



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JULY 9, 2018
COMMISSION CHAMBERS
6:00 PM**

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he 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 needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**

AGENDA

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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 will be on the July 18, 2018 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. [No Presentation](#)

No presentation.

7. **CITIZENS.**

7.A. [**PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION**](#)

During this time Citizens have the opportunity to address the City

Commission on any item on the Consent Agenda. Items or discussions not listed on the Agenda will not be heard during this comment section.

8. CONSENT AGENDA.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA MAY BE REMOVED FROM CONSIDERATION BY THE CITY COMMISSION AND CONTINUED FOR TWO (2) WEEKS UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING. (ONLY MEMBERS OF THE CITY COMMISSION MAY REMOVE ITEMS FROM THE AGENDA).

8.A. [City Manager's Office - Campbell Aquatic Center - Racing & Recreational Facilities District - Grant Application \(pp. 18-20\)](#)

Resolution supporting the submission of grant application to Racing & Recreational Facilities District for critical improvements needed to the Campbell Aquatic Center. In 2016, the Campbell Pool received necessary repairs to the deteriorating fiberglass pool surface and installation of a heater to allow year-round use. However, the surrounding facilities remain in need of renovation and repair to allow safe and continuous access for the surrounding community. In addition, due to its small size and increased local demand, capacity improvements are needed. The surrounding facilities remain in need of renovation and repair and include: Phase 1 - Lifeguard pavilion and secure pool entry \$81,250. Phase 2 - Expand east pool deck and add shade structures and tables/chairs \$73,624. Phase 3 - Remodel and expand existing restrooms and remodel existing offices into storage rooms \$330,000. TOTAL: \$484,514. An application was submitted to the Daytona Beach Racing and Recreational Facilities District on June 19, 2018 requesting \$154,874 to fund phases 1 and 2. The City has \$150,000 matching funds available towards the project.

Recommendation: Government Relations Administrator recommends adoption of the Resolution.

8.B. [Legal Department - Bumb v. City Of Daytona Beach - Settlement of Claim \(pp. 21-24\)](#)

Resolution authorizing payment in the amount of \$70,000 to Bonnie Bumb, Leslie Bumb and their attorney, Martin Jaffee, Esq., for release of all claims and full settlement arising from injuries allegedly sustained from a July 14, 2017 slip and fall on City property. Funds available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.C. [Risk Management - Wright National Flood Insurance Company - Flood Insurance Renewal \(pp. 25-39\)](#)

Resolution accepting renewal proposals submitted by Wright National Flood Insurance Company, P.O. Box 33033, St. Petersburg, FL 33733 for an annual premium in the amount of \$41,986 for flood insurance coverage for various City properties in flood zones for the period of July 25, 2018 to July 25, 2019 (this is a \$10,041 decrease due to the reduction in number of buildings we need to insure) and authorizing payment for any additional flood premium, not to exceed \$20,000, for additional properties determined to be in flood zones and for adjustments in property values that may cause a need for an increase of coverage during the period of July 25, 2018 to July 25, 2019. Funds available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.D. [Engineering/Public Works Division - Halifax Hospital Medical Center - Terminable Vehicular Access Easement \(pp. 40-48\)](#)

Resolution approving a Deed of Dedication for Terminable Vehicular Access Easement from Halifax Hospital Medical Center, a special Taxing District organized and existing pursuant to Chapter 2003-374, Laws of Florida. This easement is associated with the Halifax Hospital Medical Center Final Plat.

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

8.E. [Police Department - City of Daytona Beach and Volusia County School Board - Memorandum Of Understanding \(pp. 49-58\)](#)

Resolution approving a Memorandum of Understanding (MOU) between the City of Daytona Beach and Volusia County School Board for 11 School Safety Officers. The term of the agreement will be from July 1, 2018, through June 30, 2019, with the Volusia County School board agreeing to pay 70% of the salary and benefits for the officers for a total of \$533,088 for the one (1) year period. The 30% balance to be covered by the City is \$228,467. This agreement may be terminated by either party, with or without cause, with a minimum of a one hundred eighty (180) days written notice. Any additional work that is performed by a School Safety Officer not covered in the contract, outside of their normal duties, the City will bill the School Board at a rate of \$40 per hour. The salary and benefits cost for the 11 officers are included in the FY2018-2019 budget. The \$533,088 will need to be budgeted as a revenue to offset the officer costs.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.F. [City Manager's Office - River to Sea Transportation Planning Organization -](#)

[Funding Agreement \(pp. 59-66\)](#)

Resolution approving the Funding Agreement for the River to Sea Transportation Planning Organization in the amount of \$6,554. 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. Funds available in the General Fund.

Recommendation: City Manager recommends adoption of the Resolution.

8.G. [City Manager's Office - Wells Fargo Equipment Finances, Inc - Subordination Lien Agreement \(pp. 67-69\)](#)

Resolution authorizing the execution of the Subordination Lien Agreement between Wells Fargo Equipment Fiance, Inc., and the City of Daytona Beach. The Tortugas, LLC secured an equipment loan through Wells Fargo Equipment Finances, Inc., to purchase an outdoor LED Scoring/Control System for Jackie Robinson Ballpark. As the landlord/property owner of Jackie Robinson Ballpark, Wells Fargo requires the City to execute the agreement.

Recommendation: City Manager recommends adoption of the Resolution.

8.H. [Development and administrative Services/Redevelopment - Bourbon On The Beach, LLC - Sidewalk Café License Agreement \(pp. 70-86\)](#)

Resolution approving a Sidewalk Café License Agreement with Bourbon on Beach, LLC, 230 South Beach Street, Daytona Beach, FL 32114 for a sidewalk license agreement to provide outdoor table service in the RDD-1 (Beach Street retail) zoning district. The agreement will permit Bourbon on Beach, LLC to operate a sidewalk café and place a sidewalk café boundary fence with awning support posts on City property adjacent to their business.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

8.I. [Business Enterprise Management Department - LPGA Foundation, Inc - Commerical Lease Agreement \(pp. 87-115\)](#)

Resolution approving a Commercial Lease Agreement between the City of Daytona and The LPGA Foundation, Inc., at the Florida Tennis Center for a one-year term commencing July 1, 2018 with two one-year renewal options. The LPGA Foundation, Inc., primary activities focuses on running the girls gold program, leadership academies, women's golf tournaments, and

LPGA Amateur Golf Association. The lease is for a 4000 square foot commercial office space at the Florida Tennis Center and the City will receive the following revenue stream for the duration of the lease; Year 1 - \$60,000 and Year 2 - 3, \$125,454 for a total amount of \$185,454.

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

8.J. [Development Services/Cultural & Leisure Services Department - Zoom Air Daytona Beach, LLC - Agreement Amendment \(pp. 116-147\)](#)

Resolution approving the proposed amendment to the agreement for construction, installation, and operation of Zoom Air Daytona Beach, LLC Aerial Adventure Park. Zoom Air Daytona Beach LLC has operated Zoom Air Adventure Park located in Tusawilla Park since April 19, 2012. The existing zipline course has been inoperational since receiving damage from Hurricane Matthew in 2016. Zoom Air Daytona Beach desires to repair and resume operation of its zipline course. The purpose of the proposed amendment is (1) to allow Zoom Air Daytona Beach LLC to rebrand the course under an alternate "trade name" or d/b/a, and (2) to give the City's Risk Manager discretion and authority to allow for additional changes in insurance coverage, when the Risk Manager determines that changes are consistent with other similar-in-scope Central Florida area business operations, and are reasonable in light of prior claims against Zoom Air's policies.

Recommendation: Cultural & Leisure Services Director recommends adoption of the Resolution.

8.K. [Cultural and Leisure Services Department - KOMPAN, Inc. - Schnebly Recreation Center Playground - Construction Contract Award \(pp. 148-178\)](#)

Resolution approving a contract with KOMPAN, Inc, 821 Grand Avenue Parkway, Ste 410, Pflugerville, TX 78660 in the amount of \$32,446.01 for the purchase and installation of playground equipment at the Schnebly Recreation Center. This quote is a pursuant to a cooperative, U.S. Communities Contract, contract number 2017001135. Funds available in the Capital Project Funds.

Recommendation: Cultural & Leisure Services Department Director recommends adoption of the Resolution.

8.L. [Cultural and Leisure Services Department - Giles Electric Company, Inc - Schnebly Recreation Center Basketball Court Lighting - Contract Award \(pp. 179-205\)](#)

Resolution approving a term electrical service contract with Giles Electric Company, Inc., 1700 S. Segrave Street, South Daytona FL 32121, piggybacking on a contract between Giles Electric and the City of South Daytona accepting a proposal to install basketball court lighting as authorized under contract and approving an expenditure with Giles Electric in the amount of \$31,210 for the installation of basketball court lighting at the Schnebly Recreation Center. Funds available in the Capital Projects Fund.

Recommendation: Cultural and Leisure Services Director recommends adoption of the Resolution.

8.M. [Public Works/Technical Services Division - Trident Resurfacing, Inc - Peabody Auditorium Floor Replacement Contract \(pp. 206-228\)](#)

Resolution approving the Contract with Trident Resurfacing, Inc., 5399 NW 161st Street, Miami, FL 33014 for a total amount of \$77,257.25 for the removal of and replacement of the existing stage floor at the Peabody Auditorium. The existing stage floor is not a resilient type floor and has been the basis of complaints from dance groups who have used and performed at the Peabody Auditorium in the past. Funds available in the General Fund (\$27,257.26) and the Grant Projects Fund (\$49,999.99).

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

8.N. [Business Enterprise Management Department - CMG Pro Security Services, Inc. - Amendment No. 2 to Contract No. 011703540 \(pp. 229-264\)](#)

Resolution approving Amendment No. 2 to Contract No. 0117-3540 with CMG Pro Security, Inc., 1142 Pelican Bay Drive, Daytona Beach, FL 32119 with the following stipulations:

- Waive Section 30-81 (Source Selection) of the Purchasing Code.
- Approve the amendment which adds Halifax Harbor Marina to the contract for security services under the same terms and conditions retroactive to their start date of May 31, 2018.
- Authorize the City Manager to exercise renewal options under the same terms and conditions subject to budget appropriations.
- Approve an expenditure of \$27,656 for the remainder of FY 2017-2018. Funds needed for subsequent fiscal years will be included in future year budgets as adopted by City Commission.

Credible Security Services cancelled their security services contract with the City without explanation. Staff examined several options and determined amending the security contract with CMG Pro Security of Daytona Beach

was the only option that would provide uninterrupted security services to the Marina. CMG Pro Security currently provides security services to the Band Shell, Peabody, and Westside Regional Treatment Plants. The Purchasing Code authorizes the City Commission to waive compliance with any provision of the code where it determines that such a waiver is in the best interest of the City. Funds available in the Halifax Harbor Fund.

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

8.O. [Utilities Department - 4C's Trucking and Excavation, Inc - Ratification of an Emergency Expenditure for the ISB/SR600/US-92 Utility Repairs and Water Main Adjustments Contract \(pp. 265-327\)](#)

Resolution ratifying an emergency expenditure for the ISB/SR600/US-92 Utility Repairs and Water Main Adjustments Contract in the amount of \$263,936.59 with 4C's Trucking and Excavation, Inc., 331 Sawgrass Road, Bunnell, FL 32110. This request is needed to fully comply with City Purchasing Code Section 30-52(b) Emergency Purchases for the selection of a contractor to complete construction of required City improvements ahead of FDOT's storm water project on W. International Speedway Boulevard between Helms Place and Segrave Street. Funds available in the Renewal and Replacement 8% Fund.

Recommendation: Interim Utilities Director recommends adoption of the Resolution.

8.P. [Utilities Department - Central Florida Liftstations - Ratification of an Emergency Expenditure for Lift Stations 50 and 115 \(pp. 328-335\)](#)

Resolution ratifying an emergency expenditure to Central Florida Liftstations, P.O. Box 740179, Orange City, FL 32774-0179 in the amount of \$25,850 for the installation of suction piping and associated valve work for lift stations 50 and 115. Lift stations No. 50 and 115 do not have an emergency by-pass pumps for system failures related to loss of power or pump failures and both have experienced past failures which resulted in sewer back-ups. This work includes the installation of suction piping within the wet wells and associated valves needed to connect an emergency diesel driven by-pass pump to the lift stations. The by-pass pumps are expected to be delivered late July and the pump manufacturer has offered temporary pumps for these locations in the interim until the permanent pumps are delivered. The work described above must be completed before the loaner pumps can be utilized. Funds available in the Water and Sewer Fund.

Recommendation: Interim Utilities Director recommends approval of the Resolution.

8.Q. [Utilities Department - 4C's Trucking and Excavation - Change Order No. 1 to Lift Station 4 - Contract No. 0318-3140 \(pp. 336-363\)](#)

Resolution approving Change Order No. 1 to Contract 0318-3140 for the Lift Station 4 Replacement Project with 4C's Trucking and Excavation, Inc., 331 Sawgrass Rd., Bunnell, FL 32110 in an amount not to exceed \$47,272.58 with an additional 30 days of contract time, make an administrative correction to the conformed Contract No. 0318-3140 Article IV, correcting the original amount of the contract from \$656,5612.28 to \$626,512.28 and adjust the Contract 0318-3140 amount with this Change Order No. 1 to \$673,784.86. The circumstances leading to this request for Change Order No. 1 are:

- An abandoned lift station and 8-inch concrete slab were uncovered when Dr. Martin Luther King Jr. Blvd. was opened for construction of the project.
- An unknown storm water pipe in conflict with the proposed gravity main and lift station vault were encountered during construction on Cedar Street.
- To avoid the abandoned lift station, the Contractor made field adjustments to re-route the new force main to a manhole on Dr. Martin Luther King Jr. Blvd underneath existing sidewalk. The Contractor used flowable fill to stabilize the abandoned lift station to minimize the chance of a roadway failure. Sidewalk damaged during the force main re-routing was replaced.
- The 8-inch concrete slab was removed by the Contractor. At the direction of the City Engineer, the 8-inch concrete slab was replaced after the installation of the new utilities to mitigate the potential for future settling issues.
- The Contractor removed and disposed of the storm water pipe in conflict with the proposed gravity main and replaced the storm water pipe and installed concrete collars to reconnect the storm water pipe to existing storm water manholes after installation of the gravity main.

Funds available in the Water and Sewer Improvement Fund.

Recommendation: Interim Utilities Director recommends adoption of the Resolution.

8.R. [Utilities Department - SNF Polydyne Inc. - Wastewater Sludge Dewatering Chemical - Polymer - Lowest Best Responsive Bid Contract Award \(pp. 364-370\)](#)

Resolution awarding a three (3) year contract to the lowest best responsive

bidder, SNF Polydyne Inc., One Chemical Plant Road, Riceboro, GA 31323 for the purchase of wastewater sludge dewatering polymer at a rate of \$49.69 for each dry ton with two additional one-year renewals with the same terms and conditions, authorizing the not to exceed amount of \$48,776 for the purchase of polymer for the remainder of fiscal year 2017/2018, authorizing the City Manager to expend the annual budget appropriations for the purchase of polymer; and authorizing the City Manager to exercise the renewal options. The City uses polymer to dewater wastewater sludge to reduce the volume and weight of sludge before transporting and disposing in a qualified FDEP land fill. The reduction of weight relative to the extraction of water allows the City to dispose of more sludge at a lower cost. Funds available in the Water & Wastewater Operating Fund.

Recommendation: Interim Utilities Director recommends adoption of the Resolution.

8.S. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 371-372\)](#)

Resolution authorizing payment in the amount of:

\$500 to Halifax Historical Society, Inc., for a general donation , \$300 to Heritage Preservation Trust, Inc., for Lilian Place, \$200 to Food Brings Hope, Inc., for a general donation, \$200 to Juneteenth Festival Committee, Inc., for the 2018 Juneteenth Celebration, \$200 to Halifax Urban Ministries, Inc., for Hope Place, c/o Forugh Hossani Beville; and \$200 Bethune-Cookman University, for the National Statuary Hall Campaign for Dr. Mary McLeod Bethune statue at the US Capitol from the Bike Week Sponsorship Funds of Commissioner Ruth Trager.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Engineering/Public Works Department - Halifax Hospital Medical Center - Final Plat and Contract for Plat Recording \(pp. 373-437\)](#)

Resolution - PUBLIC HEARING - approving the Final Plat for Halifax Hospital Medical Center, and the Contract for Plat Recording. The subject property is located just east of the Volusia Mall, north of International Speedway Boulevard, west of Clyde Morris Boulevard, and south of Dunn Avenue. Ordinance No. 17-120 approved the preliminary plat.

David Waller, Deputy Public Works Director, to report.

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

Action: Motion to adopt the Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Framework - Rezoning, Planned Development-General \(pp. 438-481\)](#)

Ordinance on first reading - approving a request to rezone 50.35± acres of land located east of Williamson Boulevard, south of Hand Avenue, and north of Strickland Range Road from "County" Urban Single-Family Residential (R-2) and "City" Planned Development-General (PD-G) to Planned Development-General (PD-G) to allow for the development of a multifamily complex with approximately 260 apartments and associated site improvements, with additional office, medical, and commercial uses, and authorizing the Mayor to execute the Framework Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co.

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 1, 2018.

10.B. [Development and Administrative Services, Planning Division - Frazar Road Beach House - Rezoning to Single-Family Residential-5 \(SFR-5\) \(pp. 482-510\)](#)

Ordinance on first reading - approving a request to rezone 0.18± acres of land located at 144 Frazar Road from Business Professional (BP) to Single-Family Residential-5 (SFR-5) to allow for the development of a single-family dwelling. Applicant: Lucinda and Terran Freeman.

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 1, 2018.

10.C. [City Manager's Office - Peabody Auditorium Advisory Board - Appointment \(pp. 511-516\)](#)

Resolution appointing one (1) member from Zone 6 to the Peabody

Auditorium Advisory Board for a four year term. The board shall consist of seven members serving four year terms and must reside within the zone from which appointed or if mayoral from within the corporate limits of the City. Ms. Sandra Chavous would like to be reappointed.

Betty Goodman, Assistant City Manager, to report.

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.**
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.**