



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JULY 3, 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.
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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.

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 May 15, 2019 and the June 5, 2019 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 Managers Office - Presentation On Bennett Swamp Rehydration & Conservation Project](#)

Presentation by City Manager on Bennett Swamp Rehydration & Conservation Project.

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. Risk Management - Wright National Insurance Company - Flood Insurance Renewal (pp. 16-29)

Resolution accepting renewal proposals submitted by Wright National Flood Insurance Company, P.O. Box 33003, St. Petersburg, FL 33733 for an annual premium in the amount of \$49,566 for flood insurance coverage for various City-owned properties in flood zones for the period of July 25, 2019 to July 25, 2020. This is an increase of last year's premium of \$7,850 due to rate increases. Also, authorizing payment for any additional flood premium, not to exceed \$15,000, 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, 2019 to July 25, 2020. Funds are available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution accepting renewal proposals submitted by Wright National Flood Insurance Company, for an annual premium in the amount of \$49,566 and authorizing payment for any additional flood premium, not to exceed \$15,000.

8.B. Fire Department - Municipal Emergency Services - Fire-Dex Personal Protective Firefighting Gear - Sole Source Purchase (pp. 30-35)

Resolution authorizing the purchase of thirty (30) sets of department standardized Fire-Dex Personal Protective Firefighting Gear in an amount not to exceed \$74,883.60. Purchase to be made as a standardized purchase from Municipal Emergency Services, 3789 62nd Avenue North Pinellas Park, Florida 33781 who serves as the sole source distributor of Fire-Dex equipment in the State of Florida. Funds available in the General Fund.

Recommendation: Fire Chief recommends adoption of the Resolution authorizing the purchase of thirty (30) sets of department standardized Fire-Dex Personal Protective Firefighting Gear in an amount not to exceed

\$74,883.60.

8.C. [Fire Department - Hall-Mark RTC - Fire Apparatus Purchase Program - FY 19/20 \(pp. 36-41\)](#)

Resolution authorizing the purchase of two (2) E-One Typhoon Fire Engine Pumper apparatus from the authorized dealer Hall-Mark RTC - 725 SW 46th Avenue, Ocala, Florida 34474. Vehicle to be purchased from Orange County Contract No. Y13-1056-JS. The proposal calls for a 365 day delivery schedule. Total purchase not to exceed \$1,020,000. These vehicles are being purchased to address growth in our city through the addition of specialized equipment not currently available in our city. Funding subject to future budget appropriations in FY 19/20 Fire/EMS Impact Fee Fund.

Recommendation: Fire Chief recommends adoption of the Resolution authorizing the purchase of two (2) E-One Typhoon Fire Engine Pumper apparatus in an amount not to exceed \$1,020,000.

8.D. [Public Works/Technical Services Division - RAM Professional Group, Inc - Beville Road Trail Project - Change Order No. 3 to Work Authorization No. 6 - Continuing Services Contract No. 0111-0740-RAM \(pp. 42-52\)](#)

Resolution approving Change Order (C.O.) No. 3 to Work Authorization (W.A.) No. 6 for Continuing Services Contract No. 0111-0740-RAM for the Beville Road Trail Project with RAM Professional Group, Inc., 8298 Bayberry Road, Suite 1, Jacksonville, FL 32256 for a total additional cost of \$29,066.64. A SJRWMD Permit Exemption was originally applied for by RAM Professional Group, Inc., but was subsequently denied by the SJRWMD Agency and advised that a general/individual ERP permit would be needed. Therefore this C.O. No. 3 to W.A. No. 6 is necessary to prepare and submit a SJRWMD ERP permit for stormwater modifications. The original contract was awarded on November 2, 2016 for \$157,508.22. Change Order No. 1 was approved and adopted on October 4, 2017 to extend the western limits of the trail to Andros Isles Boulevard for an additional \$98,546.79, and C.O. No. 2 was approved and adopted on November 7, 2018 to revise the plans to add the shoulder widening from the FDOT I-95/I-4 Design-Build Project for an additional \$44,657.19. With C.O. No. 3 the adjusted contract amount is now \$329,778.84. Funds available in Capital Projects Fund.

Recommendation: Public Works Director recommends adoption of the Resolution approving Change Order (C.O.) No. 3 to Work Authorization (W.A.) No. 6 for Continuing Services Contract No. 0111-0740-RAM for a total additional cost of \$29,066.64.

8.E. [Utilities Department - Atlas Copco Compressor, LLC - Ralph Brennan Water Treatment Plant - Preventative Maintenance Service Plan \(with warranty\) - Sole Source \(pp. 53-69\)](#)

Resolution approving a one (1) year service plan and warranty with two 1-year renewal options and authorize the City Manager to exercise the renewals on the same terms and conditions with Atlas Copco Compressor, LLC 9655 Florida Mining Boulevard West, #1301, Jacksonville, FL 32257 for a total amount of \$28,473.50. The purpose of this request is to purchase a service plan with a warranty for the three (3) Brennan Water Treatment Plant's Ozone Generation Compressor systems. Ozone compressors produce compressed air for the Ozone water treatment process. Brennan Water Treatment Plant utilizes three air compressors for ozone generation and in order to assure compliance with state and federal water quality standards, the compressors must be in working order. Two out of the three compressors are in operation 24 hours / 7days per week. This purchase will provide preventative maintenance services twice annually for all three ozone compressors which will help to ensure uninterrupted operation. This is a sole source request due to Atlas Copco Compressors LLC being the only authorized provider for parts and service for the ozone air compressors. Funds available in the Water and Sewer Fund.

Recommendation: Utilities Director recommends adoption of the Resolution approving a one (1) year service plan and warranty with two 1-year renewal options for three Ozone Compressors in the amount of \$28,473.50.

8.F. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 70-71\)](#)

Resolution authorizing payment in the amount of:
\$300 to The GEM Project, Inc., for a general donation from the Bike Week Sponsorship Funds of Mayor, Derrick Henry.

\$1,500 to Boys & Girls Clubs of Volusia/Flagler Counties, Inc., for a general donation from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Articles 5, 6, and 11 \(pp. 72-120\)](#)

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.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Integrated LPGA - Rezoning to Planned Development-General \(PD-G\) and Preliminary Plat \(pp. 121-242\)](#)

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 June 5, 2019 City Commission Meeting at the request of the Applicant****

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services – American SW-30 Investments, LLC/Integrated LPGA - Proportionate Fair Share Agreement \(pp. 243-258\)](#)

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 June 5, 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.D. [Development and Administrative Services - Mason Avenue BTS/Mason Industrial - Proportionate Fair Share Agreement \(pp. 259-274\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Mason Avenue BTS/Mason Industrial Proportionate Fair Share Agreement with CF Toucan DAB LLC, ("Owner") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$152,969.84 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's issuance of Certificate of Occupancy for Mason Avenue BTS/Mason Industrial. This project is located at 2350 Mason Avenue (Lot 1) and 2400 Mason Avenue (Lot 2).

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution..

Action: Motion to adoption Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Finance/Purchasing - Revisions to Purchasing Code, Chapter 30 Of The Municipal Code \(pp. 275-323\)](#)

Ordinance on first reading approving changes to the Purchasing Code, Chapter 30 of the Municipal Code, to streamline small purchases, change orders, and project-related purchases; clarify exceptions to the code and multi-year procurements; and address the purchase and disposal of real property. The revised code also increases the City Manager's authority for small purchases and entertainment contracts, provides alternative selection methods for design-builders, and provides the City Manager authority to exercise contract renewal options. Changes also provide administrative authority to the City Manager to approve change orders decreasing contract time or price, and authority to extend annual contracts to permit time to

resolicit goods or services.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends passing Ordinance

Action: Motion to pass Ordinance on first reading

Note: If passed, second reading, July 17, 2019

10.B. [City Manager's Office - Beautification/Tree Advisory Board - Appointment \(pp. 324-329\)](#)

Resolution Appointing one (1) member to the Beautification/Tree Advisory Board. The board shall consist of seven members. One member shall be nominated by each City Commissioner from among the resident of the zone, plus one At-large member nominated by the Mayor who may be a resident of any City Commission zone. All board members shall be resident of the City and qualified electors. There is a vacant position in Zone 6 for which we have received one applicant- Patricia Heard.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.C. [City Manager's Officer - Beachside Redevelopment Board - Appointments \(pp. 330-342\)](#)

Resolution appointing three (3) members to the Beachside Redevelopment Board. The board shall consist of seven (7) members and a Planning Board member who shall serve as an ex officio nonvoting member appointed by the City Commission. Members shall reside or have their principal place of business in either the Main Street Redevelopment Area (MSRA) or the South Atlantic Redevelopment Area (SARA). A majority of the board members shall be residents of the City. The membership term of Amy Pyle and Marcia Tuggle have expired and both individuals would like to be reappointed. The membership term of Dino M. Paspalakis has expired and termed out. In addition to receiving new applications from Ms. Pyle and Ms. Tuggle for reappointment, we have received one new qualifying application from Krista Goodrich for the open position.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.D. [City Manager's Office - Downtown Development Authority - Appointments](#)

[\(pp. 343-351\)](#)

Resolution appointing two (2) members to the Downtown Development Authority. The board shall consists of five (5) members, one (1) of which shall be a member of the City Commission. Except for the City Commissioner, each member may be appointed for consecutive terms of 3 years, beginning July 1. Non-City Commission members shall reside in or have a principal place of business in the City (CR-BO), shall not be serving as a City officer or employee, and shall be an owner of realty within the Downtown area, a lessee thereof, or a director, officer, or managing agent of an owner or of a lessee thereof. The membership terms of Tammy Kozinski and Joseph Hopkins expired on June 30, 2019. Both individuals would like to continue to serve and we have no other qualifying applicants.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.E. [City Manager's Office - Downtown Redevelopment Board - Appointment \(pp. 352-358\)](#)

Resolution appointing one (1) member to the Downtown Redevelopment Board. The membership term of Daniel Harshaw has expired and he would like to be reappointed. The board shall consist of seven (7) members appointed by the City Commission and one (1) Planning Board member who shall serve as an ex officio nonvoting member. Membership shall include six (6) members who reside or have their principal place of business in either the Downtown Redevelopment Area (DRA) or the Ballough Road Redevelopment Area (BRRA) and one (1) member of the Downtown Development Authority, who shall serve ex-officio (DDA). A majority of the board members shall be residents of the City.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.F. [City Manager's Office - Leisure Services Advisory Board - Appointments \(pp. 359-377\)](#)

Resolution appointing four (4) members to the Leisure Services Advisory Board. The board shall consist of seven (7) members, one (1) from each zone nominated by City Commissioners of respective zones, and one (1) at large member nominated by the Mayor serving two-year (2) staggered terms that expire December 31. Members must reside within the zone of their appointment. The membership terms of Dwayne Murray (AL), Carol Kilian

(Zone 4) and John Huger (Zone 6) have expired and all three individuals would like to be reappointed. Zone 2 has an open position and we have received an application from Bradford Gonzalez.

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.**