



ACTION REPORT
CITY OF ORMOND BEACH, FLORIDA
CITY COMMISSION MEETING
Tuesday, September 20, 2011
7:00 PM

Mayor Ed Kelley

Zone 1 – Commissioner James Stowers

Zone 3 – Commissioner Rick Boehm

Zone 2 – Commissioner Troy Kent

Zone 4 – Commissioner Bill Partington

CITY COMMISSION CHAMBERS

22 South Beach Street, Ormond Beach, Florida 32174

City Clerk's Office: (386) 677-0311

Fax: (386) 676-3330

- 1. CALL TO ORDER**
- 2. INVOCATION** – Rabbi David Kane, Congregation Bnai Torah.
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF FY 2011-2012 MILLAGE RATES AND TENTATIVE BUDGET**
 - A. Resolution No. 2011-130** – A resolution establishing the final millage rates to be levied for Fiscal Year 2011-2012; directing certification; expressing legislative intent; and setting forth an effective date. (*Finance Director*) **APPROVED**
 - B. Second Reading of Ordinance No. 2011- 34** – An ordinance adopting the Annual Budget for the 2011-2012 Fiscal Year beginning October 1, 2011 and ending September 30, 2012; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Finance Director*) **APPROVED ON SECOND READING**
- 5. PROCLAMATION**
 - A. Kiwanis Club of Ormond Beach – 50th Anniversary**
- 6. AUDIENCE REMARKS** – Regarding items not on the agenda.
- 7. APPROVAL OF MINUTES**
 - A. Minutes from the City Commission meeting – September 6, 2011**
 - B. Minutes from the Special City Commission meeting – September 14, 2011**

8. COMMUNITY REDEVELOPMENT AGENCY

A. **Resolution No. 2011-145** – A resolution of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, authorizing the execution of change order number one (1) to that contract awarded to Chinchor Electric, Inc., regarding the installation of decorative light poles for the downtown streetscape lighting project, by increasing the contract price by \$10,776.06; and setting forth an effective date. (*Acting City Engineer*) **(See Item #13A)**
RECOMMENDED FOR APPROVAL

9. **CONSENT AGENDA** – The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

A. **Resolution No. 2011-131** – A resolution authorizing the acceptance of a grant award from the State of Florida, Office of the Attorney General regarding funding for the City's Victim's Advocate Program; authorizing the execution of an agreement between the State of Florida and Office of the Attorney General; and setting forth an effective date. (*Chief of Police*)
APPROVED

B. **Resolution No. 2011-132** – A resolution authorizing the execution of a license to trim and maintain existing vegetation between the City and Tomoka Holdings, LLC; setting forth an effective date. (*Leisure Services Director*) **APPROVED**

C. **Resolution No. 2011-133** – A resolution authorizing the renewal of a lease and use agreement for the Ormond Beach Tennis Center between the City of Ormond Beach and Gary Heatwole Tennis, Inc.; authorizing the execution of a lease agreement therefore; and setting forth an effective date. (*Leisure Services Director*) **APPROVED**

D. **Resolution No. 2011-134** – A resolution authorizing the execution of a cooperative economic development agreement between the City and Team Volusia Economic Development Corporation; repealing the existing agreement with Team Volusia Economic Development Corporation; and setting forth an effective date. (*Economic Development Director*) **APPROVED**

E. **Resolution No. 2011-135** – A resolution authorizing the execution of change order number one (1) to that contract awarded to Saboungi Construction, Inc., regarding the Rima Ridge Well Field Expansion Project (Wells 54, 55 and 56), by increasing the contract price by \$20,875.44; increasing the contract time by 150 days; and setting forth an effective date. (*Acting City Engineer*) **APPROVED**

F. **Resolution No. 2011-136** – A resolution accepting a proposal submitted by Brown & Brown of Florida, Inc., for the purchase of commercial general liability, crime, accidental death & dismemberment, professional

liability, and tulip (special event) insurance coverage; authorizing the payment therefor; and setting forth an effective date. (*Human Resource Director*) **APPROVED**

- G. Resolution No. 2011-137** – A resolution accepting the proposal of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., regarding legislative lobbying services; authorizing the execution of an agreement and payment therefor; rejecting all other proposals; and setting forth an effective date. (*Economic Development Director*) **APPROVED**
- H. Resolution No. 2011-138** – A resolution establishing a Fund Balance Policy for the City of Ormond Beach; and setting forth an effective date. (*Finance Director*) **APPROVED**
- I. Resolution No. 2011-139** – A resolution authorizing the execution of an animal housing agreement between the City and Flagler Humane Society, Inc.; and setting forth an effective date. (*Chief of Police*) **APPROVED**
- J. Resolution No. 2011-140** – A resolution authorizing the purchase of various chemicals for the City's water and wastewater treatment plants under a cooperative bid solicited by several local cities; authorizing payment therefor; and setting forth an effective date. (*Public Works Director*) **APPROVED**
- K. Resolution No. 2011-141** – A resolution authorizing the execution of a joint participation agreement between the City and the Florida Department of Transportation regarding an obstacle (trees) clearing project at the Ormond Beach Municipal Airport; and setting forth an effective date. (*Economic Development Director*) **APPROVED**
- L. Resolution No. 2011-142** – A resolution authorizing the execution of a quitclaim deed in favor of Joseph D. Weber and Julieann M. Weber, releasing a two and one-half-foot portion of a seven and one-half-foot utility, drainage and maintenance easement located on the rear of Lot 17, Creekside Planned Residential Development (110 Creek Forest Lane); and setting forth an effective date. (*Planning Director*) **APPROVED**
- M. Resolution No. 2011-143** – A resolution establishing and authorizing the implementation of a vehicle allowance program for the City Commission; and setting forth an effective date. (*Finance Director*) **APPROVED**
- N. Resolution No. 2011-144** – A resolution approving a mediation settlement agreement regarding Wiring Technologies, Inc. v. City of Ormond Beach; authorizing the execution of a settlement agreement and any and all documents incidental thereto; authorizing payment relative thereto; and setting forth an effective date. (*Assistant City Attorney*) **APPROVED**

O. Requests for CPI rate increases from Waste Management, Inc. of Florida, Services Rendered, Inc., Flair Service, Inc. and Economy Electric Company, Inc.

- 1. Resolution No. 2011-146** – A resolution authorizing a cost-of-living increase based on the consumer price index pursuant to the solid waste, yard waste, recycling and roll-off collection and disposal services agreement between the City of Ormond Beach and Waste Management, Inc. of Florida; and setting forth an effective date. *(Public Works Director)* **APPROVED 2.68% INCREASE**

DISPOSITION: Disapprove as recommended in City Manager memorandum dated September 15, 2011.

- 2. Resolution No. 2011-147** – A resolution approving a cost-of-living increase in the rate paid by the City to Services Rendered, Inc., for janitorial services; and setting forth an effective date. *(Leisure Services Director)* **DISAPPROVED INCREASE**

DISPOSITION: Disapprove as recommended in City Manager memorandum dated September 15, 2011.

- 3. Resolution No. 2011-148** – A resolution approving a cost-of-living increase in the rate paid by the City to Flair Service, Inc., for HVAC services; and setting forth an effective date. *(Leisure Services Director)* **DISAPPROVED INCREASE**

DISPOSITION: Disapprove as recommended in City Manager memorandum dated September 15, 2011.

- 4. Resolution No. 2011-149** – A resolution approving a cost-of-living increase in the rate paid by the City to Economy Electric Company, Inc., for electrical services; and setting forth an effective date. *(Leisure Services Director)* **DISAPPROVED INCREASE**

DISPOSITION: Disapprove as recommended in City Manager memorandum dated September 15, 2011.

P. Specifications for Construction Management at Risk Services, RFQ No. 2011-29 *(Acting City Engineer)* **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated September 15, 2011.

Q. Specifications for Airport Road Forcemain and Reclaimed Watermain Improvements Project, Bid Number 2011-30 *(Acting City Engineer)* **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated September 15, 2011.

R. Report identifying all alternative standards and administrative relief granted by Planning Department *(Planning Director)* **APPROVED**

DISPOSITION: Approve as recommended in City Manager memorandum dated September 15, 2011.

S. Riverside Drive Closures for 2011-2012 (*Leisure Services Director*)
APPROVED

DISPOSITION: Approve as recommended in City Manager memorandum dated September 15, 2011.

10. PUBLIC HEARING

- A. Ordinance No. 2011- 35** – An ordinance amending Paragraph C, Official Zoning Map, of Section 2-01, establishment of Zoning Districts and Official Zoning Map, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the City of Ormond Beach *Land Development Code*, by amending the Official Zoning Map to rezone certain real property totaling 0.86-acres located at 1142 North US Highway 1, from Volusia County I-1 (Light Industrial) to Ormond Beach I-1 (Light Industrial), authorizing revision of Official Zoning Map; repealing all inconsistent ordinances or parts thereof; and setting forth an effective date. (*Planning Director*) **APPROVED ON SECOND READING**

11. SECOND READING OF ORDINANCE

- A. Ordinance No. 2011- 36** – An ordinance amending Chapter 14 of the Code of Ordinances of the City of Ormond Beach, Florida, by establishing Article XI, Use of Temporary Cover for the Temporary Protection of Structures, including Section 14-104, Purpose; Section 14-105, Definitions; and Section 14-106, Use of Temporary Cover Authorized; providing a regulatory purpose, definitions, and conditions for the use of temporary cover to protect structures during storm and catastrophic events; providing for enforcement; providing for severability; providing for conflicting ordinances; and setting forth an effective date. (*Planning Director*) **APPROVED ON SECOND READING**

12. FIRST READING OF ORDINANCE

- A. Ordinance No. 2011- 37** – An ordinance amending chapter 22, waters and sewers, article vii, water conservation regulations, of the code of ordinances, by amending section 22-180, definitions, and renaming section 22-180, intent and purpose; repealing section 22-181, declaration of water shortage, and renaming section 22-181, definitions; repealing section 22-182 levels of water conservation and water shortage, and renaming section 22-182, landscape irrigation schedules; repealing section 22-183, base water conservation and use provisions, and renaming section 22-183, exceptions to the landscape irrigation schedules; repealing 22-184, general water use prohibitions, and renaming section 22-184, additional requirements; repealing section 22-185, exemptions, and renaming section 22-185 variances from specific day of week limitations; repealing section 22-186, variances, and

renaming section 22-186, application of ordinance; adding section 22-187, immunity of enforcement officer; adding section 22-188 penalties and enforcement; repealing all inconsistent ordinances or parts thereof; providing severability; and setting forth an effective date. (*Public Works Director*) **APPROVED ON FIRST READING**

13. RESOLUTION

- A. **Resolution No. 2011-145** – A resolution of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, authorizing the execution of change order number one (1) to that contract awarded to Chinchor Electric, Inc., regarding the installation of decorative light poles for the downtown streetscape lighting project, by increasing the contract price by \$10,776.06; and setting forth an effective date. (*Acting City Engineer*) **APPROVED**

14. STAFF ACTION ITEM

- A. **Legislative Action Agenda for Volusia County Legislative Delegation** (*Assistant City Manager*) **APPROVED**
- B. **SR40 Median Landscaping Improvements from I-95 overpass to western City limits** (*Acting City Engineer*) **APPROVED**

15. REPORTS, SUGGESTIONS, REQUESTS (*Mayor, City Commission, City Manager, City Attorney*)

16. ADJOURNMENT

Website Address – www.ormondbeach.org

NOTICE – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.
Phone: (386) 677-0311



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