REGULAR CITY COUNCIL MEETING MINUTES - REVISED
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
AUGUST 4, 2015

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Allen Green at 7:15 p.m.

Pledge of Allegiance

Invocation given by Father Chris Hoffman of Our Lady of Hope Catholic Church

Roll Call:	Present:	Councilman Donald Burnette Councilman Scott Stiltner Vice Mayor Drew Bastian Mayor Allen Green
	Absent:	Councilman Bob Ford
	Also Present:	David Harden, Interim City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

PUBLIC HEARING

4. 2015 CDBG Annual Action Plan (5th Year)

Kent Donahue, PIO and Grants Coordinator, asked for public input and advised of the details of the 2015 Annual Action Plan for the CDBG.

Motion to approve the plan was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call.

Council asked to know the full cost of an audible pedestrian signal. Mr. Donahue will provide the information.

5. Second Reading – Ordinance No. 2015-26 – Amended and Restated Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for Town Park Planned Commercial Development (PCD); northeast corner of Williamson Blvd. and Madeline Ave.

Mayor Green read Ordinance No. 2015-26.

ORDINANCE NO. 2015-26

AN ORDINANCE OF THE CITY OF PORT ORANGE. VOLUSIA COUNTY, FLORIDA, APPROVING THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) FOR THE TOWN PARK PLANNED COMMERCIAL DEVELOPMENT (PCD); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Ordinance No. 2015-26 on second reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

AGENDA APPROVAL

Item #12(f) was pulled for further discussion. Item #12(m) was pulled from the Consent Agenda and will be discussed by the City Attorney under City Attorney Comments. No action is required for item 12(m). Item #19 was continued to August 18, 2015 per the applicant's request.

Motion to approve agenda as amended was made by Vice Mayor Bastian, and Seconded by Councilman Burnette, Motion carried unanimously by roll call vote.

CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

There was none.

COUNCIL COMMENTS

6. Comments/Concerns from Council Members

Mayor Green asked that Lil Bernard of Walmart, who is retiring, be honored by the City by adding her name to the Honor's Park.

Vice Mayor Bastian said there was a good turnout for National Night Out Against Crime.

Councilman Burnette asked if the Port Orange Police Department Lobby is available for use during Craigslist type transactions.

CONSENT AGENDA

7. Approval of Minutes
   a. July 21, 2015 - Regular City Council Meeting
8. Resolution No. 15-43 - Updating Gopher Tortoise Relocation Site Policies & Fees
9. Resolution No. 15-44 - Dedication to the public of second segment of McGinnis Avenue west of South Williamson Blvd.
10. Stormwater Maintenance Progress
11. Historic Tree Removal - 6222 Yellowstone Drive
12. Bid Awards and Contract Items
    a. Task Authorization No. 4 under the Contract for Engineering Services with Kimley-Horn and Associates
    b. Task Authorization No. 3 to the Contract with Quentin L. Hampton Associates, Inc. for Engineer of Record Services; South Atlantic Avenue Water Main Replacement
    c. Third Amendment to Agreement with Volusia County for fire suppression service in certain unincorporated areas.
    d. Contract Award to Magellan Advisors, LLC, for RFP #15-22; Information Technology Strategic Plan
    e. Agreement with Quentin L. Hampton & Associates, Inc. for Design and Permitting Services for Stormwater Drainage Improvements in the White Acres Area
    f. Authorize Payment for City Utility Relocation per the Joint Project Agreement with Volusia County for South Atlantic Avenue Sidewalk/Roadway/Water System Improvements in Wilbur-by-the Sea
    g. SunTrust Banking Services Contract Extension
    h. Change Order No. 3 to McMahan Construction Contract for the Williamson Blvd. Regional Lift Station
    i. Agreement with Dredging & Marine Consultants, LLC for Design and Permitting Services for Bank Stabilization at the City Center Retention Pond and Refurbishment of Causeway Docks
    j. Agreement with Quentin L. Hampton & Associates, Inc. for Design Services to Replace Failing Culvert at Ryanwood Subdivision Entrance
    k. Agreement with McKim & Creed Inc. for Design Services to Replace Failing Pipe Culverts under Pineland Avenue and Isabelle Avenue at Niver Street
    l. Piggyback Volusia County Agreement with Lucity, Inc. to Purchase Public Works Asset Management Software
    m. Modification of Johnson Contract with City for Sale and Purchase of 5126 Ridgewood Avenue
    n. Extension of the Piggyback Agreement and Task Authorization No. 2 with RJH Technical Services, Inc.
    o. Change Order No. 2 to the Contract for Services with Odyssey Manufacturing Company

13. Revised Employment Agreement for Michael H. "Jake" Johansson
14. Amended Employment Agreement for Interim City Manager, David T. Harden
15. Penna Court Motel - 4750 Ridgewood Avenue
    a. Resolution No. 15-42 - Contract for Sale and Purchase of Real Property
    b. Resolution No. 15-46 - Budget Appropriations to Fund Acquisition of the Penna Court Motel located at 4750 Ridgewood Avenue

Motion to approve consent agenda as modified was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

Ted Noftall, citizen, expressed his concerns with the personnel projects not being released. Mr. Harden said they will be released when they are completed. Mr. Noftall doesn't understand how they cannot be finished if the budget documents are complete.

Item #12(f) – Mr. Noftall asked for specific details on this contract with the County. He believes the expenditures and revenues need to be tracked for this contract. Mr. Harden advised that breaking the system down and analyzing the system would be difficult and costly.

Motion to approve item #12(f) was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote.

REGULAR AGENDA

16. First Reading - Ordinance No. 2015-27 - Amending City Code Sec 2-262, Purchase and sales procedures

Mayor Green read Ordinance No. 2015-27.

ORDINANCE NO. 2015-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-262 OF THE CODE OF ORDINANCES REGARDING PURCHASE AND SALES PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-27 on first reading was made by Vice

Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

17. First Reading - Ordinance No. 2015-29 - Adopting City Code Section 2-277 Bid protest

Mayor Green read Ordinance No. 2015-29.

ORDINANCE NO. 2015-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, OF THE CODE OF ORDINANCES TO ESTABLISH SECTION 2-277 REGARDING BID PROTEST; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-29 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call vote after no public comments.

18. First Reading - Ordinance No. 2015-30 - Amending City Code Section 2-272 Alterations or modifications of contracts

Mayor Green read Ordinance No. 2015-30.

ORDINANCE NO. 2015-30

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2, SECTION 2-272 OF THE CODE OF ORDINANCES REGARDING ALTERATIONS OR MODIFICATIONS OF CONTRACTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-30 on first reading was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Joseph Gomez, Purchasing Manager, explained the process on change orders.

Motion carried unanimously by roll call vote after no public comments.

19. Pie Guy – Targeted Business Program Incentive Contract

Prior to the meeting, the President asked that this item be continued until August 18, 2015 so that he can attend the Council meeting.

20. Fund Balance and Working Capital Policy

Alan Rosen, Interim Assistant City Manager, provided details of the changes.

Mayor Green asked for public comments; there were none.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by roll call.

21. Monthly Financial Report through June 2015

Ms. Riehm discussed details from the June 2015 financial report. The Statement of Cash Flows report was provided to Council.

Mayor Green asked for public comments; there were none.

Motion to accept the report as presented was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote.

22. Cypress Head Clubhouse

a. Contract award for Cypress Head Clubhouse Renovation

Susan Lovallo, Parks & Recreation Director, is available for questions from Council. She explained the details of the project.

Mayor Green asked if the glass is thermal. Frank Flagg, Facilities Manager, advised that the glass is insulated.

Motion to approve was made by Vice Mayor Bastian, and Seconded by Councilman Burnette. Motion carried unanimously by voice vote after no public comments.

b. Cypress Head Clubhouse HVAC System

Mr. Flagg discussed the issues with the HVAC system at the clubhouse. A brief discussion was held regarding the spiral duct option which was not used based on the recommendations of City and KemperSports Staff. Mayor Green asked if the HVAC work can be done through a change order. Ms. Roberts advised that timely of the project may not allow for competitive bidding. Mr. Flagg advised the A/C needs to begin at the same time of the other renovations. Staff recommended using the same contractor for all of the work. Once the design is complete, the full cost can be determined. The change order will be brought back to Council for approval.

Motion to approve $6,900 for the engineering and design of the HVAC system was made by Vice Mayor Bastian, and Seconded by Councilman Burnette.

Councilman Stiltner asked if lighting was being changed. Mr. Flagg said no lighting is being changed per Council's direction.

Vice Mayor Bastian asked if the two 15 ton units will be enough. Mr. Flagg said yes, the firms have confirmed that it will be enough.

Motion carried unanimously by roll call vote after no public comments.

COMMENTS

23. City Attorney Comments

Ms. Roberts advised Council that the contract with Sandra Johnson has been breached as she has already sold the property to another individual. The new property owner is responsible for the fines. She will bring back information at a later meeting.

Ray Adams, citizen and new owner of the property, advised Council that he has secured the property and mowed the yard. He did not know of the full extent of the City liens. Mayor Green asked Mr. Adams to meet with the City Attorney to work out a plan.

24. Interim City Manager Comments

Mr. Harden had nothing further.

COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports
    a. River to Sea TPO Board – Councilman Ford was absent; no report given.
    b. YMCA – Councilman Stiltner had nothing to report.
    c. General Employee's Pension Board – Councilman Stiltner – nothing to report.
    d. Port Orange/South Daytona Chamber of Commerce – Councilman Burnette advised of the Morning Mix and Mingle on Friday at 9:00 a.m.

ADJOURNMENT: 8:17 p.m.

Mayor Allen Green

Attest:

Robin Fenwick, CMC
City Clerk