





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JANUARY 23, 2019
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.

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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 9, 2019 Business Meeting of the City Commission.

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 - JANUARY 2019 \(pp. 14-16\)](#)

Residential Award:

Robert and Darlene Dilio, 6 Captiva at Lionspaw, Commissioner Robert A. Gilliland, Zone 4, to present.

Commercial Award:

Halifax Law Center, 138 Live Oak Avenue, Mayor Derrick L. Henry 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.

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 - Maxine Penn -Settlement of Claim (pp. 18-22)

Resolution authorizing payment in the amount of \$30,000 to Maxine Penn and her attorney James Arnold, Esq., for release of all claims and full settlement arising from injuries allegedly sustained from a June 9, 2015 trip and fall on City property. Funds available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. Public Works/Technical Services Division - Derbyshire Park Phase 3 Improvements - Racing and Recreation Facilities District Grant Acceptance (pp. 23-28)

Resolution authorizing the acceptance of a Racing and Recreation Facilities District Grant in the amount of \$168,750 for the Phase 3 Improvements at Derbyshire Park and authorizing the City Manager to execute all necessary documents in furtherance of this grant and request the Budget Office to amend the budget. This grant will allow for the construction of a football practice field identified in the grant submittal and referred to as the Derbyshire Park Phase 3 Improvements Project. The Derbyshire Park Masterplan identified the need for a football practice field in the southwest corner of the park. This project will address these needs and further the implementation of the Masterplan. No funding obligations are required as a condition of the grant. After grant acceptance, funding will be made available in an appropriate specific account as needed for the grant.

Recommendation: Public Works Director recommends adoption of the

Resolution

8.C. [Public Works/Administration Division - City of Daytona Beach and Florida Department of Transportation \(FDOT\) - I-95 Community Aesthetic Feature Agreement \(pp. 29-50\)](#)

Resolution authorizing the City Manager to execute an agreement between The City of Daytona Beach and Florida Department of Transportation (FDOT) for a Community Aesthetic Feature which will be maintained by the City. The feature was designed and will be installed as part of the overall aesthetics component of a FDOT Design-Build Construction project, FM No.242715-2-52-01 and will be installed within the I-95 and I-4 interchange. The FDOT requires the City Commission's resolution authorizing execution be attached to the agreement. The agreement entails that both parties acknowledge that the FDOT shall bear the cost and responsibility of design and installation; the City shall bear the cost and responsibility of the perpetual maintenance of the feature. The terms of the agreement will commence upon full execution of the Agreement, and continue through December 31, 2068, which is determined as the lifespan of the project. There is no funding associated with this request; FDOT will be responsible for the funding of the project.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Leisure Services Department - Volusia County \(Daytona Beach\) Florida Branch of the National Association for the Advancement of Colored People \(NAACP\) - Lease Agreement \(pp. 51-61\)](#)

Resolution approving the lease agreement between the City of Daytona Beach and the Volusia County (Daytona Beach) Florida Branch of the National Association for the Advancement of Colored People (NAACP) to occupy space at the John H. Dickerson Center, 308 S. Martin Luther King, Jr. Boulevard, Daytona Beach, FL 32114. The key points of this lease are as follows:

- Monthly rent \$188.87 plus tax
- One year term with three one year options to renew
- Carry general liability insurance in the amount of \$1,000,000

The NAACP's prior lease agreement has expired and they are current with their lease payments.

Recommendation: Leisure Services Administrator recommends adoption of the Resolution.

8.E. [Engineering/Public Works Department - Samsula Waste, Inc - Construction Contract Award \(pp. 62-81\)](#)

Resolution awarding a Construction Contract to the lowest responsive bidder, Samsula Waste, Inc. dba Samsula Marine Division, 2455 Tomoka Farms Rd., Port Orange, FL 32128 in the amount of \$89,162 for the Manatee Island day dock repair. This item provides for the repair of the Manatee Island Day Dock that sustained piling and boardwalk damage during Hurricane Irma. The pier abruptly lifted as result of the storm surge generated during Hurricane Irma, destroying components of the pier, including the aluminum gangway from the wooden boardwalk to the floating dock. Since this damage occurred during Hurricane Irma, the project is potentially eligible for 75% (\$66,871.50) cost share from Federal Emergency Management Agency (FEMA) and an additional 12.5% (\$11,145.25) cost share from the State of Florida. Funding in the amount of \$78,016.75 is available in the FEMA – Hurricane Irma Fund and \$11,145.25 in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Finance Department - Audit Selection Committee 2019 \(pp. 82-85\)](#)

Resolution establishing the 2019 Audit Selection Committee as required by Florida Statute 218.391 for the purpose of selection of an external auditor. The contract for external audit services with Carr, Riggs and Ingram, LLC expires with the conclusion of the fiscal year 2018 audit. Florida Statute 218.391 requires an audit selection committee be established by the City Commission with the primary purpose of assisting the governing body in selecting an auditor to conduct the annual financial audit including establishing factors to use for the evaluation of audit services. The composition of the committee is not specified in the law. According to the Florida Auditor General's website, it is a recommended practice that all committee members have financial experience and possess a basic understanding of governmental financial reporting and auditing.

Prior committee members Mr. Tom Cox, CPA, Brown & Brown; Mr. Dan Bolerjack, CPA, Bolerjack, Halsema, Bowling & White, P.A.; and Mr. Robert Goldberg, retired Internal Auditor; have expressed an interest in serving on the 2019 Committee. Prior committee members have an understanding of audit committee functions, experience with communication with Commissioners and an understanding of the government environment. The Commission can re-appoint the prior committee members or select a new committee. With City Commission approval of this resolution, the Audit Selection Committee will establish the evaluation factors for the audit firms, issue the external audit services RFP, evaluate the proposals, rank the external audit services proposals received, and provide a recommendation to the City Commission for approval.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.G. [Utilities Department - Hazen Construction, LLC - Lowest, Best, Responsive Bid Award \(pp. 86-105\)](#)

Resolution awarding Bid No. 19083 to Hazen Construction, LLC, 1599 Tionia Road, New Smyrna Beach, FL 32168 in the amount of \$988,775 for the construction of approximately 2,200 linear feet of 20-inch reclaimed water main on Williamson Boulevard between Dunn Avenue and Mason Avenue to provide a continuous reclaimed distribution system to meet future development needs. Hazen Construction, LLC was evaluated for bid responsiveness and was found to be the lowest, best responsive bidder. Funds available in the Water and Sewer Grant Fund (\$326,295.75 - SJRWMD Cost Share Agreement Contract #33294) and Renewal and Replacement 8% Fund (\$662,479.25).

Recommendation: Utilities Director recommends adoption of the Resolution.

8.H. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 106-107\)](#)

Resolution authorizing payment from the General Fund in the amount of:

\$250 to Delta Sigma Theta Sorority, Inc., Daytona Beach Alumnae Chapter, for their Community Shredding Event from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$150 to Halifax Historical Society, Inc., for 25 tickets for the Dickerson Center Senior Oasis to tour the museum 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, Redevelopment Division - China One - Rezoning to Redevelopment Midtown-Neighborhood Center Mixed Use \(RDM-2\) \(108-128\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a request to rezone 0.246± acre of land located at 617 Bellevue Avenue from Single Family Residential-5 (SFR-5) to Redevelopment Midtown-Neighborhood

Center Mixed Use (RDM-2) to allow the construction of a parking lot to serve the adjacent restaurant and proposed grocery store. Applicant: Rashid Jamalabad, P.E., RJ Engineering, LLC, on behalf of the property owner, Mr. Wang Tianfu.

Reed Berger, Redevelopment Director, to report.

Recommendation: Midtown Redevelopment Board recommends approval 4-to-1 and the Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Mobile Food Vending \(pp. 276-330\)](#)

Ordinance on first reading - PUBLIC HEARING - 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, February 6, 2019.

9.C. [Development and Administrative Services, Planning Division - Williamson Ridge - Neighborhood K & S - Large Scale Comprehensive Plan Amendment \(pp. 261-273\)](#)

Ordinance on first reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhood K & S, to remove the commercial retail development restrictions to only three corners at the intersection of Williamson Boulevard & LPGA Boulevard, and Clyde Morris Boulevard & LPGA Boulevard.

Applicant: Michael O. Sznajstajler, Esq., Cobb Cole, representing Concierge LPGA, LLC. ****Applicant has requested that this item be continued to the February 6, 2019 City Commission Meeting****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, March 20, 2019.

10. ADMINISTRATIVE ITEMS.

10.A. [Legal Department - Panhandling Ordinance \(pp. 274-275\)](#)

Ordinance on first reading - amending the City Code to provide new panhandling regulations including sections for findings and intent, definitions, prohibited conduct, and proximity and location restrictions for panhandlers, beggars, and solicitors. Resolution No. 18-249, approved the City's request to retain attorney Michael Kahn to draft new panhandling regulations and to conduct evidentiary hearings before the City Commission in support thereof. Evidentiary hearings were conducted on December 12, 2018 and January 16, 2019.

Michael Khahn, to report.

Recommendation: City Attorney recommends passing the Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 6, 2019.

10.B. [Development and Administrative Services, Redevelopment Division - Avista - Rezoning, Planned Development-Redevelopment \(pp. 129-260\)](#)

Ordinance on first reading - approving a request to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PD-RD) to allow the construction of a hotel with associated site improvements, and authorizing the Mayor to execute the Avista Hotel Planned District Agreement. Applicant: Glenn D. Storch, P.A. on behalf of Avista Properties VII, LLC. ****Applicant has requested that this item be conducted as an additional first reading to incorporate recent modifications to the PD Agreement and the second reading to be continued to February 6, 2019****

Reed Berger, Redevelopment Director, to report.

Recommendation: Beachside Redevelopment Board recommends approval 7-to-0 and the Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, second reading, February 6, 2019.

10.C. [Development and Administrative Services, Planning Division - Code of Ordinances Text Amendment - Mobile Food Vendors \(pp. 331-346\)](#)

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, February 6, 2019.

10.D. [Development and Administrative Services, Redevelopment Division - Bellavita Estates - Rezoning to Redevelopment Downtown-Riverfront Mixed Use \(RDD-4\) \(pp. 347-370\)](#)

Ordinance on first reading - approving a request to rezone 0.65± acre of land located at 919 and 923 N. Beach Street from Local Industry (M-1) to Redevelopment Downtown - Riverfront Mixed Use (RDD-4), for the purpose of providing uses and development consistent with the City's Comprehensive Plan. Applicant: Diane Larsen, Selby Realty, on behalf of the property owner, Bellavita Estates Inc.

Reed Berger, Redevelopment Director, to report.

Recommendation: Downtown Redevelopment Board recommends approval 4-to-0 and the Planning Board recommends approval 7-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 6, 2019.

10.E. [Development and Administrative Services, Leisure Services Department - Bike Week 2019 Private Property Master Plan \(pp. 371-515\)](#)

Resolution approving the Bike Week 2019 Private Property Master Plan as submitted by the Daytona Beach Regional Chamber's Bike Week Festival Task Force. The Bike Week Festival Task Force has reviewed the applications for consistency with the Bike Master Plan Guidelines and recommends approval.

Bob Coleman and Phil Maroney, Vice Chairs of the Bike Week Festival Task Force, to report.

Recommendation: Deputy City Manager, Development & Administrative Services recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.F. [Development and Administrative Services, Cultural Services Department - Bike Week 2019 Public Property Master Plan \(pp. 516-580\)](#)

Resolution approving the Bike Week 2019 Public Property Master Plan. Activities included in the plan are consistent with activities in previous

years. City staff has reviewed the requests and found them to be acceptable.

James Morris, Deputy City Manger, to report.

Recommendation: Deputy City Manager, Development & Administrative Services 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.**