



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
MAY 1, 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.

	<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>
--	--	--	--

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.

	<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>
---	--	---	--

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 April 3, 2019 Business Meeting of the City Commission held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

5. AGENDA APPROVAL.

THOSE MATTERS INCLUDED UNDER THE CONSENT AGENDA ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE REVIEW OR DISCUSSION. ITEMS WILL BE ENACTED BY ONE MOTION. IF DISCUSSION IS DESIRED BY ANY MEMBER OF THE COMMISSION, THAT ITEM MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

6. PRESENTATION.

6.A. [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.

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 - First Step Shelter FPL Site Lighting - Easement Approval \(pp. 14-20\)](#)

Resolution granting Florida Power & Light ("FPL") an easement on City owned property located on SR-92 (International Speedway Boulevard) to install and maintain electrical service and fixtures for the First Step Shelter site lighting in compliance with the requirements of the FPL Tariff-1 program. It is also requested that City Manager be authorized to execute related FPL documents needed to give effect to this Resolution.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.B. [Utilities Department - First Amendment to Joint Use Agreement with the Florida Inland Navigation District \(FIND\) for Construction of the South Beach Street Force Main Improvements Project \(pp. 21-122\)](#)

Resolution approving the First Amendment to the Joint Use Agreement with FIND for the installation of a sanitary sewer force main through a portion of the City-owned property within the exclusive use portion of the Site Easement for the South Beach Street Force Main Improvements Project. This First Amendment to the Joint Use Agreement between FIND and the City allows the installation, maintenance, repair, replacement and removal of a sanitary sewer force main within the City Site and exclusive use area of the Site Easement. The new force main will increase the City's wastewater collection system capacity to accommodate new and future development in the downtown area and mitigate the potential for sanitary sewer overflows in the existing gravity main on Palmetto Avenue.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.C. [Public Works/Technical Services Division - Cardno Inc. - Continuing Comprehensive Brownfield Consulting Services, Contract No. 19095](#)

[\(pp. 123-149\)](#)

Resolution approving Contract No. 19095 with Cardno Inc., 380 Park Place Boulevard Suite 300, Clearwater, FL 33759 for Continuing Comprehensive Brownfield Consulting Services and authorizing the City Manager to execute future renewals. This Contract assures that the city staff has an experienced and qualified consultant under contract with pre negotiated fee schedules so they can proceed on an as needed bases to address and apply for cleanup grants for the multiple designated Florida Brownfield Areas that are in the City limits. There are real and potential petroleum and hazardous liabilities which are preventing vacant properties from being developed into productive property. This contract is initially for five (5) years with three (3), 1 year possible renewal options. No funding is required for this approval.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Public Works Department Technical Services Division - P&S Paving, Inc. - Sweetheart Trail - Gap 6 - South Beach Street \(Wilder Boulevard to Shady Place\) - FM 439866-1-54-01 - Bid No. 19193 Award \(pp. 150-171\)](#)

Resolution awarding Bid No. 19193 - FM 439866-1-54-01 to the lowest responsive and responsible bidder, P&S Paving, Inc., 3701 Olson Drive, Daytona Beach, FL 32124 , in an amount not to exceed the Base Bid of \$1,127,888.97 for the construction of 2,324 feet (0.440 miles) of a 12' concrete shared use path. The proposed shared use path starts on the south side of Wilder Blvd. and runs approximately 100' east to Beach Street and then turns north, extending 2024 ft. on the east side of South Beach Street to the intersection of South Beach Street and Shady Place. This project also includes a reduction in the paved roadway width of South Beach Street, which includes 2085 feet (0.395 miles) of new pavement construction, milling and resurfacing, with curb and gutter construction.

The Bid Opening for this project took place on March 11, 2019. Three bids were received, however, P&S submitted a bid within 10% of the low bid submitted by Masci General Contractor, Inc. As per section 30-86 of the Purchasing Code, a local vendor that is within 10% of the low bid may submit a Best and Final offer along with the low bidder to determine the lowest responsive and responsible bidder. After soliciting and obtaining these best and final offers, City staff completed their background review of the responsive bidders, and have determined that Masci General Contractor, Inc., should be rejected as non-responsible due to reports of prior performance deficiencies for work on other public agency contracts. Due to these deficiencies, it requested that Masci General Contractor, Inc be rejected as non-responsible. Funds available in the Grant Fund (\$580,000) and the General Fund (\$547,888.97).

Recommendation: Public Works Director recommends adoption of the Resolution awarding Bid No. 19193 - FM 439866-1-54-01 to the lowest responsive and responsible bidder, P&S Paving, Inc., in an amount not to exceed the Base Bid of \$1,127,888.97.

8.E. [Development and Administrative Services, Permits and Licensing Division - Samsula Demolition - Demolition and Remediation Ratification \(pp. 172-182\)](#)

Resolution ratifying the Change Order request for asbestos remediation at 400 S. Atlantic Avenue by Samsula Demolition, 363 State Road 415, New Smyrna Beach, Florida 32168 in the amount of \$5,800 resulting in a total demolition and remediation cost of \$29,260 which exceeds the City Manager's authorization limit and requires City Commission approval. The property owner was provided with a Notice of Condemnation and Demolition Order on April 6, 2018 due to the dilapidated condition of the property. The owner filed an appeal to the Notice of Condemnation and Demolition Order. The appeal went before the Board of Building Codes on February 19, 2019. The Board of Building Codes voted unanimously to deny the appeal. Proposals for demolition of the property were requested from five companies. The lowest proposal was submitted by Samsula Demolition in the amount of \$23,460. A purchase order for demolition has been issued. After expiration of the property owner's time to appeal the Board of Building Code's decision, the City authorized the demolition contractor to commence demolition. At commencement of demolition, the contractor obtained an asbestos survey for the property. The asbestos survey reflects approximately 1,000 sq. ft. of transite siding which requires remediation. The additional cost for remediation of the contaminated siding is \$5,800 resulting in a total demolition and abatement cost of \$29,260. Funds available in the Permit and License Special Revenue Fund.

Recommendation: Deputy City Manager recommends adoption of Resolution ratifying the Change Order with Samsula Demolition in the amount of \$5,800.

8.F. [Finance Department - Carr, Riggs & Ingram LLC - Renewal and Extension of the External Auditing Services Contract \(pp. 183-217\)](#)

Resolution approving the renewal and extension of the contract for external auditing services provided by Carr, Riggs & Ingram, LLC, 215 Baytree Drive, Melbourne, FL 32940 for a five-year period starting with the 2018-2019 fiscal year in the total amount over the five-year period of \$454,300, subject to budget appropriation. The current contract No. 0214-1390 with Carr, Riggs & Ingram, LLC to perform annual audits of the City's financial statements for the past five fiscal years was adopted by Resolution 14-207. An Audit Selection Committee was convened and presented its

recommendation at the March 20, 2019 City Commission meeting. The average fee over the five-year period is \$90,860. The fee proposal by fiscal year is listed below.

Fiscal Year	Not-to-Exceed Fee
2018-2019	\$88,500
2019-2020	\$89,800
2020-2021	\$92,000
2021-2022	\$92,000
2022-2023	\$92,000

Funds are subject to future budget appropriations and would be available in General Fund, Water and Sewer Fund and Solid Waste Management Fund for each specific year.

Recommendation: Chief Financial Officer recommends adoption of the Resolution approving the renewal and extension of the contract for external auditing services provided by Carr, Riggs & Ingram, LLC for the total amount over the five-year period of \$454,300.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Code of Ordinances Text Amendment - Amend Chapter 10 \(Alcoholic Beverages\) and 102 \(Vehicles for Hire\) \(pp. 218-239\)](#)

Ordinance on second reading - PUBLIC HEARING amending the Code of Ordinances, Chapter 10 (Alcoholic Beverages) to include an exception for consumption of alcoholic beverages on commercial megacycles, and Chapter 102 (Vehicles for Hire) to redefine pedal buses as commercial megacycles and allow commercial megacycles within designated boundaries. Applicant: DB Beach Investments II.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Minto Tomoka-Parcel B - Second Amendment to Minto Tomoka-Parcel B Planned District Agreement \(pp. 240-320\)](#)

Ordinance on second reading - PUBLIC HEARING amending the Minto Tomoka-Parcel B Planned District Agreement to allow clustered townhomes as a permitted use on the property and incorporate additional residential lot development criteria, and authorizing the Mayor to execute the Second

Amendment to Minto Tomoka-Parcel B Planned District Agreement.
 Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Minto Communities, LLC; Samuel R. Sutton and Robert Sutton, as Co-Trustees Under That Certain Land Trust No. 1 Dated December 15, 1992; and Latitude at Daytona Beach Homeowner's Association.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Integrated LPGA - Rezoning to Planned Development-General \(PD-G\) and Preliminary Plat \(pp. 321-441\)](#)

Ordinance on first reading - approving a request to rezone 391.8± acres of land located west of N. Tomoka Farms Road, east of LPGA Boulevard, and north of West International Speedway Boulevard from Single-Family Residential 5 (SFR-5) to Planned Development-General (PD-G) to develop a mixed residential development, approving the Integrated LPGA Phase A1 Preliminary Plat, and authorizing the Mayor to execute the Integrated LPGA Planned District Agreement. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of American Land Development Osceola County, LLC & American SW-40 Investments, LLC and GC Land LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, May 15, 2019.

10.B. [Development and Administrative Services, Planning Division - Williamson Crossing - First Amendment to Planned District Agreement and Preliminary Plat \(pp. 442-483\)](#)

Ordinance on first reading - amending the Williamson Crossing Planned District Agreement to allow increased business signage, add additional uses, approval of the Williamson Crossing Preliminary Plat, and authorizing the Mayor to execute the First Amendment to the Williamson Crossing Planned District Agreement. Applicant: Parker Mynchenberg, P.E., Parker Mynchenberg & Associates, Inc., on behalf of Chuck Whittall, Shoppes at Williamson Crossing, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, May 15, 2019.

10.C. [Development and Administrative Services, Planning Division - Grande Champion Combined Tracts 26, 28 & 29 Planned Master Development Agreement - Extension \(pp. 484-555\)](#)

Resolution extending development rights under the Grande Champion Combined Tracts 26, 28 & 29 Planned Master Development Agreement by an additional five years from the date of approval of the Resolution. The property consists of 239.4± acres and is located north of W. International Speedway and west of Tomoka Farms Road North. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

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.