



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JUNE 5, 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>
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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.

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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 February 13, 2019 Half Cent Sales Tax Workshop and the May 1, 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. [City Clerk's Office - Veteran's Museum & Education Center, Inc.](#)
[\(pp. 15-16\)](#)**

Presentation of the Veteran's Museum & Educational Center to the City Commission.

John Brinkley, President and Bob Hawes, Vice President & Museum Curator

to present.

6.B. [Presentation - Daytona Tortugas Appreciation Plaque \(17-19\)](#)

Presentation of a plaque to the Daytona Tortugas for their contribution of over \$10,000 to the City of Daytona Beach, Leisure Services Youth Baseball Program. The funds were utilized to purchase uniforms and equipment. This relationship provides a professional and first class look for the youth participating in our program.

Mayor Derrick Henry to present.

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. [Utilities Department - Zev Cohen and Associates - Riverfront Park Stormwater Outfalls and Backflow Prevention - Work Authorization No. 36 \(pp. 21-32\)](#)

Resolution approving Work Authorization No. 36 under Contract No. 2006-21, with Zev Cohen and Associates, Inc., 300 Interchange Blvd., Ormond Beach, FL in the amount of \$90,729, for the design, permitting, and construction phase services for the Riverfront Park stormwater outfalls and backflow preventers. The purpose of this request is to obtain engineering services to replace/relocate stormwater outfalls in conjunction with the Riverfront Park Esplanade construction. Funds available in the Stormwater R&R 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving Work Authorization No. 36 under contract No. 2006-21, with Zev Cohen and Associates, Inc., in the amount of \$90,729.

8.B. [Utilities Department - Tetra Tech, Inc. - Professional Engineering Consultant Contract No. 19334 Approval \(pp. 33-82\)](#)

Resolution approving Professional Engineering Consultant Contract No. 19334 with Tetra Tech, Inc., 201 East Pine Street, Suite 1000, Orlando,

Florida 32801 for the Potable Water Tank & Pump Station Project in an amount not to exceed \$467,069.49. The purpose of this request is to provide professional engineering services for the design, permitting and bidding of a new 5 million gallon potable water ground storage tank and pump station. Construction of a water tank at 700 Heineman Street will provide a more reliable water source and increased fire protection to the surrounding area. Funds available in the Renewal and Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving Professional Engineering Consultant Contract No. 19334 with Tetra Tech, Inc., in an amount not to exceed \$467,069.49.

8.C. [Public Works/Engineering Department - Cardno - Work Authorization No. 17 \(pp. 83-116\)](#)

Resolution approving Work Authorization No. 17 under Contract 2010-18-CA with Cardno, 380 Park Place Boulevard, Suite 300, Clearwater, Florida 33759 in an amount not to exceed \$27,691. On March 19, 2019, the City and our Brownfield Consultant (Cardno) met with the Florida Department of Environmental Protection (FDEP) to discuss site closure options for the City's former landfill property located on the west side of the intersection of Clyde Morris Blvd and Bellevue Avenue Extension. The FDEP recommended implementing institutional controls (aka deed restrictions) to facilitate getting a No Further Action Order with Conditions (site closure) from the FDEP. The Clyde Morris Boulevard Brownfields site has the presence of a free product contaminant covering approximately 1.7 acres. The Work Authorization will provide for the FDEP requested deed restrictions. Work to be completed as further described in Cardno proposal dated May 9, 2019. Funds available in the Solid Waste Management Fund.

Recommendation: Public Works Director recommends adoption of the Resolution approving Work Authorization No. 17 with Cardno in an amount not to exceed \$27,691.

8.D. [Public Works/ Technical Services Division - Sweetheart Trail - Ballough Road Bridge - Acceptance of FDOT SUN Trail Network Agreement No. 439870-1-54-01 \(pp. 117-143\)](#)

Resolution approving FDOT SUN Trail Network Agreement No. 439870-1-54-01 and associated Maintenance Memorandum of Agreement (MOA) between the City of Daytona Beach and the Florida Department of Transportation (FDOT), providing reimbursement to the City up to \$100,000 for in-house CEI services and for the re-striping of Ballough Road to provide a 10 to 11-foot wide shared use path with a 5-foot buffer; and to agree to accept all future maintenance and attendant costs thereof in return for receipt

of funding from the Department; and directing the Budget Officer to amend the budget.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Engineering/Public Works Division - Submerged Lands Easement Renewal for Manatee Island \(pp. 144-156\)](#)

Resolution accepting the submerged lands easement renewal with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Manatee Island. The submerged lands easement unintentionally expired in October 2018, so this easement is for a fifty year term spanning from October 2018 to October 2068. There is no fee associated with this easement renewal in accordance with Resolution 88-323 waiver request.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.F. [Business Enterprise Management Department - BrightView Golf Maintenance, Inc., Service Contract Renewal with Amendments \(pp. 157-185\)](#)

Resolution authorizing the first of two 5-year golf course maintenance service contract renewal options with BrightView Golf Maintenance, Inc., 24151 Ventura Boulevard, Calabasas, CA 91302 for \$1,210,828.60 with stipulations to amend the contract allowing:

- BrightView to purchase course maintenance equipment at a cost of \$736,273;
- Add an Annual Equipment Fee of \$147,254.60 for a 5-year repayment term so that the City will own all purchased equipment at the end of that term; and
- Reduce the annual Repair Budget by \$27,700.

Funds are currently available for the remainder of FY 2019 until 09-30-19 for the golf course maintenance service contract. Funding for both the golf course Annual Maintenance Fee and Annual Equipment Fee beginning FY 2020, October 1st, 2019 and ending FY 2024, September 30th, 2024, will be available annually in the Golf Course Fund accounts contingent annual budget approvals.

Recommendation: Business Enterprise Management Department Manager recommends adoption of the Resolution authorizing the first of two 5-year golf course maintenance service contract renewal options with BrightView Golf Maintenance, Inc., in the amount of \$1,210,828.60.

9. PUBLIC HEARINGS.

- 9.A. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Articles 5, 6, and 11 \(pp. 186-228\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the Land Development Code (LDC), Article 11(Definitions and Interpretation) to add definitions for new uses (Micro-Brewery, Micro-Winery, and Craft Distillery), modify definitions for existing uses (Brewpub, Craft Distillery); amend Article 5, (Principal Uses and Accessory Uses) to add additional uses and modify existing uses to the Eating & Drinking Establishments and the Industrial Uses categories and to modify use specific standards to accommodate new uses; and to amend Article 6 (Off-Street Parking and Loading) to add parking requirements.

James Morris, Deputy City Manager, to report.

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

Action: Motion to adopt Ordinance.

- 9.B. [Development and Administrative Services, Planning Division - Memorial Health Systems Inc. - First Amendment to The Memorial Health Systems, Inc. Planned District Agreement \(pp. 229-294\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending The Memorial Health Systems, Inc. Planned District Agreement to modify existing signage, and authorizing the Mayor to execute the First Amendment to The Memorial Health Systems, Inc. The property is located on the west side of Williamson Boulevard, east of I-95, north of the future extension of Strickland Range Road, and south of the future extension of Hand Avenue. Applicant: Grant McGuire, ICON Identity Solutions Inc., on behalf of Memorial Health Systems Inc.

James Morris, Deputy City Manager, to report.

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

Action: Motion to adopt Ordinance.

- 9.C. [Development and Administrative Services, Planning Division - Integrated LPGA - Rezoning to Planned Development-General \(PD-G\) and Preliminary Plat \(pp. 295-416\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - 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-30 Investments, LLC and GC Land LLC. ****This item was continued from the May 15, 2019 City Commission Meeting at the request of the Applicant****

James Morris, Deputy City Manager, to report..

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

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services – American SW-30 Investments, LLC/Integrated LPGA Proportionate Fair Share Agreement \(pp. 417-432\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the American SW-30 Investments, LLC/Integrated LPGA Proportionate Fair Share Agreement with American SW-30 Investments, LLC ("Owner") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$1,603,414.38 for a maximum buildout of 600 dwelling units and to address traffic concurrency and traffic impacts. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to the City Manager's approval of the final plat for the Project for recordation for the American SW-30 Investments, LLC/Integrated LPGA project that is located west of N. Tomoka Farms Road, east of LPGA Boulevard, south and east of Municipal Stadium, and north of West International Speedway Boulevard. ****This item was continued from the May 15, 2019 City Commission Meeting at the request of the Applicant****

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of Resolution.

Action - Motion to adopt Resolution.

9.E. [Public Works/Technical Services Division - Latitude At Daytona Beach Phase 1 - Partial Replat \(pp. 433-443\)](#)

Resolution - Quasi-Judicial Hearing - approving a partial replat of Latitude at Daytona Beach Phase 1 Preliminary and Final Plats. The subject property (.702 acres) is generally located on the north side of LPGA Boulevard, west of I-95. Ordinance No. 16-267 adopted at the September 21, 2016 City Commission Meeting approved the Final plat.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

9.F. [Development and Administrative Services, Planning Division - Tomoka Town Center - Large Scale Comprehensive Plan Amendment \(pp. 444-501\)](#)

Ordinance on first reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhood S, Issue (j), to permit an additional 150 residential units for a total of 550 units on approximately 14.47± acres generally located north of Mason Avenue and west of Williamson Boulevard. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Jeff Preston, Tomoka Town Center Phase 1, LLC.

James Morris, Deputy City Manager, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 7, 2019.

9.G. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 5, Mobile Food Vending \(pp. 502-522\)](#)

Ordinance on first reading - PUBLIC HEARING - amending the Land Development Code (LDC), Article 5, Section 5.4.B.2. (Prohibited Temporary Uses and Structures) and Tables 5.4.B.5, 6, & 7 (Temporary Use/Structure Tables) to allow for mobile food vending as a temporary use in all zoning districts. Applicant: Development and administrative Services Department, Planning Division.

James Morris, Deputy City Manager, to report.

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

Action: Motion to pass Ordinance at First Public Hearing.

Note: If passed, Second Public Hearing June 19, 2019

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Code of Ordinances Text Amendment - Mobile Food Vendors \(pp. 523-532\)](#)

Ordinance on first reading - creating Chapter 103 (Mobile Food Vendors) to the Code of Ordinances to add regulations and licensing requirements for

Mobile Food Vendors to provide the City with a new business market.

James Morris, Deputy City Manager, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, June 19, 2019.

10.B. [Development and Administrative Services, Planning Division - Tomoka Town Center - First Amendment to Tomoka Town Center Planned District Agreement \(pp. 533-667\)](#)

Ordinance on first reading - amending the Tomoka Town Center Planned District Agreement to increase the number of dwelling units permitted on the property to 550 dwelling units, modify the approved lot development criteria and update the approved signage on property located north of Mason Avenue and west of Williamson Boulevard, and authorizing the Mayor to execute the First Amendment to Tomoka Town Center Planned District Agreement.

Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Tomoka Town Center Phase 1, LLC; Tomoka Town Center 2 LLC, Tomoka Town Center 3, LLC, Madison Pointe Housing LLC; Tomoka Pointe Housing LP; and Indigo Development LLC.

James Morris, Deputy City Manager, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 7, 2019.

10.C. [Development and Administrative Services, Planning Division - LPGA Superwash Express III - First Amendment to LPGA Superwash Express III Planned District Agreement \(pp. 668-698\)](#)

Ordinance on first reading - amending the LPGA Superwash Express III Planned District Agreement to modify the approved ground signs for the development on 7+/- acres generally located at the southeast corner of LPGA Boulevard and N. Clyde Morris Boulevard, and authorizing the Mayor to execute the First Amendment to the LPGA Superwash Express III Planned District Agreement. Applicant: Mark Karet, Zev Cohen & Associates, Inc., on behalf of Paul Bradley, Superwash IV, Inc.

James Morris, Deputy City Manager, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, June 19, 2019.

10.D. [Development and Administrative Services, Planning Division - Project Delta West - Small Scale Comprehensive Plan Amendment \(pp. 699-799\)](#)

Ordinance on first reading - adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Commercial Mixed Use to High Intensity Mixed Use for 1.96± acres of land located northeast of the intersection of International Speedway Boulevard and Ridgewood Boulevard and amending the Future Land Use Element, Neighborhood E, to increase the density from 40 du/ac to 150 du/ac and re-establish the FAR as 10 for the entire 5.99± acres. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of DB Mainland, LLC.

James Morris, Deputy City Manager, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, June 19, 2019.

10.E. [Development and Administrative Services, Redevelopment Division. Project Delta West - Rezoning to Planned Development - Redevelopment \(pp. 800-910\)](#)

Ordinance on First Reading- Approving a request to rezone 5.99± acres of land located in the block bounded by W. International Speedway Blvd., N. Ridgewood Avenue, Bay Street, and N. Palmetto Avenue, from Downtown Redevelopment - Central Business District (RDD-2) and Downtown Redevelopment - Commercial (RDD-3) to Planned Development-Redevelopment (PD-RD) to facilitate development of a mixed-use commercial development, and authorizing the Mayor to execute the Project Delta West Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Mainland DB, LLC.

James Morris, Deputy City Manager, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, June 19, 2019.

10.F. [Budget Office / City Manager's Office - Amending Chapter 46, Article II, Sections 46-26 and 46-91 of the Code of Ordinances \(pp. 911-919\)](#)

Ordinance on first reading - amending chapter 46, city code to amend Article II, Section 46-26 entitled "Appropriation of Fund Balance/Retained Earnings and Fund Balance/Retained Earnings Reserve Levels" and Section 46-91 entitled "Lapse of Appropriation" to clarify the policy as it relates to the segregated budgetary cash reserves, renewal and replacement funds and

beginning budgetary fund balance for purpose of the annual fiscal integrity.

Fredrik Coulter, Budget Officer, to report.

Recommendation: Budget Officer recommends passing the Ordinance.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, June 19, 2019

- 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.**