



**THE CITY OF DAYTONA BEACH
REGULAR MEETING – CITY COMMISSION
MARCH 16, 2016
6:00 P.M.**

AGENDA

Website Address – www.codb.us (City Clerk)

NOTICE- If any person decides to appeal any decision of the City Commission at this meeting, he will need a record of the proceedings and, for that purpose, he 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 needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**

4. APPROVAL OF MINUTES.

4A. Approval of Minutes

Approval of the minutes of the February 17, 2016 and the March 2, 2016, Regular City Commission Meeting held at City Hall, 301 South 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.

6A. Presentation - International Speedway Corporation (ISC) - Special Recognition (pp. 15-16)

Presentation by Joie Chitwood, President, Daytona International Speedway (ISC), thanking the Commission, City Manager, and City Staff for their part in the successful completion of DAYTONA Rising.

6B. BEAUTIFICATION AWARDS - MARCH 2016 (pp. 17-19)

Residential Award:

Samuel Rogers, 567 South Street, Commissioner Paula R. Reed, Zone 6, to present.

Commercial Award:

Applebee's Restaurant, 1700 West International Speedway Boulevard, Mayor Derrick L. Henry to present.

7. CITIZENS.

7A. 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 or any other matter that is not on the 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).

8A. Public Works - Derbyshire Park PH II Improvements - Grant Acceptance (pp. 21-27)

Resolution authorizing acceptance of the grant from Daytona Beach Racing and Recreational District in the amount of \$149,700, approving the project budget, and authorizing the amendment of the budget to adjust revenues and expenditures in connection with the grant funds awarded for the Derbyshire Park Improvements. Funds available in the Grant Projects Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8B. Public Works - Daytona Beach Day Docks - Florida Inland Navigation District (FIND) and the Florida Boating Improvement Program (FBIP) - Grant Approval (pp. 28-78)

Resolution approving the submission of the Florida Inland Navigation District (FIND) and the Florida Boating Improvement Program (FBIP) grants for reimbursement of up to 50 percent of the estimated construction cost of \$1,363,000 for the Day Docks in Riverfront Park.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8C. Risk Management - Excess Workers' Compensation and Liability Insurance Coverage - Proposal Acceptance (pp. 79-103)

Resolution accepting the proposal submitted by Brown & Brown of Florida, as the City's property and casualty broker, for excess workers' compensation coverage with Arch Insurance Company, 300 Plaza Three, Jersey City, NJ 07311; and excess liability insurance coverage with Lexington Insurance Company, 99 High Street, 23rd Floor, Boston, MA 02110, for a combined annual premium including surcharges and fees of \$395,831. Funds available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8D. Utilities Department - City of Daytona Beach and City of Port Orange - Interlocal Agreement (pp. 104-116)

Resolution approving an Interlocal Agreement for potable water interconnection between the City of Daytona Beach and City of Port Orange. The Interlocal Agreement approved by Resolution 03-442 has expired and both cities are desirous of approving a new agreement. The initial term of this agreement is four years and will automatically renew up to three additional terms of four years each. The reciprocal rate is \$4.24 per thousand gallons with increases to the rate from time to time. The agreement may be cancelled by either party as outlined in the terms of the agreement.

Recommendation: Utilities Director recommends adoption of the Resolution.

8E. Business Enterprise Management Department - Higherways Media Corporation - Commercial Lease Agreement (pp. 117-153)

Resolution approving a commercial lease agreement between the City and Higherways Media Corporation, 125 Basin St., Suite 205, Daytona Beach, FL 32114, to lease approximately 8,892 square feet of commercial space at Halifax Harbor Plaza for a ten year term commencing April 1, 2016 with two five-year renewal options, in order to open a Not-for-Profit Christian-based publishing company. Higherways Media Corporation will be responsible for all costs, charges, and maintenance for their leased space.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8F. Public Works Department - 2016 Streets Milling and Resurfacing Term Contract - Amendment No.1 (pp. 154-210)

Resolution approving Amendment No.1 to the 2016 Street Milling and Resurfacing Term Contract No. 0115-2650. This amendment is issued pursuant to the written Contract for P&S Paving, approved by City Resolution No. 15-270, to provide unit prices for ADA roadway improvements and is based on the mutual valuable consideration to add Bid Schedule Items 21 through 30 and Technical Provisions FDOT Specifications 110, 120, 425, 430, 520, 522, and 527.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8G. Police Department - GeoShield Real Time Crime Center CyberTech Systems and Software Agreement - Amendment No. 1 (pp. 211-222)

Resolution approving Amendment No. 1 to the GeoShield Real Time Crime Center CyberTech Systems and Software Agreement and approving expenditures of up to \$39,000. CyberTech is the city's sole provider in customizable templates to meet the needs of Daytona Beach's criminal activities. The current agreement allows user interface that provides increased situational awareness for Law Enforcement Agencies, with a renewal of support for one year. The amendment will provide additional modules that will enhance the operations on the Real Time Crime Center (RTCC) systems and software along with two years of software support. Funds available in the General Fund.

Recommendation: Chief of Police recommends adoption of the Resolution.

8H. Public Works - International Speedway Boulevard (ISB) Bridge - Halifax River - Change Order No.1 (pp. 223-230)

Resolution approving Change Order No. 1 to Contract 0316-2860 with Viktor Construction Corp., P. O. Box 1366, Tarpon Springs, FL 34688-1366 for additional funds of \$29,646, for painting of the light poles in the median of the International Speedway Bridge (ISB) across the Halifax River. Funds available in the General Funds.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8I. Public Works - Traveler Corp. d/b/a Traveler Elevator - Elevator Maintenance Service Contract - Low Bid Acceptance (pp. 231-251)

Resolution accepting the low, responsive and responsible bid from Traveler Corp. d/b/a

Traveler Elevator, 1010 East Adams Street, Suite 126, Jacksonville, FL. 32202 for the citywide annual elevator maintenance service contract in the amount of \$36,021.29, the contract is for a 16-month term beginning March 2016 and ending July 16, 2017. Elevator maintenance and inspection will include all City of Daytona Beach facilities except for the City Pier which is currently under contract until 6-17-2017. Funds available in the amount of \$15,759.33 for FY 2016 in various accounts. The remaining funds of \$20,261.96, will be available contingent upon the adoption of the FY 2017 budget.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8J. Utilities Department - Florida Executive Security Agency - Security Guard and Ancillary Services - Low Bid Acceptance (pp. 252-269)

Resolution accepting the low, responsive and responsible bid from Florida Executive Security Agency, Inc., 12805 SW 84th Ave., Pinecrest, FL 33156 in the amount of \$26,390, for uniformed security guard service and ancillary services at the Utilities Department LPGA Complex, to comply with Homeland Security Regulations. Funds available in the Water & Sewer Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8K. Public Works Department - Midtown Auxiliary Building - Saboungi Construction, Inc. - Low Bid Acceptance (pp. 270-283)

Resolution accepting the low, responsive bid from Saboungi Construction Inc., 290 North US Highway 1, Ormond Beach, FL 32174 in the amount of \$123,400, to construct a new Auxiliary Building at The Midtown Cultural Services Center. The Center has limited storage areas and items are being stored in corridors and in mechanical/electrical rooms, creating limited pathways and potential tripping hazards for citizens and visitors using the facility. Resolution 13-92 approved and accepted a grant from the Daytona Beach Racing and Recreation Facilities District in the amount of \$78,000 that will be used for this project and the City will be responsible for the remaining balance of \$45,400. Funds available in the General Fund and the Grant Project Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

8L. Business Enterprise Management Department - Public Utilities -Vehicle Replacements (pp. 284-297)

Resolution authorizing the purchase of (17) replacement vehicles for Public Utilities from the Florida Sheriff's Association Bid 15-23-0904 and 15-13-0904, specifications 004, 26, 32, 33, 45, 51, and 57, with options from Alan Jay Fleet Sales, P. O. Box 9200, Sebring, FL 33871 in the amount of \$520,996.15. A program for vehicle replacement has been budgeted for Public Utilities and is part of the overall vehicle replacement program for the entire City fleet. Funds available in the Water & Sewer Improvement and the Stormwater Improvement Fund.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8M. Allocation of Bike Week Funds (pp. 298-299)

Resolution authorizing payment from the General Fund in the amount of:

\$500 to Cultural Services for the 2016 Daytona Beach Mayor's Fitness Challenge and \$500 to Mainland High School for the Mainland Boys Baseball program from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$100 to Cultural Services for the 2016 Daytona Beach Mayor's Fitness Challenge from the Bike Week Sponsorship Funds of Commissioner Kelly White.

\$500 to United Way of Volusia-Flagler Counties, Inc. for a recognition event honoring The Campaign for Working Families from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9A. City Code - Deletion of Section 86-31 and amendment of Section 86-34, Public Property (pp. 300-302)

Ordinance on second reading - PUBLIC HEARING - deleting sec. 86-31, City Code, "Trespass on public property," and amending sec. 86-34, City Code, "Entering or refusing to leave public property," to clarify that violation of City Code or regulations, including park rules, is a punishable offense.

Robert Jagger, Acting City Attorney, to report

Recommendation: Commission Action.
Action: Motion to adopt the Ordinance.

9B. Fields of Daytona - Rezoning (pp. 303-329)

Ordinance on second reading - PUBLIC HEARING - approving the rezoning of 5.1± acres of land located at 1700 Mason Avenue from Business Automotive (BA) to Planned Development-General (PD-G) to add automotive wrecker service as a permitted use and allow for associated site improvements. Applicant: Alan C. Sheppard, Jr., Esq., and Parker Mynchenberg, Parker Mynchenberg and Associates, on behalf of Fields of Daytona, LLC.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommends approval 4-to-1.
Action: Motion to adopt the Ordinance.

9C. Halifax Habitat Village - First Amendment to the Planned District Agreement (pp. 330-394)

Ordinance on second reading - PUBLIC HEARING - approving the First Amendment to the Planned District Agreement for Halifax Habitat Village, located at 1410 LPGA Boulevard, to extend the expiration date by an additional seven years. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Halifax Habitat for Humanity, Inc.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9D. Daytona Plaza - First Amendment to the Planned District Agreement (pp. 395-418)

Ordinance on second reading - PUBLIC HEARING - approving the First Amendment to the Planned District Agreement for Daytona Plaza, located at 1300-1388 W. International Speedway Boulevard, to add other indoor recreation/entertainment use to the list of permitted uses. Applicant: Sammy Salem, on behalf of Gator Daytona Partners, LTD.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9E. Daytona Beach Kennel Club - Fourth Amendment to the Planned District Agreement (pp. 419-445)

Ordinance on second reading - PUBLIC HEARING - approving the Fourth Amendment to the Planned District Agreement for the Daytona Beach Kennel Club, located at 960 S. Williamson Boulevard, to add a permitted use for a solar energy collection system and modify the development plan to accommodate the new use. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Daytona Beach Kennel Club.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9F. Police & Fire Pension Plan - Amendment (pp. 446-453)

Ordinance on second reading - PUBLIC HEARING - amending the City Charter Subpart D - Police Officers' and Firefighters' Retirement System: amending Section 28 - Reemployment After Retirement; allowing a retired police officer to be reemployed as Part-time Reserve Officers and Special Events Officers without having to forfeit their pension benefit during such time of reemployment.

Recommendation: Human Resources Director recommends approval.

Action: Motion to adopt the Ordinance.

10. ADMINISTRATIVE ITEMS.

10A. Development and Administrative Services, Planning Division - Daytona Beach Housing Authority - Voluntary Annexation (pp. 454-476)

Ordinance on first reading - approving a voluntary annexation for 1.98+ acres of land located between 8th and 9th Street and east of Derbyshire Road, presently located in the County, but contiguous to the City. The applicant is seeking to annex this site that consists of 27 improved multi-family units to be utilized by the Daytona Beach Housing Authority. Applicant: Jeffrey C. Sweet, Esquire on behalf Daytona Beach Housing Authority.

Richard Walton, Planning Director, to report.

Recommendation: Deputy City Manager/Administrative Services recommends passing the Ordinance on first reading.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, April 6, 2016.

10B. Finance Department - Water and Sewer Utility - Series 2016 Clean Water State Revolving Fund Loan (pp. 477-480)

Ordinance on first reading - approving a loan application and loan agreement under the Florida Department of Environmental Protection (FDEP) Clean Water State Revolving Fund (CW SRF) program and authorizing the issuance of debt secured by Water and Sewer Utility Revenues in an amount not to exceed \$50,000,000. The proceeds will be used to finance the Regional Treatment Plant Improvement project including deep bed filters, RAS/WAS pump station and Bardenpho stage 5 and 3 upgrade, Rapid Infiltration Basin (RIB) project, Halifax River Force Main project, and Palmetto Avenue Force Main Diversion project. While this request is for an amount not to exceed \$50,000,000, the City has already secured four grants totaling \$5,307,827 with various other grant applications in progress, and expects the loan amount to be approximately \$35,200,000. The source of funds for the repayment of the loans will come from the net water and wastewater utility system revenues after payment of operating and maintenance expenses and debt service; debt service repayment is expected to start in FY2019-2020. In order to comply with the FDEP's CW SRF loan program requirements, City Commission is required to: authorize the loan application and the loan agreement, and designate a representative to execute both documents. Pursuant to Section 46-92 of the City's Code of Ordinances, the State Revolving Fund loan requires authorization by Ordinance. A separate agenda item will be scheduled for the FDEP required Public Hearing and will recommend a resolution adopting the Facilities Plan.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Commission Action.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, April 6, 2016.

10C. Finance Department - Water and Sewer Utility - Bank Loan Series 2016 (pp. 481-484)

Ordinance on first reading - approving the issuance of debt secured by Water and Sewer Utility Revenues in an amount not to exceed \$6,550,000. The proceeds will be used to finance the acquisition of new equipment for the City's water and wastewater plants, to include emergency generators and plant process equipment. Pursuant to Section 46-92 of the City's Code of Ordinances, the bank loan requires authorization by Ordinance. A separate agenda item will recommend a resolution adopting supplemental details of the bank loan and other covenants and provisions.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Commission Action.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, April 6, 2016.

10D. City Attorney - Gilbert and Debbie Jimenez, and Spreading The Word Without Saying

A Word Ministry - Settlement of Litigation (pp. 485-488)

Resolution authorizing settlement of a lawsuit filed in federal court against the City by Gilbert and Debbie Jimenez, Spreading The Word Without Saying A Word Ministry, in relation to the City's alleged arrests of Mr. and Mrs. Jimenez on May 7, 2014. Settlement of the lawsuit would require the City to pay the Plaintiffs and their attorneys \$35,000, and to amend the City Code and policy relating to use of public property. The settlement is contingent on the Plaintiffs filing a voluntary dismissal with prejudice, and providing a written release of all claims. Funds available in the Consolidated Insurance Fund.

Robert Jagger, Acting City Attorney, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

10E. City Attorney - Management Policy/Procedure No. 71 - Public Parks & Facilities, Activities & Operational Guidelines - Amendment (pp. 489-495)

Resolution approving a revised Management Policy/Procedure No. 71 - Public Parks & Facilities, Activities & Operational Guidelines, to prevent the overuse of individual City parks for conducting food distribution activities in order to protect the parks from damage and relieve the burden on parks and the surrounding neighborhoods by regulating such activity.

Robert Jagger, Acting City Attorney, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

10F. Code Enforcement Board - Appointment (pp. 496-501)

Resolution appointing one (1) member to the Code Enforcement Board. Members of the board shall be a resident of the City. Appointments shall be made on the basis of experience or interest in zoning and development, regulation, building regulations and control, or other fields within the jurisdiction of the board. Whenever possible board membership shall include an architect (A), a businessperson (BP), an engineer (E), a general contractor (GC), a subcontractor (SC), and a realtor(R).

We have one vacancy and one application from Vernon Weatherholtz.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

10G. Beachside Redevelopment Board - Appointments (pp. 502-528)

Resolution appointing three (3) members to the Beachside Redevelopment Board. The membership terms of Dino P Paspalakis (termed out), Linda Miller and Suzanne Ramsey have expired. Ms. Miller and Ms. Ramsey would like to be reappointed. Additionally, James Newman has accepted the nomination as the Planning Board's representative to serve on this board. The board shall consist of seven (7) members and a Planning Board member who shall serve as an ex officio non voting 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.

We have the following additional applications: Joseph Alfonso, Robert Campbell, William Chapin, Dominique DeLannoy, and Judith Flaherty.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10H. Downtown Redevelopment Board - Appointments (pp. 529-539)

Resolution appointing three (3) members to the Downtown Redevelopment Board. The membership terms of Mark 'Buddy' Budiansky, Harold Goodemote and Jack White have expired. Mark 'Buddy' Budiansky and Harold Goodemote would like to continue to serve. 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.

We have one additional application from Scott Weidman.

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.