

THE CITY OF DAYTONA BEACH
REGULAR MEETING – CITY COMMISSION

July 16, 2008



6:00 p.m.

AGENDA

Commission Chambers

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 of the July 2, 2008, Regular City Commission Meeting, as individually read.
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. (CITIZENS WITH CONCERNS SHOULD ADDRESS THOSE CONCERNS TO A MEMBER OF THE CITY COMMISSION OR STAFF).

Action: Motion to approve.

6. PRESENTATIONS

- A. Volusia County Association for Responsible Development (VCARD) – Citizen of the Year - Volusia County Association for Responsible Development (VCARD) will present their “Citizen of the Year” award to Mayor Glenn Ritchey. See [Ex. “A”, p. 11.](#)

Joel Ivey, Chairman of VCARD, to present the award.

BEAUTIFICATION AWARDS – April, May, and June, 2008 - See [Ex. “B”, p. 12-13.](#)

B. Residential Awards

Ms. Susie Shepard, 1725 Oceans Dunes Terrace, Commissioner Richard Shiver, Zone 1, to present.

Mr. and Mrs. Andrew Casavant, 159 Kingston Avenue, Commissioner Pamela Woods, Zone 2, to present.

Mr. Ismar Abdennabi, 202 Mary McLeod Bethune Boulevard, Commissioner Shiela McKay-Vaughan, Zone 3, to present.

C. Commercial Awards

747 Office Suites, 747 South Ridgewood Avenue, Mayor Glenn Ritchey to present.

Atlantic Urological Associates, 545 Health Boulevard, Mayor Glenn Ritchey to present.

Fresh Restaurant, 1130 South Ridgewood Avenue, Mayor Glenn Ritchey to present.

7. PUBLIC COMMENTS BY PEOPLE ADDRESSING THE CITY COMMISSION.

**Consent Agenda
Items 8-20**

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).

CONSENT AGENDA (CONT.)

ADMINISTRATIVE ITEMS

8. Allocation of Bike Week Sponsorship Funds

Resolution authorizing payment in the amount of \$120 for four (4) cases of bottled water for Hope Fellowship Church from the Bike Week Sponsorship Fund of Commissioner Dwayne Taylor. Funds available in the General Fund. See [Ex. "C", p. 14-15.](#)

Recommendation: Interim Finance Director recommends approval.

9. Automated Water Meter Reading System – Request for Proposals (RFPs) – Resolution authorizing City staff to issue a Request for Proposals (RFPs) for an Automated Water Meter Reading System. This technology will allow every meter in the City to be read every hour of every day automatically, with no employee interface. See [Ex. "D", p. 16-37.](#)

Recommendation: Utilities Director recommends approval.

10. Professional Utility Engineering and Design Services – Urgent Request for Qualifications (RFQs) – Resolution authorizing City staff to issue an urgent Request for Qualifications (RFQs) for the accelerated design of a replacement subaqueous potable water main crossing the Halifax River. On June 22, 2008, the 61-year-old potable water main crossing south of the Seabreeze Bridge, referred to as the Earl Street main, ruptured and had to be taken out of service. This places considerable additional stress on the two remaining 50-year-old crossings. Because of the age of the crossings, there is considerable uncertainty as to how long the two currently serviceable water mains would be able to sustain the increased stress levels of an extended emergency or how long the repair of the Earl Street main will take. See [Ex. "E", p. 38-45.](#)

Recommendation: Utilities Director recommends approval.

11. Assignment of Outside Counsel – Continued Authorization – Resolution authorizing assignment of outside counsel by the City Attorney and payment of legal costs and fees in connection with the City's Self-Insurance Program for tort and worker's compensation claims, and in certain other specialized areas of the law, within budgeted amounts. Fees and costs in connection with torts and worker's compensation are paid from the Self-Insurance Fund, and the City annually budgets for anticipated outside counsel fees and costs in specialized areas of law. See [Ex. "F", p. 46-47.](#)

Recommendation: City Attorney recommends approval.

12. Settlement of Claim – Resolution authorizing payment in the amount of \$49,361.84 to Kevin Snyder and his attorney, Michael Ciocchetti, Esq., for release and full settlement of claims for injuries and property damage resulting from a collision with a City patrol car on May 19, 2007. Funds available in the Consolidated Insurance Fund. See [Ex. "G", p. 48-49.](#)

Recommendation: City Attorney and Incident Review Committee recommend approval.

CONSENT AGENDA (CONT.)

13. FDOT Local Agency Program (LAP) – West International Speedway Streetscape Project - Supplemental Agreement – **Resolution** approving an agreement with the Florida Department of Transportation (FDOT) for the West International Speedway Streetscape Project (CODB Contract 2000-15). The City and FDOT have a fully executed LAP agreement for this project however, the scope of the project as outlined in the agreement does not reflect the reduced scope currently in design and as such, FDOT requires a supplemental agreement to document this scope change. There is no change to project funding. See [Ex. "H", p. 50-79](#).

Recommendation: Deputy City Manager/Public Works recommends approval.

14. Insurance Coverage – Flood Insurance Renewal – **Resolution** approving payment to Fidelity National Insurance Company, P.O. Box 33070, St. Petersburg, FL 33733-8070, for the renewal of flood insurance coverage under the National Flood Insurance Program (NFIP) for various City properties for an annual premium of \$33,460; and authorizing payment of any additional premium and acceptance of refunds not to exceed \$25,000, due to adjustment of property values or addition or deletion of properties for the policy period July 25, 2008, to July 25, 2009. The City currently maintains flood coverage (July 25, 2007 – July 25, 2008) through the NFIP from Fidelity National Insurance Company, for an annual premium of \$47,388. This renewal reflects a decrease of \$13,928. Funds available in the Consolidated Insurance Fund. See [Ex. "I", p. 80-97](#).

Recommendation: Human Resources Director and Risk Manager recommend approval.

15. Utilities Department – Professional Utility Engineering Continuing Services Contracts – **Resolution** approving multi-year utility engineering services contracts with professional engineering firms selected by the City's Selection Committee. The City Commission approved a Request for Qualifications (RFQs) to seek Statements of Qualifications for continuing professional engineering services (Resolution No. 07-97, No. 07-98, No. 07-99). This action will not financially obligate the City. Prior to the award of a project and any financial obligations, City staff will request approval from the Commission. This action will allow the city to process requests and expedite projects. See [Ex. "J", p. 98-105](#).

Recommendation: Utilities Director recommends approval.

16. Midtown Infill Housing – Redevelopment Agreement – **Resolution** approving a Redevelopment Agreement between The City of Daytona Beach, the Community Redevelopment Agency of The City of Daytona Beach, and Coleman Builders of Volusia County, Inc., 5104 South Ridgewood Avenue, Port Orange, FL 32127, to construct six (6) single-family homes on certain City-owned lots included in the inventory of lots for Midtown Redevelopment Area; pursuant to Resolution No. 07-116, which authorized the Request for Proposals (RFPs). The Agreement requires that these homes be built and sold at market price. This project is consistent with the Community Redevelopment (CRA) plan. See [Ex. "K", p. 106-141](#).

Recommendation: Redevelopment Director recommends approval.

CONSENT AGENDA (CONT.)

17. Riverfront Master Plan – Proposal Acceptance - **Resolution** accepting the proposal with IBI Group, Inc. (formerly RMPK Group, Inc.), 1519 Main Street, Sarasota, FL 34236, in the amount of \$97,950, to prepare a riverfront master plan for the Downtown Community Redevelopment Agency (CRA). The consultant will prepare a comprehensive Master Plan for the downtown riverfront area and the overall goal is to improve the waterfront by designing promenades and park features that will compliment existing cultural facilities and downtown commercial and residential uses. The preparation of plans for the riverfront is described in the adopted 2002 Downtown/Balough Road Redevelopment Plan. This project is consistent with the Community Redevelopment (CRA) plan. Funds available in the Downtown Redevelopment Fund. See [Ex. “L”, p. 142-169.](#)

Recommendation: Redevelopment Director recommends approval.

18. Riverfront Survey Work – Work Authorization No. 13 – **Resolution** authorizing Work Authorization No. 13, in an amount not to exceed \$34,452, with McMillen Land Surveying, Inc., 495 South Nova Road, Suite 102, Ormond Beach, FL 32174, under continuing land surveying services contract No. 2006-21, to survey the public lands in Riverfront Park. The expenditure of funds for this Work Authorization was approved at the June 4, 2008, Regular Community Redevelopment Meeting (CRA 08-11). This project is consistent with the Community Redevelopment (CRA) plan. Funds available in the Downtown Redevelopment Fund. See [Ex. “M”, p. 170-189.](#)

Recommendation: Redevelopment Director recommends approval.

19. Contamination Assessment Plan - Work Authorization No. 2 – **Resolution** approving Work Authorization No. 2 with TBE Group, Inc., 380 Park Boulevard, Suite 300, Clearwater, Florida 33759, pursuant to Resolution 07-368, in an amount not to exceed \$172,980, providing for the implementation of the Contamination Assessment Plan for the City-owned site at the northwest corner of the intersection of Clyde Morris Boulevard and Bellevue Avenue Extension. The \$172,980, includes the maximum estimated cost for six (6) on-site testing procedures; the preparation of the Brownfield Site Assessment Report; and \$20,000 contingency in the event that on-site investigations indicate the need for supplemental work. Funds available in the Solid Waste Management Fund. See [Ex. “N”, p. 190-293.](#)

Recommendation: Deputy City Manager/Public Works recommends approval.

CONSENT AGENDA (CONT.)

- 20. Waste Water Treatment Plant (WWTP) – Equipment Repair – Resolution authorizing Flair Air Conditioning & Heating, Flair Services, Inc., 935 Alexander Avenue, Port Orange, FL 32129, to make repairs to the air conditioning unit which cools the telemetry of the disinfection system at the WWTP, in an amount not to exceed \$29,900. To maintain State of Florida, Department of Environmental Protection permit requirements, the WWTP must maintain a disinfection system. The telemetry of the disinfection system must be kept cool, and part of the air conditioning unit has failed. Flair Services, Inc. is the as-needed repair service to City-owned air conditioning and heating units (Resolution 07-408). Funds available in the Water and Sewer Improvement Fund. See [Ex. “O”, p. 294-297](#). **(TIME SENSITIVE)**

Recommendation: Utilities Director recommends approval.

Action: Motion that the reading of the Resolutions on the Consent Agenda be dispensed with and the Resolutions be adopted.

END OF CONSENT AGENDA

- 21. Discussion – Aero Research Park Brownfield Designation – Public Meeting Announcement – Announcement of a proposed public meeting schedule related to the proposed amendment of the Aeronautical Educational Redevelopment Opportunities (AERO) Research Park Brownfield. See [Ex. “P”, p. 298-299](#).

Emory Counts, Economic Development Director, to lead discussion.

PUBLIC HEARINGS

- 22. Administrative Land Development Code – Amendment – Ordinance on second reading – PUBLIC HEARING – amending Article 3, Decision-Making Bodies, and Article 4, Land Development Orders and Procedures, of the Land Development Code to provide clarification regarding site plan reviews of the Planning Board and the Redevelopment Boards. The Planning Board will have final authority over the approval of all site plans in excess of 20,000 square feet where no zoning change is requested in redevelopment districts. See [Ex. “Q”, p. 300-321](#). (Continued from the June 4, 2008, Regular City Commission Meeting)

Cheryl Harrison-Lee, Chief Administrative Officer, to report.

Recommendation: Planning Board recommends approval 10-0.
 Midtown Redevelopment Area Board recommends denial 0-8.
 Downtown – Ballough Road Redevelopment Area Board recommends denial 4-5.
 Main Street/South Atlantic Area Board recommends denial 6-2

Action: Motion to adopt the Ordinance.

23. Large Scale Comprehensive Plan Amendment - Ordinance on second reading – PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment creating a new section; Public Schools Facilities Element (PSFE), amending the Intergovernmental Coordination Element and Capital Improvement Element in order to comply with a Volusia County Charter Amendment and Florida Statute requirement. See [Ex. “R”, p. 322-464](#). (Continued from the June 18, 2008, Regular City Commission Meeting)

Cheryl Harrison-Lee, Chief Administrative Officer, to report.

Recommendation: Planning Board recommends approval 11-0.

Action: Motion to adopt the Ordinance.

24. Daytona Beach Boat Club, Inc. – Lease Agreement - Ordinance on second reading – PUBLIC HEARING – approving a lease agreement with The Daytona Beach Boat Club, 419 Basin Street, Daytona Beach, FL 32114, for a 150 x 150 foot lot, extending out into the Halifax River, for a term of 10 years beginning from the date of approval of this lease; annual rent of \$10 per year, payable in advance (\$100), for full term of lease. See [Ex. “S”, p. 465-478](#).

J. Paul Wetzel, Support Services Director, to report.

Recommendation: Support Services Director recommends action.

Action: Motion to adopt the Ordinance.

ADMINISTRATIVE ITEMS

25. Fiscal Integrity Principles Ordinance – Proposed Revision – Ordinance on first reading amending the Fiscal Integrity Principles Ordinance (Sections 46-26 and Section 46-31) to allow greater flexibility in budgeting, for the five-year (5) capital program and amending the 10% unreserved fund balance calculation, while still maintaining a prudent level of unreserved fund balance to protect the City against emergencies or natural disasters, unanticipated economic downturns, or unpredicted one-time expenditures. See [Ex. “T”, p. 479-483](#).

Michael Robertson, Interim Finance Director, to report.

Recommendation: Interim Finance Director recommends action

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, August 6.

26. Brokerage Services - Property and Casualty Insurance – Proposal Acceptance – Ordinance on first reading accepting the proposal submitted by Brown & Brown of Florida, 220 South Ridgewood Avenue, Daytona Beach, Florida 32114, for brokerage services for Property and Casualty Insurance for an initial contract period of three (3) years with an option to renew for an additional three (3) years for the annual fee of \$40,000, pursuant to Resolution No. 08-23, which authorized the Request for Proposals (RFPs). Funds available in the Consolidated Insurance Fund. See [Ex. “U”, p. 484-520](#).

Recommendation: Human Resources Director and Risk Manager recommend action.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, August 6.

27. Pine Haven – Residential Planned Unit Development (RPUD) Amendment – Ordinance on first reading amending the Pine Haven RPUD planned development agreement and site plan to replace a proposed day care center with four (4) single-family dwellings. The Pine Haven RPUD is a 27.44± acre parcel located on the south side of George Engram Boulevard approximately 1,200 feet east of Nova Road. Must be approved by a super majority vote of the City Commission. Applicant: Patrick Monaghan, P.E., of Peritus Civil, Inc., on behalf of Mr. Pete Gamble, of the Housing Authority of The City of Daytona Beach. See [Ex. “V”, p. 521-537](#).

Cheryl Harrison-Lee, Chief Administrative Officer, to report.

Recommendation: Midtown Redevelopment Area Board recommends denial 0-6.
Planning Board recommends denial 0-8.

Action: Motion to pass the Ordinance on first reading (Must be approved by a super majority vote of the City Commission).

Note: If passed, Public Hearing, August 6.

28. 2008-2009 Proposed Tentative Millage Rate – Resolution advising the Property Appraiser of the 2008-2009 Proposed Tentative Millage Rate of 5.61476; the current year Rolled-Back Millage Rate of 5.74472 and the Voted Debt Service Millage Rate of .30871; and the September 3, 2008, Public Hearing on Millage and Budget. See [Ex. “W”, p. 538-542](#). **(TIME SENSITIVE)**

Michael Robertson, Interim Finance Director, to report.

Recommendation: Interim Finance Director recommends action.

Action: Motion to adopt the Resolution.

29. Riverfront Park Licensing – Biketoberfest/Bike Week – Request for Proposals (RFPs) – Resolution authorizing City staff to issue a Request for Proposals (RFPs) for licensing of available City-owned, Riverfront Park Property to provide activities during Biketoberfest and Bike Week for a five-year (5) period with an additional five-year (5) option period beginning Biketoberfest 2008. See [Ex. “X”, p. 543-549](#).

J. Paul Wetzal, Support Services Director, to report.

Recommendation: Support Services Director recommends action.

Action: Motion to adopt the Resolution.

30. Biktoberfest

- A. Biktoberfest 2008 Master Plan – Public Property - **Resolution** adopting the Biktoberfest 2008 Master Plan for the use of Public Property. See [Ex. “Y”, p. 550-562](#).

J. Paul Wetzel, Support Services Director, to report.

Recommendation: Support Services Director recommends action.

Action: Motion to adopt the Resolution.

- B. Biktoberfest 2008 Master Plan- Private Property - **Resolution** adopting the Biktoberfest 2008 Master Plan for the use of Private Property as presented by the Biktoberfest Development Committee and the Daytona Beach Convention & Visitors Bureau. See [Ex. “Z”, p. 563-566](#). (Additional Attachment Under Separate Cover)

Tom Guest, Biktoberfest Development Committee Chairman, to report.

Recommendation: Biktoberfest® Development Committee recommends action.

Action: Motion to adopt the Resolution.

31. Enterprise Zone Development Agency – Board Appointment – **Resolution** appointing two members to the Enterprise Zone Development Agency. Ordinance No. 95-230, amended by Ordinance Nos. 95-586 and 96-260, a Board of Commissioners recommended by the City Manager and appointed for four (4) year terms by City Commission, with at least one (1) representative from the following areas: local Chamber of Commerce ^(CC), financial or insurance entity ^(FI-IN), business within the zone ^(BZ), resident within the zone ^(RZ), non-profit community based agency within the zone ^(NPA), local Private Industry Council ^(PIC), local code enforcement agency ^(CE), and the local law enforcement agency ^(LE). Board member preference shall be given first to Enterprise Zone residents and then to other Daytona Beach residents. Chairperson and Vice-Chairperson appointed by City Commission annually to serve a maximum of two (2) consecutive one (1) year terms.

The two vacant positions are to be held by a representative from Code Enforcement and a representative from local law enforcement. The two individuals recommended are Denzil Sykes; representing Code Enforcement, and Carla Quann; representing Law Enforcement. Members are recommended by the City Manager. See [Ex. “AA”, p. 567-568](#).

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

32. Personnel Board – Board Appointment – Resolution appointing one member to the Personnel Board (formerly Civil Service Board [CSB]; changed September 27, 1998, as per voter referendum on Sept. 1, 1998) Art. XI, Section 47.3, Sub-part A, City Charter. The board consists of five (5) members (initial CSB members) with four (4) years terms. These are mayoral nominations requiring confirmation with appointment by the City Commission. Must be a qualified elector of the City and shall not hold or be a candidate for any office of profit or trust or employment of any governmental agency.

The term of Mr. Bertran Wallace expired on 06-16-08, and he is willing to serve if reappointed. There are no other applications on file. This is a Mayoral recommendation. See [Ex. “BB”, p. 569-573](#).

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

33. Citizens.
34. Comments and inquiries from City Commission and City Manager.
35. Adjournment.