



**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
FEBRUARY 19, 2020  
CITY COMMISSION CHAMBERS  
6:00 PM**

**AGENDA**

Website Address - [www.codb.us](http://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.

	<b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</b>		<b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b>
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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](mailto: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.**

# 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 August 14, 2019 City Commission/First Step Shelter Board Joint Workshop held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida, Room 149B and the January 8, 2020 Regular City Commission Meeting 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. Utilities Department - Utility Easement Acceptance - 1082 Hand Avenue Warehouse Development (pp. 18-24)

**Resolution** accepting a perpetual utility easement within lots 15 and 16 adjacent to Hand Avenue in Ormond Beach from CIVF V – FL1W05, LLC. The purpose of this request is to accept a perpetual utility easement over an existing public gravity sanitary sewer main which traverses the property of a current development project located at 1082 Hand Avenue. The utility easement, to be accepted, will be dedicated to the City of Daytona Beach to allow for access to the City's existing eight-inch gravity sewer line. The easement is located within the City of Daytona Beach utility service area and the development is located in the City of Ormond Beach. There is no cost associated with the granting and conveyance of the easement.

Recommendation: Utilities Director recommends adoption of the Resolution.

### 8.B. Utilities Department - 4C's Trucking and Excavation, Inc. - Ballough Road Utility Improvements Ratification of Emergency Expenditure (pp. 25-49)

**Resolution** approving an emergency contract to 4C's Trucking and Excavation, Inc., 331 Sawgrass Road, Bunnell, FL 32770 for the Ballough Road Utility Improvements Project in the amount of \$181, 337.50. The purpose of this request is to comply with the City Purchasing Code Section 30-52(b) emergency purchases. The emergency work consists of replacing 1,100 linear feet of 2" with 6" water main (including 25 new water services) on Ballough Road between Fairview Avenue and the Ballough Road Bridge. The existing 2" water main in this corridor is substandard galvanized iron pipe which is past it's useful life. This work was requested on an emergency basis in order to maintain grant funding from the FDOT Suntrail Program for the segment of the Sweetheart Trail that crosses the Ballough Road Bridge. Prior to the Sweetheart Trail construction, the Public Work's Department will perform a pavement restoration project along

Ballough Road. The utility work has to be completed in advance of the pavement project. The following quotes were received on December 23rd, 2019:

4C'S Construction	\$181,337.50
GPS Civil	\$294,700.00
P&S Paving	\$463,405.00
JD Weber Construction	\$724,860.00
Hazen Construction	(No quote submitted)
Tomoka Construction	(No quote Submitted)

Based upon staff's review of the quotes submitted, 4C's Trucking and Excavation was determined to be the lowest responsive bidder with a total cost of \$181,337.50. Funds are available in Redevelopment Ballough Road Fund. □

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.C.** [Utilities Department - CONSOR Engineers, LLC - Work Authorization No. 8 \(pp. 50-91\)](#)

**Resolution** approving Work Authorization No. 8 under Contract No. 0516-1120-IEI, with CONSOR Engineers, LLC, 2121 Old Hickory Tree Road, St. Cloud, Florida 34772 to perform full-time Construction Engineering Inspection (CEI) services for the Daytona Convention Hotel Oakridge Blvd. and A1A Utility Construction Project in an amount not to exceed \$42,259.80. The purpose of this request is to provide full-time CEI services for the construction of the Daytona Convention Hotel Oakridge Blvd. and A1A Utility Construction Project.

Work Authorization No. 8 will include full-time CEI services assuming a four (4) month construction period for the following scope of work:

- Installation of approximately 1450 linear feet of 16" watermain within the Oakridge Blvd. right-of-way;
- Removal and replacement of approximately 340 linear feet of 8" gravity sewer main with 12" gravity sewer main with connections to the existing manholes within the Oakridge Blvd. right-of-way;
- Installation of approximately 486 linear feet of 12" watermain along the project frontage of the Daytona Convention Hotel on A1A;
- Installation of approximately 85 linear feet of 16" watermain to be directional drilled across the A1A right-of-way and;
- Installation of approximately 80 linear feet of 10" gravity sanitary sewer main (including a new manhole) traversing the A1A right-of-way.

The Daytona Convention Hotel developer has paid \$29,819.68 through a Public Improvements Permit towards the inspection cost. This amount is based on 2.25% of the cost of construction for the public improvements associated with this project. Funds available in the Water & Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.D.** [Utilities Department - PC Construction Company - Westside Regional Water Reclamation Facility \(WRF\) Emergency Expenditure Ratification \(pp. 92-234\)](#)

**Resolution** approving emergency expenditures to PC Construction Company, 193 Tilley Drive, South Burlington, VT 05403, for repair of the 36-inch sewer pipe at Westside Regional Water Reclamation Facility (WRF) in the amount of \$191,867. The purpose of this request is to comply with the City Purchasing Code Section 30-52(b) emergency purchases. Emergency work was requested due to the sudden break of a single 36-inch sewer pipe from the headworks at Westside Regional WRF. The City Manager verbally declared the emergency on October 2, 2019.

On October 2, 2019, City personnel were investigating the source of an underground leak in the vicinity of the headworks structure. City personnel were able to visually verify several hairline cracks in the top of a 36-inch sewer pipe leaving the headworks structure via soft-digging. Due to heavy corrosion to the top of the pipe, once it was exposed, the pipe ruptured spilling sewage, which was wholly contained on site. PC Construction Company, the on-site Construction Manager for the Westside Regional WRF Improvements Project (City Contract No. 0317-2370), along with their on-site subcontractors, quickly mobilized to help City personnel stop the flow of wastewater from the ruptured pipe. Once flow was stopped, PC mobilized personnel and heavy equipment to the site within 24-hours of the pipe breaking. PC Construction also procured repair sleeves and pipe needed to replace the ruptured pipe. Funds available in the Water and Sewer Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.E.** [Public Works/Technical Services Division - Riverfront Park Seawall - FIND Grant Agreement Acceptance \(pp. 235-269\)](#)

**Resolution** authorizing the acceptance of the Florida Inland Navigation District (FIND) grant agreement for the Riverfront Park Seawall project, and

authorize the City Manager to execute the FIND Grant agreement and any related FIND grant documents. The acceptance of the Florida Inland Navigation District (FIND) grant agreement will assist the City in funding the design, permitting, and bidding of the Riverfront Park Seawall replacement between International Speedway Boulevard and Orange Avenue. The FIND grant may reimburse the City up to \$50,764.19 of these design services. No additional funding is needed to accept the grant, funding was previously authorized per Resolution 19-116.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.F.** [Public Works/Technical Services Division - Assignment of Castle Bay Design Studio, LLC's Landscape Design Professional Services Contract to Kimley-Horn and Associates, Inc. \(pp. 270-304\)](#)

**Resolution** authorizing assignment of the Castle Bay Design Studio, LLC Landscape Architecture continuing contract No. 0517-0750-CB to the current Kimley-Horn and Associates, Inc., Professional Engineering Services Continuing Contract No. 2007-11. Castle Bay Design Studio, LLC firm ceased operations as of January 1, 2020. Kimley-Horn and Associates, Inc., has employed the entire Castle Bay Design Studio, LLC team as a unit. The Castle Bay Design Studio, LLC team under the direct hands-on leadership and creative and technical management of Brett Kuzoian, RLA, has provided the City with high quality and timely landscape architecture services involving multiple projects over the past two and half years. Some of these projects are still active. It is important for the City to maintain the continuity of design quality for active projects and to continue to build on the increased level of customer service that Castle Bay Design Studio, LLC has helped staff provide through their quality landscape architecture project designs. Funds will be made available as needed in the requesting Department's budget with projects being assigned by Work Authorizations.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.G.** [City Manager/Human Resources/Risk Management - Brown and Brown of Florida, Inc - Property & Casualty Insurance Brokerage Services \(pp. 305-326\)](#)

**Resolution** accepting the proposal submitted by Brown & Brown of Florida, Inc., 220 South Ridgewood Avenue, Daytona Beach, FL 32114, and approving a contract for brokerage services for Property & Casualty Insurance for a three-year term with one three-year renewal option for the annual flat fee of \$52,000, excluding commission for flood insurance and any type of insurance not previously obtained by the City. Payment for insurance

not included in the flat fee will be included in the cost of the insurance premium that will be paid. Also authorization is sought to allow the City Manager to exercise the renewal option as outlined in the contract. Funds are available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

**8.H.** [City Manager's Office - Team Volusia Economic Development Corporation, Inc. - 2019-2020 Cooperative Agreement \(pp. 327-335\)](#)

**Resolution** approving the 2019-2020 Cooperative Agreement between the City of Daytona Beach and Team Volusia Economic Development Corporation (TVEDC) in the amount of \$33,118.50. The amount is calculated using the City's population per U.S. Census data times the .50 per capita rate charged to each respective TVEDC member and is an increase of \$349.50 from fiscal year 2018-2019. Per the agreement, TVEDC will provide economic development services related to recruiting new businesses, retaining existing businesses and facilitating business expansions in Daytona Beach. TVEDC will account for the use of these funds as measured by reports on its activities, including any programs, goals and accomplishments. Funds are available in the General Fund.

Recommendation: City Manager recommends adoption of Resolution.

**8.I.** [Budget Office - FY 2019/20 First Quarter Budget Amendment \(pp. 336-352\)](#)

**Resolution** amending Resolution No. 19-261, which adopted the FY 2019/20 budget, in order to increase revenues by \$21,492,334, operating expenditures by \$8,677,195, and transfers and capital projects by \$12,815,139. This budget amendment increases revenues related to a preliminary analysis of ending fund balances in accordance to the Fiscal Integrity Ordinance, recognizes unbudgeted revenues related to the LPGA property sale, trues up revenues for the trust, impact fee, and redevelopment funds, reduces revenues related to an anticipated land sale, and makes minor other adjustments to revenues. Expenditures were increased for rollovers of non-project expenditures from FY 2018/19, transfers of capital projects in order to improve accounting of those expenditures, various other minor accounting adjustments, and a realignment of excess funds to the General Fund.

Recommendation: Budget Officer recommends adoption of the Resolution.

**8.J.** [Development and Administrative Services, Leisure Services Department - Second Avenue Merchants - Temporary Outside Activities \(pp. 353-372\)](#)

**Resolution** approving a request to remove 560 Dr. Mary McLeod Bethune Boulevard (Dr. MMB Boulevard) from the approved Bike Week 2020 Master Plan for Private Property; and to approve outside activities associated with a festival from Friday March 6, 2020 to Sunday, March 15, 2020.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

**8.K.** [Development and Administrative Services - City of Daytona Beach and Habitat for Humanity of Greater Volusia County, Inc. - Agreement to Exchange Property to Develop Affordable Housing \(pp. 373-381\)](#)

**Resolution** approving a property exchange agreement between the City of Daytona Beach and Habitat for Humanity of Greater Volusia County, Inc., for the construction and expansion of affordable housing opportunities to low income households. The exchange involve two (2) City owned vacant parcels located on Alabama Street in Madison Heights neighborhood bearing Parcel IDs: 5238-38-00-2850 ("Parcel 1") and 5238-38-00-2950 ("Parcel 2") in exchange for one (1) Habitat owned vacant parcel located on Aberdeen Street off North Street near Sunnyland Park bearing Parcel ID: 5338-71-00-0120 . This action requires no cost to the City or Habitat.

The property exchange will provide both entities the opportunity to increase inventory of affordable housing and help meet the need for affordable/workforce housing in the area. Exchanging the vacant parcels will specifically benefit the City by completing a parcel which collectively will support the opportunity to develop 5 to 6 new homes constructed contiguously on Aberdeen Street and improve the community.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

**8.L.** [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 382-383\)](#)

**Resolution** authorizing payment in the amount of:

\$150 to National Council of Negro Women, Inc., for their annual Brain Bowl, \$150 to Delta Sigma Theta Sorority, Inc., for their Community Shredding event and \$65 to Delta Sigma Theta Sorority, Inc., for their annual Scholarship Gala 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 - Lago Verde - Large Scale Comprehensive Plan Amendment \(pp. 384-477\)](#)

**Ordinance on second reading - PUBLIC HEARING** - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Level 1 Residential to Mixed Use for 62.9± acres, and amending the Future Land Use Element, Neighborhood S, adding Issue (k) and Policy (1) to reduce FAR to 0.25 for property located in the northeast quadrant of the Williamson Boulevard/Strickland Range Road intersection to allow for a mixed use development. Applicant: Darren J. Elkind, Esquire, Paul, Elkind, Branz & Kelton, P.A., on behalf of MHK of Volusia County, Inc. **\*\*This item was continued from the January 22, 2020 City Commission Meeting at the request of Applicant\*\***

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

### 9.B. [Development and Administrative Services, Planning Division - Lago Verde - Rezoning to Planned Development - General \(PD-G\) \(pp. 478-533\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** - approving a request to rezone 62.9± acres of land located in the northeast quadrant of the Williamson Boulevard/Strickland Range Road intersection from "County" Urban Single-Family Residential (R-2) to "City" Planned Development-General (PD-G) to allow for a mixed-use development, and authorizing the Mayor to execute the Lago Verde Planned District Agreement. Applicant: Darren J. Elkind, Esq., Paul, Elkind, Branz & Kelton, P.A., on behalf of MHK of Volusia County, Inc. **\*\*This item was continued from the January 22, 2020 City Commission Meeting at the request of Applicant\*\***

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

### 9.C. [Development and Administrative Services, Planning Division - AAA Fence - Small Scale Comprehensive Plan Amendment \(pp. 534-614\)](#)

**Ordinance on first reading - PUBLIC HEARING** adopting a Small Scale Comprehensive Plan Amendment for the 3.5± acre project property, as

shown on Exhibit A to Rezoning application DEV2019- 002, west of the F.E.C Railroad corridor, Industrial Local Service shall be permitted and shall allow industrial and service related activities, which include the assembly, fabrication, and installation of fencing for the entire property. Additionally, storage and rental of trash receptacles will be limited to the 0.6± acre parcel designated for such use, located at the SE corner of Orange Avenue & Lockhart Street PID 533901320020 as illustrated in Exhibit B to rezoning application DEV2019-002, catering to local markets. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of William Morrison, Fence Service, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-0.

Action: Motion to pass Ordinance on first reading. □

Note: If passed, Public Hearing, March 4, 2020.

## 10. ADMINISTRATIVE ITEMS.

### 10.A. [Development and Administrative Services, Planning Division - Rezoning - AAA Fence Planned Development - Redevelopment \(pp. 615-681\)](#)

**Ordinance on first reading** - to rezone 3.5± acres of land, located at 801 Orange Avenue, from Redevelopment Midtown-Neighborhood Transition Mixed Use (RDM-5) and Single-Family Residential-5 (SFR-5) to Planned Development-Redevelopment (PD-RD) to clarify the allowable uses on the property and provide for additional buffers adjacent to residential areas. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of William G. Morrison, Jr., CEO of Fence Service, Inc..

Reed Berger, Redevelopment Director, to report

Recommendation: Planning Board recommends approval 5-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 4, 2020.

### 10.B. [Police Department - Amendment to Municipal Ordinance Chapter 110; Wrecker Services \(pp. 682-687\)](#)

**Ordinance on first reading** amending to the Daytona Beach City Ordinance Chapter 110, Wrecker Services. The amendment to the Daytona Beach City Code Chapter 110 will regulate equipment and rates for wrecker services. The proposed changes to the City Code Ordinance will create a uniformity for all active tow services within the city. The changes included are as followed:

- Reduces the three-eighths-inch cable from 200 to 100 hundred feet;
- The tow company name on each door must be in letters a minimum of 3 inches in height - magnetic or removal placards will not meet this requirement;
- Fenders are no longer required equipment;
- The CO2 fire extinguisher required will increase to a five pound from a four pound; and
- Various proposed rate changes.

Craig Capri, Chief of Police, to report.

Recommendation: Chief of Police recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 4, 2020.

## 11. DISCUSSION.

### 11.A. [Discussion - Historic Preservation Board - City Island Recreation Center \(pp. 688-702\)](#)

Per the request of Commissioner Ruth Trager - City Commission discussion on the Historic Preservation Board vote to designate the City Island Recreation Center, located at 110 E. Orange Avenue, as a local historic site.

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

## 13. ADJOURNMENT.

## 14. PUBLIC COMMENT FORUM - During this time Citizens are allowed 2.5 minutes to speak on any topic. 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.