





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
OCTOBER 3, 2018
CITY COMMISSION CHAMBERS
6:00 PM**

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/she 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.

	<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 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.

AGENDA

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

4.A. [Approval of Minutes](#)

Approval of the Minutes of the September 5, 2018 Business Meeting of the City Commission 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.

6.A. [No Presentation.](#)

No presentation.

7. CITIZENS.

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

During this time Citizens have the opportunity to address the City Commission on any item on the Consent Agenda. Items or discussions not listed on the Agenda will not be heard during this comment section.

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. [Legal Department - City of Daytona Beach v. Robert B. Dickerson - Settlement of Litigation \(pp. 17-19\)](#)

Resolution approving settlement in City of Daytona Beach v. Robert B. Dickerson, case number 2017-31126- CICI, brought by the City of Daytona Beach to foreclosure a code enforcement lien against the property located at 537 S. Martin Luther King Blvd., which totals approximately \$60,000. The Defendant has brought the property into compliance and expended \$8,900 in costs to bring said property into compliance. The Defendant is offering \$1,500 payable in monthly installments of \$300 per month for five (5) months as full settlement to resolve the foreclosure action.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Police Department - Daytona Beach Police Department - Jacksonville](#)

[Police Department - Mutual Aid Agreement \(pp. 20-27\)](#)

Resolution authorizing a Mutual Aid Agreement between the Daytona Beach Police Department and the Jacksonville Beach Police Department permitting voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The agreement shall take effect on January 1, 2019 or upon execution of the Resolution and shall continue to be in effect until December 31, 2022. The agreement can be cancelled by any party upon delivery of written notice to the other party.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.C. [Police Department - Communications International - Portable/Mobile Scan Police Radios - Sole Source Purchase \(pp. 28-35\)](#)

Resolution authorizing the sole source purchase of twenty (20) new hand held, mobile XL185P-800 MHz and twenty (20) new XG75M-800 MHz vehicle mounted scan radios from Communications International, 10 Flagg Street, Daytona Beach, Florida 32114 in an amount not to exceed \$154,000. This purchase will allow the Agency to replace the outdated communications equipment with current technology established for Public Safety agency radios by the Association of Public Communications Officials (A.P.C.O.) and allow for the projected growth of Police services. The purchase includes the radios, all hardware, programming and encryption necessary to immediately place the radios into service to include P25 system phase 1 & 2; and a factory authorized extension of the one year manufacturer's warranty to a two year warranty. The package also includes a trade-in program of out date portable/mobile radios. The Volusia County Sheriff's Office (VCSO) is currently under contract with The City of Daytona Beach to provide dispatch services for the Daytona Beach Police Department and Communication International is the sole source of radios that are compatible with the VCSO communication systems. Funds available in the General Fund.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.D. [Public Works/Technical Services - Boudreaux's Pro Grade, LLC -](#)

[Lowest Responsive Bid Construction Contract Award \(pp. 36-137\)](#)

Resolution awarding a Construction Contract Award to the Lowest Responsive Bidder, Boudreaux's Pro Grade, LLC, 705 Hope Avenue, Ormond Beach, Florida, in the amount of \$42,090.33 to demolish the old City Island Recreation Hall on Orange Avenue, finish grade the area and sod all disturbed areas. Funds available in the General Fund.

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

8.E. [Public Works/Technical Services Department - Jackie Robinson Ballpark Turf Replacement - ECHO Grant Application \(pp. 138-152\)](#)

Resolution approving the application submittal for the ECHO grant application and authorizing the City Manager to accept the award of the ECHO grant and approve City matching funds in the amount of \$106,333 to install a new artificial synthetic turf system at the Jackie Robinson Ballpark. Minor League Baseball (MiLB) requires teams, pursuant to MiLB Rule 58 to provide a field surface without defects and or trip hazards that could affect the normal play of the game or jeopardize the player safety. The turf replacement will bring the existing field up to MiLB standards and address safety concerns. The artificial turf field is superior to sod in that it allows continuous play and it enables the field to withstand the wear and tear of numerous community and sports events. The estimated probable construction cost for the turf replacement is \$861,333. As authorized in Resolution 17-402, the City applied for and received a Racing and Recreational Facilities District grant in the amount of \$355,000. The City is now applying for an ECHO grant in the amount of \$400,000 if and when received the City will be providing the difference of \$106,333 as its matching share for the installation of the replacement turf system. Funds available in the Capital Projects Fund.

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

8.F. [City Manager's Office - P&S Paving - Master Stormwater Retention Pond Construction Agreement Amendment \(pp. 153-163\)](#)

Resolution approving an Amended Agreement to the Contract between the City of Daytona Beach and P&S Paving for the First Step Shelter site work. The amendment will allow P&S Paving to develop one or more stormwater ponds elsewhere on the City's 626-acre parcel where the First Step Shelter is being developed. The pond(s) will be created at P&S Paving's sole cost, including permitting costs. P&S will also agree to a deductive change order for the Shelter Site Work in the amount of \$1,064,800, immediately upon the issuance of the required permits. If the pond(s) reach a "Target Volume" (approximately 40 acres), P&S will also pay the City \$1,064,800. The amendment would allow the City Manager and P&S to expand the pond(s) beyond the Target Volume, in which case P&S will also pay the City for the excess volume at a rate of \$2.00/cubic yard. The total expected monetary value to the City from this amendment will equal or exceed \$2,129,599.

Recommendation: City Manager recommends adoption of the Resolution.

8.G. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 164-165\)](#)

Resolution authorizing payment in the amount of:

\$500 to Light Up Midtown from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

\$200 to Light Up Midtown and \$200 to L.O.V.E. GOLFTECH, Inc. from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$500 to Light Up Midtown and \$200 to L.O.V.E. GOLFTECH, Inc. from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Legal Department - City Code Amendment, Chapter 102 "Vehicles"](#)

[for Hire" \(pp. 166-169\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Chapter 102 - "Vehicle for Hire" - by repealing certain provisions and adding certain requirements to provide greater consistency with state's exclusive regulation of Transportation Network Companies such as UBER and LYFT, providing for conflicts, codification and severability.

Robert Jagger, City Attorney, to report.

Recommendation: City Attorney recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Voluntary Annexation \(pp.170-193\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a voluntary annexation of 2.13± acres of land located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Consolidated-Tomoka Land Co. (**This item was continued from the 09-19-18 City Commission Meeting**)

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Large Scale Comprehensive Plan Amendment \(pp. 194-415\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA), amending

the Future Land Use Element, Neighborhood V, to increase the residential density and reduce the non-residential intensity for 1614± acres of land located west of Interstate 95 and south of West Granada Boulevard/State Road 40 to permit the development of 3,250 residential dwelling units and limit commercial development to 200,000 square feet. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co. **(This item was continued from the 09-19-18 City Commission Meeting)**

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Rezoning, Planned Development-General \(pp. 416-535\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 1614± acres of land located west of Interstate 95 and south of West Granada Boulevard/State Road 40 from "County" Rural Agriculture (A-2) and Resource Corridor (RC) to "City" Planned Development-General (PD-G) to develop up to 3,250 dwelling units with amenities and up to 200,000 square feet of commercial uses, and authorizing the Mayor to execute the Minto Tomoka - Parcel A Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co. **(This item was continued from the 09-19-18 City Commission Meeting)**

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - Tomoka Farms Road ILF - Voluntary Annexation \(pp. 536-559\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a voluntary annexation of 46.81± acres of land located west of Tomoka Farms Road and north of First Baptist Parkway, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. Applicant: A request by Robert A. Merrell III, Esq., Cobb Cole, on

behalf of THP, LLC. (**This item was continued from the 09-19-18 City Commission Meeting**)

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Planning Division - Tomoka Farms Road ILF - Large Scale Comprehensive Plan Amendment \(pp. 560-642\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from "County" Activity Center (AC) and Environmental Systems Corridor (ESC) to "City" Level 1 Residential and Potential Environmentally Significant (PES) for 46.81± acres of land located at 1510 Tomoka Farms Road, north of First Baptist Parkway and west of Tomoka Farms Road to allow for the development of a 150 unit age restricted independent living facility. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of THP, LLC. (**This item was continued from the 09-19-18 City Commission Meeting**)

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.G. [Development and Administrative Services, Planning Division - Tomoka Farms Road ILF - Rezoning, Planned Development-General \(pp. 643-703\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 46.81± acres of land located at 1510 Tomoka Farms Road, north of First Baptist Parkway and west of Tomoka Farms Road from "County" Rural Agriculture (A-2) and Resource Corridor (RC) to "City" Planned Development-General

(PD-G) to allow for the development of a 150 unit age restricted independent living facility, and authorizing the Mayor to execute the Tomoka Independent Living Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of THP, LLC. **(This item was continued from the 09-19-18 City Commission Meeting)**

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.H. [Development and Administrative Services - Tomoka Independent Living Transportation Improvements Cost Allocation Agreement and Proportionate Fair Share Contribution \(pp. 704-711\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Tomoka Independent Living Transportation Improvements Cost Allocation Agreement with THP, LLC ("Owner") and BPS Independent Living, LLC ("Developer") and approving the proportionate fair share contribution. The agreement provides for a proportionate fair share contribution in the amount of \$3,505.44 to address traffic concurrency and traffic impacts. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to the City's issuance of a Certificate of Occupancy. This project is located west of Tomoka Farms Road and north of First Baptist Parkway at 1500 Tomoka Farms Road. **(This item was continued from the 09-19-18 City Commission Meeting)**

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.I. [Development and Administrative Services - Framework Transportation Improvements Cost Allocation Agreement and Proportionate Fair Share Contribution \(pp. 712-727\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Framework Transportation Improvements Cost Allocation Agreement with Consolidated Tomoka Land Co., ("Owner") and Framework Group, LLC, ("Developer") and approving the proportionate fair share contribution. The agreement provides for a proportionate fair share contribution to the County in the amount of

\$371,085.87 to address traffic concurrency and traffic impacts. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to the City's issuance of Certificate of Occupancy for Framework. This project is located on the east side of Williamson Boulevard, south of Hand Avenue and north of Strickland Range Road. (**This item was continued from the 09-19-18 City Commission Meeting**)

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - N. Ridgewood Avenue - Small Scale Comprehensive Plan Amendment \(pp. 728-754\)](#)

Ordinance on first reading - adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Office Transition to Retail for four (4) properties totaling 1.22± acres of land located on the eastern side of N. Ridgewood Avenue (US Highway 1), south of Congress Avenue and north of Kingston Avenue to provide consistency with the current zoning. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Manager, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 17, 2018.

10.B. [Development and Administrative Services, Redevelopment Division - Land Development Code Text Amendment - Amend Article 6 \(pp. 755-767\)](#)

Ordinance on first reading - amending the Land Development Code, Article 6 (Development Standards), Section 6.10 (Signage) to allow roof signs and larger wall signs along major thoroughfares located within the Redevelopment Midtown University Transition (RDM-4) zoning district. Applicant: Administrative Services Department, Redevelopment Division.

Reed Berger, Redevelopment Director, to report.

Recommendation: Redevelopment Director recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 17, 2018.

10.C. [Development and Administrative Services, Redevelopment Division
434 North Ridgewood Avenue - Rezoning to Residential/Professional \(RP\)
\(pp. 768-790\)](#)

Ordinance on first reading - approving a request to rezone 0.129± acre of land located at 434 North Ridgewood Avenue from Business/Professional (BP) to Residential/Professional (RP) to facilitate residential development that is consistent with the surrounding neighborhood. Applicant: Development and Administrative Services, Redevelopment Division.

Reed Berger, Redevelopment Director, to report.

Recommendation: Redevelopment Director recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 17, 2018.

10.D. [Police Department - Daytona Beach Municipal Ordinances Code Fine and Costs Schedule \(pp. 791-795\)](#)

Resolution approving the Daytona Beach Municipal Ordinance Code Fine and Costs Schedule establishing a recommendation for County Court imposed fines and costs for municipal ordinances violations. Increasing fine amounts for certain City Code violations that involve public health and safety from \$100 to \$200, enhancing costs for late payments of fines and indicating the Taxi Driver Appearance violations are civil violations only.

Craig Capri, Chief of Police, to report.

Recommendation: Chief of Police recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

- 11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.**
- 12. ADJOURNMENT.**
- 13. PUBLIC COMMENT FORUM - DURING THIS TIME CITIZENS ARE ALLOWED 2.5 MINUTES TO SPEAK ON ANY TOPIC OF CONCERN. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.**