





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
NOVEMBER 7, 2018
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 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.



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

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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 July 9, 2018 Proposed Ordinance on Use of Public Parks and Spaces Workshop, the July 18, 2018 Strategic Planning Workshop; and the October 3, 2018 and October 17, 2018 Business Meeting 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. [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. 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. [Legal Department - John Hawkins - Settlement of Claim \(pp. 21-25\)](#)

Resolution authorizing payment in the amount of \$45,000 to John Hawkins and his attorney David Russell, Esq., for release of all claims and full settlement arising from damages caused to Mr. Hawkin's home on October 9, 2017, as a result of waste water flooding when a City lift station failed. Funds available in the Consolidated Insurance Funds.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Legal Department - Delburt Rush - Settlement of Claim \(pp. 26-29\)](#)

Resolution authorizing payment in the amount of \$30,000 to Mr. Delburt Rush and his attorney Michael Politis, Esq., for release of all claims and full settlement arising from injuries allegedly sustained from a May 29, 2015 motorcycle accident involving a police vehicle. Funds available in the Consolidated Insurance Funds.

Recommendation: City Attorney recommends adoption of the Resolution.

8.C. [Legal Department - Eddie I. Sierra v. City of Daytona Beach - Settlement Of Litigation \(pp. 30-39\)](#)

Resolution authorizing settlement in the case of Eddie I. Sierra v. City of Daytona Beach, Case No. 6:18-CV-IS62-ORL-40-GJK. The settlement terms provide that the City will pay the amount of \$10,500 to Eddie I. Sierra and his attorney, J. Courtney Cunningham, inclusive of attorney's fees and costs, for release of all claims and full settlement of litigation arising from Mr. Sierra's lawsuit concerning ADA accessibility to City Commission meetings via closed captioning of video content on the City's website. Funds available in the General Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.D. [Human Resources Department - Risk Management Division - Alpha-Omega Training & Compliance, Inc - Safety Consultant Proposal Acceptance \(pp.40-55\)](#)

Resolution accepting the proposal from and authorizing a contract for safety consulting services with Alpha-Omega Training & Compliance, Inc., PO Box 236727 Cocoa, FL 32923, for a one year term with four (4) one year renewal options. The safety consulting services include employee safety training and safety audits of worksites and City-owned buildings. The annual contract is for a not to exceed amount of \$50,000 based on the negotiated hourly rate for as-needed services. Authorization is also sought to allow the City Manager to exercise the renewal options. Funds available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.E. [Finance/Information Technology Division - Swagit Productions LLC - Closed Captioning for Video Services and Hardware - Change Order No.1 \(pp. 56-77\)](#)

Resolution approving Change Order No. 1 to an existing Agreement for Video Streaming Services, having the Date of Execution of October 1, 2014, between the City of Daytona Beach and Swagit Productions LLC (Swagit). The Change order will provide for the purchase of equipment and services for live and on-demand closed captioning of web streamed video of City Commission and Board meetings. Swagit, the City's current web streaming contractor, is a nationwide provider of online video streaming solutions to local, state, and federal government agencies. On October 1, 2014 the City entered into a one year agreement with the option for nine additional

one-year terms with Swagit for live and on-demand video streaming, indexing, and archiving services at an obligation of \$1,099 per month, or \$13,188 annually. Swagit offers an integrated closed captioning service that is compliant with Website Content Accessibility Guidelines 2.0 (WCAG 2.0). Non-recurring costs for closed captioning system components and installation are \$23,760. Annually recurring costs for closed captioning services for 75 meetings is \$22,500. Total for adding closed captioning equipment and services for FY19 is \$46,260. The Change Order makes the annually recurring costs for Swagit video and closed captioning services \$35,688. Staff requests the Resolution authorize the City Manager to expend funds for Swagit video streaming and closed captioning services in future years, subject to budget approvals. This purchase is considered sole source due to the existing relationship between the City and Swagit. Funds available in the Information Technology Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.F. [Finance/Information Technology - AT&T Mobility - FirstNet Program - Wireless Cellular Data for Public Safety \(pp.78-109\)](#)

Resolution approving the participation in the First Responder Network Authority (FirstNet) program and purchase of FirstNet compatible devices and services from AT&T. AT&T Mobility National Accounts LLC (AT&T) has been selected by FirstNet as primary contractor. FirstNet is a nationwide communications platform dedicated to public safety. Signed into law on February 22, 2012, the Middle Class Tax Relief and Job Creation Act created FirstNet. The law gives FirstNet the duty to build, operate and maintain the first high-speed, nationwide, wireless broadband network dedicated to public safety. FirstNet will provide a single interoperable platform for public safety communications and provide reduced costs for services. FirstNet is expected to provide public safety entities with mission critical broadband data capabilities while ensuring quality of service, connection priority, and preemption. Purchasing of FirstNet compatible devices and services from AT&T is pursuant to the Western States Contracting Alliance (WSCA) Wireless Communications Services and Equipment Bid RFP Contract No.1907 (Master Service Agreement) dated March 15, 2012, and extended to June 30, 2019 by amendment No.1, dated April 29, 2014. Purchases further subject to the Palm Beach County Participating Addendum (PBCPA) dated October 23, 2012 and amended March 16, 2018 Under The NASPO Valuepoint Wireless Communications Services and Equipment (formerly known as

“WSCA” or “WSCA-NASPO”) Bid No.1907. Section 3 of the PBCPA designates all government entities within Florida as authorized Participating Entities under the Agreement.

The City currently subscribes to 270 AT&T unlimited cellular data plans in support of the Police and Fire Departments, at a per-unit, per-month cost of \$39.99 (plus fees) totaling \$140,065 annually. Adoption of AT&T FirstNet, pursuant to the PBCPA, reduces the expenditure to \$34.99 per-unit, per-month (plus fees), as detailed on the PBCPA Amendment, table 3.1.4, to a projected annual total of \$123,087, a yearly savings of \$16,978. This request also includes authorization for the City Manager to expend funds for AT&T and FirstNet services in future years, subject to budget approvals. Funds available in the Information Technology Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.G. [Public Works/Engineering - Nelson Engineering Company - Work Authorization No. 31 under Continuing Services Contract 2006-014B \(pp. 110-121\)](#)

Resolution approving Work Authorization No. 31 under Continuing Services Contract 2006-014B with Nelson Engineering Company, 5455 N. Courtenay Parkway Merritt Island, FL 32953 in the amount of \$26,634.40. The City’s Construction & Demolition (C&D) Landfill Operating Permit requires that the City provide a remaining capacity and closure funding assurance report annually to the FDEP. The Permit also requires biannual monitoring well sampling and reporting of the results to FDEP. The scope of work includes:

- 2018 Annual Capacity Analysis and Report
- 1st Semi-annual 2019 ground water monitoring
- 2nd Semi-annual 2019 ground water monitoring
- 2019 MPIS Technical Report

Funds available in the Solid Waste Management Fund.

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

8.H. [Public Works, Technical Services Division - RAM Professional Group, Inc - Beville Road Trail Design - Work Authorization No. 6 - Change Order. No. 2 \(pp. 122-136\)](#)

Resolution approving Change Order No. 2 for Continuing Services Contract 0111-0740-RAM, Work Authorization No. 6, with RAM Professional Group, Inc., 8298 Bayberry Road, Suite 1, Jacksonville, FL 32256, for the Beville Road Trail Design, for a total additional cost of \$44,657.19. Change Order No. 2 is necessary to modify our trail plans to reflect the changes made to Beville Rd with the adjoining I-95/I-4 Design/Build Project and to coordinate with FDOT's Construction Design/Build Team to ensure appropriate coordination of the two overlapping projects.

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

8.I. [Public Works/Technical Services Department - Creative Outdoor Advertising \(COA\) - Contract Approval \(pp. 137-172\)](#)

Resolution approving a contract between the City of Daytona Beach and Creative Outdoor Advertising (COA), 8875 Hidden River Parkway, Suite 300, Tampa, FL 33637 for installation and operation of bus benches and related amenities. COA will provide a minimum of 40 benches at \$18 per bench per month and 5 shelters at \$10 per shelter per month. The addition of the benches and shelters will not only provide some incoming revenue for the City but also provide some comfort to the users of the Votran system. The benches and shelters will be placed at exclusively designated and posted Votran bus stops throughout the City. Votran operates multiple bus routes throughout the City as well as a Transfer Plaza, and provides 15 bus routes in Daytona Beach, with approximately 2.8 million boardings per year. Average weekday boardings on these routes are approximately 8,900 per day. Advertising will be placed on/in Contractor - furnished ADA compliant bus benches and bus shelters. The contractor will be responsible for all aspects of the exterior advertising sales including shelter and bench design and permitting; installation and removal of benches, shelters and individual advertisements and bench and shelter maintenance and repairs.

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

8.J. [Utilities Department - Barney's Pumps Inc - Bethune Point Water Reclamation Facility Influent Pumps – Sole Source Purchase \(pp. 173-178\)](#)

Resolution authorizing a purchase from Barney's Pumps Inc., P.O. Box 56170, Jacksonville, FL 32241-6170, in the amount of \$70,590

for two influent pumps for the Bethune Point Water Reclamation Facility. The Bethune Point Water Reclamation Facility (WRF) utilizes three centrifugal pumps in parallel to move raw sewage from the influent wetwell to the treatment process. This purchase would replace one pump that has reached the end of its useful life and will provide a spare pump for emergencies or should any of the three pumps fail. Sole Source is being requested as Barney's Pumps is the sole distributor for Aurora Pumps. Aurora Pumps is the original pump manufacturer and the only pump that will bolt to the existing infrastructure without major structural modifications. Funds available in the Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.K. [Utilities Department - J.D. Weber Construction - ISB/Red John Drive Utility Improvements - Final Reconciliation Agreement \(pp. 179-190\)](#)

Resolution approving a Final Reconciliation Agreement with J.D. Weber Construction, 150 Business Center Drive, Ormond Beach, FL 32174 for the ISB/Red John Drive Utility Improvements Project under Contract No. 0318-3030 with the following stipulations:

- Approve September 5, 2018, as the final completion date and beginning of the warranty period
- Approve the final adjusted contract price of \$570,488.85
- Approve a final payment of \$48,778.82 due under the contract, which includes retainage

The final adjusted contract price includes an overall contract price deduction of \$3,494.60 due to a change in the driveway paving to better coordinate construction between this project and the construction of the First Step Shelter. This request is needed to close out the ISB/Red John Drive Utility Improvements Project under Contract No. 0318-3030. No additional funds are required for this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.L. [Utilities Department - Thompson Pump & Manufacturing Co., Inc. - Emergency Bypass Pump for Lift Station No. 69 \(pp. 191-197\)](#)

Resolution authorizing a purchase from Thompson Pump & Manufacturing Co., Inc., 4620 City Center Drive, Port Orange,

Florida 32119 in the amount of \$92,188 for an emergency bypass pump for Lift Station No. 69. Lift Station No. 69 is located west of the intersection of Mason Avenue and Bill France Boulevard and provides wastewater collection service to surrounding customers including B Braun, a large industrial wastewater generator. This request is needed to purchase an emergency bypass pump for Lift Station No. 69 to provide backup pumping in case of a pump failure or power outage. Funds available in the Renewal & Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.M. [Business Enterprise Management Department - Ring Power Corporation - Vehicles Replacement - Purchase \(pp. 198-210\)](#)

Resolution approving the purchase of four (4) pieces of replacement construction equipment from the Florida Sheriff's Association Bid FSA18-VEH16.0, Specification No.23, No.31, No.41, and No.60 with options from Ring Power Corporation, 500 World Commerce Parkway, St. Augustine, FL 32092 33871 in the amount of \$238,731, after net of trade-ins of \$10,000. The purpose of this item is to purchase replacement construction equipment for Public Works and Public Utilities as follows:

Public Works - Streets

- Caterpillar 304E2 SR Mini Hydraulic Excavator - \$63,544

Utilities - Water Distribution

- Caterpillar 289D Compact Track Loader - \$64,538
- Caterpillar TL642 Telehandler & Trailer - \$110,649

Fund available in the General Fund in the amount of \$63,544 and the Water and Sewer Fund in the amount of \$175, 187.

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

8.N. [Business Enterprise Management Department - Environmental Products of Florida - Replacement Vehicles - Purchase \(pp. 211-228\)](#)

Resolution authorizing the purchase of a Sanitary Sewer Combination Cleaner Vehicle from the Sourcewell Cooperative Contract 122017-FSC with options from Environmental Products of Florida, 2525

Clarcona Road, Apopka, FL 32703 in the amount of \$348,360.46, after net trade-in of \$22,000. The purpose of this request is to purchase a replacement vehicle for a 2006 Sanitary Sewer Combination Cleaner vehicle with a trade-in value of \$22,000 for the Utilities Department - Stormwater Division. Funding is available in the Stormwater Improvement Fund.

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

8.O. [Business Enterprise Management Department - Alan Jay Fleet - Replacement Vehicles - Purchase \(pp. 229-255\)](#)

Resolution approving the purchase of nineteen (19) replacement vehicles off the Sourcewell Cooperative Contract 2019-120716-NAF with options from Alan Jay Fleet, PO Box 9200, Sebring, FL 33871 in the amount of \$621,503.93. The vehicles are for multiple departments which were budgeted in the FY 2018-2019 budget and are part of the overall vehicle replacement program for the City. Sixteen (16) vehicles will be disposed by the Purchasing Department upon receipt of the replacement vehicles either internally or by way of auction. There are no trade-ins with this purchase. Vehicles being purchased are described in attached Summary Sheet. Funding is available in multiple accounts for the respective departments.

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

8.P. [Finance Department - Allocation of Bike Week Sponsorship Funds **added 11-07-18**](#)

Resolution authorizing payment in the amount of:

\$1,000 to the County of Volusia Parks, Recreation, and Culture for Veterans Memorial Park, Daytona Beach, for a general donation, \$1,000 to Daytona Beach Regional Library for the Rachael Robinson Play Yard and \$2,853 to First Step Shelter Inc., for a general donation from the Bike Week Sponsorship Funds of Commissioner Kelly White.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Kirton Tract - Voluntary Annexation pp. 256-284\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a voluntary annexation of four parcels for a total of 407.49± acres of land located at the southwest corner of the intersection of Interstate 95 and Interstate 4, west of Interstate 95 and east of Tomoka Farms Road, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes.

Parcel #6203-00-00-0060 – 1749 Tomoka Farms Road

Parcel #6203-00-00-0010 – 1661 Tomoka Farms Road

Parcel #5234-00-00-0370 – 1667 Tomoka Farms Road

Parcel #5234-00-00-0372 Tomoka Farms Road

Applicant: Glenn D. Storch, Storch Law Firm, on behalf of Thomas Kirton and Katherine Wingard, as Co-Trustees of the Dorothy C. Kirton Living Trust of November 17, 2004, and Myron S. Kirton Living Trust of November 17, 2004, and Bonnie L. Hutchinson and Laura L. Curtis.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Kirton Tract - Large Scale Comprehensive Plan Amendment \(pp. 285-365\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from "County" Low Impact Urban (LIU) and Environmental Systems Corridor (ESC) to "City" Mixed Uses (MU) and Potential Environmentally Sensitive (PES) and amending the Future Land Use Element, Neighborhood R, to limit density and FAR for 378.49± acres of land located at the southwest corner of the intersection of Interstate 95 and Interstate 4, and east of Tomoka Farms Road. Applicant: Glenn D. Storch, P.A., Storch Law Firm on behalf of Thomas Kirton and Katherine Wingard, as Co-Trustees of the Dorothy C. Kirton Living Trust of November 17, 2004 and Myron S. Kirton Living Trust of November 17, 2004.

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 - Minto Tomoka Parcel A - Voluntary Annexation \(pp. 366-391\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a voluntary annexation of 2.13± acres of land located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Consolidated-Tomoka Land Co. (**This item was continued from the 10-17-18 City Commission Meeting**)

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Large Scale Comprehensive Plan Amendment \(pp. 392-613\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA), amending the Future Land Use Element, Neighborhood V, to increase the residential density and reduce the non-residential intensity for 1614± acres of land located west of Interstate 95 and south of West Granada Boulevard/State Road 40 to permit the development of 3,250 residential dwelling units and limit commercial development to 200,000 square feet. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co. (**This item was continued from the 10-17-18 City Commission Meeting**)

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Rezoning, Planned Development-General \(pp. 614-733\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 1614± acres of land located west of Interstate 95 and south of West Granada Boulevard/State Road 40 from "County" Rural Agriculture (A-2) and Resource

Corridor (RC) to "City" Planned Development-General (PD-G) to develop up to 3,250 dwelling units with amenities and up to 200,000 square feet of commercial uses, and authorizing the Mayor to execute the Minto Tomoka - Parcel A Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co. (**This item was continued from the 10-17-18 City Commission Meeting**)

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Redevelopment Division - Brown & Brown - Rezoning, Planned Development-Redevelopment \(pp. 734-849\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 14.35± acres of land located at the 300 block of North Beach Street from Downtown Redevelopment-Commercial (RDD-3) and Residential/Professional (RP) to Planned Development-Redevelopment (PD-RD) to facilitate development of a corporate headquarters, and authorizing the Mayor to execute the Brown & Brown Headquarters Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Brown & Brown Realty.

Reed Berger, Redevelopment Director, to report.

Recommendation: Downtown Redevelopment Board recommends approval 7-to-0.

Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Beville Commercial - Small Scale Comprehensive Plan Amendment \(pp. 850-905\)](#)

Ordinance on first reading - adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Office Transition and Level 2 Residential to Low Intensity Commercial for 3.7± acres of land located at 1401 Beville Road to create a commercial development. Applicant: Jonathan A. Martin, P.E., Kimley-Horn & Associates on behalf of Beville Investors, LLC.

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, December 5, 2018.

10.B. [Development and Administrative Services, Planning Division - Beville Commercial - Rezoning, Planned Development-General \(pp. 906-977\)](#)

Ordinance on first reading - approving a request to rezone 3.7± acres of land located at 1401 Beville Road from Residential/Professional (RP) and Multifamily Residential-20 (MFR-20) to Planned Development-General (PD-G) for a phased commercial development which allows for the redevelopment of the eastern parcel into a 7-Eleven convenience store, and authorizing the Mayor to execute the Beville Commercial Planned District Agreement. Applicant: Jonathan A. Martin, P.E., Kimley-Horn & Associates, on behalf of Beville Investors, LLC.

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, December 5, 2018.

10.C. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Remove Waterfront Overlay \(WO\) District \(pp. 978-1022\)](#)

Ordinance on first reading - amending the Land Development Code to remove all references and regulations to the Waterfront Overlay (WO) District located in Article 4 (Zoning Districts), Section 4.9.E, and relocate the regulations relating to boat slips in Article 4, Section 4.9.E.5.g to Article 3.4.CC. The proposed text amendment will eliminate outdated regulations for development along the City's coastal waterways. Compliance with the requirements of the Florida Building Code, Florida Coastal Construction Control Program, and FEMA's floodplain management requirements will still be required. 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, December 5, 2018.

10.D. [Development and Administrative Services, Planning Division - Second Amendment to Sofran Eckerds Planned District Agreement \(pp.1023-1099\)](#)

Ordinance on first reading - amending the Sofran Eckerds Planned District Agreement to allow the demolition of the existing self-service car wash and redevelopment to include a 4,500 square foot full-service car wash building and associated site improvements on property located at 1330 Beville Road, and authorizing the Mayor to execute the Second Amendment to Sofran Eckerds Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of 165 Kelley Street, LLC.

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, November 21, 2018.

10.E. [Development and Administrative Services, Planning Division - Islamic Center of Daytona Beach - First Amendment to Planned District Agreement \(pp. 1100-1196\)](#)

Ordinance on first reading - amending the Islamic Center of Daytona Beach Planned District Agreement to modify the building design, add a phasing schedule, and extend the time table for development at 825 Derbyshire Road, and authorizing the Mayor to execute the First Amendment to Islamic Center of Daytona Beach Planned District Agreement. Applicant: Kimberly A. Buck, P.E., The Alann Engineering Group, Inc. on behalf of Islamic Center Daytona Beach, Inc.

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, November 21, 2018.

10.F. [City Manager's Office - APM Construction Corporation - Project Specific Construction Contract - Lowest Responsive Bid Contract Award](#)

[\(pp. 1197-1226\)](#)

Resolution awarding a Project Specific Construction Contract to the lowest responsive bidder, APM Construction Corporation, 424 Luna Bella Lane, Suite 130, New Smyrna Beach, Florida 32168 in an amount not to exceed \$4,336,300 for the construction of the First Step Shelter building. Building Construction: \$4,104,300; Kitchen Equipment: \$232,000.

James Chisholm, City Manager, to report.

Recommendation: City Manager recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.G. [City Clerk Office - Declaring Results Of The November 6, 2018, Municipal General Election **added 11-07-18](#)**

Resolution declaring the results of the November 6, 2018, Municipal General Election, for the election by Zone for City Commissioner Zones 1, 3 and 5.

Recommendation: City Clerk recommends adoption of the Resolution.

Action: Motion to adopt the 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 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.