw Industries, Inc. - Peabody Auditorium Lobby Carpet Replacement \(pp. 161-181\)](#)

Resolution authorizing the replacement of the carpet in the lobby area of the Peabody Auditorium by Shaw Industries, Inc., Joe Frank Harris Pkwy., Mail

Drop 11-01, Cartersville, GA 30120, in the amount of \$77,775.85 per the National Joint Power Alliance (NJPA) Cooperative Contract No.121715. The Peabody Auditorium lobby has used the current carpet for approximately fifteen years and it is in need of replacement. The labor will be completed during normal working hours and will not affect scheduled events. The proposed price is based on a consecutive installation period without delays and is based on the City allowing installation crews to work a minimum of eight consecutive hours a day until completion. Funds available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution authorizing the replacement of the carpet in the lobby area of the Peabody Auditorium by Shaw Industries, Inc., in the amount of \$77,775.85.

8.F. [Utilities Department - Penn Valley Pump Company, Inc. - Wesside Regional Water Reclamation Facility \(WRF\) - Standardization \(pp. 182-191\)](#)

Resolution approving a purchase four (4) dewatering sludge pumps for the Wesside Regional WRF from Penn Valley Pump Company, Inc., 998 Eason Road, Warrington, PA, in the amount of \$165,180. The purpose of this request is to maintain regulatory compliance for the dewatering operations in accordance with State and Federal regulations. As part of the treatment process at the Wesside Regional Water Reclamation Facility (WRF), sludge is sent to belt filter presses for dewatering. Historically, sludge pumps were utilized to pump sludge from a dewatering feed box to the belt filter presses; however, the sludge pumps had to be bypassed due to age and condition. The existing pumps are inoperable and need to be replaced with new pumps. Improvements to the Return Activated Sludge/Waste Activated Sludge (RAS/WAS) pump station and installation of new belt filter presses are part of a large project for Wesside Regional WRF under a State Revolving Fund loan which will require these sludge pumps along with the dewatering feed box to once again be operational to achieve optimal efficiency for the upgraded dewatering system. PC Construction Company will install the pumps as part of the Wesside Regional WRF improvements currently underway. The Utilities Department has standardized on the Penn Valley pumps, the manufacturer of the existing sludge pumps, in the dewatering process for the past 2 decades. Penn Valley, has offered the City a credit of \$9,000, which is included in the price, for buying back the existing pumps. Funds are available in the Water & Sewer Improvement Fund account.

Recommendation: Utilities Director recommends adoption of the Resolution approving a purchase of four (4) dewatering sludge pumps in the amount of \$165,180 from Penn Valley Pump Company, Inc.

8.G. [Utilities Department - Carollo Engineers, Inc. - Contract No. 1307-1022 - Work Authorization No. 35 \(pp. 192-265\)](#)

Resolution approving Work Authorization No. 35 under Contract No. 1307-1022 with Carollo Engineers, Inc., 200 Eas Robinson Street, Suite 1400, Orlando, Florida 32801 for a Wastewater Flow Diversion Evaluation, Water Reclamation Facility (WRF) Limitations and Collection Sysem Alternatives Project in an amount not to exceed \$188,682.56. This item is needed to provide a detailed evaluation of various alternatives to divert fow from the Wesside Regional WRF to the Bethune Point WRF to bes utilize the capacity of each facility with respect to cos and projected growth in the City. Funds available in the Renewal & Replacement - 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving Work Authorization No. 35 under Contract No. 1307-1022 with Carollo Engineers, Inc., in an amount not to exceed \$188,682.56.

9. PUBLIC HEARINGS.

9.A. [Budget Division - City of Daytona Beach FY 2019/20 Millage and Budget \(pp. 266-277\)](#)

1. **PUBLIC HEARING** - Members of the general public may speak on the millage rate and the FY 2019/20 budget.
2. Presentation by the Budget Ofcer.
3. **Resolution** of the City of Daytona Beach adopting an ad valorem property tax millage rate of 5.8587 (\$5.8587 per \$1,000 of assessed taxable value). This is a 3.00% tax increase from the rolled back rate of 5.6880; and a voted debt service fnal millage rate of 0.2771 (\$0.3090 per \$1,000 of assessed taxable value) which is a 10.32% reduction from FY 2018/19 tax rate.
4. **Resolution** adopting the Budget for the fscal year October 1, 2019, to September 30, 2020; prescribing esimated Revenue Sources of \$262,152,050, and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$262,152,050.

Fred Coulter, Budget Ofcer, to report.

Recommendation: City Manager recommends adoption of the Resolutions.

Action: Motion to adopt the Resolutions.

9.B. [Budget Division - Downtown Development Authority FY 2019/20 Millage and Budget \(pp. 278-288\)](#)

1. Presentation by Reed Berger, Redevelopment Director. 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 2019/20 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 5.42% tax decrease from the rolled back rate of 1.0573.

4. **Resolution** adopting the Budget for the fiscal year October 1, 2019, to September 30, 2020; prescribing estimated Revenue Sources of \$229,594 and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$229,594.

Reed Berger, Redevelopment Director, to report. Recommendation:

Authority Chairman recommends action.

Action: Motion to adopt the Resolutions.

9.C. [Development and Administrative Services, Planning Division - North Williamson Square - Large Scale Comprehensive Plan Amendment \(pp. 289-309\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhoods K & S, to remove the requirement limiting commercial development on only three corners at the intersection of Williamson Boulevard & LPGA Boulevard and Clyde Morris Boulevard & LPGA Boulevard. Applicant: Michael O. Sznapsajler, Esq., Cobb Cole, on behalf of North Williamson, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division – Land Development Code Text Amendment - Amend Article 6 \(Development Standards\) Section 6.8.C \(Fences, Walls, and Hedges\) \(pp. 310-323\)](#)

Ordinance on second reading - PUBLIC HEARING amending the Land Development Code (LDC), Article 6 (Development Standards), Section 6.8.C (Fences, Walls, and Hedges) to allow security fencing on undeveloped properties throughout the City and to establish standards and regulations that will govern security fencing. Applicant: Development and Administrative

Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - B. Braun Solutions Manufacturing - Large Scale Comprehensive Plan Amendment \(pp. 324-359\)](#)

Ordinance on frs reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Retail to General Industry for 45.9± acres, to allow industrial manufacturing and warehousing activities on property located at 1845 Mason Avenue. Applicant: Joseph H. Hopkins, P.E, The Performance Group, Inc. on behalf of Sergio Loran, B Braun Medical, Inc.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance at frs Public Hearing.

Note: If passed, second Public Hearing, December 4, 2019.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Second Amended and Resated B Braun Solutions Manufacturing Planned District Agreement \(pp. 360-446\)](#)

Ordinance on frs reading - approving a request to rezone 9.5± acres from Industrial Park (M-4) to Planned Development-General (PD-G) expanding the existing boundaries of the existing PD district for a total of 30.5± acres to allow for expansion of the production facilities, and authorizing the Mayor to execute Second Amended and Resated B Braun Solutions Manufacturing Planned District Agreement. The property is located at 1845 Mason Avenue. Applicant: Joseph H. Hopkins, P.E., The Performance Group, Inc., on behalf of Sergio Loran, B. Braun Medical, Inc.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on frs reading.

Note: If passed, Public Hearing, December 4, 2019.

10.B. Development and Administrative Services, Planning Division- First Amendment to Clyde Morris Boulevard Industrial Planned District Agreement (pp. 447-504)

Ordinance on first reading - approving a request to amend the Clyde Morris Boulevard Industrial Planned District Agreement to allow the opportunity to construct affordable workforce housing through the approval of residential uses on 38± acres of the property which also will proximately offer light industrial production employment opportunities and authorizing the Mayor to execute First Amendment to Clyde Morris Boulevard Industrial Planned District Agreement. The property is generally located east of Clyde Morris Boulevard and south of LPGA Boulevard. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Southern Investment Group LLLP (contract purchaser).

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, November 6, 2019.

10.C. Development and Administrative Services, Planning Division- First Amendment to Retail and Restaurant District Eas at Volusia Mall Planned District Agreement (pp. 505-552)

Ordinance on first reading - approving a request to amend the Retail and Restaurant District Eas at Volusia Mall Planned District Agreement to allow additional uses at 1702 W. International Speedway Boulevard, and authorizing the Mayor to execute the First Amendment to Retail and Restaurant District Eas at Volusia Mall Planned District Agreement.

Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Ken Wittler, Volusia SAC, 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, October 16, 2019.

10.D. Development and Administrative Services - Land Development Code Text Amendment - Amend Article 6 (Development Standards) Section 6.21 (Alcoholic Beverages) (pp. 553-562)

Ordinance on first reading - amending the Land Development Code (LDC), Article 6 (Development Standards), Section 6.21 (Alcoholic Beverages) to remove the 200 foot distance separation requirement between places of

worship and establishments licensed to sell or serve alcoholic beverages for on-premise consumption. 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, October 16, 2019.

10.E. [Request for Local Support of an FHFC Tax Credit Affordable Housing Project Application \(pp. 563-608\)](#)

Requesting City Commission direction on whether to prepare a loan commitment for an affordable housing project. The loan commitment would be used to demonstrate local support of the developer's Florida Housing Finance Corporation (FHFC) tax credit application for the project. This is a policy decision.

Two projects have applied:

1. Beneficial Communities Partners (Midtown Manor Apartments aka MLK Lofts) located at 223 S. Dr. Martin Luther King Boulevard; \$425,625 loan requested.
2. American Residential Communities (Madison Cove) located at the SW corner of N. Beach St. and Madison Avenue; \$560,250 loan requested.

The City's obligation will mature and require funding if the applicant is approved by FHFC.

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

Recommendation: Commission action.

Action: Motion to direct staff to negotiate the terms and provision of a loan commitment letter with the selected applicant and present for Commission approval at the October 16, 2019 Regular City Commission Meeting.

10.F. [Development and Administrative Services, Planning Division - MLK Lofts Planned District Agreement Extension \(pp. 609-639\)](#)

Ordinance on first reading - requesting to extend development rights under the MLK Loft Planned District Agreement by an additional one year from the date of approval of the Ordinance. The development will provide an 82 unit affordable housing project without restriction as to age. The property consists of 2± acres located at the southeast corner of South Martin Luther King Boulevard and Eldorado Street. Applicant: Development and Administrative Services Department, Planning Division.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends passing the Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 16, 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.