



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

**AGENDA**

Website Address – [www.codb.us](http://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.

	<p><b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</b></p>		<p><b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b></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.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**

#### 4. APPROVAL OF MINUTES.

##### 4A. Approval of Minutes

Approval of the minutes of the December 2, 2015, 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 by Dr. Robert G. Marbut, Jr., Ph.D. concerning Volusia Safe Harbor.

Presentation of the final report on the Homeless Service Action Plan for Daytona Beach and Volusia County - Action Plan Recommendations and Business Plan for Volusia Safe Harbor dated November 9, 2015 by Dr. Robert G. Marbut, Jr., Ph.D., 6726 Wagner Way, San Antonio, Texas, 78256.

#### 7. CITIZENS.

##### 7A. PUBLIC COMMENTS BY 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. First Quarter Budget Amendment (pp. 82-93)

Resolution amending Resolution No. 15-233, which adopted the FY 2015/16 budget, in order to increase revenues by \$40,205,106; increase operating expenditures by \$564,942, and increase capital expenditures and transfers by \$1,133,005.

Recommendation: Budget Officer recommends adoption of the Resolution.

##### 8B. Volusia County JAGC Project Impact Application (pp. 94-110)

**Resolution** authorizing the application, submission, acceptance, budget amendment, and expenditure of a grant application to the Florida Department of Law Enforcement (FDLE), in the amount of \$7,324.00 for quarterly operations. This application is a pass through grant from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and County of Volusia JAGC Program. The purpose is for a monthly crime reduction overtime operation driven by COMPSTAT data. The application was moved forward and approved by the Volusia County Council. No matching funds are required to participate in this JAGC program.

Recommendation: Chief of Police recommends adoption of the Resolution.

**8C. Marina Village Ballough Road Bridge Replacement and Boat Ramp Design – Contract Approval (pp. 111-136)**

**Resolution** approving a contract with Dredging Marine Consultants (DMC), 4643 South Clyde Morris Blvd, Suite 302, Port Orange, Florida 32119, in the amount of \$449,915; providing for the planning, design, and permitting services associated with dredging a portion of the Root Canal, replacing the Ballough Road Bridge, building a new boat ramp and a parking lot. The proposed boat launching facility will be located on the west side of Beach Street at the terminus of Madison Avenue. The City has accepted a Florida Inland Navigational District (FIND) grant via Resolution 14-111 for this project, if the project transitions into the construction phase, the City will be reimbursed 50% (\$225,000) of the design fee's for this project. Funds available in the Redevelopment – Ballough Road Funds.

Recommendation: Deputy City Manager recommends adoption of the resolution.

**8D. Police Department - Radio System Maintenance Agreement - Amendment No. 2 (pp. 137-165)**

**Resolution** approving Amendment No. 2 to the System Maintenance Agreement for police mobile and portable radios with Harris Corporation, RF Communication Division; and approving expenditures of up to \$67,884 for maintenance services under the Agreement for FY 2015-2016. Funds available in the General Fund.

Recommendation: Chief of Police recommends adoption of the Resolution.

**8E. Halifax River Greenway Trail – Beach Street (Phases 1 & 2) -Work Authorization No. 5 - Contract No. 0111-0740 (pp. 166-182)**

**Resolution** approving Continuing Services Work Authorization No. 5 (Contract No. 0111-0740-TEDS, Res No. 13-60) for Traffic Engineering Data Solutions, Inc, 80 Spring Vista Drive, DeBary, FL 32713 to design the Halifax River Greenway Trail Project – Beach Street (Phases 1 & 2), in the amount of \$49,772. Funding is needed to design the construction plans for two (2) segments of the Halifax River Greenway Trail on Beach Street. The first segment (Phase I) is from Wilder Blvd to Shady Place, and the second segment (Phase II) is from Live Oak Ave to Orange Ave. Funds available in the General Fund.

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

**8F. Halifax River Greenway Trail – Donnelly Place (Shady Place to Bellevue Ave) -Work**

Authorization No. 6 - Contract No. 0111-0740 (pp. 183-195)

**Resolution** approving Continuing Services Work Authorization No. 6 (Contract No. 0111-0740-TEDS, Res No. 13-60) for Traffic Engineering Data Solutions, Inc., 80 Spring Vista Drive, DeBary, FL 32713 to design the Halifax River Greenway Trail Project – Donnelly Place (Shady Place to Bellevue Ave), in the amount of \$29,290. Funding is needed to design the construction plans for the above referenced segment of the Halifax River Greenway Trail on Donnelly Place. Funds available in the General Fund.

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

**8G. Fremont Street ADA Sidewalks Design Services –Work Authorization No. 3**  
(pp. 196-211)

**Resolution** approving Work Authorization No. 3 with CPH Engineers, Inc., 500 West Fulton Street, Sanford, FL 32779, under Contract 0111-0740 in the amount of \$35,346.66 to provide professional engineering services for Americans with Disabilities Act (ADA) Sidewalks for Fremont Street from Nile Street to S. Ridgewood Avenue. Funds available in the Road Impact Fees Fund.

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

**8H. North Street ADA Sidewalks Design Services –Work Authorization No. 4**  
(pp. 212-227)

**Resolution** approving Work Authorization No. 4 in the amount of \$39,384.96 under Contract No. 0111-0740 with CPH Engineers, Inc., 500 West Fulton Street, Sanford, FL 32779 to provide professional engineering services for Americans with Disabilities Act (ADA) Sidewalks for North Street from Clyde Morris Boulevard to Nova Road. Funds available in the Road Impact Fees Fund.

Recommendation: Deputy Public Works Director recommends adoption the Resolution.

**8I. Restoration of the Historic Coquina Clock Tower - Construction Contract Acceptance**  
(pp. 228-248)

**Resolution** accepting the lowest responsive bid from Saboungi Construction, Inc., 290 North US Highway 1, Ormond Beach, FL 32174, in the amount of \$231,020 for restoration of the Historic Clock Tower. Funds available in the Main Street Redevelopment Fund and Grant Projects Fund.

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

**8J. ISB Pedestrian Bridge - Halifax River - Cleaning & Painting** (pp. 249-268)

**Resolution** accepting the lowest, responsive and responsible bid from Viktor Construction Corp, PO Box 1366, Tarpon Springs, FL 34688 for the cleaning and painting of the ISB Pedestrian Bridge and the median walls in the amount of \$95,900. Funds available in the General Fund.

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

- 8K.** Halifax River Greenway Trail - City Island to Riverfront Park (Upland Portion)Construction Contract Acceptance - (pp. 269-298)

**Resolution** accepting the lowest responsive bid from Saboungi Construction, Inc., 290 North US Highway 1, Ormond Beach, FL 32174 in the amount of the \$309,652, to construct the upland section of the Halifax River Greenway Trail. Project consist of a 12-Ft wide concrete Multi-Use Trail along the shoreline of Riverfront Park, including shade features, bicycle racks, bicycle service station, benches, lighting, and water fountains. This section of the Greenway Trail project will connect the proposed boardwalk to the existing multi-use trail just south of the News Journal Building. Funds available in the Grant Projects fund and the Road Impact Fee fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

- 8L.** Halifax River Greenway Trail - International Speedway Boulevard Underpass - (Boardwalk Spanning City Island to Riverfront Park) - Low Bid Acceptance (pp. 299-317)

**Resolution** accepting the lowest responsive bid from Jordan Brothers Construction, LLC. 7575 Kingspointe Parkway, Suite 7, Orlando, FL 32819 in the amount of \$473,849.54, to construct the boardwalk section of the Halifax River Greenway Trail that will span from City Island to Riverfront Park. Per Resolution 15-116, the City executed a Florida Department of Transportation (FDPT) Local Agency Agreement (LAP) reimbursable grant agreement in the amount of \$343,713 and per Resolution 14-109, the City executed a 50% match Florida Inland Navigation District (FIND) grant agreement and FIND will reimburse the City \$52,864 at the completion of the project. Funds available in the Grant Projects fund, the 5 Cent Transportation Gas Tax Fund and the Road Impact Fee fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

- 8M.** Allocation of Bike Week Sponsorship Funds (pp. 318-319)

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

\$500 to Rose Marie Bryan Children's Center, Inc. for general sponsorships from the Bike Week Sponsorship Funds of Commissioner Patrick Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

## **9. PUBLIC HEARINGS.**

- 9A.** Exemption of Ad Valorem Tax - B. Braun Medical, Inc. (pp. 320-338)

**Ordinance on second reading - PUBLIC HEARING** - approving an exemption of as valorem tax for a seven-year period for Braun Medical, Inc., for a portion of the assessed value of all improvements to real and tangible personal property at 1845 Mason Avenue within the Aero-Park Brownfield Area. This exemption is projected to assist construction of a new 54,000 sq.ft. expansion, generate \$100,536,000 in new capital investment, and create 175 new jobs at an average annual wage of \$41,963, and new total cumulative payroll of \$37,766,025, over the period of exemption. The

Economic Development Advisory Board recommended the following tax exemption schedule per the Updated Exemption Guidelines: 100% in years 1-2; 75% in years 3-5; and 50% in years 6-7. The cumulative value of the exemption is projected to be \$1,384,326 per the Office of Volusia County Property Appraiser.

Emory Counts, Economic/Community Development Director, to report.

Recommendation: Economic/Community Development Director recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

**9B. Land Development Code Text Amendments - Amend Article 5.2.B and 6.21 (pp. 339-411)**

**Ordinance on first reading - PUBLIC HEARING** - amending the Land Development Code, Article 5.2.B (Standards for Specific Principal Uses) and 6.21 (Alcoholic Beverages) to address gaps that were inadvertently left out of the new Land Development Code. Applicant: Development and Administrative Services Department, Planning Division.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommended approval 6-to-0 with Alternative No. 2 being used for new establishments and Alternative No. 1 be applied for existing establishments that cannot meet Alternative No. 2.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 20, 2016.

**9C. Land Development Code Text Amendments - Amending Articles 3, 4, 5, 6, 7, 9, 11, and Appendix A of the Land Development Code (pp. 412-531)**

**Ordinance on first reading - PUBLIC HEARING** - amending Articles 3, 4, 5, 6, 7, 9, 11, and Appendix A of the Land Development Code. Staff is seeking approval of text amendments that were omitted, incorrectly transitioned, or needed further clarification in the new Land Development Code. Applicant: Development and Administrative Services Department, Planning Division.

Richard Walton, Planning Director to report.

Recommendation: Planning Board recommended approval 6-to-0 on November 19, 2015 for Articles 3,4,5,7,9,11, and Appendix A and 7-to-0 on December 17, 2015 for Article 6.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Second Public Hearing, January 20, 2106.

**10. ADMINISTRATIVE ITEMS.**

**10A. Approval of Revision to Purchasing Code Sec. 30-82(9) (pp. 532-535)**

**Ordinance on first reading** - approving the revision of the Purchasing Code to replace the current Section 30-82(9) which addresses how tie bids will be determined when conducting competitive sealed bidding. Currently, the ordinance decides a tie bid in the following order of precedence; award to the local vendor as defined in the code, award to the firm certifying a drug free workplace, or by drawing lots in public. The change would replace the final option of drawing lots in public with a provision to permit

award to the most responsible bidder based on the criteria for determining responsibility under section 30-82(8), i.e., the bidder having the necessary ability and skill to perform the contract, the bidder's ability to provide the required quality and quantity of goods and/or services promptly, and a record of satisfactory performance on previous contracts of similar scope.

Patricia Bliss, Chief Financial Officer, to report.

Recommendation: Chief Financial Officer recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing January 20, 2016.

**10B.** Daytona Beach Convention Hotel & Condominiums - Rezoning, Second Amendment (pp. 536-555)

**Ordinance on first reading** - approving the Second Amendment to the Planned District Agreement for the Daytona Beach Convention Hotel & Condominiums providing for a three phase development, revising the construction schedules, and authorizing the Mayor to execute the Second Amendment to the Planned District Agreement. Applicant: Clay Ervin, Zev Cohen and Associates, on behalf of Alexey P. Lysich, Vice President, Protogroup, Inc.

Reed Berger, Redevelopment Director, to report.

Recommendation: Beachside Redevelopment Board recommends approval 6-to-0 and the Planning Board recommends approval 6-to-0.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, January 20, 2016.

**10C.** Madison Cove Apartments - Rezoning to Business Shopping Center (BR-2) (pp. 556-577)

**Ordinance on first reading** - approving a request to rezone approximately 1.1+ acres of land located at the southwest corner of North Beach Street and Madison Avenue from Multifamily Residential-20 (MFR-20) to Business Shopping Center (BR-2) to attain uniform zoning for the site. Applicant: Michael Oliver, on behalf of 10 Alison Lane, LLC.

Richard Walton, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 20, 2016.

**10D.** Ila's Diamonds LLC, dba F.R.E.S.H. Book Festival - Grant Approval Agreement (pp. 578-583)

**Resolution** approving a \$6,000 grant annually to Ila's Diamonds LLC, dba F.R.E.S.H. Book Festival for the Annual F.R.E.S.H. Book Festival to be held January each year at the City's Midtown Cultural and Educational Facility. In the early years the festival took place in the Midtown Gymnasium. The festival in its fifth year has continued to grow and now takes place throughout the Midtown Cultural and Educational Facility. Consequently, City fees for the two day event have increased with the increased usage. The festival featuring a variety of authors and guest speakers will continue to pursue the festival's goal of educating the community on the value of literacy. This community

cultural event helps the City meet the goal of engaging the community in cultural and arts related learning experiences outlined in the Echo grant which was awarded to build the Midtown Cultural Educational Facility. Funds available in the General Fund.

Helen Riger, Cultural Services & Community Events Director, to report

Recommendation: Staff recommends approval.

Action: Motion to adopt the Resolution.

**10E.**Early Voting Site Procedures (pp. 584-616)

**Resolution** approving Early Voting process and signage at the Daytona Beach Regional Library (City Island) to follow Article 6.10.J.12 (Temporary Signs) of the Land Development Code. Applicant: Development and Administrative Services, Planning Division.

Richard Walton, Planning Director, to report.

Recommendation: Staff recommends keeping the previous voting procedures in place.

Action: Motion to adopt the Resolution.

**10F.**Code Enforcement Board - Appointment (p. 617-622)

**Resolution** appointing one (1) member to the Code Enforcement Board. The board shall consist of seven members appointed by the City Commission. 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 an application from Cheryl House.

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.**