



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
MAY 16, 2018
COMMISSION CHAMBERS
6:00 PM**

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he 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 needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**

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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 April 18, 2018 Regular City Commission Meeting Minutes of the City Commission held at City Hall, 301 South 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. [BEAUTIFICATION AWARDS - MAY 2018 \(pp. 14-16\)](#)

Residential Award:

Daniel Yancey, 723 North Peninsula Drive, Commissioner Aaron Delgado, Zone 2, to present.

Commercial Award:

Florida Hospital Memorial Medical Center, 301 Memorial Medical Parkway,
Mayor Derrick L. Henry to present.

6.B. [Presentation by Public Works/Technical Services Division and FPL - Equipment Replacement/Upgrade \(pp. 17-41\)](#)

Presentation on the Conversion of City Street Lights from High Pressure Sodium Street Lights to LED Lights. Presenters: Frank VanPelt, City of Daytona Beach, Technical Services Director, Clifford Palmer, City of Daytona Beach, Technical Services Project Manager, Francisco Arbide, FPL Business Development Manager and Larry Volence, P.E. Regional Manager External Affairs.

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. Items or discussions not listed on the Agenda will not be heard during this comment section.

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 Division - Sale of Surplus Property \(pp. 43-96\)](#)

Resolution approving the purchase contracts for six (6) City-owned parcels of real property located within the Midtown and Main Street Redevelopment Areas following approval of same by the City of Daytona Beach Community Redevelopment Agency. Each of these properties are vacant and unbuildable due to their small size and all purchasers own property contiguous to the property they have proposed to purchase.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

8.B. [Public Works/Technical Services Department - Jackie Robinson Ballpark Turf Replacement - Historic Preservation Grant Application \(pp. 97-102\)](#)

Resolution authorizing the City Manager to submit a grant application for a Special Category Grant in an amount up to \$500,000 and to accept the grant if awarded to install a new turf system at the Jackie Robinson Ballpark.

Minor League Baseball (MiLB) requires teams, pursuant to MiLB Rule 58 to provide a field surface without defects and or trip hazards that could affect the normal play of the game or jeopardize the player safety. The turf replacement will bring the existing field up to MiLB standards and address safety concerns. The turf field is superior to sod in that it allows continuous play and it enables the field to withstand the wear and tear of numerous community events. The estimated probable construction cost for the turf replacement is \$861,333. As authorized by Resolution 17-402, the City also applied for and has been awarded a Racing and Recreational Facilities District grant in the amount of \$355,000.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.C. [Public Works/Engineering Department - Buc-ee's \(Consolidated Tomoka Land Co and Indigo Development LLC\) - Acceptance of a Public Sidewalk Easement \(pp. 103-114\)](#)

Resolution accepting a public sidewalk easement being granted by Consolidated Tomoka Land Company and Indigo Development LLC. Consolidated Tomoka Land Company and Indigo Development LLC is requesting the City to accept a sidewalk easement in order to facilitate the current Buc-ee's project. The easement is on property owned by Consolidated Tomoka Land Company and Indigo Development LLC that is located east of the Buc-ee's Center. Approximately 479 feet of the new sidewalk needs to be placed outside of Gateway North Drive's right of way to accommodate the necessary roadway improvements.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.D. [Public Works, Technical Services Division - FDOT SUNTrail Network Agreement and Associated MMOA - Sweetheart Trail along Sickler Drive \(pp. 115-139\)](#)

Resolution accepting the FDOT SUNTrail Network Agreement No. 439871-1-54-01 and associated Maintenance Memorandum of Agreement (MMOA) between the City of Daytona Beach and the Florida Department of Transportation (FDOT), providing reimbursement to the City up to \$100,000 for the construction of a 12 foot wide multi-use Sweetheart Trail along Sickler Drive from 350 feet south of 2nd Street to 2nd Street; accepting all future maintenance and attendant costs thereof in return for receipt of funding from the Department; and directing the Budget Officer to amend the budget.

Recommendation: Deputy Public Works Director recommends adoption of

the Resolution.

8.E. [Public Works, technical Services Division - FDOT SUNTrail Network Agreement and Associated MMOA - Sweetheart Trail - Beach Street from Marina Point Drive to Orange Avenue \(pp. 140-164\)](#)

Resolution accepting the FDOT SUNTrail Network Agreement No. 439869-1-54-01 and associated Maintenance Memorandum of Agreement (MMOA) between the City and the Florida Department of Transportation (FDOT), providing reimbursement to the City up to \$450,000 for the construction of a 12 foot wide multi-use Sweetheart Trail along south Beach Street between Marina Point Drive and Orange Avenue; and accepting all future maintenance and attendant costs thereof in return for receipt of funding from the Department; and directing the Budget Officer to amend the budget.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.F. [Public Works/Engineering Division - P&S Paving, Inc - Construction Contract Award \(pp. 165-248\)](#)

Resolution awarding a Construction Contract to P & S Paving, Inc., 3701 Olson Drive, Daytona Beach, FL 32124 in the amount of \$37,570.50 to repave the intersection of State Road 5A (Nova Road) at Bellevue Avenue. A City water main broke in two different areas under State Road 5A (SR 5A) at the intersection of Bellevue Avenue. The break resulted in significant damage to the newly paved roadway. P & S Paving, Inc., has successfully completed such critical repairs on numerous State Roads being sure to meet the States roadway repair requirements. Funds available in the Renewal and Replacement 8% Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.G. [Public Works/Administration Department - ELC Industries, LLC - Lowest Responsive Bid Contract Award \(pp. 249-268\)](#)

Resolution awarding a General Services Contract to ELC Industries, LLC, 1340 Shangri-La Drive, Daytona Beach, FL 32119, the Lowest Responsive Bidder, for as-needed planter maintenance to 196 total planters located at Beach Street and the Main Street District. Scope of work shall include, but is not limited to, watering, removing all trash, cigarette butts and foreign materials and disposing offsite, pruning plants as appropriate/directed to promote healthy growth and to remove dead leaves and plants to ensure a clean appearance three (3) times a week on evenly spaced days; waiving informalities in the bid by ELC Industries, LLC, as minor irregularities,

consisting of ELC Industries, LLC's erroneous use of its corporate principal's name, Nathaniel Taylor, in the first sentence of the Bid Proposal Form. The Bid Proposal Form otherwise indicates that the bid was being submitted as ELC Industries, LLC. Authorizing the City Manager to exercise the option to renew the contract for two (2) terms of one (1) year each in the amount of \$77,616 annually - funded between the General Fund and CRA Fund. Funding will be shared between a general fund (132 planters) and a CRA fund (64 planters). For the remainder of Fiscal Year 2017/2018, the General Fund will be \$2,310 and the CRA fund will be \$10,560, for services based on the submitted Fee Schedule for a three (3) year term of \$232,848 or \$77,616 annually.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.H. [Utilities Department - J.D. Weber Construction Co. - ISB / Red John Drive Utility Improvements Project - Change Order No. 1 \(pp. 269-279\)](#)

Resolution approving Change Order No. 1 to Contract No. 0318-3030 with J.D. Weber Construction Co., 150 Business Center Drive, Ormond Beach, FL 32174 in the amount of \$30,328.45. This request is needed to complete a utility extension to the First Step Shelter. Funds available in the Renewal and Replacement 8% Fund.

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

8.I. [Public Works/Engineering Department - DRMP, Inc - Bethune Point Wastewater Treatment Plant Shoreline Stabilization Repair – Work Authorization No. 1 \(pp. 280-320\)](#)

Resolution approving Work Authorization No. 1 under Continuing Services Contract 0517-0470-DRMP with DRMP, Inc., 941 Lake Baldwin Lane, Orlando, FL 32814, in an amount not to exceed \$77,046.75 for the design, permitting, and construction inspection associated with the Bethune Point Wastewater Treatment Plant Shoreline Stabilization repair, where the shoreline and armament were compromised during Hurricane Irma. The design and permitting of the corrective actions plan needs to be completed and then bids can be solicited to complete the necessary repairs. □

Since this damage occurred during Hurricane Irma the project is potentially eligible for 75% (\$57,785.06) cost share from Federal Emergency Management Agency (FEMA) and an additional 12.5% (\$9,630.84) cost share from the State of Florida. Funds available in the FEMA – Storm Events Fund in the amount of \$67,415.91 and the General Fund in the amount of \$9,630.84.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8.J. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 321-322\)](#)

Resolution authorizing payment in the amount of:

\$400 to Mainland High School for Boy's Basketball Team general donation from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$400 to Cultural Services for Permit Fees to cover rental of the Halifax Harbor Marina Park for the PACE Center for Girls' Prom from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

Recommendation: Chief Financial Office recommends adoption of the Resolution.

8.K. [Budget Division - 2017/18 Budget Amendment - Item Added 05-16-18](#)

Resolution amending Resolution No. 17-379 (as previously amended), which adopted the FY 2017/18 budget, in order to increase revenues and operating expenditures by \$ 400,000. This budget amendment increases the amounts that can be paid to performing artists at the Peabody Auditorium.

Recommendation: Budget Officer recommends adoption of the Resolution

8.L. [Development Services/Cultural & Leisure Services Division - Peabody Auditorium Sound System - Division of Cultural Affairs Cultural Facilities - Grant Application ****Item Added 05-16-18****](#)

Resolution authorizing the City Manager to submit a grant application for a Division of Cultural Affairs Cultural Facilities Grant in the amount up to \$275,566, to assist in the purchase and installation of a high-quality audio system and related sound equipment for The Peabody Auditorium. If the grant is awarded, then the acceptance will be brought back to the City Commission for approval. The anticipated cost to install the equipment is \$551,132 and this grant will provide for half this amount. In order to apply for the grant, the state requires that the City affirms that 25% of the required match (\$68,892) is available as cash on hand. Funds available in the Capital Project City Manager General Fund Account. The application deadline per the state is June 1.

Recommendation: Cultural & Leisure Services Director recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Business Enterprise Management Department - The Bancorp - 30 Marked Police Vehicles - Lease \(pp. 323-345\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a three-year, 40,000 mile per year, closed-end lease with a \$385,586.10 yearly lease cost and a \$6,000.00 per vehicle buyout rate for 30 equipped, marked police vehicles beginning October 1, 2018, with The Bancorp, 3755 Park Lake Street, Orlando, FL 32808 contingent upon budget appropriations and with stipulations. Since the Vehicle Acquisition Program (VAP) was adopted under Ordinance 15-75 which approved a Master Lease Agreement and Property Schedule with The Bancorp to lease 40 marked police vehicles on March 18, 2015, as part of the first generation of the VAP model, the Police Department has acquired 86 police related vehicles and accessory equipment. The approval of this item begins the second generation of the VAP model. Funds available in the General Fund.

John J. Drago, Business Enterprise Management Director, to report.

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

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Redevelopment Division - Land Development Code Text Amendment - Amend Article 6 \(Signage\) \(pp. 346-359\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Article 6, Section 6.10 (Signage) of the Land Development Code to remove the prohibition of roof signs in all five redevelopment areas and permit roof signs in certain redevelopment zoning districts to provide greater flexibility for businesses seeking to increase visibility of their location. Applicant: Development and Administrative Services Department, Redevelopment Division.

Reed Berger, Redevelopment Director, to report.

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

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Wawa - Holly Hill Shopping Plaza - Rezoning, Planned Development-General \(pp. 360-449\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a

request to rezone 1.9± acres of land located on the northwest corner of Mason Avenue and Nova Road within the Holly Hill Shopping Plaza from Business Retail-2 (BR-2) to Planned Development-General (PD-G) to allow for the development of a gas station and accessory retail sales, and authorizing the Mayor to execute the Wawa-Holly Hill Shopping Plaza Planned District Agreement. Applicant: Scott Stuart, KCG Engineering, on behalf of Holly Hill Plaza, LLC.

Richard Walton, 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 - Lotus of Daytona - Rezoning, Planned Development-General Amendment \(pp. 450-483\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending the Lotus of Daytona Planned District Agreement to allow for the development of a cabana past the City's Atlantic Ocean Building Line and to clarify discrepancies in the lot development criteria, and authorizing the Mayor to execute the First Amendment to the Lotus of Daytona Planned District Agreement. The property is located at the southeast corner of Atlantic Avenue (A1A) and Riverview Boulevard. Applicant: Joseph H. Hopkins, P.E., on behalf of Anand Jobalia, with Padmavati Three, LLC.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.E. [Engineering/Public Works Department - Coates Street Vacation of Right-Of-Way \(pp. 484-494\)](#)

Resolution - PUBLIC HEARING - vacating the entirety of Coates Street right-of-way located between International Speedway Boulevard and 5th Street identified as 35 feet wide by 380 feet long right-of-way. Once vacated, the applicant plans to demolish the vacant buildings on these lots, including the former Shell's restaurant, and improve the land for temporary overflow parking for the Streamline Hotel and for public parking. Improvements would include a graded stabilized surface with perimeter fencing and landscaping to improve the appearance of the area. Second, the applicant intends to redevelop the property in a cooperative partnership with the City of Daytona that promotes the community's vision for improving the intersection of A1A and ISB.

The City's Land Development Code (LDC), Section 3.4. AA.4 states:

An application for vacation of a public street right-of-way shall be approved only on a finding there is competent substantial evidence in the record that:

- a. The right-of-way is not now, or in the foreseeable future, needed for a public purpose for the city or its inhabitants; and
- b. Vacation of the right-of-way is consistent with the comprehensive plan.

The proposed vacation is consistent with the comprehensive plan. TRT staff members saw no foreseeable use for public purpose of this right-of-way.

The applicant has provided letters of no objection to the vacation from TECO (gas), Charter Communications/Spectrum (formerly Bright House), AT&T, Florida Power and Light and Volusia County.

David Waller, Deputy Public Works Director, to report.

Recommendation: Planning Board recommends approval 5-0.

Action: Motion to adopt the Resolution.

10. **COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.**
11. **ADJOURNMENT OF THE BUSINESS MEETING. (There will be a 5 minute break)**
12. **PUBLIC COMMENT FORUM - THE TOTAL ALLOTTED TIME FOR THE FORUM IS 30 MINUTES. 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.**