



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
FEBRUARY 20, 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.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
--	---	--	---

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.

AGENDA

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

NOTICE- Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
---	---	---	---

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 December 12, 2018 Special City Commission Meeting - Panhandling, the January 16, 2019 Special City Commission Meeting - Panhandling, the January 23, 2019 Strategic Planning Kickoff Workshop and; the January 23, 2019 Business Meeting of the City Commission held at City Hall, 301 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. [Presentation - Halifax Health - Opioid Crisis \(pp.15-16\)](#)

Dr. Ed Prevatte, Halifax Health, will be updating the Commission on the

Opioid Crisis in Volusia County.

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. Police Department - Grant Application Approval (pp. 18-35)

Resolution authorizing the application, submission, acceptance, and execution of a Grant Application to the Florida Department of Transportation (FDOT as well as the expenditure of the grant application. This grant is administered on behalf of FDOT through the University of South Florida and the University of North Florida. The focus is on High Visibility Enforcement in an effort to reduce pedestrian and bicycle deaths or serious injuries. The City of Daytona Beach currently ranks 3rd in Florida for this category and this grant will significantly enhance the Police Department's efforts to reduce such incidents and thereby save lives. The grant period will commence once approved and will continue until mid-May 2019. The award of \$30,000 will pay for overtime costs incurred by qualified participating officers who will take part in pre-arranged operations at three (3) corridors within the City that have the highest number of related accidents. There is no match requirement for this grant.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.B. Public Works/Technical Services Division - Derbyshire Phase I Sidewalk Project - FDOT Local Agency Program (LAP) Agreement and Professional Services Construction Engineering & Inspection (CEI) Contract (pp. 36-66)

Resolution authorizing the City Manager to:

- Execute a Local Agency Program (LAP) Agreement with the Florida Department of Transportation ("FDOT") for the Derbyshire Sidewalk (Phase I) Project;
- Award a CEI professional services contract for the Project; and

Authorize the Budget Officer to amend the current year's Fiscal Year Revenue and Expense Budget in accordance with the funds to be provided by the LAP Agreement referenced above.

The Derbyshire Phase I Project will provide 1871, Linear Feet (LF) of new 6 foot-wide concrete sidewalks on the west side of Vine St (from Brentwood Dr. to 4th St.) and 1274, LF on the north side of 3rd St (from Vine St. to Nova Rd.). The Project will also include construction of ADA compliant sidewalk ramps with detectable warnings and reconstruction of driveways for ADA compliance. The Public Works Technical Services Division requests the City Commission authorize the City Manager to execute a LAP Agreement. In addition, the Division requests that the City Manager be authorized to award the CEI services contract, using the competitive selection procedures provided by the CCNA. We are requesting the authorizations in advance in order to save time in the process and meet the FDOT LAP funding deadlines.

The LAP agreement and the CEI services contract must be awarded by March 2019. If FDOT does not appropriate the funds for construction and CEI services for their fiscal year 2018/2019 and execute a LAP agreement, the project will not go forward and no Federal funds will be available for construction or CEI. The LAP Agreement will pay for the construction and CEI services up to \$540,000. Funds available in the General Funds in the amount of \$72,500 for the remaining estimated CEI costs.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.C. [Public Works/Technical Services Division - Paul Culver Construction, Inc. - Bid Award \(pp. 67-163\)](#)

Resolution approving the bid from Paul Culver Construction Inc., 1301 Beville Road, Suite 6, Daytona Beach, FL in the amount of \$348,230 for the replacement of the window system in the press box at Municipal Stadium. During Hurricane Matthew some of the windows sustained major damage due to high winds and caused major storm damage to the interior of the press box. FEMA recommended that the window system be changed to one that could meet the 145 mph wind load for this area. The Engineer of Records estimate of probable construction cost was \$350,000. FEMA will reimburse the City 75 % of the cost of the project.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Public Works/Technical Services Division - The Jones Company - Earthwork, Grading and Grassing Services - Contract Award to Lowest](#)

[Responsive Bidder \(pp. 164-281\)](#)

Resolution awarding Contract No. 0118-2280 to the Lowest Responsive Bidder, The Jones Company, 951 Courtyard Lane, Unit 32, Orlando, FL for the Earthwork, Grading and Grassing Construction Services for City properties and rights of way in the amount of \$218,170, and to authorizing the City Manager to approve the related documents for the furtherance of the contract. The intended purpose for the services in this contract is to improve, maintain and/or restore City owned or controlled properties by providing a safe and accessible aesthetically pleasing condition. The Jones Company's submittal has been reviewed and determined to be the most responsive bidder. The initial term of this contract is two (2) years, commencing on the effective date. The City reserves the option to renew this contract for up to three (3) terms of one (1) year each. There is no required annual expenditure of funds for the items of work identified in this commodity contract. All work identified as needed will be identified as needed and performed and funded by an approved Work Authorization.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Public Works/Technical Services Division - Asphalt Paving Solutions, Inc - Contract and Work Authorization No. 1 Approval \(pp. 282-340\)](#)

-

Resolution approving the following:

- Approve the Roadway Full Depth Reclamation (FDR) - Term Construction Services Contract to Asphalt Paving Solutions, Inc., for as-needed full depth reclamation of streets throughout the City limits by piggybacking the Lee County Contract B170265 for Alternative Paving Methods.
- Authorize the City Manager to expend up to \$950,000 for Work Authorization No. 1 (Jimmy Ann Drive FDR between Mason Avenue and LPGA Boulevard) with an anticipated project duration of 3 months from the Notice To Proceed. □

Optional approaches were evaluated to restore the roadway quality and Full Depth Reclamation was determined to be the best method to accomplish this. In addition, the most efficient way to access this process is to adopt and modify (also known as piggy-backing) another entity's existing Full Depth Reclamation Term Contract. After reviewing a number of contracts we chose to piggyback onto the Lee County contract as referenced above for a term ending on March 4, 2020.

Full Depth Reclamation is a process that pulverizes existing pavement layers,

mixes, and re-stabilizes the roadbed to a depth of about 10"-12" and adds a finished layer of new asphalt paving. It's essentially a "train" of roadway paving equipment working in concert as it rolls down the road resulting in new pavement within hours - old road goes in, new road comes out.

Work Authorization No. 1 is necessary to rehabilitate Jimmy Ann Drive due to pavement failure between Mason Avenue and LPGA Blvd. Asphalt Paving Solutions, Inc, (APS), 9021 Wire Rd, Zephyrhills, FL 33540, is currently under contract with Lee County to do this work and our agreement with APS will piggyback on that contract (B170265). Funds available in the Capital Projects Fund (\$608,505 and the Transportation 5cent Gas Tax Fund (\$341,495)

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Public Works/Technical Services Division - Verdego Landscape, LLC - Lowest Responsive Bid Award \(pp. 341-354\)](#)

Resolution awarding Contract No. 0318-2210 to the lowest responsive bidder, Verdego Landscape, LLC, 3335 North State Street, Bunnell, FL 32110 for the Nova Road Median Landscaping Project for a total bid amount of \$535,539.66. This is an FDOT Joint Project Agreement (JPA) funded project to landscape the medians along Nova Road between Beville Road and Mason Avenue. The Invitation To Bid (ITB) was solicited as a base bid and an alternate bid, and the award is for both base bid and alternate. The bids were thoroughly reviewed by the FDOT and City Staff, and Verdego Landscape, LLC was determined to be the lowest responsive bidder.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.G. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 355-356\)](#)

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

\$250 to Majesty Chapter No.565, for the 14th Annual Easter Egg Hunt on April 20, 2019 at Derbyshire Park from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$207.09 to Volusia County B-CU Alumni Association, for the permit fees for the April 6, 2019 Line Dance Showcase and \$415.50 to Majesty Chapter No.565, for permit fees for the 14th Annual Easter Egg Hunt on April 20, 2019 at Derbyshire Park from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$250 to Volusia County B-CU Alumni Association, for the June 21, 2019 Miss Alumni ad, funds to go to the Student Scholarship Fund and \$200 to Turie T. Small Elementary School, 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 - Preserve at LPGA - Large Scale Comprehensive Plan Amendment \(pp. 357-454\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhood V, to increase the density from one (1) unit per acre to two (2) units per acre, with a maximum density of four (4) units per net acres for a 130± acre parcel generally located on the west side of LPGA Boulevard, between International Tennis Drive and International Speedway Boulevard (US 92). Applicant: Robert A. Merrell III, Esquire, Cobb Cole, and Raymond J. Spofford, AICP, England-Thims and Miller, Inc. on behalf of E. Scott Bullock, Consolidated-Tomoka Land Co. ****This item is continued to the March 6, 2019 City Commission Meeting Agenda at the request of the Applicant****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Rezoning, Planned Development-General - Preserve at LPGA - Rezoning, Planned Development-General \(pp. 455-528\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 130± acres of land located on the west side of LPGA Boulevard and south of Father Lopez School from Volusia County zoning to Planned Development-General (PD-G) to allow for a 158 lot single family subdivision, and authorizing the Mayor to execute the Preserve at LPGA Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, and Raymond J. Spofford, AICP, England-Thims and Miller, Inc. on behalf of E. Scott Bullock, Consolidated-Tomoka Land Co. ****This item is continued to the March 6, 2019 City Commission Meeting Agenda at the request of the Applicant****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Tiki Supreme - Rezoning to Planned Development-General \(pp. 529-567\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 12.4± acres of land located at 2401 Mason Avenue from Planned Development-General (PD-G) (Expired Tiki Supreme Planned District Agreement) to Planned Development-General (PD-G) to allow for the development of a 102,907± square foot industrial development and authorizing the Mayor to execute the Tiki Supreme Planned District Agreement. Applicant: Joseph Hopkins, P.E., The Performance Group, Inc., on behalf of Tiki Supreme Inc.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Orthopaedic Surgery Center - Second Amendment to Planned District Agreement \(pp. 568-625\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending the Orthopaedic Surgery Center Planned District Agreement to add 4.1± acres and to allow for the construction of an additional 40,000 s.f. medical/general office building, expanding the total allowable medical/general office to 57,000 s.f. and a total of 7.1± acres of land located at 1871 LPGA Boulevard, and authorizing the Mayor to execute the Second Amendment to the Orthopaedic Surgery Center Planned District Agreement. Applicant: Mark Dowst, P.E., Mark Dowst & Associates, Inc., on behalf of Volusia Orthopaedic Trauma Call Associates, LLC and Indigo Development, Inc.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Economic/Community Development - Amend the Affordable Housing Advisory Committee membership requirements to comply with changes in the Florida Statutes](#)

[\(Section - 420.9076\) \(pp. 626-638\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Ordinance No. 93-37, establishing the Local Housing Assistance Program's Affordable Housing Advisory Committee (AHAC), as previously amended by Ordinance Nos. 96-259 and 08-112, to comply with changes in Florida Statutes Section 420.9076; revising the Advisory Committee size from 11 required members to "at least 8 but not more than 11 committee members"; revising the Committee technical qualifications whereby member representation must satisfy at least 6 of the 11 categories listed; and provide when this ordinance shall take effect.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends approval.

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 5 \(pp. 639-648\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the Land Development Code, Article 5.2.A.2 to allow restaurants with drive-through service to the Tourist/Highway Interchange (T-5) zoning district.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.G. [Development and Administrative Services - 500 East Apartments Transportation Improvements Cost Allocation Agreement and Proportionate Fair Share Contribution Approval \(pp. 649-658\)](#)

-

Resolution - PUBLIC HEARING - authorizing the City to enter into the 500 East Apartments Transportation Improvements Cost Allocation Agreement with Rohdie Daytona, LLC, ("Owner") and the County of Volusia to address traffic concurrency and traffic roadway impacts created by 500 East Apartments located on LPGA Boulevard and east of Clyde Morris Boulevard at 1851 LPGA Boulevard. The agreement provides for a proportionate fair share contribution to the County in the amount of \$453,333.50 prior to the City's issuance of the Certificate of Occupancy. The Owner shall complete all intersection roadway improvements prior to the City's issuance of the Certificate of Occupancy.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends approval.

Action: Motion to approve Resolution.

9.H. [Engineering/Public Works Department - Latitudes Phase 3A Preliminary and Final Plat - Approval \(pp. 659-761\)](#)

Resolution - Quasi-Judicial Hearing - approving the Preliminary and Final Plats and Contract for Plat Recording for Latitudes Phase 3A on 96.726 +/- acres of land for development of a residential subdivision. The project is location on the north side of LPGA Boulevard and just west of Tymber Creek Road South. The Preliminary Plat was recommended for approval by the Planning Board at their November 15th 2018 meeting with a 6-0 vote.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

9.I. [Engineering/Public Works Department - Latitudes Phase 3B Preliminary and Final Plat - Approval \(pp. 762-864\)](#)

Resolution - Quasi-Judicial Hearing - approving the Preliminary and Final Plats and the Contract for Plat Recording for Latitudes Phase 3B on 206.882 +/- acres of land for development of a residential subdivision. The project is location on the north side of LPGA Boulevard and just west of Tymber Creek Road South. The Preliminary Plat was recommended for approval by the Planning Board at their November 15th 2018 meeting with a 6-0 vote.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [City Manager's Office - Affordable Housing Advisory Board Appointments \(pp. 865-903\)](#)

Resolution appointing eleven (11) members to the Affordable Housing Committee. The Board shall consist of eleven members who are citizens and include one representative from at least six (6) of the following categories: (a) one home builder (HB), (b) one banking or mortgage representative (BR), (c) one labor representative (LR), (d) one low-income advocate (LI), (e) one for-profit affordable housing provider (FPAHP), (f) one not-for-profit affordable housing provider (NPAHP), (g) one real estate professional (REP);

additionally (h) one member of the Planning Board (PB), (I) one person who is a City resident (CR), (j) one person who represents employers within the City (CE), and (k) one person who represents essential services personnel (ES). The membership terms of Larry McDermott, Anne Yordon, Jeff Hurt, Patricia Lagoni, Kim Moten and Norma Lewis have expired and they would like to continue to serve. We have five (5) additional positions for which we have applicants: Alphonso Bush, Jr., Belinda Haynes, Turner Hymes, Susanne Odena and Sandra Alexander.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

11. DISCUSSION.

11.A. [Annual Performance Review Of City Manager, James V. Chisholm \(pp. 904-907\)](#)

Annual performance review of City Manager, James V. Chisholm.

Commissioner Aaron Delgado to report.

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

13. ADJOURNMENT.

14. 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.