





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
MARCH 4, 2020
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.

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 January 29, 2020 Strategic Planning Kickoff Meeting of the City Commission held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida, Room 149B and the January 22, 2020 and the February 5, 2020 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. [Healthy Start Coalition of Flagler and Volusia Counties - Presentation \(pp. 17-46\)](#)

Dixie Morgese, Executive Director of the Healthy Start Coalition of Flagler and Volusia Counties, to present information about achieving positive health

outcomes in Daytona Beach in particular zip code 32114 through implementation of research-informed practices using public and private partnerships.

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. Development and Administrative Services, Redevelopment - Second Amendment to the Daytona Beach Convention Hotel & Condominium Utility and Off-Site Improvement Agreement (pp. 48-86)

Resolution approving the Second Amendment to the Daytona Beach Convention Hotel & Condominium Utility and Off-Site Improvement Agreement. Protogroup will complete construction of all Infrastructure Improvements no later than 18 months after the effective date of this 2nd Amendment. No Certificate of Occupancy for the Convention Hotel will be issued until completion of the Infrastructure Improvements and meeting certain conditions.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

8.B. Utilities Department - PSD Software, LLC - Asset Management Program Update (Hiperweb) (pp. 87-112)

Resolution approving a contract with PSD Software, LLC (Hiperweb), 3855 Shallowford Road, Suite 325, Marietta, GA 30062 for implementation of a vertical Asset Management Program with the following provisions:

- The term of the contract will be five (5) years;
- Authorize an initial one time expenditure of \$99,300 and an annual maintenance service fee of \$22,640; and
- Authorize the City Manager to approve additional annual maintenance service periods for a cost that includes an increase of 2.5% each year for the next four (4) years to be subject to budget appropriations

The purpose of this request is to ensure that the Utility Department protects the City's investment in vertical infrastructure through proper asset management and comprehensive maintenance. Asset Management is a process resulting in improved decision-making techniques based on industry standard best management practices, which includes asset inventories, evaluation of infrastructure condition, operation and maintenance records, and long term financial planning. To better serve its customers, perform proper proactive infrastructure maintenance and repair, improve its associated business processes, and address the needs brought on by population growth, the current Hiperweb computerized maintenance management system (CMMS) will be updated. In addition, demonstration of an active Asset Management Program is required to satisfy current and to secure future State Revolving Fund (SRF) loans.

This project will address the vertical utility infrastructure in order to make defensible decisions regarding the three treatment plants. Utility infrastructure is categorized as either vertical or linear, and treatment plant facilities fall into the vertical category. The CMMS will be updated later for the linear infrastructure. Staff will make daily updates for upcoming preventative and predictive maintenance activities. Upper management can access a dashboard to review status. Sole Source is requested since the Utilities Department has been using PSD's software (Hiperweb) as its CMMS for many years and PSD has been providing maintenance of the system. Funds are available in the Water & Sewer Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.C. [Utilities Department - Raftelis Financial Consultants, Inc. - Rate and Evaluation Consulting Services - Contract No. 19632 \(pp. 113-164\)](#)

Resolution approving the following:

- General Services Contract No. 19632 for Rate and Evaluation Consulting Services to Raftelis Financial Consultants, Inc., 341 N. Maitland Avenue, Suite 300, Maitland, FL 32751;
- Contract term of two years with the option to renew the Contract on a yearly basis consistent with the Contract's three one-year renewals option;
- City Manager's authority to renew the Contract under the Contract's renewal option subject to budget and appropriations; and
- Approval of Work Authorization No. 1 under Contract No. 19632 to provide water and wastewater utility retail and wholesale rate, impact fee and miscellaneous fees evaluations in the amount of \$153,300.

This request is needed to identify the sufficiency of the water and wastewater utility system rates required to fully fund the cost of providing service. In accordance with the City's Purchasing Code, a selection committee evaluated and ranked the two proposals submitted under RFP No. 19632. The City's selection committee ranked the firms and Raftelis Financial Consultants, Inc. was ranked the highest based on their experience.

Work Authorization No. 1 includes the following tasks:

1. Revenue Sufficiency and Rate Design.
2. Cost of Service and Design of Retail and Wholesale Rates for Service.
3. Impact Fee Update and Ordinance.
4. Miscellaneous Fee and Service Policy Evaluation.
5. Presentation of Study to City Commission and Public.

Funds are available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Police Department - Florida Fish and Wildlife Conservation Commission \(FWC\) - Derelict Vessel Removal Grant \(pp. 165-221\)](#)

Resolution authorizing the application, submission, acceptance, and expenditure for a \$63,000 grant from the Florida Fish and Wildlife Conservation Commission (FWC). The Daytona Beach Police Department (DBPD) has identified 11 vessels that represent a severe hazard to the City's waterways.

DBPD intends to reduce the risk, by overseeing the removal and destruction of all 11 vessels listed in Section VII of this application. As per the requirements listed in the 'FWC Derelict Vessel Removal Grant Program Guidelines' all relevant and appropriate action has already been taken for each of the vessels proposed to be removed under this grant. Importantly, all actions and outcomes will be fully documented as per legal and organizational requirements. DBPD's Scope of Work in relation to this project will include:

- Compliance with all relevant State Statutes, e.g. Section 705.103(2), appropriate to this application;
- Overseeing and confirming vessel removal including subsequent disposal;
- Completion of all relevant and required documentation; and
- Monitoring the City of Daytona Beach's waterways before, during, and after grant-related activities to ensure:
 - The project's aims and objectives are all achieved;
 - Lessons are learned in terms of any problematic issues identified;
 - DBPD officers are aware of the project, its objectives and are

- updated on progress; and
- Community members who are boat owners and/or reside on boats observe DBPD activities and are therefore educated as appropriate.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.E. [Police Department - Communication International - Portable/Mobile XL185P-800 MHz, Scan Police Radios - Purchase \(pp. 222-227\)](#)

Resolution authorizing the purchase of additional hand held 800 MHz radios from Communication International, 10 Flagg Street, Daytona Beach, FL 32114 in an amount not to exceed \$66,089.45 for the purchase of 15 new hand held radios. The new radios are required due to out dated technology on the Police Departments original purchase in 2009. This purchase order would include all necessary hardware, encryption, and programming necessary to immediately place these radios into service, as well as an extended factory warranty, from one year to two years. Repairs would be completed at Communication International, which is a local business. This proximity affords convenience of services as well as reducing the time and expense involved in repair turnaround. The Volusia County Sheriff's Office is currently under contract with the City of Daytona Beach to provide dispatch services for the Daytona Beach Police Department. The radios to be purchased will be immediately compatible with the 800 MHz communication system currently utilized by VCSO. Funds are available in the General Fund.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.F. [Public Works, Technical Services Division - Samsula Waste Inc., DBA Samsula Marine Division - Change Order No. 1 \(pp. 228-256\)](#)

Resolution approving Change Order No. 1 to Construction Contract No. 19513 with Samsula Waste Inc., DBA Samsula Marine Division, 2455 Tomoka Farms Road, Port Orange, FL 32128 in the amount of \$69,609.11 and the addition of 120 contract days for the Bethune Point Accessory Dock Repair project. The scope of work has increased due to newly discovered hurricane damage identified during current construction activities. This item provides for the repair of the accessory dock and boat ramp at Bethune Point Park that sustained piling, floating dock, ramp and boardwalk damage during Hurricane Irma. Since this damage occurred during Hurricane Irma the project is potentially eligible for 75% (\$52,206.83) cost share from Federal Emergency Management Agency (FEMA) and an additional 12.5% (\$8,701.14) cost share from the State of Florida. Funds in the amount of \$52,206.83 are available in the FEMA – Storm Events Fund and \$8,701.14 in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.G. [Public Works Department - Florida Department of Corrections \(DOC\) - Amendment No.1 to Contract No. W1162 \(pp. 257-285\)](#)

Resolution approving Amendment No.1 to Contract No.W1162 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 and authorizing the City Manager to expend the annual budget appropriations for this amendment. The purpose of this request is to approve the extension of the contract which began on May 1, 2019 and now ends on April 30, 2022 under the same terms and conditions. The contract is the same contract that DOC has been entering into with other local governments. This contract is authorized under the Purchasing Code because this service provider is a Government Agency; therefore, no competitive solicitation is required. The Inmate Crew will supplement the Grounds Maintenance staff in maintaining City owned properties and right-of-ways. The DOC contract cost is \$57,497 per year which compares favorably with an estimated cost of over \$380,045 per year to hire eight (8) Maintenance Worker I laborers and a one (1) Maintenance Supervisor II at the City minimum salary rates, including fringe benefits. Funds in the amount of \$23,957.07 for the remainder of this fiscal year is available in the General Fund. Funds for subsequent years is subject to budget appropriations for each of the remaining years of the contract.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.H. [Legal Department - Engagement of Attorneys Segundo Fernandez and Tim Atkinson as Outside Counsel in Relation to Water Utility Permitting and Customer Demand Issues \(pp. 286-290\)](#)

Resolution approving motion to retain attorneys Segundo Fernandez and Tim Perry in relation to the City's Water Utility Permitting and Customer Demand Issues. The City is required to have a Consumptive Use Permit ("CUP") issued by the St. Johns River Water Management District to draw water from the City's wellfields for the purpose of operating the City's public water utility. The City is in the process of renegotiating the CUP with the District to increase the City's consumption capacity and/or to extend the term of the permit. In January of last year, at the request of the City Manager, attorneys Segundo Fernandez and Tim Atkinson, partners with the law firm of Oertel, Fernandez, Bryant & Atkinson, P.A., were retained to provide legal services, not to exceed \$50,000, in connection with this renegotiation due to their specific legal expertise in environmental and water law-related issues. This is a request for City Commission approval for an additional

expenditure of up to \$50,000, which would allow Mr. Fernandez and Mr. Atkinson to continue to provide the requested legal services under the above referenced retainer letter. Any additional expenditures beyond this amount would require additional City Commission approval.

Recommendation: City Attorney recommends adoption of the Resolution.

8.I. [Business Enterprise Management Department - Broke and Famous, LLC - Commercial Lease Agreement \(pp. 291-368\)](#)

Resolution approving a Commercial Lease Agreement with Broke and Famous, LLC, 2 Oceans West Boulevard, c/o Sandor Pap, Unit 2107, Daytona Beach Shores, FL 32118, to lease approximately 6,400 square feet of commercial space known as Suite 103 and Suite 120, approximately 6,600 square feet of exterior space adjacent to the building, and approximately 8,330 square feet of adjacent dock space at the Halifax Harbor Plaza, for a five-year term with three (3) five-year renewal options, in order to open a new up-scale contemporary restaurant. Broke and Famous, LLC will be responsible for all costs, charges, and maintenance for their leased space.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8.J. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 369-370\)](#)

Resolution authorizing payment in the amount of:

\$1,500 to Midtown Community Development Corporation for a general donation and \$250 to Florida Lions Conklin Centers for the Blind, Inc., 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. [Development and Administrative Services, Planning Division - Consolidated Tomoka Parcel F - Large Scale Comprehensive Plan Amendment \(pp. 371\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Low Intensity Urban to Mixed Use for 120± acres, and amending the Future Land Use Element, Neighborhood V, Issue

(n) and adding Issue (r), Policies 1-4 to allow additional dwelling units and reduce non-residential entitlements on property located on the south side of Granada Boulevard/SR 40, east of Rima Ridge Road, and approximately two miles west of I-95. Applicant: Darren J. Elkind, Esquire, MHK of Volusia, Inc., on behalf of Scott Bullock, Consolidated-Tomoka Land Co. ****Per the applicant, please continue this item until the May 6, 2020 City Commission Meeting****

9.B. [Development and Administrative Services, Planning Division - Consolidated Tomoka Parcel F - Rezoning to Planned Development - General \(PD-G\) \(pp. 372\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 990± acres of land located on the south side of W. Granada Boulevard/SR40, east of Rima Ridge Road, and approximately two miles west of I-95, from "Volusia County" Rural Agriculture (A-2), Resource Corridor (RC), and "City" Planned Development-General (PD-G) to "City" Planned Development-General (PD-G) to allow for a mixed use development with approximately 2,400 residential units, and 339,500 sf of commercial area, and authorizing the Mayor to execute the Consolidated Tomoka Parcel F Planned District Agreement. Applicant: Darren J. Elkind, Esq., on behalf of MHK of Volusia, Inc. ****Per the applicant, please continue this item until the May 6, 2020 City Commission Meeting****

9.C. [Development and Administrative Services, Planning Division - AAA Fence - Small Scale Comprehensive Plan Amendment \(pp. 373\)](#)

Ordinance on second 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. ****Due to a News Journal Advertising error, it is requested that this item be continued to the March 18, 2020 City Commission Meeting****

9.D. [Development and Administrative Services, Planning Division - Rezoning - AAA Fence Planned Development - Redevelopment \(pp. 374\)](#)

Ordinance on second reading - Quasi-Judicial Hearing 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..
****Due to a News Journal Advertising error, it is requested that this item be continued to the March 18, 2020 City Commission Meeting****

9.E. [Police Department - Amendment to Municipal Ordinance Chapter 110; Wrecker Services \(pp. 375\)](#)

Ordinance on second reading - PUBLIC HEARING 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-eights-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.

****Due to a News Journal Advertising error, it is requested that this item be continued to the March 18, 2020 City Commission Meeting****

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amending Articles 4, 5 and 6 \(pp. 376-385\)](#)

Ordinance on first reading - amending Article 4 (Zoning Districts), Section 4.7.C (Redevelopment Beachside – Hotel/Mixed Use (RDB-1)) of the Land Development Code (LDC) to remove owner requirement to develop a boardwalk; to amend Article 5 (Use Standards), Sections 5.2 (Principal Uses) and 5.3 (Accessory Uses and Structures) of the LDC to modify minimum design standards for gas station canopies; to amend Article 6 (Development Standards), Section 6.3 (Mobility and Access) of the LDC to reduce minimum required sidewalk widths for certain commercial development activity; and to amend Article 6, Section 6.9 (Exterior Lighting) of the LDC to increase the maximum height of parking lot lighting in commercially

zoned districts. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 18, 2020

10.B. [Development and Administrative Services, Planning Division - Tomoka Independent Living PD - Rezoning – First Amendment to Planned Development-General \(PD-G\) \(pp. 386-417\)](#)

Ordinance on first reading - approving the First Amendment to the Tomoka Independent Living PD, located West of Tomoka Farms Road and North of First Baptist Parkway, to reduce the minimum required caliper inches for shade trees and small trees within the required Scenic Thoroughfare Overlay (STO) landscape yard along Tomoka Farms Road. Applicant: Steve Buswell, Parker Mynchenberg & Associates, Inc. on behalf of THP LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 18, 2020.

10.C. [Development and Administrative Services, Planning Division - 613 Halifax-Seabreeze Marina Condominium - Rezoning – Planned Development-General \(PD-G\) \(pp. 418-447\)](#)

Ordinance on first reading - to rezone approximately 1.0+/- acre of land located at 613 North Halifax Avenue from Business Retail-1 (BR-1) and Residential/Professional (RP) to Planned Development-General (PD-G) to the development of a 36-unit multifamily dwelling. Applicant: Dodi Buckmaster Glas, Gentile Glas Holloway O'Mahoney & Associates, Inc., on behalf of Patrick Sullivan, Shamrock-Shamrock Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 18, 2020

10.D. [Development and Administrative Services, Planning Division - Daytona Beach Convention Hotel & Condominium - Rezoning – Third Amendment to Planned District Agreement \(pp. 448-488\)](#)

Ordinance on first reading - approving the Third Amendment to the Planned District Agreement for the purpose of converting all hotel units located in the north tower to condominium units. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of PDA Trading, Inc.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 18, 2020.

10.E. [City Manager's Office - Volusia County Tourist Development Council - Appointment \(pp. 489-493\)](#)

Resolution appointing a Commissioner to the Volusia County Tourist Development Council. 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 for municipalities and persons involved in the tourism industry. Commissioner Ruth Trager was appointed replacing Kelly White and her membership term expires on March 31, 2020.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission Action.

Action: Motion to adopt 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. 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.