





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JUNE 17, 2020
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.**
- 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 3, 2020 Regular City Commission Meeting will be on the July 1, 2020 City Commission Agenda.

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 - No Presentation

7. CITIZENS.

7.A. [PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION](#) (pp. 16-17).

EMERGENCY PROCEDURES FOR PUBLIC MEETINGS AND PUBLIC COMMENTS

During this time of extraordinary circumstances dealing with the declared State of Emergency associated with the COVID-19 pandemic, the City is temporarily allowing online public comments, and limited real-time public comments at City Hall, for public meetings of the City Commission and the various City Boards consistent with the requirements of the Governor's Executive Orders Nos. 20-69 (Local Government Public Meetings), 20-91 (Essential Services and Activities), and 20-112 (Phase 1 Plan).

Online Public Comment Forms. The City is providing an online Public Comment Form to allow members of the public to submit public comments for each public meeting of the City Commission or a City Board. The Public Comment Form may be found at <https://www.codb.us/comments>. Please follow the directions on the Form to ensure proper electronic submission to the City. All Public Comment Forms completed and properly transmitted before 5 p.m. on the day prior to the public meeting will be provided to City Commission or Board members, as applicable, for their review and consideration prior to the public meeting. Any Public Comment Forms submitted after 5 p.m. on the day prior to the meeting will be provided to Commission or Board after the public meeting. All Public Comment

Forms will be included in the official meeting records and retained by the City Clerk or the Board Secretary as a public record. The City Commission and City Boards will not be taking general public comment on matters that are not on the agenda or will not be voted upon at the public meeting. If you have issues with accessing, completing, or submitting the online Public Comment Form please email us at comments@codb.us or call 386-671-8023.

Public Comments on Propositions before the City Commission or a Board. Although persons are strongly encouraged to submit online Public Comment Forms during this State of Emergency, persons may visit City Hall during a public meeting to make public comments on propositions coming before the City Commission or Board for a vote, subject to these City procedures and all social distancing requirements established by the Governor's Executive Orders. The Commission Chambers will be closed to the public. Commission or Board members may be physically present in the Chambers, or may appear via communications media technology. The City Hall lobby will be equipped with a lectern and microphone for public comment, and an audio/video feed to the Commission Chambers. Forms will be provided for persons to fill out who wish to make public comment. Persons may enter the lobby to speak on an item before the Commission or Board at appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. The lobby will also have a limited defined area, with social distancing, for persons waiting to make public comment. In addition, the exterior entryway to City Hall will be equipped with a loudspeaker for persons waiting for permission to enter to make public comment due to space limitations in the lobby. Persons may also monitor public meetings from their iPhone, iPad, or other electronic device at <https://www.codb.us/618/DBTV>, and enter City Hall for public comment at appropriate times, when called upon. Persons who have finished speaking or not intending to speak on a matter coming before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with social distancing requirements while at City Hall, such as by remaining at least 6 feet apart. Use of facial masks is encouraged to combat the spread of the COVID-19 disease.

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 - Resolution Extending Local State of Emergency \(pp. 18\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING JUNE 24, 2020; AUTHORIZING THE MAYOR TO EXTEND THE LOCAL STATE OF EMERGENCY FOR UP TO FOUR ADDITIONAL SEVEN-DAY INCREMENTS SUBJECT TO CONDITIONS; RATIFYING MAYORAL EXECUTIVE ORDER NO. 8; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Legal Department - Christopher Madaris - Settlement of Claim \(pp. 19-21\)](#)

Resolution authorizing payment in the amount of \$50,000 to Christopher Madaris and his attorney Gregory Jackson, Esq., for release of all claims and full settlement arising from injuries allegedly sustained from a motor vehicle accident with an unmarked police vehicle on January 31, 2018, at the intersection of Orange Avenue and Caroline Street. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.C. [City Manager's Office - Daytona Beach Housing Authority Bond Issuance \(pp. 22-31\)](#)

Resolution in support of The Daytona Beach Housing Authority's issuance of bonds in an amount up to \$58,000,000 to finance acquisition and rehabilitation or construction of affordable rental housing projects for low and moderate-income families, elderly, and disabled persons. All the projects proposed for bond financing are located within the City. For these bonds to qualify as tax exempt bonds, certain public hearing and approval procedures, commonly known as "TEFRA requirements," must be observed pursuant to the Internal Revenue Code. The Housing Authority will conduct the noticed public hearing. The City Commission must give approval to the issuance of the bonds. Repayment of the bonds would be solely from revenues of the projects financed. The City's approval of the issuance would not obligate the City in any way for repayment of the bonds and does not waive any

zoning-types of approvals that may be required in association with the projects being financed.

Recommendation: City Manager recommends adoption of the Resolution.

8.D. [Utilities Department - USSI - City of Cape Coral Piggyback Contract - Sanitary Sewer Inflow Abatement Services \(pp. 32-161\)](#)

Resolution approving a piggyback contract using a City of Cape Coral contract with USSI Inc., 752 Commerce Drive Suite 15, Venice, FL 344292 to provide sanitary sewer collection system in-flow abatement services with the following provisions:

- The term of the contract will remain in effect for two (2) years from the effective date with an option to renew for one (1) term of two (2) years;
- Authorize an initial expenditure of \$146,221.91 in FY2020; and
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year.

This request is needed to assess the condition of the sanitary sewer collection system that will support regulatory compliance.

Sanitary Sewer Inflow abatement services utilizes smoke testing to identify locations of surface water inflow and/or groundwater infiltration into the sanitary sewer collection system, which reduces its capacity to convey sewage to the City's wastewater treatment plants. With this information, the Utilities Department can plan repair or replacement projects in the future.

The initial expenditure for FY20 will include the following:

- Inspection and smoke testing of 1,240 Manholes
- Install 1,240 rain dishes
- Install clean out plugs as needed
- Smoke testing of 373,198 LF of gravity sewer main
- Detailed reports of inflow points and defects

The City of Cape Coral contract has been reviewed and approved by the City's Purchasing Department and Legal Department for use by City Departments. Funds in the Renewal & Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.E. [Utilities Department - Ferguson Enterprises, LLC - City of Palm Bay Piggyback Contract \(pp. 162-196\)](#)

Resolution approving a piggyback contract using a City of Palm Bay contract with Ferguson Enterprises, LLC, 1470 Bobby Lee Point, Sanford, FL 32771 to purchase brass fittings as needed to be used in water meter installations with the following provisions:

- The term of the contract will run through March 4, 2022 with three 1-year renewal periods;
- Authorize an initial expenditure of \$80,000 in FY2020; and
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year.

The purpose of this request is to keep sufficient inventory of water meter supplies to maintain pace with new single family home construction. New developments are requesting multiple water meter installations per day. In order for our water distribution crews to keep up with these requests, water stores needs to increase the inventory of brass fittings used to install residential water meters. A variety of brass fittings for water meter installations will be purchased on an as-needed basis.

The City of Palm Bay contract has been reviewed and approved by the City's Purchasing Department and Legal Department for use by City Departments. Funds are available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Utilities Department - Carollo Engineers - Change Order No. 2 to Work Authorization No.18 under Contract No.1307-1022 \(pp. 197-235\)](#)

Resolution approving Change Order No. 2 for to Work Authorization No. 18 under Contract No. 1307-1022 with Carollo Engineers, 1089 W. Morse Boulevard, Suite A, Winter Park, FL 32789 for Design of Biosolids Dewatering System Improvements at the Westside Regional Water Reclamation Facility (WRF) in the amount of \$166,314.40.

The purpose of this request is to modify design improvements and provide construction oversight by the design engineer on the Biosolids Dewatering System at the Westside Regional WRF to optimize operations and ensure the final product meets the operational needs. The City Commission adopted Resolution 17-334 on October 4, 2017, approving Work Authorization No. 18, Contract No. 1307-1022, for Design of Biosolids Dewatering System Improvements at the Westside

Regional WRF. There are currently three operational belt filter presses (BFPs) that were placed into operation in 1989 and, after continuous use, have reached the end of their useful life. These BFPs are an essential step in the permitted treatment process. Work Authorization No. 18 for an amount of \$180,680 was approved for design of the replacement of the existing BFPs with new BFP technology as well as replacement/upgrades of all ancillary components.

Change Order No. 2 includes additional design services for a new polymer injection system to make the dewatering process more effective; bid phase services; and Engineer-of-Record (EOR) construction phase services to ensure materials procured and installed meet the specified standards and will serve the design intent. Construction of this project is being funded through an FDEP State Revolving Fund Loan. The Capital Financing Plan was adopted by the City Commission as part of Resolution 19-166 on July 17, 2019. The project is currently in the bidding phase, with construction award anticipated in July 2020 and construction projected to be completed in September 2021. Approval of this change order will increase the total amount of Contract No. 1307-1022 from \$205,617 (including Change Order No. 1) to \$371,931.40. Funds are available in the Water & Sewer Construction Bank Loan Fund (\$39,314.40) and State Revolving Loan - Water & Sewer Construction Fund (\$127,000).

Recommendation: Utilities Director recommends adoption of the Resolution.

8.G. [Utilities Department - Garney Companies Inc. - Final Reconciliation Agreement and Ratification of Emergency Change Orders No. 1 & No. 2 - Discharge Header Pipe Replacement - Brennan Water Treatment Plant \(WTP\) \(pp. 236-341\)](#)

Resolution approving a Final Reconciliation Agreement and ratifying emergency Change Orders No. 1 and 2 for the High Service Discharge Header Pipe Replacement at Brennan WTP under Contract 19543 with Garney Companies, Inc., 370 East Crown Point Road, Winter Garden, FL 34787 with the following provisions:

1. Authorize the City Manager and City Clerk to execute the Final Reconciliation Agreement.
2. Approve March 13, 2020 as the final completion date.
3. Approve January 27, 2020 as the substantial completion date and start of the warranty period;
4. Approve the final adjusted contract price of \$1,558,056.54.
5. Approve a final payment of \$188,767.83 due under the contract, which includes retainage.

6. Ratify two emergency Change Orders No 1 & No. 2 totaling \$88,356.54.

The purpose of this request is to comply with the City Purchasing Code Section 30-142 (a) & (b) emergency purchases and to close out the High Service Discharge Header Pipe Replacement Project.

Resolution 19-179 adopted on August 7, 2019 awarded the Brennan WTP Emergency Discharge Header Replacement Project to Garney Companies, Inc., in the amount of \$1,469,700. During construction, the Contractor encountered unforeseen conditions that necessitated change orders. Change Order No. 1 (\$44,547.32) provided additional fittings, relocated an electrical line, and provided the City a credit. Change Order No. 2 (\$43,809.22) added pipe protection, additional materials needed to complete construction, provided the City a credit, and added 25 days to final completion. Funds are available in the Water and Sewer Construction Bank Loans.

Recommendation: Utilities Director recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Project Delta West - Large Scale Comprehensive Plan Amendment \(pp. 342\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map (FLUM) designation from Commercial Mixed Use to High Intensity Mixed Use for 2.0± acres and amending Neighborhood “E” to allow a maximum density of 150 du/ac and re-establishing the maximum F.A.R. of 10 for 5.9± acres, to allow for a mixed use redevelopment. The property is located northeast of the intersection of International Speedway Boulevard and Ridgewood Avenue. Applicant: Robert A. Merrell III , Esquire, Cobb Cole, on behalf of Scott Bullock, DB Mainland. LLC. ****Applicant has requested that this item be continued to the August 19, 2020 City Commission Meeting****

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 - Code of Ordinances Text Amendment - Mobile Food Vendors \(pp. 343-348\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Ordinance 19-37, Section 3, Code of Ordinance, Chapter 103-2 (n)(3) and 103-3, to remove the sunset provision for every mobile vendor license to expire on June 19, 2020.

James Morris, Deputy City Manager, to report.

Recommendation: Planning Director recommends adoption of Ordinance.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - JMJ Silver Pine - Large Scale Comprehensive Plan Amendment \(pp. 349-476\)](#)

Ordinance on first reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Golf (G) and Level 2 Residential (L2R) to Level 1 Residential (L1R) future land use designation for 54.0± acres of the 141.4± acre parcel, limiting the density to 4 units per acres for the entire 141.4± acre parcel of land generally located southeast of the intersection of International Golf Drive and LPGA Boulevard to allow for the development of a single-family residential subdivision. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Malcolm J. Jones, LPGA Venture Holdings, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 19, 2020.

9.D. [Development and Administrative Services, Planning Division - Tymber Creek - Large Scale Comprehensive Plan Amendment \(pp. 477-548\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Level 1 Residential to Mixed Use for 11.3± acres of 61.4+/- acres of land and amending the Future Land Use Element, Neighborhood T, creating Issue (h), Policy (1) establishing a maximum commercial space of 250,000 square feet for the 61.4± acre parcel. The property is generally located northeast of the intersection of LPGA Boulevard and Tournament Drive. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of J. Malcolm Jones, JMJ Capitol Holdings, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-1.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 19, 2020.

9.E. [Development and Administrative Services, Planning Division - Sun Glow Mini Storage - Large Scale Comprehensive Plan Amendment \(pp. 549-608\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map designation from City Level 2 Residential (L2R) for 10.1± acres and Volusia County Urban Low Intensity (ULI) for 3.3± acres to City Mixed Use for a total of 13.4± acres and amending the Future Land Use Element, Neighborhood K, creating Issue (j), Policy (1) establishing a maximum FAR of 1. The properties are generally located North of LPGA Boulevard and west of Wesley Street. Applicant: A. Joseph Posey, Esquire, Glenn D. Storch, P.A., on behalf of Aram Khazraee, President, Sun Glow Construction, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 19, 2020.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Sun Glow Mini-Storage - Voluntary Annexation \(pp. 609-623\)](#)

Ordinance on first reading - approving a voluntary annexation of 3.0± acre of land located at 1378 Taylor Street. The property is contiguous to the municipal boundary, and complies with Chapter 171 of the Florida Statutes. The applicant is seeking to annex the parcel to develop a self-storage facility. Applicant: Glenn Storch, P.A., on behalf of Sun Glow Construction, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 19, 2020.

10.B. [Development and Administrative Services, Planning Division - Second Amendment to Halifax Habitat PD Agreement, and PD-G Rezoning for Sun Glow Mini Storage \(pp. 624-665\)](#)

Ordinance on first reading - rezoning a parcel of land totaling approximately 12.9+/- acres, generally located at the northwest corner of the intersection of LPGA Boulevard and Jimmy Ann Drive/Wesley Street from CODB PD-G and VC Urban Single-Family Residential (R-4) to PD-G; amending the Halifax Habitat Village Planned District Agreement to remove a portion of the parcel being rezoned, consisting of approximately 9.9+/- acres, from the scope of that Agreement; and approving the Sun Glow Planned District Agreement to provide for the development of the entire parcel acres with self storage mini-warehouse and office uses. The entire parcel, including the 9.9 acre portion that is currently subject to the Halifax Habitat Village PD Agreement is vacant and has never been developed. Removal of the 9.9 acres from the Halifax Habitat Village Planned District Agreement will not unduly affect the other areas of the Halifax Habitat Village Planned District previously developed. Applicant: A. Joseph Posey, Esq., Storch Law Firm, on behalf of Aram (Lee) Khazraee, Sun Glow Construction, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 19, 2020.

10.C. [Development and Administrative Services, Planning Division - Tymber Creek - Rezoning \(pp. 666-737\)](#)

Ordinance on first reading - rezoning 61.4± acres of land generally located northeast of the intersection of LPGA Boulevard and Tournament Drive from Single-Family Residential-5 (SFR-5) to Planned Development – General (PD-G) to allow for a mixed-use development. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Cardinal Servicing Company LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-1

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 19, 2020.

10.D. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Planned Development Process \(pp. 738-779\)](#)

Ordinance on first reading - amending Article 3 (Review Procedures), Section 3.3 (Standard Procedures), of the Land Development Code (LDC), to add additional mail notice requirements for neighborhood meetings and public hearing notices; Section 3.4.F, to revise procedures and standards for PD Plans/Agreements, including with respect to lapses, amendments, and preservation of the City's police power; and Article 4 (Zoning Districts), Section 4.8, to clarify the applicability of the LDC to PD plans/agreements that were originally approved prior to the adoption of the LDC, and to add additional content requirements for PD Plans/Agreements. *****This item has been continued to the July 1, 2020 Commission Meeting*****

James Morris, Deputy City Manager, to report.

Action: Motion to pass Ordinance on first reading.

10.E. [City Manager's Office - Racing & Recreational Facilities District - Appointment \(pp. 780-793\)](#)

Resolution appointing one member to the Daytona Beach Racing and Recreational Facilities District. The membership term of George Burden will expire on 07-01-20 and he would like to be reappointed. The board shall consist of five members, serving four (4) year terms. Members must be qualified electors of the District and are appointed by the City and County Commission Jointly. This is a city appointment. In addition to Mr. Burden's application we have applications from Anne Ruby and Bradford Gonzalez.

Betty Goodman, Assistant City Manager, to present.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.

12. ADJOURNMENT.