



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
NOVEMBER 21, 2018
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.

	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 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.

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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 15, 2018 Shade Meeting , the August 29, 2018 Special Meeting Declaring the Results of the Primary Municipal Election, the August 29, 2018 Strategic Planning Workshop; and the November 07, 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. [Development and Administrative Services, Planning Division - Halifax Historical Society - Historic Preservation Award \(pp. 13-19\)](#)

The Historic Preservation Board is presenting their annual Historic Preservation Award to the Halifax Historical Society. This award is for their

selfless commitment in preserving our local history every day. Douglas Gutierrez, Staff Liaison to Historic Preservation Board, to present.

6.B. [Development and Administrative Services, Planning Division - South Ridgewood Elementary - Historic Preservation Award \(pp. 20-26\)](#)

The Historic Preservation Board is presenting their annual Historic Preservation Award to Paul and Susie Holmes for the former South Ridgewood Elementary School located at 747 South Ridgewood Avenue. This award is for significant contributions to the preservation of local historic resources. Douglas Gutierrez, Staff Liaison to Historic Preservation Board, to present.

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. [Budget Division - Final FY 2017/18 Budget Amendment \(pp. 28-36\)](#)

Resolution amending Resolution No. 17-379 (as previously amended), which adopted the FY 2017/18 budget, in order to increase revenues by \$5,050,733, operating expenditures by \$479,649, and transfers by \$4,571,084. This budget amendment recognizes a \$100,000 donation for land acquisition, increases the budgeted interest expenditures in the 2010 Capital Improvement Revenue Note Fund by \$54, reverses a budgeted transfer from the General Fund to the Halifax Harbor Fund, partially repays advances to the Halifax Harbor and Halifax Harbor Plaza Fund from the Water and Sewer and Stormwater Funds, and addresses certain negative fund balances by transferring funds from the Water and Sewer and the Stormwater Funds.

Recommendation: Budget Officer recommends adoption of the Resolution.

8.B. [Legal Department - Roy Longfellow - Settlement of Claim \(pp. 37-40\)](#)

Resolution authorizing payment in the amount of \$110,000 to Roy Longfellow and his attorney, Lina Lopez, Esq., for release of all claims and

full settlement arising from an injury allegedly sustained on July 11, 2017, while descending a broken staircase leading from the Boardwalk to the beach. Funds available in the Consolidated Insurance Funds.

Recommendation: City Attorney recommends adoption of the Resolution.

8.C. [Development and Administrative Services - Approval of Declaration of Restrictive Covenant for Brown & Brown Headquarters \(pp. 41-51\)](#)

Resolution approving the Declaration of Restrictive Covenant between The City of Daytona Beach and Brown & Brown, Inc., Brown & Brown Realty, Co., and DTBB, LLC (collectively, "B&B") applicable to Riverfront Park in front of the Brown & Brown Headquarters property located at the 300 block of North Beach Street.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

8.D. [Business Enterprise Management Department - United States Tennis Association \(USTA\) - Sixth Annual Daytona Beach Professional Women's Tennis Tournament - Contract \(pp. 52-70\)](#)

Resolution approving a contract between the United States Tennis Association (USTA) and the City of Daytona Beach to host the Sixth Annual Daytona Beach Professional Women's Tennis Championship Tournament on January 14 - 20, 2019 held at the Florida Tennis Center and authorizing the expenditure up to \$32,100 to sponsor the event. This event showcases professional women's tennis, the City, and our facility. Funds available in the Florida Tennis Center Fund.

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

8.E. [Engineering/Public Works Department - Samsula Waste Inc, DBA Samsula Marine Division - Colin Park Pier Repair – Lowest Responsive Bid Contract Award \(pp. 71-210\)](#)

Resolution authorizing the acceptance of a Construction Contract with the lowest responsive bidder, Samsula Waste Inc, DBA Samsula Marine Division, 2455 Tomoka Farms Road, Port Orange, FL 32128 in the amount of \$41,580 for damages sustained to the pier at Colin Park on the boardwalk and lighting system during Hurricane Irma. The damage was generally isolated to the mooring dock section of the overall pier system. Since this damaged occurred during Hurricane Irma the project is potentially eligible for 75% (\$31,185) cost share from Federal Emergency Management Agency (FEMA) and an additional 12.5% (\$5,197.50) cost share from the State of

Florida. Funds available in the FEMA – Storm Events Fund in the amount of \$36,382.50 and in the General Fund in the amount of \$5,197.50.

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

8.F. [Public Works/Engineering - DRMP, Inc. - Halifax Harbor Marina Sea Wall Design - Work Authorization No. 2 \(pp. 211-235\)](#)

Resolution approving Work Authorization No. 2 under Continuing Services Contract 0517-0470-DRMP with DRMP, Inc. (DRMP) 941 Lake Baldwin Lane, Orlando, FL 32814, in an amount not to exceed \$79,174 for the surveying, geotechnical services, permitting and design of the replacement sea wall surrounding the Halifax Harbor Marina Business Center and Maintenance Building located at the end of Basin Street. During recent heavy rainfall events, there have been multiple breaches in the sea wall. City forces have been actively backfilling numerous voids on the back side of the sea wall in numerous locations. If more permanent solutions are not implemented, the City risk the loss of the sea wall and upland assets. Funds available in the Capital Projects Fund.

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

8.G. [Utilities Department - Ovivo USA, LLC, Order Entry Administrator - Brennan Water Treatment Plant - Sole Source Purchase \(pp. 236-250\)](#)

Resolution approving a purchase from Ovivo USA, LLC, Order Entry Administrator, 4246 Riverboat Road, Suite 300, Salt Lake City, Utah 84123-2583 in the amount of \$404,456 to replace the drive units on Softener Clarifiers No.1 and No.2 at the Brennan Water Treatment Plant. This request is to maintain the treatment process at the Brennan Water Treatment Plant in accordance with state and federal permit requirements. The Brennan Water Treatment Plant utilizes three lime softeners to remove hardness in the raw water. Two of the three softeners are in operation during peak times and the third is a backup. The replacement of the drive units will be done in sequentially and during a period of lower peak flows. Ovivo is the manufacturer and sole source to replace the equipment. Funds available in the Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.H. [Utilities Department - Carus Corporation - Brennan Water Plant - Carus Corporation - Sole Source Purchase \(pp. 251-257\)](#)

Resolution authorizing the City Manager to make as-needed purchases of phosphate from Carus Corporation, 315 Fifth Street, Peru, IL 61354, at a rate of \$0.72/lb in an amount not to exceed \$129,600 annually to be used at the Brennan Water Treatment Plant. Phosphate is injected into the City's water distribution system to inhibit corrosion and reduce lead and copper metals. The Florida Department of Environmental Protection (FDEP) has approved the use of phosphate in municipal water supply distribution systems. Phosphate from other manufacturers were previously tested extensively by the City. The test concluded that the Carus phosphate reduced the levels of lead and copper metals better than the phosphate supplied by the other manufacturers. As a result, the City has purchased phosphate as a sole source from Carus for the past seven years. The continued use of the Carus phosphate has enabled the City to maintain high quality drinking water and comply fully with drinking water regulatory standards. The Utilities Department is proposing to continue using Carus to provide phosphate for FY 2019 and FY 2020. Funds available in the Water and Sewer Operating Fund FY 2019.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.I. [Utilities Department - CEC Motor & Utility Services – Motor and Pump Repair Contract \(pp. 258-433\)](#)

Resolution approving a piggyback contract using an Orange County contract with CEC Motor & Utility Services, 1751 12th Street East, Palmetto, FL 34221 with the following provisions:

- The term of the contract will run through May 11, 2022; and
- Authorize the City Manager to approve an expenditure of up to \$190,000 for as-needed motor and pump repair services each fiscal year while the contract is in effect with future years being subject to appropriation.

This request is to maintain the operational reliability for Brennan Water Treatment Plant (WTP), Bethune Water Reclamation Facility (WRF), and Westside Regional WRF plants in accordance with State and Federal regulations. The water and wastewater treatment plants utilize pumps and motors of various sizes and types for the treatment processes in order to maintain State and Federal Permit Regulations. Approval of this contract will allow quick turnaround time and ensure minimal operational downtime whenever pumps fail during the year by utilizing a term contract with Orange County Florida (Contract No. Y17-136B).

The Orange County Contract has been approved by the City's Purchasing Department for use by City departments. This contract is for repair and

maintenance of existing motors and pumps on an “as needed” basis. Funds are available in the Water & Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.J. [Utilities Department - Hazen Construction, LLC - Beach Street Backflow Preventer No. 26 - Fairview Outfall – Final Reconciliation Agreement \(pp. 434-444\)](#)

Resolution approving a Final Reconciliation Agreement for the Beach Street Backflow Preventer No. 26 at the Fairview Outfall with Hazen Construction, LLC, 1599 Tionia Road, New Smyrna Beach, FL 32168 , Contract No. 0318-0360 and authorizing the City Manager and City Clerk to execute the Final Reconciliation Agreement with the following stipulations:

- Approve September 28, 2018, as the final completion date and start of the warranty period
- Approve the final contract price of \$168,975
- Release retainage of \$8,448.75 due to the contractor

This request is needed to close out the project and release the retainage to the contractor. Resolution 18-80 was adopted by City Commission on March 3, 2018, to pay Hazen Construction, LLC in an amount not to exceed \$168,975 under Contract No. 0318-0360. Project was completed on budget and on time. There is no additional funding associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Islamic Center of Daytona Beach - First Amendment to Planned District Agreement \(pp. 445-541\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - 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 adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Second Amendment to Sofran Eckerds Planned District Agreement \(pp. 542-618\)](#)

Ordinance on second reading - Public Hearing - 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 adopt Ordinance.

9.C. [Development and Administrative Services, Redevelopment Division - Brown & Brown - Rezoning, Planned Development-Redevelopment \(pp. 619-734\)](#)

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 - Code of Ordinances Text Amendment - Mobile Food Vendors \(pp. 735-742\)](#)

Ordinance on first reading - creating Chapter 103 - Mobile Food Vendors to the Code of Ordinances to add regulations and licensing requirements for Mobile Food Vendors to provide the City with a new business market.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, December 5, 2018.

10.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Mobile Food Vending \(pp. 743-791\)](#)

Ordinance on first reading - amending the Land Development Code to allow for mobile food vending as a temporary use in various zoning districts and approve regulations and procedures. The proposed text amendment will introduce a new business market to the City that is not currently permitted.

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.

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.