





**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
JULY 17, 2019  
CITY COMMISSION CHAMBERS  
6:00 PM**

## AGENDA

Website Address - [www.codb.us](http://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.

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|  | <b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</b> |  | <b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b> |
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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](mailto: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.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**
- 4. APPROVAL OF MINUTES.**

**4.A. Approval of Minutes**

Approval of the Minutes of the June 19, 2019 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. BEAUTIFICATION AWARDS - JULY 2019 (pp. 19-21)**

Residential Award:

Mary Ann King, 773 Pelican Bay Drive, Commissioner Robert A. Gilliland, Zone 4, to present.

Commercial Award:

Magnolia Manor Assisted Living, 252 Forest Lake Boulevard, 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. Business Enterprise Management Department - Alan Jay Fleet Sales - Vehicle Purchase (pp. 23-39)**

**Resolution** authorizing the purchase of nine (9) vehicles from the Sourcewell Cooperative Contract 2019-120716-NAF with options from Alan Jay Fleet Sales, P.O. Box 9200, Sebring FL 33871 in the amount of \$206,830.97. The newer, economical, and eco-friendly vehicles will replace the current fleet and the older vehicles will be transferred to the Fleet Maintenance Department for disbursement to various City departments in need. Funds available in account 160-150402-564001-000000.

Recommendation: Business Enterprise Management Department Manager recommends adoption of the Resolution authorizing the purchase of nine (9) vehicles from the Sourcewell Cooperative Contract No. 2019-120716-NAF from Alan Jay Fleet Sales in the amount of \$206,830.97.

**8.B.** Engineering/Public Works Department - Saboungi Construction Inc. - Construction Contract - Lowest Responsive Bid (pp. 40-283)

**Resolution** authorizing the acceptance of a Construction Contract with the lowest responsive bidder, Saboungi Construction Inc., 290A North Highway 1, Ormond Beach, FL 32174 in the amount of \$335,815 for the Halifax Harbor Marina Seawall Restoration and waiving an irregularity in the bid documents. The purpose of this request is to remove and replace the seawall surrounding the Harbor Master Building at the Halifax Harbor Marina. Multiple sections of the seawall have failed allowing upland sediment to wash into the marina, potentially compromising navigable waterways, sidewalks and buildings. Funds available in the Capital Projects Fund.

Recommendation: Public Works Director recommends adoption of the Resolution authorizing the acceptance of a Construction Contract with the lowest responsive bidder, Saboungi Construction Inc., in the amount of \$335,815.

**8.C.** Development and Administrative Services - Authorization for Submittal of the 2019-2020 Annual Action Plan (AAP) and Approving Certain Implementing Actions (pp. 284-320)

**Resolution** approving the submittal of the 2019-2020 Annual Action Plan (AAP) to the U.S Department of Housing and Urban Development (HUD) required to apply for Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) program funding. The AAP describes the proposed use of funds and planned activities to help meet housing and community development needs in the city. Additionally, this item includes a request for authorization to continue certain implementing actions deemed essential to support efficient administration of these funds including: accepting the funds if awarded; authorizing the Mayor to execute deeds; and authorizing the City Manager or his designee to execute and enforce security documents.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

**8.D.** Development and Administrative Services - River to Sea Transportation Planning Organization-Funding Agreement (pp. 321-330)

**Resolution** approving the Funding Agreement for the River to Sea Transportation Planning Organization in the amount of \$6,627. The agreement is to provide the River to Sea Transportation Planning Organization (R2CTPO) with funding to support the functions necessary to achieve its desired role in planning the transportation system. The R2CTPO is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for Volusia County and portions of Flagler County. This request authorizes the City Manager to approve such Funding Agreements in future fiscal years subject to budgeting. Funds available in the General Fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution approving the Funding Agreement for the River to Sea Transportation Planning Organization in the amount of \$6,627.

**8.E.** Public Works Department - Advalue LLC, dba, Big Value Garden Center - Contract Award - Lowest Responsive Responsible Bid (pp. 331-340)

**Resolution** awarding Contract No. 19453 in the amount of \$89,616 to the Lowest Responsive Bidder, Advalue LLC, dba, Big Value Garden Center, 768 North Nova Road, Daytona Beach, Florida 32114, for the construction of landscaping improvements at the intersection of A1A and East International Speedway Boulevard (EISB). The purpose of this request is to landscape the north and south corners of the western intersection of A1A and EISB with a pedestrian friendly sustainable and aesthetically pleasing landscape enhancement design for the gateway leading into the City's Beachside. Funds available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution awarding Contract No. 19453 in the amount of \$89,616 to the Lowest Responsive Bidder, Advalue LLC, dba, Big Value Garden Center.

**8.F.** Utilities Department - Brenntag Mid-South, Inc. - Contract Approval  
(pp. 341-378)

**Resolution** approving a contract with Brenntag Mid-South, Inc. for 30% Hydrogen Peroxide at a unit price of \$0.34 per pound and \$0.39 per pound for emergency orders with the following provisions:

- Authorize the purchase of Hydrogen Peroxide on a unit price basis for a three years term;
- Authorize the City Manager to approve an amount as needed up to \$45,043 for the remaining FY19; and
- Authorize the City Manager to exercise two one-year renewal options and expend such sums as budgeted each year.

The purpose of this request is to utilize Hydrogen Peroxide for Total Trihalomethane (TTHM) removal at the Brennan Water Treatment Plant. The Brennan Water Treatment Plant has received a permit from Volusia County Department of Health to use hydrogen peroxide in the raw water supply to assist in the removal of TTHM, which is regulated under the Safe Drinking Water Act by State and Federal agencies. One bid was received and opened on June 4, 2019 for the supply of 30% hydrogen peroxide in 3000 pound totes to be delivered as needed to the Brennan Water Treatment Plant. Funds available in the Water & Sewer Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving a contract with Brenntag Mid-South, Inc. for 30% Hydrogen Peroxide at a unit price of \$0.34 per pound and \$0.39 per pound for emergency orders on an as-needed basis with provisions in an amount not to exceed \$45,043.

**8.G. Utilities Department - HACH - Sole Source Purchase** (pp. 379-387)

**Resolution** approving a sole source purchase from HACH, P.O. Box 608, Loveland, CO 80539-0608 for flow monitoring equipment in the amount of \$52,346 plus freight which is estimated to be \$1,050. The purpose of this request is to identify areas in the linear infrastructure system subjected to high levels of Inflow and Infiltration. The Utilities Department is required by the Florida Department of Environmental Protection (FDEP) to perform an Infiltration and Inflow (I&I) evaluation to identify potential areas that experience high levels of infiltration (groundwater seeping into sanitary sewer pipes via cracks, broken pipes, loose joints) and inflow (rainwater that enters sanitary sewer pipe via manholes and other means). The additional flow can consume the pipe capacity needed to convey sewage flow to the wastewater treatment facility causing sewage spills. Furthermore, the increase in total flow from I&I increases treatment costs including additional chemicals and electricity.

The I&I evaluation in the eastern and southeastern section of the City was recently completed and indicated high levels of I&I. Before measures can be taken to reduce I&I levels, more accurate data is needed to use in the computer model simulation of the system as well as identifying specific locations of I&I. The flow monitoring equipment requested includes a FLO DAR meter, data loggers, a rain gauge, and ancillary pieces. This purchase is a sole source as we have standardized on HACH equipment. The Avanti Company is currently the only authorized HACH distributor for their Open Channel Flow monitoring products and a sole source letter is attached. Funds available in the Renewal and Replacement 5% Fund 425.

**Recommendation:** Utilities Director recommends adoption of the Resolution approving a purchase from HACH for flow monitoring equipment in the amount of \$52,346 plus freight costs in the amount of \$1,050.

**8.H.** Public Works Department - Racing and Recreation Facilities District Grant Acceptance Request for Derbyshire Park Phase 3 Improvements - City Project Number 2017-051 (pp. 388-395)

**Resolution** authorizing acceptance of a Racing and Recreation Facilities District Grant in the amount up to \$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 that the Budget Office amend the budget. On July 25, 2017 the City received notice that a Racing and Recreation Facilities District Grant was awarded in the amount of \$168,750 for improvements to Derbyshire Park. This grant will allow for the construction of improvements in the southwest corner of Derbyshire Park as identified in the grant scope. Improvements will include a football practice field and are referred to as the Derbyshire Park Phase 3 Improvements project.

The estimated probable construction cost for the Derbyshire Park Phase 3 Improvements project is \$243,750. The City has been awarded \$168,750 by the Racing and Recreation Facilities District. The City will be funding the difference of \$75,000 as its matching share for the improvements. Upon acceptance, grant funding in the amount of \$168,750 will be made available in the Grant Projects Fund. The City match in the amount of \$75,000 is available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution authorizing acceptance of a Racing and Recreation Facilities District Grant in the amount up to \$168,750.

**8.I.** Legal Department - Kathryn Letchford - Settlement of Claim (pp. 396-399)

**Resolution** authorizing payment in the amount of \$42,500 to Kathryn Letchford and her attorney, Justin Pimenta from Abrahamson & Uiterwyk, P.A., for release of all claims and full settlement arising from injuries allegedly sustained from a trip and fall on May 21, 2016 on City property. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of Resolution.



**8.J.** Finance Department - Allocation of Bike Week Sponsorship Funds  
(pp. 400-401)

**Resolution** authorizing payment in the amount of:

\$200 to Daytona Express Track & Field Club for a general donation and \$250 to R.A.C.E. Foundation for their 2nd Annual Back-to-School Bash giveaway on August 8, 2019 from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$2075 to Volusia Volunteers in Medicine, for a general donation and \$4,000 to First Step Shelter from the Bike Week Sponsorship Funds of Commissioner Aaron Delgado.

\$250 to Daytona Express Track & Field Club 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 - Integrated LPGA - Rezoning to Planned Development-General (PD-G) and Preliminary Plat (pp. 402-523)

**Ordinance on second reading - Quasi-Judicial Hearing** - approving a request to rezone 391.8± acres of land located west of N. Tomoka Farms Road, east of LPGA Boulevard, and north of West International Speedway Boulevard from Single-Family Residential 5 (SFR-5) to Planned Development-General (PD-G) to develop a mixed residential development, approving the Integrated LPGA Phase A1 Preliminary Plat, and authorizing the Mayor to execute the Integrated LPGA Planned District Agreement. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of American Land Development Osceola County, LLC & American SW-30 Investments, LLC and GC Land LLC. **\*\*This item was continued from the July 3, 2019 City Commission Meeting at the request of the Applicant\*\***

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 – American SW-30 Investments, LLC/Integrated LPGA - Proportionate Fair Share Agreement (pp. 524-539)  
**Resolution - PUBLIC HEARING** - authorizing the City to enter into the American SW-30 Investments, LLC/Integrated LPGA Proportionate Fair Share Agreement with American SW-30 Investments, LLC ("Owner") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$1,561,163.07 for a maximum buildout of 600 dwelling units and to address traffic concurrency and traffic impacts. The contribution will provide transportation improvements in the impact area. The project is located west of N. Tomoka Farms Road, east of LPGA Boulevard, south and east of Municipal Stadium, and north of West International Speedway Boulevard. **\*\*This item was continued from the July 3, 2019 City Commission Meeting at the request of the Applicant\*\***

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of Resolution.

- 9.C.** Public Works - Latitude at Daytona Beach Phase 3A Preliminary and Final Plat (pp. 540-560)

**Resolution - Quasi-Judicial Hearing** approving the amended Latitude at Daytona Beach Phase 3A Preliminary and Final Plats. The subject property (96.726 acres) is generally located on the north side of LPGA Boulevard, west of I-95. Ordinance No. 19-42 adopted at the February 20th, 2019 City Commission Meeting previously approved the preliminary and final plat for Phase 3A. A portion of the previously approved Phase 3A Plat has been reconfigured, adding more lots, to accommodate townhomes as allowed by the Second Amendment to Minto Tomoka - Parcel B Planned District Agreement. The lot configuration change increased the lot count in Phase 3A from 294 to 324 lots.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**9.D.** Public Works Department/ Technical Services - Sweetheart Trail - South Beach St. (Bellevue Ave. to Marina Point Dr.) – Right of Way Vacation - and Related Approvals (pp. 561-622)

**Resolution - PUBLIC HEARING** authorizing each of the following, in order to allow for a westward shift of Beach Street north of its intersection with South Beach Street:

- Approve the vacation of a portion of the Beach Street right of way fronting the Daytona Marine and Boatworks (hereinafter, the “Boatworks Site”), located at 645 S. Beach Street;
- Accept a deed of approximately 2,600 square feet of land located immediately west of the existing Beach Street right-of-way, across from the Boatworks Site, for use as public right-of-way, from Racecoast Marine, LLC, which owns this land as well as the Boatworks Site;
- Approve a quit claim deed for the right-of-way being vacated, from the City to Racecoast Marine;
- Approve an easement agreement between the City and Racecoast Marine, providing the City temporary sidewalk, public parking, and access easements, and a permanent public utility easement, over the portion of Beach Street being vacated above; and
- Approve the removal of a historic oak tree located at the northwest corner of Beach Street and South Street. area that includes Beach Street, from Bellevue Ave, to Marina Point Drive.

The purpose of this request is to facilitate the extension of the Sweetheart Trail, in an area that includes Beach Street, from Bellevue Avenue, to Marina Point Drive. Shifting the Beach Street right-of-way to the west at this location would provide an appropriate clear zone for this segment of the Trail. In addition, shifting the right-of-way westward at this location would reduce the curvature of the roadway and improve sight distance for the motoring public. Funds to mitigate the removal of the historic tree in the amount of \$500 are available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

**9.E.** Utilities Department - Florida Department of Environmental Protection - Clean Water State Revolving Loan - Adoption of 2016 Facilities Plan Update (pp. 623-716)

**Resolution - PUBLIC HEARING** adopting the 2016 Facilities Plan Update for the Biosolids Dewatering Improvements at the Westside Regional Water Reclamation Facility. This updated facilities plan is needed to meet the State of Florida's requirements to be eligible for a FDEP Clean Water State Revolving Fund (SRF) low interest rate loan for construction funding. A portion of the Westside Regional WRF Upgrades currently under construction includes modifications to the Dewatering Process located at the interface to the RAS/WAS Pump Station. However, the modifications to the dewatering process did not initially include replacement of the aging equipment which is now past its useful life. A study was conducted to determine the most cost-effective technology to replace the existing equipment and the study recommended new belt filter presses along with a new polymer feed system, a new conveyor system and building modifications as the most suitable and affordable option for the City. Per the guidance of FDEP, in order for the project to be SRF eligible, the City must update the 2016 Facilities Plan to cover the needed upgrades to the Dewatering Process. Given that this is an update to an existing Facilities Plan, it will go through an abbreviated 30-day State Clearinghouse review. Ordinance 19-85, adopted on April 3, 2019, approved an increase in the State Revolving Fund Debt cap associated with this project.

The funding for the project is as follows:

Biosolids Dewatering Improvements at the Westside Regional WRF

|                                   |             |
|-----------------------------------|-------------|
| Construction Loan to be Disbursed | \$3,861,200 |
| Annual Debt Service**             | \$208,463   |
| Total CWSRF Loan Amount**         | \$3,958,165 |

\*\* - *Annualized debt service and total loan amount includes capitalized interest and SRF service fees.*

The source of funds for the repayment of the loans will come from the net water and wastewater utility system revenues after payment of operating and maintenance expenses and existing debt service.

Recommendation: Utilities Director recommends adoption of the Resolution.

## 10. ADMINISTRATIVE ITEMS.

### 10.A. Development and Administrative Services, Planning Division - 100 to 200 Block S. Caroline Street - Small Scale Comprehensive Plan Amendment (pp. 717-744)

**Ordinance on first reading** - adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Commercial Retail and Commercial Transition to Level 2 Residential for thirteen (13) properties totaling 3.0± acres of land located generally along and west of S. Caroline Street between International Speedway Boulevard and Orange Avenue. Applicant: Development and Administrative Services, Planning Division.

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, August 7, 2019.

### 10.B. Development and Administrative Services, Redevelopment Division - 100 to 200 Block S. Caroline Street - Rezoning to Redevelopment Midtown - Residential Preservation (RDM-6) (pp. 745-776)

**Ordinance on first reading** - approving a request to rezone 3.0± acres of land located generally along and west of S. Caroline Street between International Speedway Boulevard and Orange Avenue, from Redevelopment Midtown - Activity Center Mixed Use (RDM-3) and Redevelopment Midtown - Neighborhood Transition Mixed Use (RDM-5) to Redevelopment Midtown - Residential Preservation (RDM-6), for the purpose of providing the appropriate zoning district recommended in the Midtown Master Plan. Applicant: Development and Administrative Services Department, Redevelopment Division.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 7, 2019.

**10.C.** Legal Department - Retainer of Outside Counsel Segundo Fernandez and Timothy J. Perry, Of Oertel, Fernandez, Bryant & Atkins, P.A.  
(pp. 777-817)

**Resolution** authorizing the filing of a lawsuit against FPL seeking contribution towards the City's costs to remediate the City's Clyde Morris Boulevard Brownfield site located west of Clyde Morris Blvd. at the intersection of Bellevue Avenue, and authorizing attorneys, Segundo Fernandez and Timothy J. Perry, of Oertel, Fernandez, Bryant & Atkins, P.A., to represent the City as outside counsel for the lawsuit.

A City Brownfield Site, which was formerly a part of a City-owned landfill operated west of Clyde Morris Blvd. at Bellevue Ave., is contaminated with several substances, requiring remediation under applicable federal and state environmental laws. The City's environmental engineering consultant, Cardno Inc., has determined that based on the chemical composition of the contaminants, and the historical information publicly available, it is likely that the contaminants were brought to the site from a gasification plant owned by a predecessor in interest to Florida Power & Light ("FPL"), located on Segrave Ave. north of ISB, that has since closed. If the City files a civil action against FPL and is able to prove that the contaminant plume originated from this particular plant, FPL may be legally required under applicable federal or state environmental laws to pay a substantial portion of the City's remediation costs. Remediation costs are estimated by Cardno, Inc., to be between \$5,000,000 and \$12,000,000. The law firm of Oertel, Fernandez, Bryant & Atkins, P.A., has offered to represent the City in a lawsuit against FPL on an hourly basis. A copy of their proposal is attached hereto. The estimated attorney's fees through trial is up to approximately \$360,000.

Robert Jagger, City Attorney, to report.

Recommendation: Commission Action.

Action: Motion to adopt Resolution.

**10.D.** Budget Office - FY 2019/20 Proposed Tentative Millage Rate  
(pp. 818-823)

**Resolution** advising the Property Appraiser for advertising purposes, the FY 2019/20 proposed tentative (not to exceed) operating millage rate, rolled-back rate, and voted debt service rate. The requested proposed tentative millage rates for each \$1,000 of assess valuations are:

|                        | Proposed | Current |
|------------------------|----------|---------|
| Rolled-back            | 5.6880   | N/A     |
| General Fund Operating | 6.2000   | 6.2000  |
| Voted Debt Service     | 0.2771   | 0.3090  |

The first public hearing is scheduled for September 4, 2019, on which the proposed tentative millage rate and proposed FY 2019/20 Budget will be acted upon.

Fred Coulter, Budget Officer to report.

Recommendation: Budget Officer recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**10.E.** Development and Administrative Services, Leisure Services Department - Biketoberfest 2019 - Private Property Master Plan (pp. 824-964)

**Resolution** adopting the Biketoberfest 2019 Master Plan for Private Property as submitted by the Daytona Beach Area Convention & Visitors Bureau. The Biketoberfest Advisory Committee has reviewed the applications for consistency with the Bike Week and Biketoberfest Master Plan Guidelines and recommends approval.

Kay Galloway, Director of Marketing & Design, to report.

Recommendation: Commission Action

Action: Motion to adopt the Resolution.

**10.F.** Development and Administrative Services, Cultural Services Department - Bike Week 2019 - Public Property Master Plan (pp. 965-1024)

**Resolution** adopting the Biketoberfest 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 Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**10.G.** Development and Administrative Services - Amendment to the Master Agreement for the LPGA International Golf Course (pp. 1025-1319)

**Resolution** approving the Amended and Restated Master Agreement for the LPGA International Golf Course Facility and to approve a Memorandum of Understanding Regarding Reuse Water at the LPGA International Golf Club. The Amended and Restated Master Agreement clarifies and restates the rights of the parties to the Agreement, including provisions relating to (i) assignment of the obligation for Per-Round Surcharge payments to the City upon sale of the Facility by the owner, Indigo International LLC, to a prospective purchaser, CBIGG Daytona LLC, (ii) establishing LPGA's privileges with regard to use of the Facility and the LPGA Headquarters, (iii) releasing certain deed restrictions for current and future use of the LPGA Headquarters property, and (iv) assigning all of the City's and the owner's rights and duties concerning the Facility to the prospective purchaser, except as expressly stated in the Agreement. The Memorandum of Understanding provides that the City shall impose the City's standard non-residential reuse water rates applicable to the Facility upon sale to the prospective purchaser.

James S. Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

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 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.**

## WELCOME TO THE BUSINESS MEETING OF THE CITY COMMISSION

**CITIZEN PRESENTATION** — At Commission meetings, citizens may be heard at Public Hearings or on other items on the agenda when authorized by the Mayor, as presiding officer. Persons interested in a matter not on the agenda may be heard under the item entitled “PUBLIC COMMENTS FORUM.” **When recognized by the presiding officer, come forward to the microphone, give your name and address, and speak briefly on the matter.**

**PUBLIC HEARING** — (This guide will aid you in expressing your opinions **briefly** and **clearly** before the Commission and thus increase the effectiveness of your presentation.) **Public comments to Ordinances are generally made only on second reading.**

### GENERAL RULES

- Complete “Request to Appear” form and present it to the Clerk at the front of the Chamber (Yellow for Business Meeting Items; Green for Public Comments Forum).
- When recognized by the Mayor, proceed to the lectern in front of the Commission dais. Speak directly into the microphone.
- State your name, address, the organization which you represent or the location of your property if you have a property interest, and your position for or against.
- Make a brief statement of the pertinent facts **within your knowledge**.
- Next, briefly state the reasons for your position based upon relevant subject matter.
- It is important for you to discuss only those matters relating to your hearing and to tie into your discussion the facts directly referring to the decision you wish to Commission to reach.

**ORDER OF BUSINESS** — The major items of business include: Consent Agenda, Public Hearings, and Administrative Items.

**ACTIONS** — Business presented to the Commission is acted upon by one of the following actions:

- **Ordinances:** An ordinance or amendment thereto is a legislative act and required two readings at separate Commission meetings. **Public Hearings are advertised and usually held on the second reading of an ordinance.** Ten days after passed it automatically becomes law unless a different date is stated on the ordinance. Emergency ordinances can be passed by the Commission on first reading.
- **Resolutions:** A resolution expresses the policy of the Commission or directs certain types of administrative action. It requires only one reading unless otherwise stated.
- **Motions:** A motion is ordinarily used to indicate majority approval of a procedural action, such as to file a report. It may also be used to authorize administrative officials to take certain actions.
- **Referral:** When the Commission is not prepared to take a definite action or when further study is needed, the Commission Board may refer the matter to a committee or to the City Manager for study and subsequent action or report.

### ORDER OF PROCEDURE

1. Procedure in the Commission meeting, as well as the decorum of all persons participating in Commission meetings, is governed by Roberts Rules of Order, the City Charter, the City Code of Ordinances and the Rules of the Commission.
2. When an agenda item comes up for Commission consideration, the following procedure shall apply:
  - An ordinance under consideration shall be read by title only, unless otherwise requested by a member of the Commission. A motion and second may be made by a Commissioner to waive the reading of a resolution.
  - A motion and a second is required to adopt the item (whether an ordinance, resolution, continuance, motion, etc.)
3. Discussion of the item then follows. (Unless the item is an ordinance on first reading which has no audience participation.)

The Mayor, as presiding officer of the meeting, will open the discussion which may include public comments.

**Public comments are normally limited to two and one half minutes.**
4. All questions, except by the Commission, must be directed to the Mayor who will ask the speaker or other person for any information he may need to answer the question. **Under no circumstances will members of the audience direct questions to another member of the audience or a speaker who has the floor.**
5. Once voting has started further discussion of the item or further presentations will not be permitted.

### DISORDERLY CONDUCT AT A CITY COMMISSION MEETING

Section 62-38 of the City Code of Ordinances reads as follows: “It shall be unlawful for any person to behave in a riotous or disorderly manner in any public meeting of the City Commission or any committee, agency, or board thereof, or to cause any unnecessary disturbances therein by force, shouting, or any other action calculated to disrupt such meeting, or to refuse to obey any ruling of the presiding officer or such meeting relative to the orderly process thereof.”

**CELLULAR PHONES ARE TO BE TURNED OFF (RINGER OFF) WHILE ATTENDING CITY COMMISSION MEETINGS.**