





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
MAY 20, 2020
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.**
- 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 19, 2020 and the March 4, 2020 Regular 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. LOCAL STATE OF EMERGENCY - RESOLUTION

6.A. [Extending the Local State of Emergency for Public Meetings and Approving Amended Procedures for Public Meetings of the City Commission and City Boards During Local State of Emergency](#) (pp. 27-31)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING MAY 27, 2020; AUTHORIZING THE MAYOR TO EXTEND THE LOCAL STATE OF EMERGENCY FOR ADDITIONAL INCREMENTS OF UP TO SEVEN-DAYS ENDING JUNE 17, 2020, SUBJECT TO CONDITIONS; APPROVING AMENDED PROCEDURES FOR PUBLIC MEETINGS OF THE CITY COMMISSION AND CITY BOARDS DURING THE LOCAL STATE OF EMERGENCY.

7. CITIZENS.

7.A. [PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION](#) (pp. 32-33).

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EMERGENCY PROCEDURES FOR PUBLIC MEETINGS AND PUBLIC COMMENTS

During this time of extraordinary circumstances dealing with the declared State of Emergency associated with the COVID-19 pandemic, the City is temporarily allowing online public comments, and limited real-time public comments at City Hall, for public meetings of the City Commission and the various City Boards consistent with the requirements of the Governor's Executive Orders Nos. 20-69 (Local Government Public Meetings), 20-91 (Essential Services and Activities), and 20-112 (Phase 1 Plan).

Online Public Comment Forms. The City is providing an online Public Comment Form to allow members of the public to submit public comments for each public meeting of the City Commission or a City Board. The Public Comment Form may be found at <https://www.codb.us/comments>. Please follow the directions on the Form to ensure proper electronic submission to the City. All Public Comment Forms completed and properly transmitted before 5 p.m. on the day prior to the public meeting will be provided to City Commission or Board members, as applicable, for their review and consideration prior to the public meeting. Any Public Comment Forms submitted after 5 p.m. on the day prior to the meeting will be provided to Commission or Board after the public meeting. All Public Comment Forms will be included in the official meeting records and retained by the City Clerk or the Board Secretary as a public record. The City Commission and City Boards will not be taking general public comment on matters that are not on the agenda or will not be voted upon at the public meeting. If you have issues with accessing, completing, or submitting the online Public Comment Form please email us at comments@codb.us or call 386-671-8023.

Public Comments on Propositions before the City Commission or a Board. Although persons are strongly encouraged to submit online Public Comment Forms during this State of Emergency, persons may visit City Hall during a public meeting to make public comments on propositions coming before the City Commission or Board for a vote, subject to these City procedures and all social distancing requirements established by the Governor's Executive Orders. The Commission Chambers will be closed to the public. Commission or Board members may be physically present in the Chambers, or may appear via communications media technology. The City Hall lobby will be equipped with a lectern and microphone for public comment, and an audio/video feed to the Commission Chambers. Forms will be provided for persons to fill out who wish to make public comment. Persons may enter the lobby to speak on an item before the Commission or Board at

appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. The lobby will also have a limited defined area, with social distancing, for persons waiting to make public comment. In addition, the exterior entryway to City Hall will be equipped with a loudspeaker for persons waiting for permission to enter to make public comment due to space limitations in the lobby. Persons may also monitor public meetings from their iPhone, iPad, or other electronic device at <https://www.codb.us/618/DBTV>, and enter City Hall for public comment at appropriate times, when called upon. Persons who have finished speaking or not intending to speak on a matter coming before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with social distancing requirements while at City Hall, such as by remaining at least 6 feet apart. Use of facial masks is encouraged to combat the spread of the COVID-19 disease.

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 Department - Saboungi Construction and Militello Concrete Corporation - Award of Term Contract Piggybacking Volusia County Contract No. 19-B-156IF \(pp. 34-137\)](#)

Resolution ratifying the award of Construction Services Term Contract with Saboungi Construction, 290 A North US-1, Ormond Beach, Florida 32174 and Militello Concrete Corporation, 1148 Champions Drive, Daytona Beach, Florida 32124, in accordance with Chapter 30 of the City Code, for the Installation, Removal, & Delivery of Concrete, in an amount not to exceed \$250,000 annually, between both Contracts. City Commission approval is needed to Piggy Back the current Volusia County Contract No.19-B-156IF, for as needed Concrete Installation, Removal, Delivery, and Placement Services throughout the City. Projects will be assigned by the city through issuance of a Work Authorization.

The scope of services and compensation for each project will be negotiated and mutually agreed upon prior to issuance of a Work Authorization. The Contract is for concrete delivery and placement services on an as needed basis at a time and at the direction of the City.

The initial term of the contract is for two years with an option to renew for up to 2 additional Terms of One (1) year each. We are requesting the City Manager be authorized to exercise the contract renewal option under the same terms and conditions, and be authorized to make such expenditures during the renewal period as the City Commission may budget and appropriate. Funds in the amount not to exceed \$62,000, for the remainder of this fiscal year, are available in the Capital Project Funds. Funding in an amount not to exceed \$250,000 annually, between both Contracts, for subsequent years is subject to budget appropriations for each of the remaining years of the contract.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.B. [Public Works/ Technical Services - Halifax Hospital Medical Center Deed/Easement Acceptance \(pp. 138-149\)](#)

Resolution ratifying the acceptance of two Utility Easements and a Public Right of Way Deed. The Halifax Hospital Medical Center plat has previously been recorded and construction is underway on the first phases of the project. The original plat envisioned a temporary cul-de-sac which was the subject of a temporary easement, approved by Resolution 18-218, recorded July 19, 2018. Subsequent to the start of construction, Halifax Hospital Medical Center changed the configuration of their internal road network, necessitating the replacement of the temporary cul-de-sac with a permanent cul-de-sac and the installation of utilities to loop the utility network. In order for the City to maintain the cul-de-sac as part of the public right of way, and maintain utility connections, it is necessary to obtain appropriate legal access. No funds are associated with this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.C. [Public Works/Technical Services Division - ThermaServe Mechanical Systems Services - Peabody Auditorium Lobby HVAC Replacement - Bid Award - Ratification \(pp. 150-162\)](#)

Resolution ratifying the acceptance of the proposal from ThermaServe Mechanical Systems Services, 5889 S. Williamson Blvd., #207, Port Orange, FL 32128 in the amount of \$58,837.94 to replace components of the Peabody Auditorium Lobby HVAC system. This bid has been

approved by the City Manager under his Emergency Authority. The four existing condensers located on the roof are in such poor condition that it is no longer cost effective to repair them. Two proposals were solicited; one from each of the two vendors under the City's RFP 19561 HVAC Maintenance and Controls term contract. ThermaServe Mechanical Systems Services was the lowest, most responsive bidder. Funds are available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Public Works Department - SanPik, Inc. - Dr. Martin Luther King, Jr. Boulevard Roadway and Pedestrian Improvements Project - City Project No: 2015-085, Bid No. 19303 - Change Order No. 3 \(pp. 163-194\)](#)

Resolution ratifying the approval of Change Order No. 3 to Contract No. 19303 for SanPik, Inc., 3551 W. Lake Mary Boulevard, Suite 210, Lake Mary, FL 32746, for additional work requested by the City for an amount not to exceed \$115,829.83. The purpose of this request is to compensate the contractor for additional work requested by the City to remove broken existing sidewalk adjacent to the City right-of-way and replace with new concrete with the same decorative finish as the rest of the planned sidewalk; to add an Item to install concrete with a brushed finish; to add an Item to install a water main jumper; to cover quantity overruns for several other Bid Items; and to add 29 days contract time to do this additional work.

On May 15, 2019 Resolution 19-115 awarded the Dr. Martin Luther King, Jr. Boulevard Roadway and Pedestrian Improvements Project - Bid No. 19303 to SanPik, Inc., for an amount of \$2,679,068. On May 21, 2019 a public meeting was held and the residents and business owners requested that the manholes on the sanitary system be removed from the travel lane and be relocated in the parking areas. Reuse service was also requested at the public meeting and was also added to the project. These areas also have existing elevations where the City's sidewalk will not transition to match the adjacent property elevations per the American with Disabilities Act (ADA) requirements. The new sidewalk needs to be tied into the existing property along the MLK frontage such that ADA requirements are met. Permission/License to Enter Property Agreements have been executed for each property affected.

Change Order No. 3 also includes adding a new Line Item for Construct Concrete Sidewalk (with Brushed Finish); adding a new Line Item for Install 10” Water Main Saddle and Jumper; adding a new Line Item to Relocate Fire Hydrant; to cover quantity overruns for several other Bid Items; and to add 29 days contract time to do this additional work. Funds are available in the Redevelopment - Midtown Funds.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Utilities Department - 4C’s Trucking and Excavation, Inc., - Ballough Road Utility Improvements - Change Order No. 1 \(pp. 195-220\)](#)

Resolution ratifying emergency Change Order No. 1 to the Ballough Road Utility Improvement Project contract awarded to 4C’s Trucking and Excavation, Inc., 331 Sawgrass Road., Bunnell, FL 32770 with stipulations:

- Increase contract amount not to exceed \$458,471.44
- Approve the adjusted contract amount of \$639,808.94
- Approve a 90-day extension of the Ballough Road Utility Improvements contract.

Resolution 2020-45 was adopted by the City Commissions on February 19th 2020, accepting the low bid of 4C’s Trucking and Excavation, Inc. in the amount not to exceed \$181,337.50 for the Ballough Road Utility Improvements. The project consisted of replacing a substandard 2” water main with a 6” main and the replacement of all of the water services from Fairview Avenue to Anita Avenue. Change Order No. 1 is required to provide for items not originally included in the construction contract but now are required to mitigate conflicts found in the field during construction. The additional work consists of the following:

- Removal and disposal of 846 CY of unsuitable soils encountered during construction of the water pipe – \$50,941.18
- Temporary paving of southbound Ballough Road in advance of Bike Week 2020 - \$47,207.85
- Remove and replace 896 LF of 8” Sanitary Sewer (including 16 laterals) along Ballough road south of Anita Ave. to Fairview Ave. - \$360,322.41.

During the watermain construction, at the locations of where the work had to cross the existing sanitary sewer gravity main, the gravity main crumbled. Since this occurred staff has had the entire sanitary gravity

sewer system televised and evaluated. It was determined the entire gravity sewer system between Fairview and Anita Avenue needs to be replaced before Public Works begins the paving project for this roadway. If the gravity sewer system is not replaced ahead of the paving project, there is a high likelihood that paving equipment will cause a failure of the system. Funds are available in the Sanitary Sewer Renewal & Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Public Works/Grounds Maintenance - VerdeGo, LLC, - Amendment No. 2 to Contract No. 0118-0530-VER - Downtown Landscape Maintenance Services \(pp. 221-280\)](#)

Resolution ratifying Amendment No. 2 to Contract No. 0118-0530-VER with Verdego Landscape LLC, 3335 North State Street, Bunnell, Florida, 32110. The amendment includes the following:

- Removal of Locations B, Riverfront Park South of ISB to Orange Avenue; and Location C, Riverfront Park North of ISB to Main Street; and the addition of Locations P, Nova Road Medians; and Q, Nova Road Right-of-Ways, from Beville Road to Mason Avenue
- Corrects the original contract award amount and corrects page 1 of Amendment 1
- Corrects the total contract award amount from \$221,286.00 to \$220,201.92 resulting from corrections to the extended unit prices, and corrects the amount stated on Page 1 of Amendment 1 approved by Resolution 19-197 from \$473,240.97 to the correct, Commission approved amount of \$410,578.77.

The total annual award amount has increased from \$410,578.77 to \$468,000.53. All previous terms and conditions of the Contract remains the same. Landscape Maintenance services for Locations B and C were terminated effective April 01, 2020. Continuing Services Contract 0118-0530-VER is reduced by \$36,382 for the remaining portion of FY-2019-20 through September 2020. Continuing Landscape Maintenance Services will be provided for Nova Road, from Beville Road to Mason Avenue for the remaining FY 2019-2020 as of April 01, 2020 through September 30, 2020 in the amount not to exceed \$57,421.76. Construction has begun on the Beach Street renovation project, including Locations B & C (Riverfront Park South and North). As a result, continuing landscape maintenance services will no longer be needed for the Riverfront Park portion of the contract. Funds in the amount of \$57,421.76 for the remainder of this fiscal year, FY 2019-

20, are available in the General Fund. Funds in the amount of \$468,000.53 per year is subject to budget appropriations for the remaining years of the Contract.

Recommendation: Public Works Director recommends adoption of Resolution ratifying Amendment No. 2 to Contract No. 0118-0530-VER with Verdego Landscape LLC in the amount of \$57,421.76.

8.G. [Utilities Department - Latitudes and LPGA Commercial - Non-Exclusive Utility Easements Acceptance \(pp. 281-295\)](#)

Resolution ratifying the acceptance two non-exclusive utility easements located at the following locations:

1. Latitudes Phase 2 granted by Minto Communities, LLC; and
2. LPGA Commercial granted by Samuel R. Sutton And Robert Sutton, As Co-Trustees Under That Certain Florida Land Trust Known As Trust Number 1, Dated December 15, 1992

The purpose of this request is to accept two non-exclusive utility easements located over a water main installed with the Latitudes Phase 2 and LPGA Commercial developments. The utility easements allow for access and maintenance of a 12" water main installed to connect the public water systems located within the Latitudes Phase 2 and LPGA Commercial developments. This connection creates a loop which provides increased fire protection and better water quality in the service area. There is no cost associated with the granting and conveyance of the easement.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.H. [Public Works/Technical Services Division - SGM Engineering Inc., East ISB - Work Authorization No. 2 \(pp. 296-305\)](#)

Resolution approving Work Authorization No. 2 under Continuing Services Contract No. 0517-2860-SGM with SGM Engineering Inc. (SGM), 935 Lake Baldwin Lane, Orlando, FL 32814 to complete the secondary power services conversion design along East International Speedway Boulevard (ISB) in the lump sum amount of \$98,863.20.

This Agenda item provides for the secondary power service undergrounding design needed to get power to all of the parcels along E. ISB between the Halifax River and the Atlantic Ocean. The City has partnered with the Florida Department of Transportation (FDOT) to

complete the East ISB Streetscape project per Resolution No 18-41. However, the FDOT will not participate in the underground utility conversion design. Funds are available in the Redevelopment - Main St Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.I. [Public Works Department - Dickerson Center Playground - Racing and Recreation Facilities District Grant Acceptance \(pp. 306-312\)](#)

Resolution authorizing the City Manager to accept the Racing and Recreation Facilities District Grant in the amount of \$302,400. As a requirement of the grant, the City must provide a “matching of funds” in the amount of \$100,000. The total amount for the project will be \$402,400. The Dickerson Center’s existing playground is in need of replacement. The new playground funded by the grant and City’s matching funds will include all new playground equipment, seat walls, shade structures, landscaping and sidewalks to provide connectivity to the rest of the park. The new playground is part of a larger master plan for the park that includes parking improvements, increased access to existing buildings for both pedestrians and automobiles, pedestrian connectivity within the park, flexible green spaces, expanded landscaping with seating, a new entry pavilion for the Campbell Aquatic Center, increased site security and site lighting which are all part of a cohesive restructuring of the park. Funds are available in the Capital Projects Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.J. [Utilities Department - Tymber Creek Utility Upsize Cost Share Agreement \(pp. 313-325\)](#)

Resolution approving the Tymber Creek Utility Upsize Cost Share Agreement with Minto Communities, LLC ("MINTO"), 4400 West Sample Road, Suite 200, Coconut Creek, Florida 33073 for the upsizing for the force main and reclaimed water main on Tymber Creek Road for a maximum amount of \$98,362,91. The purpose of this Cost Share Agreement is to reimburse MINTO for the portion of construction costs to upsize the force main and reclaimed water main on Tymber Creek Road to provide increased capacity for surrounding development. Funds available in the Sewer Impact Fee Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.K. [Utilities Department - Ovivo USA, LLC - Sole Source Purchase \(pp. 326-349\)](#)

Resolution approving a Sole Source Purchase from Ovivo USA, LLC, Order Entry Administrator, 4246 Riverboat Road, Suite 300, Salt Lake City, Utah 84123-2583, to repair Lime Sludge Thickeners No.1 and No.2 at the Brennan Water Treatment Plant in an amount of \$217,942. The purpose of this request is to maintain the treatment process at the Brennan Water Treatment Plant (WTP) in accordance with state and federal permit requirements. The Brennan WTP utilizes two lime sludge thickeners to remove lime sludge from the treatment system. Due to equipment age and component failure, the two thickener units have experienced damage and are in need of repair. This request is to repair both Thickeners, which will be repaired in phases in order to continue lime sludge removal at the plant facility. Ovivo is the manufacturer of the lime sludge thickeners at Brennan WTP and the only company that can supply replacement parts for the existing equipment; therefore, a sole source is requested. Funds are available in the Water and Sewer Renewal & Replacement 5% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.L. [Police Department - Multi-Agency Mutual Aid Agreement - Seventh Judicial Circuit \(pp. 350-364\)](#)

Resolution approving a Multi-Agency Mutual Aid Agreement with the Seventh Judicial Circuit. The Multi-Agency Mutual Aid Agreement is comprised of various law enforcement agencies joined with the State Attorney's Office in a multi-jurisdictional effort to combat a criminal element that plagues various jurisdictions. By being a member of this Team, it will further enhance this Department's capabilities in addressing and combatting criminal activities.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.M. [Police Department - Volusia County - Mutual Aid Agreement for Animal Control \(pp. 365-372\)](#)

Resolution approving a Mutual Aid Agreement for Animal Control between the Police Department and Volusia County. The Mutual Aid

Agreement would be in effect until April 30, 2025, upon execution and approval. This agreement provides mutual assistance in times of need or when additional personnel or equipment is required by the City. Upon entering into the agreement the City may request assistance to include, but not necessarily be limited to, dealing with any violations of Florida Statutes, low cost spay/neuter services, natural or man-made disasters related issues, and criminal investigations.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.N. [Police Department - Daytona Wrecker Services, LLC - Wrecker Service Agreement \(pp. 373-390\)](#)

Resolution approving a Wrecker Service Agreement between the City of Daytona and Daytona Wrecker Services, LLC, 628 Railway Street, Daytona Beach, FL 32114. This agreement is for a five year term with an option of extending for two additional five year terms. The effective date is June 1, 2020 with a monthly payment to the City in the amount of \$16,000. Daytona Wrecker was selected through a Request for Proposal and were determined to provide the best service in the interests of the City. They have been inspected and meet all requirements of the purposed agreement.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.O. [Police Department - U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2019-2020 Bulletproof Vest Partnership Program - Grant Submission/Acceptance \(pp. 391-396\)](#)

Resolution authorizing submittal of a grant application to and acceptance of grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, Daytona Beach Police Department's Bulletproof Vest Partnership Program, in the amount of \$27,390.36 in matching funds, to fund the purchase of bulletproof vests for sworn officers; authorizing acceptance of grant funds if awarded and a 50 percent City match in the amount of \$27,390.36, totaling \$54,781 (combined total Federal and match amounts); and authorizing the City Manager or his designee to execute any agreement or expenditure of funds related to this grant application. This will purchase the mandatory replacement of 30-40 (depending on refits) ballistic vests from GL Distributors Inc.(V No. 107631) under NASPO Body Armor contract No.46151504-NASPO-17-ACS. The match funding will come from the Federal Equitable Sharing Fund.

Recommendation: Chief of police recommends adoption of the Resolution.

8.P. [Permits & Licensing - Florida Inland Navigation District \(FIND\) Grant Application Submission \(pp. 397-413\)](#)

Resolution authorizing the submission of a Florida Inland Navigation District (FIND) Grant application to partially cover the cost of acquiring a multi-purpose vessel for use throughout the intracoastal waterway in Daytona Beach. The City covers approximately 5 continuous miles on both sides of the intracoastal waterway. The vessel would be used by the Fire Department, Police Department and Permits & Licensing Division for marine emergency services, law enforcement and building code enforcement for structures located on and in the intracoastal waterway. The current estimated acquisition cost of the multi-purpose vessel is \$121,490. The application would be for grant funds in the amount of \$60,000 with the remaining \$61,490 being funded by Permits & Licensing Reserve Funds. No funding is needed to apply for the FIND grant.

Recommendation: Fire Chief recommends adoption of the Resolution.

8.Q. [Utilities Department - City of Daytona Beach and the Brown Riverfront Esplanade Foundation, Inc - Riverfront Park Storm Sewer Utility Infrastructure - Contract for Construction of Storm Sewer and Related Improvements \(pp. 414-425\)](#)

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Resolution approving a “Contract for Construction of Storm Sewer and Related Improvements” between the City of Daytona Beach and the Brown Riverfront Esplanade Foundation, Inc. in the amount not to exceed \$600,000. The purpose of this request is to replace/relocate City-owned stormwater outfall pipes in conjunction with the Riverfront Park Esplanade construction and provide a new water and sewer service to the relocated Josie Rogers House.

Resolution 19-122 authorized engineering design services related to the replacement/relocation of existing stormwater outfall pipes which traverse Riverfront Park running from Beach Street to the Halifax River. The work authorization included design, permitting, bidding, and construction administration services. The existing outfall pipes are old and past their useful life and need to be replaced before the above

ground park improvements are installed. In an effort to create an efficient project schedule and budget, this Agreement allows the Brown Riverfront Esplanade Foundation to construct the City's stormwater improvements in conjunction with the Foundation's site improvements and allows the City to reimburse the Foundation for the materials and construction costs associated with the City's improvements. This cooperative agreement will avoid time delays to the park and avoid conflicts between multiple contractors working within the same project area. Funds are available in the Stormwater Renewal & Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.R. [Development Services - Wise Builders, LLC, - Construction Services on a Grant Funded Low-Income Housing Project \(pp. 426-436\)](#)

Resolution authorizing the City Manager to expend \$149,816 to pay the lowest bidder, Wise Builders, LLC, for construction services on a low-income housing reconstruction project using funds from the United States Department of Housing and Urban Development (HUD).

The low-income housing project is being undertaken pursuant to the City's 2019-2020 Annual Action Plan, approved by City Commission Res. No. 19-156 and HUD. The Annual Action Plan provide a summary of planned activities for use of Community Development Block Grant (CDBG) and Home Investment Partnership Grant (HOME) Program funds awarded to the City by HUD. In this instance, formal bids were solicited to provide for construction services for a reconstruction project in accordance with HUD guidelines and the City's purchasing regulations. A 10% construction contingency would bring the estimated reconstruction cost up to \$164,798. While the lowest bid amount is within HUD program maximum guideline amount (\$208,913), it exceeds the amount (\$125,000) that the City Manager can administratively approve under City Code Section 30-52(d). Funds are available in the Community Development Block Grant Fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

8.S. [Public Works/Administration - Victor Stanley - Beach Street Streetscape Project - Site Furniture Purchase \(pp. 437-485\)](#)

Resolution authorizing the purchase of site furniture for the Beach

Street Streetscape Project from Victor Stanley, P.O. Drawer, 330, Dunkirk, MD 20754 using a Co-Op Agreement from BuyBoard, which provides for a 7% discount leading to a total cost of \$33,076.10. This site furniture purchase includes litter receptacles, benches, and bike racks. Upon approval, these items will be purchased using a Co-Op Agreement from BuyBoard which provides the City with a 7% discount on the items. Funds are available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.T. [Development and Administrative Services/ Redevelopment - Lease of 125 S. Palmetto Avenue \(pp. 486-513\)](#)

Resolution approving a lease of a 6,594 sq. ft. office building and 33 parking spaces located at 125 S. Palmetto Avenue. The lessor is 125 S. Palmetto, LLC (101 S. Palmetto Avenue, Suite 2, Daytona Beach, FL 32114). The lease includes a 3-year term, a 3- year renewal option, and an option to purchase at fair market value. The initial annual rate of \$8.75 / sq. ft. is below the average market rate for office space in the Downtown area and includes an annual rent increase based on CPI. Initial monthly rent is \$4,808.13. The CRA is also requested to approve funding in the amount of \$24,040.65 for FY 2020 which includes four months of rent from June 1, 2020 through September 30, 2020 plus a security deposit (one month's rent). Occupancy would commence June 1, 2020. The lease will provide additional public parking spaces in a location that has the highest demand for public parking in close proximity to the businesses on Beach Street and contiguous to public parking lots. If the property were acquired by the City in the future it would have value as part of a parking structure. The expenditure is consistent with the Downtown / Ballough Road Plan and the property will remain on the tax rolls. Funds are available in the Downtown Redevelopment Trust Fund.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

8.U. [Public Works/Technical Services Division - South Halifax Drive Right of Way Vacation \(pp. 514-530\)](#)

Resolution vacating a 180± feet long, 30 feet wide section of the ROW located between 2314 and 2320 South Halifax Drive. The general location of the ROW subject to the request is east of the Halifax River and west of Halifax Drive. The section of the ROW subject to the

vacation request is approximately 180± feet long and 30 feet wide. The applicant proposes that the original purpose of the ROW was to provide an access point for the development of a bridge from Beville Road across the Intracoastal Waterway. When the protect was abandoned, the ROW became a mechanism that allows vagrants to trespass onto the properties located at 2314 and 2320 South Halifax Drive.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.V. [Public Works/ Administration - Florida Department of Transportation Highway Maintenance Supplemental Agreement - Contract No. ARY46-R1 \(pp. 531-535\)](#)

Resolution approving the Supplemental Agreement to the Florida Department of Transportation (FDOT) Highway Maintenance Memorandum of Agreement (MOA), Contract No. ARY46-R1 to remove Slope Mowing services from the active contract, reducing the contract price by \$8,516.00. The Highway Maintenance MOA is needed to complete the routine maintenance activities provided by the City on FDOT rights-of-way and the Speed Zone area located on International Speedway Boulevard including mowing, edging, chemical weed control, roadside litter collection, road-sweeping, and tree trimming along selected FDOT roadways within the City limits. These maintenance activities are needed to maintain the quality of our roadway landscape assets. The City requested Activity 482, Slope Mowing be removed from the contract. No funds are associated with this request, the contract price will decrease by \$8,516 per year due to this reduction.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.W. [City Attorney - Darius Bush v. City of Daytona Beach - Settlement \(pp. 536-540\)](#)

Resolution authorizing payment in the amount of \$30,000 to Darius Bush and his attorney William Ogle, Esq., for release of all claims and full settlement arising from an alleged false imprisonment/false arrest. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Tomoka Independent Living PD - Rezoning – First Amendment to Planned Development-General \(PD-G\) \(pp. 541\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving the First Amendment to the Tomoka Independent Living PD, located West of Tomoka Farms Road and North of First Baptist Parkway, to reduce the minimum required caliper inches for shade trees and small trees within the required Scenic Thoroughfare Overlay (STO) landscape yard along Tomoka Farms Road. Applicant: Steve Buswell, Parker Mynchenberg & Associates, Inc. on behalf of THP LLC. ****Applicant has requested that this item be continued to the June 3, 2020 Commission Meeting****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Daytona Beach Convention Hotel & Condominium - Rezoning – Third Amendment to Planned District Agreement \(pp. 542-581\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the Third Amendment to the Planned District Agreement for the purpose of converting all hotel units located in the north tower to condominium units. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of PDA Trading, Inc.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - AAA Fence - Small Scale Comprehensive Plan Amendment \(pp. 582-662\)](#)

Ordinance on second reading - PUBLIC HEARING adopting a Small Scale Comprehensive Plan Amendment for the 3.5± acre project property, as shown on Exhibit A to Rezoning application DEV2019-002, west of the F.E.C Railroad corridor, Industrial Local Service shall be permitted and shall allow industrial and service related activities, which include the assembly, fabrication, and installation of fencing for the entire property. Additionally, storage and rental of trash receptacles will be limited to the 0.6± acre parcel designated for such use, located at the SE corner of Orange Avenue & Lockhart Street PID 533901320020

as illustrated in Exhibit B to rezoning application DEV2019-002, catering to local markets. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of William Morrison, Fence Service, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-0.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Rezoning - AAA Fence Planned Development - Redevelopment \(pp. 663-729\)](#)

Ordinance on second reading - Quasi-Judicial Hearing to rezone 3.5± acres of land, located at 801 Orange Avenue, from Redevelopment Midtown-Neighborhood Transition Mixed Use (RDM-5) and Single-Family Residential-5 (SFR-5) to Planned Development-Redevelopment (PD-RD) to clarify the allowable uses on the property and provide for additional buffers adjacent to residential areas. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of William G. Morrison, Jr., CEO of Fence Service, Inc.

Reed Berger, Redevelopment Director, to report

Recommendation: Planning Board recommends approval 5-0.

Action: Motion to adopt Ordinance.

9.E. [Finance Department - Water and Sewer Utility System Bank Loan, Series 2020 \(pp. 730-733\)](#)

Ordinance on second reading - PUBLIC HEARING authorizing the issuance of new Series 2020 debt secured by water and sewer utility system revenues in an amount not to exceed \$37,000,000.00 in order to refund the Series 2012 Utility System Refunding and Improvement Revenue Bonds (“2012 bonds”).

The State of Florida allows for debt to be approved by resolution; it is a City requirement that debt be approved by ordinance under Section 46-92 of the City’s Code of Ordinances. The proceeds of the new Series 2020 debt will be used to refund the 2012 bonds and any excess savings, reserves or new funds will be used for acquisition of system improvements and equipment for the water and wastewater utility

system and plants. The current low interest rate market makes the refunding of the 2012 bonds attractive. The Finance Department utilized the services of Public Financial Management Inc (PFM), the City's financial advisor, to solicit financing proposals from banks and financial institutions. A preliminary review of one of the offers received by the City makes the refunding feasible with an estimated positive savings of over \$1,200,000.00 in present value savings. Bryant Miller Olive (BMO), the City's bond counsel, will review the proposals and is responsible for preparation of the final loan documents. The proposing bank will engage its attorney and staff to draft the bank loan documents and provide the final rates after the first reading of this ordinance. Once this information is received and reviewed, a recommendation of the supplemental details of the bank loan and other covenants and provision will be presented for Commission action.

The FY2019-2020 adopted budget for the Water and Sewer Utility Fund has funding for the 2012 bonds' debt service payment which will be used to cover the estimated first year's debt service payment of the new Series 2020 debt.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends adoption of the the Ordinance.

Action: Motion to adopt Ordinance.

9.F. [Finance Department - Capital Improvement Revenue Bank Loan Series 2020 \(pp. 734-737\)](#)

Ordinance on second reading - PUBLIC HEARING authorizing the issuance of new Series 2020 debt secured by pledged tax increment revenues of the Main Street CRA area in an amount not to exceed \$26,000,000.00 in order to refund the Series 2011A Capital Improvement Revenues Bonds ("2011A bonds").

The State of Florida allows for debt to be approved by resolution; it is a City requirement that debt be approved by ordinance under Section 46-92 of the City's Code of Ordinances. The proceeds of the new Series 2020 debt will be used to refund the 2011A bonds and any excess savings, reserves or new funds will be used for acquisition, construction and improvements within the Main Street CRA area. The current low interest rate market makes the refunding of the 2011A bonds attractive. The Finance Department utilized the services of Public Financial Management Inc (PFM), the City's financial advisor, to solicit financing

proposals from banks and financial institutions. A preliminary review of one of the offers received by the City makes the refunding feasible with an estimated positive savings of over \$2,000,000.00 in present value savings. Bryant Miller Olive (BMO), the City's bond counsel, will review the proposals and is responsible for preparation of the final loan documents. The proposing bank will engage its attorney and staff to draft the bank loan documents and provide the final rates after the first reading of this ordinance. Once this information is received and reviewed, a recommendation of the supplemental details of the bank loan and other covenants and provision will be presented for Commission action.

The FY2019-2020 adopted budget for the Main Street CRA Fund has funding for the 2011A bonds' debt service payment which will be used to cover the estimated first year's debt service payment of the new Series 2020 debt.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

9.G. [Police Department - Amendment to Municipal Ordinance Chapter 110; Wrecker Services \(pp. 738-743\)](#)

Ordinance on second reading - PUBLIC HEARING amending to the Daytona Beach City Ordinance Chapter 110, Wrecker Services. The amendment to the Daytona Beach City Code Chapter 110 will regulate equipment and rates for wrecker services. The proposed changes to the City Code Ordinance will create a uniformity for all active tow services within the city. The changes included are as followed: Reduces the three-eights-inch cable from 200 to 100 hundred feet; The tow company name on each door must be in letters a minimum of 3 inches in height - magnetic or removal placards will not meet this requirement; Fenders are no longer required equipment; The CO2 fire extinguisher required will increase to a five pound from a four pound; and Various proposed rate changes.

Craig Capri, Chief of Police, to report.

Recommendation: Chief of Police recommends adoption of Ordinance.

Action: Motion to adopt Ordinance.

9.H. [Development and Administrative Services - Williamson Crossing Lot 1 Proportionate Fair Share Agreement \(pp. 744-757\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Williamson Crossing Lot 1 Proportionate Fair Share Agreement with Shoppes at Williamson Crossing, LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$46,342.33 for a maximum buildout of 7,585 square feet of development in order to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to final site plan approval of the Williamson Crossing Lot 1 project that is generally located southeast of the intersection of LPGA Boulevard and Williamson Boulevard.

James S. Morris, Deputy City Manager, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to adopt the Resolution.

9.I. [Development and Administrative Services - Williamson Crossing Lot 4 - Proportionate Fair Share Agreement \(pp. 758-771\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Williamson Crossing Lot 4 Proportionate Fair Share Agreement with Flagship Companies Group, LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$41,648.66 for a maximum buildout of 100,418 square feet of development to address roadway improvements identified by the City and County as a result of the impacts by the Project in order to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution shall be paid to the County prior to the issuance of a final site plan approval for the Williamson Crossing Lot 4 project that is generally located southeast of the intersection of LPGA Boulevard and Williamson Boulevard.

James S. Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

9.J. [Development and Administrative Services - The Edison Apartments Proportionate Fair Share Agreement \(pp. 772-787\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Edison Apartments Proportionate Fair Share Agreement with The Edison Daytona, LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$370,223 for a maximum buildout of 262 dwelling units of development in order to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to final site plan approval of the Edison Apartments project that is generally located near the southwest corner of LPGA Boulevard and Clyde Morris Boulevard.

James S. Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

9.K. [Public Works Department, Technical Services Division - Preserve at LPGA Preliminary and Final Plat \(pp. 788-818\)](#)

Resolution - Quasi-Judicial Hearing approving the Preliminary and Final Plat for Preserve at LPGA, and the Contract for Plat Recording. This approval will allow for the City Manager to approve minor modifications to easement boundaries shown on the plat prior to recording without the need for City Commission approval. This request, known as The Preserve at LPGA is to subdivide 98.43 ± acres to accommodate 139 proposed single family lots. Staff has reviewed the proposed plats and offers no objections. The Preliminary Plat, the Final Plat and Contract for Plat Recording are requested to be considered for approval by the City Commission. The property is owned by Consolidated Tomoka Land Company. They are represented by the Applicant, Charlie Potter of the Avid Group. There are public improvements associated with this Plat, therefore, approval of the Contract for Plat Recording is required. The Preliminary and Final Plats have been reviewed by staff and the Technical Review Team (TRT), and were found to conform to City and State requirements. The Final Plats are consistent with the Preliminary Plats. The Preliminary Plat was recommended for approval by the Planning Board at their June 27th, 2019 meeting by a 7 to 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 - No Administrative Items.**
- 11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.**
- 12. ADJOURNMENT.**