





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

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

# 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 of the October 2, 2019 City Commission Meeting 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. [City Commission - Discussion and Action - Riverfront Master Plan \(17-45\)](#)

City Commission Discussion and Action on the proposed Riverfront Master Plan.

6.B. [City Commission - Presentation and Acton - Edward Armstrong Plaque \(pp. 46-53\)](#)

City Commission discussion on the possible donation and location of a plaque for former City Mayor, Edward Armstrong.

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. [Public Works, Technical Services Division - Carol Street ROW Vacation and Acceptance of Utility Easement \(pp. 55-79\)](#)

**Resolution** vacating an unimproved portion of the Carol Street ROW and accepting a utility easement over the vacated ROW. The applicant is requesting to vacate a 239± foot long, 15 feet wide section of the west portion of the already vacated Carol Street ROW. The Carol Street ROW is located behind 840 S. Nova Road. The applicant owns the properties on both sides of the Carol Street ROW and the purpose of the requested vacation is for the further development of the Nova Oaks Business Park.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.B. [Public Works Department - Sweetheart Trail South Beach St. \(Bellevue Avenue to Marina Point Drive\)- FDOT SUNTrail Supplemental Agreement No. 3 to FDOT SUNTrail Network Agreement No. 439868-1-54-01 GOY33 \(pp. 80-120\)](#)

**Resolution** approving Supplemental Amendment No. 3 to the FDOT SUNTrail Network Agreement No. 439868-1-54-01 GOY33 between the City and the Florida Department of Transportation (FDOT), providing additional reimbursement funds of \$154,035 for construction of a 12 foot wide multi-use trail on South Beach Street from Bellevue Avenue to Marina Point Drive; the City agrees to be responsible for any change orders or quantity overruns on the project during construction; the City agrees to accept all future maintenance and attendant costs thereof in return for receipt

of funding from the Department; and Authorize the Budget Officer to amend the current year's Fiscal Year Revenue and Expense Budget in accordance with the grant funds.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.C.** [Public Works Department - Sweetheart Trail - South Beach St. \(Marina Point Dr. to Orange Ave.\) Supplemental Amendment No. 3 to the FDOT SUNTrail Agreement No. 439869-1-54-01 GOW88 \(pp. 121-160\)](#)

**Resolution** approving Supplemental Amendment No. 3 to the FDOT SUNTrail Network Agreement No. 439869-1-54-01 GOW88 between the City and the Florida Department of Transportation (FDOT), providing additional reimbursement funds of \$121,825 to the City for construction of a 12 foot wide multi-use trail on South Beach St. from Marina Point. Dr. to Orange Ave.; the City agrees to be responsible for any change orders or quantity overruns on the project during construction; the City agrees to accept all future maintenance and attendant costs thereof in return for receipt of funding from the Department; and Authorize the Budget Officer to amend the current year's Fiscal Year Revenue and Expense Budget in accordance with the grant funds.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.D.** [Public Works/Technical Services Division - Parker Mynchenberg and Associates - Beach Street Streetscape Project Design - Change Order No.1 \(pp. 161-181\)](#)

**Resolution** authorizing the approval of Change Order No.1 to City Contract No. 0110-2660 with Parker Mynchenberg and Associates, Inc. (PMA), 1729 Ridgewood Avenue, Holly Hill, Florida 32117 in the amount of \$49,755.60. The purpose of the request is to authorize additional compensation to PMA for changes to the design scope of work on the Beach Street Streetscape project. The changes to the scope were at the direction of the City.

On July 18, 2018 City Commission adopted Resolution 18-245 approving Contract No. 0110-2660 with Parker Mynchenberg and associates for \$279,236.88 for the design of the Beach Street Streetscape project. During the design process the City requested changes to the Scope resulting in additional work items. These additional work items included revisions to the utility, streetscape, lighting and traffic control components of the project. With Change Order No.1 the adjusted contract amount is now \$328,992.48

Funds available in the General Fund in the amount of \$11,310.12, in the

Renewal and Replacement-8% Fund in the amount of \$22,110 and the Capital Projects Fund in the amount of \$16,335.48

Recommendation: Public Works Director recommends adoption of the Resolution authorizing Change Order No.1 to Contract No. 0110-2660 with Parker Mynchenberg and Associates for the Beach Street Streetscape Project design in the amount of \$49,755.60.

**8.E.** [Public Works Department - Stewart Marchman ACT Corporation - Annual Service Agreement \(pp. 182-190\)](#)

**Resolution** approving an Annual Service Agreement with Stewart Marchman ACT Behavioral Healthcare Corporation's (ACT) Enrichment Program, 200 Fentress Blvd., Suite C, Daytona Beach, FL 32114, for FY 2019-2020, at a cost of up to \$75,000 annually. The initial term of this agreement is one year, commencing October 1, 2019 and ending on September 30, 2020. The City will have the option to renew this agreement for up to two additional terms of one year. Since 1990, the City has participated in the ACT Corporation's Enrichment Program that provides the City with mentally and physically challenged employees who provide clerical, litter, mowing, and other maintenance services on an as-needed basis. ACT Corporation receives a base of \$12.00 per hour for each employee and time and a half for hours over forty (40) in one week. Overtime is needed during several of the City's special events. City employees provide general supervision for the ACT employees. Funds available in the Solid Waste Fund and General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution approving the Annual Service Agreement with Stewart Marchman ACT Behavioral Healthcare Corporation's (ACT) Enrichment Program for FY 2019-2020, at a cost of up to \$75,000 annually.

**8.F.** [Utilities Department - DRMP, Inc. - Construction Engineering Inspection Services for the South Beach Street Force Main Improvements Project \(Live Oak Avenue to Fremont Court\) - RFP No. 19414 \(pp. 191-239\)](#)

**Resolution** approving Project Specific Professional Service Contract No. 19414 with DRMP, Inc., 941 Lake Baldwin Lane, Orlando, Florida 32814 for Construction Engineering Inspection (CEI) services for the South Beach Street Force Main Improvements Project (Live Oak Avenue to Fremont Court) in an amount not to exceed \$670,176. The purpose of this item is to provide full time CEI services for the construction of the South Beach Street Force Main Improvements Project. Funds available in the State Revolving Loan - W&S Construction Account.

Recommendation: Utilities Director recommends adoption of the Resolution

approving Project Specific Professional Service Contract No. 19414 with DRMP, Inc., for CEI services for the South Beach Street Force Main Improvements Project in an amount not to exceed \$670,176.

**8.G.** [Utilities Department - Hazen Construction - South Beach Street Improvements \(Orange Avenue to Fremont Court\) - Bid No. 19263 \(pp. 240-293\)](#)

**Resolution** awarding Contract No. 19263-1 and 19263-2 thru 4 to Hazen Construction, LLC, 1599 Tionia Road, New Smyrna Beach, Florida 32168 in an amount not to exceed \$8,175,309 and declare Masci General Contractor Inc., non-responsive and reject the bid from Masci General Contractor Inc. This project will increase capacity in the sanitary sewer system serving the Downtown while simultaneously constructing two segments of the Sweetheart Trail and installing four stormwater backflow preventers which fall within the route of the project. There are four Sections of the project including:

Section 1- 36" Forcemain (Live Oak Ave. to Bethune Point WRF)

Section 2 - Stormwater Backflow Preventers (Orange Ave to Basin Street)

Section 3 - Sweetheart Trail (Bellevue Avenue to Marina Point Drive)

Section 4 - Sweetheart Trail (Marina Point Drive to Orange Avenue)

Masci General Contractor, Inc. was found to be the lowest bidder based on the overall cost of the project. While Masci General Contractor, Inc., was the lowest bidder overall, they were the highest bidder for Sections 2, 3 and 4. Upon review of the bids for Section 1, it was discovered to be an unbalanced bid with high unit prices on some items and a low unit price on the 36-inch ductile iron pipe force main resulting in their overall bid being lower than Hazen Construction, LLC, by \$264,649.93 (refer to Engineer's Letter of Recommendation for additional information). It is recommended to declare Masci General Contractor, Inc., non-responsive and reject their bid.

Based upon a review of the bid submitted by the second lowest bidder, Hazen Construction, LLC, it is recommended to award Bid No. 19263 for the South Beach Street Improvements to Hazen Construction, LLC, as the lowest, responsive and responsible bidder with a total cost of \$8,175,309. Funds available in the State Revolving Loan Fund (\$6,498,882), the Stormwater R&R 8% Fund (\$301,000), Grant Projects Fund (\$1,025,859.50) and General Fund (\$349,567.50).

**Recommendation:** Utilities Director recommends adoption of the Resolution.

**8.H.** [Information Technology Division - CDW Government - Rubrik Data Backup System - Purchase \(pp. 294-339\)](#)

**Resolution** approving a purchase of components and services for a Rubrik data backup system from CDW Government, City Vendor No. 102681, 75 Remittance Drive, Suite 1515, Chicago IL 60675. The system will be comprised of an R6408S Network Attached Storage (NAS) appliance, a three-year subscription commitment to Rubrik's GO backup and recovery service, a three-year subscription commitment to Rubrik's Polaris Radar threat protection scanning service, and Initial Deployment Professional Services for a three-year expenditure commitment of \$144,852.

The fiscal year 2020 total cost will be \$71,580 as follows:

- Non-recurring cost of the NAS appliance is \$21,060;
- Annual cost for the Rubrik GO subscription is \$36,636;
- Polaris RADAR subscription is provided free of charge;
- Non-recurring charge for the Initial Deployment Professional Services is \$13,884;
- Rubrik GO Subscription for years two and three of the commitment is \$36,636 per year; and
- Rubrik Polaris Radar threat protection scanning service is provided free of charge for years two and three of the commitment.

Objectives are to provide a data backup system consisting of on-premise and cloud storage, centralized management, cloud archival for long-term retention, protection from malicious software, and fast recovery in the event of an incident. This is a piggyback purchase pursuant to the PROMARK Authorized Federal Supply Schedule Pricelist GSA Schedule GS-35F-303DA; of which CDW Government is a participating vendor as specified in the attached quote. Rubrik Resident Engineering Consulting Initial Deployment Professional Services are incidental to the project. Staff requests the City Manager be authorized to expend \$36,636 annually for years two and three for this purpose, subject to budget approvals. Funds for Fiscal Year 2020 available in the Information Technology Fund.

**Recommendation:** Information Technology Manager recommends adoption of the Resolution approving the purchase of a Rubrik R6408S Network Attached Storage (NAS) appliance, a three-year Rubrik GO and RADAR Subscription commitment, and Initial Deployment Professional Services in the amount of \$71,580.

**8.I.** [Information Technology Division - Toshiba Business Solutions of Florida - Police Department Toshiba Copiers - Lease Renewal \(pp. 340-347\)](#)

**Resolution** approving a 48-month general copier leasing commitment for 12 Toshiba Copiers for the Police Department, for the period of January 1, 2020 to December 31, 2023 from City Vendor No. 102731, Toshiba Business Solutions of Florida, 2815 Directors Row, Suite 700, Orlando FL, 32809. The 48-month cost for the copiers is \$92,361.60, and is payable in annual increments of \$23,090.40. Annual copy charges estimated to be \$18,000. Total annual expenditure for the 12 copiers and copy charges is \$41,090.40. Term, conditions, and pricing for the copiers and copies is per State of Florida Multifunction Products, Printers, Facsimile Equipment, Scanners, Related Software, Supplies, and Services Contract # 600-000-11-1. The commitment includes copiers, shipping, installation, maintenance, and per copy charges. The proposed commitment supersedes an existing commitment approved by Resolution 15-304 and represents an annual cost reduction of \$10,796.64. Staff requests the Resolution authorize the City Manager to expend \$41,090.40 annually for this purpose, subject to budget approvals. Funds for Fiscal Year 2020 available in the Information Technology Fund.

Recommendation: Information Technology Manager recommends adoption of the Resolution.

**8.J.** [Development and Administrative Services - Payment to The State Of Florida for the Release Of Deed Restrictions For Halifax Harbor Marina](#) (pp. 348-366)

**Resolution** authorizing payment in the amount of \$112,300 to the State of Florida for the release of deed restrictions applicable only to City owned land south of Orange Avenue. The land is a total of 21.41 acres. Twenty one of the acres are subject to a reservation in favor of the State for oil and gas rights. 0.41 acre of the land, in addition to an oil and gas reservation, is subject to a public purpose restriction. No other adjacent lands are subject to the same restriction. Release of all of the referenced restrictions will allow the City to have clear title to the referenced property. Funds available in the General Fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

**8.K.** [Budget Division - Final Budget Amendment - FY 2018/19](#) (pp. 367-377)

**Resolution** amending Resolution No. 18-325 as previously amended, which adopted the FY 2018/19 budget, in order to increase revenues by \$ 28,372,796, operating expenditures by \$ 757,765, and transfers and capital projects by \$ 27,615,031. This budget amendment reduces revenues related



to an anticipated land sale, reduces revenues related to the city's annual operating subsidy for the First Step Shelter, transfers funds from the Water and Sewer Operating Fund to the Water And Sewer Improvements Fund for previously budgeted projects, recognizes a developer's capital contribution for a lift station project, recognizes impact fees paid by One Daytona, reduces loan proceeds and project budget related to a project which came in under budget, adjusts loan proceeds and project budget for a reclassification of a project expense, transfers the liability for fund advances from certain enterprise funds to the General Fund, recognizes unbudgeted revenues within the Solid Waste, Florida Tennis Center and Municipal Stadium / JRBP Funds, and balances internal service fund revenues to expenditures in governmental and enterprise funds.

Recommendation: Budget Director, recommends adoption of the Resolution.

**8.L.** [Finance Department - Allocation of Bike Week Sponsorship Funds](#)  
(pp. 378-379)

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

\$250 to TripleFit, Inc., for their Teen Financial Workshop, \$250 to TripleFit, Inc., for their Children's Physical Health Day and \$500 to Westside Elementary for their Eagle Pride Store from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$250 to Leisure Services, General Fund, for Light Up Midtown's 2019 Senior Prom from the Bike Week Sponsorship Funds of Mayor Derrick L. Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

**9. PUBLIC HEARINGS.**

**9.A.** [Development and Administrative Services, Planning Division - Nova Oaks Business Park - Small Scale Comprehensive Plan Amendment](#)  
(pp. 380-432)

**Ordinance on second reading - PUBLIC HEARING** adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Level 2 Residential to General Industry for 4.3± acres of land at 1329 Bellevue to allow for the expansion of the existing industrial park. Applicant: Joseph H. Hopkins, P.E, The Performance Group, Inc., on behalf of George Nour.

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 - 1st Amended & Restated Nova Oaks Business Park Planned District Agreement \(pp. 433-492\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** to allow for the expansion of Nova Oaks Business Park by rezoning 4.3+/- acres of land located on the south side of Bellevue Avenue and west of Nova Road from Single-Family Residential 5 (SFR-5) and Multifamily Residential 20 (MFR-20) to Planned Development-General (PD-G), amending the Nova Oaks Business Park Planned District Agreement to expand the previously approved Nova Oaks Planned District to allow for the expansion of the existing industrial park, update various development standards, and authorizing the Mayor to execute the 1st Amended and Restated Nova Oaks Business Park Planned District Agreement. Applicant: Joseph H. Hopkins, P.E, The Performance Group, Inc. on behalf of George Nour.

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 - Rezoning - Fourth Amendment to Best Buy Planned District Agreement \(pp. 493\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** amending the Best Buy Planned District Agreement to allow for the redevelopment of the existing Barnes & Noble site (Lot 2 - 2.1± acres) to accommodate a gas station and retail establishment with associated site improvements located at 1900 W. International Speedway Boulevard, and authorizing the Mayor to execute the Fourth Amendment to Best Buy Planned District Agreement. Applicant: Scott Kearney, Wawa, on behalf of Indigo Development LLC.  
**\*\*Applicant has requested that this item be continued to the December 4, 2019 Commission Meeting\*\***

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Royal Oaks - Rezoning to Planned Development - General \(PD-G\) \(pp. 494-556\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** approving a request to rezone 56.1± acres of land located along Champion Drive from Planned Development-General (PD-G) to Planned Development-General (PD-G) to allow for the development of a residential subdivision with single family detached dwellings and/or townhomes, and authorizing the Mayor to execute the Royal Oaks Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Cardinal Servicing Co. LLC.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

**9.E.** [Human Resources Department - Outside Detail Rate Increase for Police Officers and Firefighters \(pp. 557-559\)](#)

**Ordinance on second reading - PUBLIC HEARING** amending Outside Detail Rate for Police Officers and Firefighters. The City's negotiating team and Coastal Florida Police Benevolent Association (which represents Police Officers and Sergeants) and the International Association of Firefighters have agreed to increase the outside detail rate for police officers and firefighters from \$40.00 to \$45.00 per hour. Additionally, the rate for police supervisors and fire supervisors will increase from \$43.00 to \$48.00 per hour. The increase will take effect on January 1, 2020.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends adoption of Ordinance.

Action: Motion to adopt Ordinance.

**9.F.** [Human Resources Department - Police and Fire Pension Plan - Amendment \(pp. 560-562\)](#)

**Ordinance on second reading - PUBLIC HEARING** amending the City of Daytona Beach Police Officers' and Firefighters' Retirement System, Subpart D of the City Charter; Amending Section 8, Disability by amending the In-Line and not In-Line of duty benefit levels; Amending Section 27, Deferred Retirement Option Plan by allowing interest accrual for DROP withdrawals occurring prior to October 1 of each year; and providing for codification.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends adoption of Ordinance.

Action: Motion to adopt Ordinance.

**9.G.** [Development and Administrative Services, Planning Division - Silver Pine - Large Scale Comprehensive Plan Amendment \(pp. 563-687\)](#)

**Ordinance first reading - PUBLIC HEARING** - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Golf and Level 2 Residential to Level 1 Residential for 54± acres of land 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-to-0.

Action: Motion to pass Ordinance at first Public Hearing.

Note: If Passed, second Public Hearing, January 22, 2020.

**10. ADMINISTRATIVE ITEMS.**

**10.A.** [Development and Administrative Services, Planning Division - Silver Pine - Rezoning to Planned Development - General \(PD-G \(pp. 688-750\)](#)

**Ordinance on first reading** - approving a request to rezone 141.4± acres of land generally located southeast of the intersection of International Golf Drive and LPGA Boulevard from Planned Development-General (PD-G) to Planned Development-General (PD-G) to allow for a single-family residential development to include up to 264 units, and authorizing the Mayor to execute the Silver Pine Planned District Agreement. This rezoning request is intended to revoke the rights of the existing and expired Grand Champion PMD No. 3 Agreement in its entirety. 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-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 22, 2020.

**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. 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.**