

**ORMOND BEACH CITY COMMISSION MEETING
HELD AT CITY HALL COMMISSION CHAMBERS
June 1, 2010 7:00 p.m.**

Present were: Mayor Fred Costello, Commissioner Lori Gillooly, Commissioners Ed Kelley, Troy Kent, and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

A G E N D A

- 1) Meeting call to order by Mayor Costello.
- 2) Invocation by Reverend Willie Branch, New Bethel AME Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATION:**
 - A) Proclamation honoring Pop Warner Team Academic All Americans.
 - B) Proclamation honoring the Ormond Beach Middle School Panthers Basketball Team.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the May 18, 2010, meeting.
- 7) **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. 2010-74 amending the rules of parliamentary procedure. (City Manager)
 - B) Resolution No. 2010-75 authorizing the execution of a quitclaim deed in favor of Carlton P. White, II, and Shelly G. White, releasing a portion of a seven and one- half foot utility easement located on Lots 1 and 2, Chelsford Heights, Unit 5, Phase II, of Hunter's Ridge subdivision (4 Foxcroft Run). (Planning Director)
 - C) Resolution No. 2010-76 terminating an approved lease between the City and Wright Flyer, LLC; authorizing the transmittal of a termination letter. (Parcel 1, SE Quad, Ormond Beach Municipal Airport) (Airport Manager)
 - D) Resolution No. 2010-77 authorizing the submittal of an on-line grant application in the amount of \$11,398 to the United States Department of Justice, Office of Justice Programs, under the Edward Byrne Justice Assistance Grant Program; authorizing the execution of all documents incidental thereto, including any contract necessary for the City to accept the grant award. (Law Enforcement Training) (Acting Police Chief)

- E) Resolution No. 2010-78 approving the Community Development Block Grant Annual Plan for the 2010-2011 fiscal year and the Five-year Community Development Block Grant Program Schedule for Fiscal Years 2010-2011 through 2014-2015. (\$115,517/Year)
- F) Resolution No. 2010-79 authorizing the execution of a Local Agency Program Agreement between the City and the Florida Department of Transportation regarding the Hull Road left turn lane at US1/SR5. (\$56,250 total project cost; 25% in-kind City funding) (Acting City Engineer)
- G) City Commission Chamber dais improvements.

DISPOSITION: Approve as recommended in City Manager memorandum dated May 27, 2010.

- 8) **PUBLIC HEARING:** Ordinance No. 2010-31 adopting certain amendments to the Future Land Use Element, Future Land Use Directive text for the location of future land uses, Transportation Element, Utilities Element, Conservation Element, Coastal Management Element, Housing Element, Recreation and Open Space Element, Capital Improvements Element, Intergovernmental Coordination Element, Cultural Affairs Element, and Public Schools Facilities Element of the City of Ormond Beach Comprehensive Plan; adopting separately from the Comprehensive Plan a multi-modal Strategy setting forth policies adopted in the Comprehensive Plan herein; providing when such amendments shall take effect. (1st Cycle 2010) (Second Reading) (Planning Director)
- 9) **SECOND READING OF ORDINANCE** No. 2010-32 authorizing the issuance of up to \$5,000,000 of general obligation bonds of the City to finance all or a portion of the cost of the acquisition and development of lands on the east side of A1A/Atlantic Avenue for a public beachfront park, including preservation of natural areas, dunes, and ocean views, and providing off-beach parking and beach access; providing for consideration of the issuance of such general obligation bonds at an election of the qualified electors residing within the City to be held on August 24, 2010. (Finance Director)
- 10) **FIRST READING OF ORDINANCES:**
 - A) Ordinance No. 2010-33 vacating a portion of West Street, a platted public right-of-way lying west of 350 Cumberland Avenue. (Planning Director)
 - B) Ordinance No. 2010-34 amending the annual budget for Fiscal Year 2009-2010 by amending the General Fund; the Stormwater Fund; the Airport Fund; the Facility Fee Fund; the Grant Fund; the Facilities Renewal and Replacement Fund; the General Capital Improvements Fund; the Transportation Fund; the Water/Wastewater Debt Service Fund; and the Water Plan Construction Fund.
- 11) **RESOLUTION** No. 2010-80 appointing a member to serve on the Volusia Growth Management Commission; establishing term and conditions of service.
- 12) **STAFF ACTION ITEM:** Recommendation of the Selection Committee regarding continuing contracts for professional, architectural and engineering services.
- 13) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.
- 14) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Costello at 7:05 p.m.

Item #2 – Invocation

The invocation was giving by Reverend Willie Branch, New Bethel AME Church.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Costello.

Item #4A – Proclamation Honoring Pop Warner Team Academic All Americans

Coach Mike Michener congratulated the Pop Warner Team for 1st Place, 2nd Place and Honorable Mention Academic All Americans. He explained the athletes maintained a 95% or higher GPA to qualify for Academic All American status. He stated Pop Warner emphasized being good citizens first and foremost. He congratulated the students and thanked the volunteers who participated in a wonderful program.

Mayor Costello read a proclamation honoring the over 40 athletes who achieved Academic All American status in the Pop Warner Football and Cheerleader organization. The Mayor stated that Pop Warner consisted of over 400,000 participants from every state to seek to develop well-rounded young men and women who learn the fundamentals of football and cheerleading, as well as the importance of education in an atmosphere conducive to developing sound character while having a good name.

Item #4B – Proclamation Honoring the Ormond Beach Middle School Panthers Basketball Team

Mayor Costello read a proclamation honoring the Ormond Beach Middle School Panthers Basketball team which won the East County Championship with a nine and one record, and the Volusia County Basketball Championship.

Coach Ryan Mahaney congratulated the team and thanked the community, including Principal Carl Persis for backing the team all the way.

Item #5 – Audience Remarks

There were no requests to speak.

Item #6 – Approval of the Minutes

Mayor Costello advised the minutes of the May 18, 2010, regular meeting had been sent to the Commission for review and asked for any corrections, additions, or omissions. The Mayor stated the minutes were approved as printed without objection.

Item #7 – Consent Agenda

Mayor Costello advised the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

Commissioner Gillooly requested Items #7E and #7G be pulled for discussion.

Commissioner Partington moved, seconded by Commissioner Kelley, for approval of the Consent Agenda, absent Items #7E and #7G.

Call Vote:	Commissioner Gillooly	yes
	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
Carried.	Mayor Costello	yes

Item #7E - Community Development Block Grant Annual Plan

RESOLUTION NO. 2010-78

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2010-11 FISCAL YEAR AND THE FIVE-YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SCHEDULE FOR FISCAL YEARS 2010-2011 THROUGH 2014-2015; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved; seconded by Commissioner Partington, to approve Resolution No. 2010-78.

Commissioner Gillooly suggested a workshop be held with the Neighborhood Improvement Advisory Board (NIAB) to seek open community discussion regarding the Community Development Block Grant (CDBG) projects. She expressed appreciation for NIAB for funding support for the Volusia/Flagler Coalition for the Homeless. She agreed that the Great Kids

Explorer Club through First United Methodist Church should be recommended for consideration. She expressed support for the annual plan, but strongly believed a community meeting should be held outside the funding cycle to allow maximum consideration.

Mayor Costello suggested a community meeting in six months after staff had an opportunity to present a plan that could be discussed by the community.

Commissioner Gillooly agreed with the Mayor's assessment.

Commissioner Kent expressed his gratitude for the Neighborhood Improvement Advisory Board and the Quality of Life Board who provided some recommendations. He stated that Selden Avenue was on the list for \$51,000 to eliminate a drainage issue that he had not heard about except from the NIAD, but he would support the project. He stated he had a real problem with the next 5 years because the City was spending \$100,000 for water main improvements in his zone, which would normally be funded through the Utility Fund. He invited the Commission to come see the improvements on Valencia and Magnolia that were made with a few of the CDBG dollars, to see Arlington with a few palm trees, and to see the park at the end of Arlington. He suggested funding for some landscaping and enhanced lighting on a few streets at a time, and in ten years the CDBG area would really be something, rather than spending funds just for water mains, which should be funded by the Utility Fund. He stated he loved the idea of a workshop because this was a depressed area by law which needed improvements. He confirmed with the City Attorney that by supporting the Selden project, he would not be locked into the other years of the plan.

Mayor Costello stated the Commission encouraged Commissioner Kent, as an individual, to speak with the NIAB regarding his vision for other ideas, rather than water mains.

Commissioner Kent stated that he had done that on a few things which were not well accepted by a few residents; but he would be happy to go to the meetings, and he asked City Manager Shanahan to send him the dates of the meetings.

Commissioner Gillooly suggested the meetings be "glamorized" to encourage attendance, with the meetings marketed to improve attendance.

Mayor Costello asked where the meetings were held; whereby, Commissioner Gillooly responded that the meetings were held at the Casements.

City Manager Shanahan stated the idea of a community meeting with the Commission and the Board sharing their vision was a good idea and should probably be done on an annual basis well in advance of the funding cycle, which would give the Board the Commission's direction before budgetary deliberations take place.

Mayor Costello stated that he did not want to give them direction but to expand their horizons, which Commissioner Kent could do by going to as many meetings as he could over the next six months.

Commissioner Kelley stated last year was difficult to find something that could be done under the guidelines of what was permitted under the CDBG. He commented that unless something could be done to make a difference, he questioned why the money should be spent.

Commissioner Kent stated last year's money was a carryover and had to be spent on only safety or beautification.

Mayor Costello suggested installing underground reuse pipes as well as underground water pipes.

Commissioner Gillooly reminded the Commission there were certain requirements with spending federal dollars.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #7G – Chamber Dais Improvements

Commissioner Kelley stated the issue first came up as replacing the monitors on the dais and the projector scene, and now it had become a \$25,000 expenditure. He stated he was not sure this was the time to spend the funds on this project, which was really just a band-aid, when the project should also include the electronic agendas capability and the reconfiguration of the dais.

Commissioner Gillooly stated she desired to pull the item for the same reason as Commissioner Kelley had stated. She stated she wanted to review the list of costs, as she was hesitant to spend the money at this time.

City Manager Shanahan stated the Commission had requested review of this issue shortly after she started with the City. She stated it had been difficult to find vendors to do the job, and the real problem was going from digital to high resolution technology. She stated that she agreed there were other improvements that were necessary, but to do the entire dais would cost a lot more money, which was the reason for piecing the project. She stated she would pull the item, and at the Commission's direction, would bring it back in two years as a Capital Improvement Project.

Mayor Costello asked if the proposed upgrades could be part of the larger project, such as a redesign for the dais later. The Mayor stated he was embarrassed sometimes with how poorly things could be seen. He stated that if the building was being designed currently, there would be two 50" or 60" monitors at the front and two 42" monitors half way back on the each side.

City Manager Shanahan stated the project would be expanded if the entire renovation was being done, such as larger, additional monitors. She stated that the issues discussed (electronic agendas, telecasting and cameras) could be incorporated. She deferred to Information Technology Director Ned Huhta by regarding the proposed upgraded and their compatibility with an entire renovation.

Information Technology Director Ned Huhta stated the hardware would be applicable but the \$4,000 labor costs would not. He compared the project to converting home televisions from analog to digital. He stated the major costs would in the video equipment, going from analog to digital, precluded salvaging any of the current hardware. He explained that replacing a monitor with a current technology monitor, the picture resolution was so poor, the picture would not be presentable.

Commissioner Partington stated he would be inclined to pull the item and include it later in an overall upgrade to the Chambers because there was criticism when several times a year, several hundred people attended a meeting and the 20 year old technology did not allow people outside the Chambers to hear the meeting. He stated laptops with wireless for the Commission members would allow them to track the agenda as needed.

IT Director Huhta stated City Manager Shanahan had provided the direction to research that technology.

Mayor Costello suggested future consideration involve a speaker system for outside and in the atrium; two large monitors in the front and monitors halfway back; a redesign of the dais to a U-shape; and wireless laptops for each member of the Commission.

Commissioner Kent stated he wholeheartedly agreed with Commissioner Partington, and he would agree to pull the item until the entire project could be done.

City Manager Shanahan explained the system could include a device that allowed members to push a button to let the Mayor know they wanted to speak, as well as using it for voting. She suggested the dais could be done in various configurations.

Mayor Costello stated Item #7G was pulled from the agenda.

#8 – Amendments to the Comprehensive Plan

ORDINANCE NO. 2010-31

AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE FUTURE LAND USE ELEMENT, FUTURE LAND USE DIRECTIVE TEXT FOR THE LOCATION OF FUTURE LAND USES, TRANSPORTATION ELEMENT, UTILITIES ELEMENT, CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT, HOUSE ELEMENT, RECREATION & OPEN SPACE ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, INTERGOVERNMENTAL

COORDINATION ELEMENT, CULTURAL AFFAIRS ELEMENT, AND PUBLIC SCHOOLS FACILITIES ELEMENT OF THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN; ADOPTING SEPARATELY FROM THE COMPREHENSIVE PLAN A MULTI-MODAL STRATEGY SETTING FORTH POLICIES ADOPTING IN THE COMPREHENSIVE PLAN HEREIN; PROVIDING WHEN SUCH AMENDMENTS SHALL TAKE EFFECT; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS, THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Costello stated this was a public hearing regarding amendments to the Comprehensive Plan, and he explained there was a sign-up list in the back of the auditorium for anyone who wanted information sent to them regarding the proposed amendments. The Mayor stated there were no requests from the audience to speak.

Commissioner Kelley moved; seconded by Commissioner Gillooly, for approval of Ordinance No. 2010-31, on second reading, as read by title only.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Mayor Costello stated the public hearing was closed without objection.

Item #9 – Up to \$5,000,000 of General Obligation Bonds

ORDINANCE NO. 2010-32

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,000,000 OF GENERAL OBLIGATION BONDS OF THE CITY FINANCE ALL OR A PORTION OF THE COST OF THE ACQUISITION AND DEVELOPMENT OF LANDS ON THE EAST SIDE OF A1A/ATLANTIC AVENUE FOR A PUBLIC BEACHFRONT PARK, INCLUDING PRESERVATION OF NATURAL AREAS, DUNES, AND OCEAN VIEWS, AND PROVIDING OFF-BEACH PARKING AND BEACH ACCESS; PROVIDING FOR CONSIDERATION OF THE ISSUANCE OF SUCH GENERAL OBLIGATION BONDS AT AN ELECTION OF THE QUALIFIED ELECTORS RESIDING WITHIN THE CITY TO BE HELD ON AUGUST 24, 2010; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kent moved, seconded by Commissioner Gillooly, to approve Ordinance No. 2010-32 on second reading, as read by title only.

Commissioner Kelley stated dune restoration had been touched on briefly at the first reading, and although he supported doing whatever could be done to restore the natural dunes, he was concerned that the dunes could not be restored to their natural condition and that the language placed a responsibility on future residents if the dunes were washed away. He stated the law required that any access did not damage the dunes.

City Manager Shanahan stated the law would not hold the City liable in perpetuity to maintain the dunes; and staff was suggesting that when the property was developed, the spoils would be redeposited in front of the seawall. She stated it was a commitment to restore the dunes, “to your best endeavor.”

Commissioner Kelley stated the language stated, “to protect natural areas” and “to restore natural dunes.” He expressed serious doubt the spoils could not be dumped over the seawall. He questioned if future taxpayers were being put in a situation of liability, and he questioned if the dunes could be restored.

City Manager Shanahan stated the Commission could strike that language but cautioned against changing the language other than removing that language because it was approved by the bond counsel.

Commissioner Kelley stated he would support this issue but wanted it to be known that the Commission did not want to obligate the City for a future liability.

City Manager Shanahan stated it was difficult to determine liability because the project had not been designed, but the intent was expressed as restoring the dunes.

Commissioner Gillooly stated Commissioner Kelley was not off-base, which was why she brought the issue up at the first reading. She expressed concern that the language overstated the environmental attributes of the park.

Pegeen Hanrahan, former Mayor of Gainesville, now with the Trust for Public Lands, stated the City Manager represented the circumstances very well and correctly. She reminded the Commission the beachfront park was a high priority expressed by the citizens in the poll. She stated removing that language would still leave a strong measure, but with the citizens’ desire for a beachfront park, she suggested leaving the language in and doing the best that could be done to accomplish dune restoration within the realm of possibilities.

Mayor Costello stated that the one word, “dunes,” could be removed and the City’s intent be made clear that everything would be done to preserve and restore the dunes.

Paul Momberger, Engineer with Zev Cohen & Associates, stated dune restoration typically was dune plantings; fine, clean sand could be deposited on the beach with plantings to hold the sand in place.

Mayor Costello stated, for the purpose of transparency, the Commission wanted it known the dunes would be preserved and restored to the best of the City’s ability.

City Manager Shanahan suggested preservation of natural areas would include the word, “dune;” “dune” could be removed from the title; and on Page 5, Beachfront Property, General Obligation, “restored natural dunes” could be removed, still allowing the accomplishment of the original intent.

Commissioner Gillooly suggested the language could be changed to include, “work to restore.”

City Manager Shanahan stated she was uncomfortable rewording the proposal.

City Clerk Veronica Patterson stated there was a 75 word limitation to the title.

Assistant City Manager Ted MacLeod stated the City had done dune restoration before when the barrier was moved on the beach with a requirement of dune restoration. Mr. MacLeod suggested the design engineer be challenged to include a plan for dune restoration.

Commissioner Kent expressed he was comfortable with the ordinance language. He referred to Tom Rennick Park as an example of dune preservation, not allowing pedestrian traffic to walk on the dunes.

Commissioner Kelley stated he was comfortable after the discussion and supported whatever could be done to restore the dunes.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Item #10A – Vacating a Portion of West Street

ORDINANCE NO. 2010-33
 AN ORDINANCE VACATING A PORTION OF WEST STREET, A PLATTED
 PUBLIC RIGHT-OF-WAY LYING WEST OF 350 CUMBERLAND AVENUE;
 REPEALING ALL INCONSISTENT ORDINANCES OR PARTIES THEREOF;
 AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Gillooly moved, seconded by Commissioner Kent, to approve Ordinance No. 2010-33 on first reading, as read by title only.

Call Vote:	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
	Commissioner Partington	Yes
Carried.	Mayor Costello	Yes

Item #10B – Amending the Annual Budget

ORDINANCE NO. 2010-34

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2009-2010 BY AMENDING THE GENERAL FUND; THE STORMWATER FUND; THE AIRPORT FUND; THE FACILITY FEE FUND; THE GRANT FUND; THE FACILITIES RENEWAL & REPLACEMENT FUND; THE GENERAL CAPITAL IMPROVEMENTS FUND; THE TRANSPORTATION FUND; THE WATER/WASTEWATER DEBT SERVICE FUND; AND THE WATER PLANT CONSTRUCTION FUND; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Partington, to approve Ordinance No. 2010-34 on first reading, as read by title only.

City Manager Shanahan clarified that the Facility Fee Fund was a small part of the overall Parks and Recreation Fee used for specific projects at the facilities. She explained there were a portion of additional expenditures that staff wanted, as well as using a portion of the fund balance in the Facility Fee Fund to pay for those expenditures, including three scoreboards at the OBSC; Nova Recreation Gymnasium sound/public address system; South Ormond Recreation Center's vertical blinds, a wheelchair for Splash Pad, a Wii gaming system for summer recreation, a video camera, rock climbing tread wall, and youth soccer; and table, chairs, patio furniture and tents for outdoor events for The Casements, totaling about \$46,000.

Commissioner Gillooly stated she supported the fund as a way for the City to meet some of the needs of the residents.

City Manager Shanahan explained that there were a lot of mini-funds in the Facility Fee Fund; a portion of every dollar a facility generated went to the Facility Fee Fund specific to the facility for their benefit.

Call Vote:	Commissioner Kent	yes
	Commissioner Kelley	yes
	Commissioner Partington	yes
	Commissioner Gillooly	yes
Carried.	Mayor Costello	yes

Item #11 – Appointing a Member to the Volusia Growth Management Commission

RESOLUTION NO. 2010-80

A RESOLUTION APPOINTING A MEMBER TO SERVE ON THE VOLUSIA GROWTH MANAGEMENT COMMISSION; ESTABLISHING TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Kelley moved, seconded by Commissioner Gillooly, to appoint Gerald Brandon to the Volusia Growth Management Commission for a term until June 30, 2013.

Call Vote:	Commissioner Kelley	Yes
	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
Carried.	Mayor Costello	Yes

Mayor Costello suggested asking Mr. Brandon to speak to the VGMC relative to allowing the VGMC members' term to run concurrent with the Commission's term, rather than a different term.

Item #12 – Selection Committee regarding Continuing Contracts

Mayor Costello asked for a motion.

Commissioner Kelley moved; Commissioner Gillooly seconded, to discuss the item.

Commissioner Kelley stated he analyzed the report and noted some glaring inconsistencies in the votes, such as a planning situation where the Planning Director had not received his first choice. He cited numerous examples from the tally sheets where he felt the rating system skewed the results. He suggested the raw scores should have been averaged for ranking purposes, thereby removing the subjective element from the process which would prevent firms with a low score from placing in the upper level of the ranking.

Mayor Costello asked Commissioner Kelley what he would do to change the process.

Commissioner Kelley stated he was just explaining the system and that he was not comfortable with the system.

City Manager Shanahan stated there was more than one way to approach the process, and it did involve subjective decisions. She explained such items as the experience of a firm was not necessarily experience with the City. She stated it was a very comprehensive process.

Mayor Costello stated that Commissioner Kelley was suggesting converting the raw data into a place, instead of averaging the scores.

City Manager Shanahan stated it did not make an appreciable difference in the outcome.

Commissioner Kelley stated that it did.

Mayor Costello recommended approving the staff recommendations with the understanding that areas that would have a different score by averaging the raw data would be reconsidered.

Assistant City Manager Ted MacLeod stated the raw scores attributed a score for each category, but the raw scores were not appropriate for determining the final ranking. He explained the system was designed to allow a subjective ranking by the staff rating the vendors. Mr. MacLeod stated he had confirmed the final ranking included a list of qualified engineering firms, and he stated the outcome was good. He agreed that there were many ways to handle the process, each producing different results.

Commissioner Kelley pointed out that on the Transportation category, Larry Rivera, who was a good transportation engineer, chose DKS as his number one choice, which did not make the final list, while Acting City Engineer John Noble ranked the same firm as his number 10 choice.

City Manager Shanahan explained that at the meeting, the raters were provided an opportunity to discuss the results; and if Mr. Rivera felt strongly that DKS should have been on the final list, he could have expressed that.

John Noble stated that after the ranking was made, the opportunity was presented for the raters to discuss the rankings, and the raters could have reevaluated the list.

Commissioner Kelley stated that if staff was happy with the results, he could be happy with it; he just wanted to confirm that the inconsistencies were considered.

Commissioner Kent stated he noticed that on the Transportation list, almost all of the raters' top ranking, were selected for the final list; therefore, he did not see anything glaringly inconsistent.

Commissioner Gillooly stated she wanted to insure that any contracts were negotiated beyond the firms' qualifications. She stated she had a deep level of comfort due to the detail involved in reviewing the firms.

Commissioner Kelley stated the Transportation category was the only category where a rater's first choice did not make the final list, which threw up a red flag, particularly since the rater was someone who was heavily into transportation.

John Noble stated it was a subjective review, and all the raters had the opportunity to discuss the final results.

City Attorney Hayes stated the Commission discussion of the issue was an example of the difficulty of the Selection Committee in making subjective evaluations of professional services. He stated that although it was a subjective process, the same process was applied to all the firms that submitted proposals; it may not be perfect but it was consistent. He stated no one was complaining about the results, which showed that the process worked.

Commissioner Partington stated he did not understand why the City did not competitive bid every project which could have saved taxpayers' dollars.

John Noble stated Florida Statutes allowed a bid for professional services, but not costs.

Mayor Costello stated that some of them were going to work on getting that law changed.

City Manager Shanahan explained bidding for professional services speeded up projects because it pre-qualified professional services.

Mayor Costello stated that of the short list of professionals, the City ought to be able to competitively bid between them.

Assistant City Manager MacLeod stated the City had done that in the past and was taken to task because state law did not allow negotiating costs.

Mayor Costello asked a letter be written to request the state law be changed, due to the difficult economic times.

Commissioner Gillooly stated she was assured by City Manager Shanahan that negotiations would take place with the firms on the list; and if terms could not be reached with the first on the list, then the second firm would be approached, and so on until an agreement was reached.

Assistant City Manager MacLeod explained the process established the most qualified firms in a particular area; therefore, when work was required for a project, the first firm was approached for a proposal with a fee. He stated if the terms and the fee were reasonable, the contract was brought to the Commission for approval; if the proposal was not reasonable, then the second on the list was approached, until staff determined a proposal was a good fee for the work involved in the project.

Mayor Costello requested background information, such as when the law was changed and when we were told not to, so he could personally send a letter to Tallahassee regarding changing the law to allow cities to negotiate contract pricing.

City Attorney Hayes stated the law was Florida Statutes, Section 287.055, Paragraph 4.

City Manager Shanahan requested a correction to the staff report be made under background where a statement was made that none of the professional services exceeded \$100,000 for any work of a specified nature; she stated the CCN Act specified \$200,000.

Mayor Costello stated the correction was noted, as a scrivener's error; therefore, the motion was applicable. The Mayor pointed out that the City continued to use 60% of the professional services firms that had been used in the past, as well as some new blood.

Call Vote:	Commissioner Partington	Yes
	Commissioner Gillooly	Yes
	Commissioner Kent	Yes
	Commissioner Kelley	Yes
Carried.	Mayor Costello	Yes

Item #13 - Reports, Suggestions, Requests

Volusia League of Cities Annual Awards

Commissioner Partington stated that at the Volusia League of Cities Annual Awards ceremony, the City took three awards. He stated with 16 cities participating, City Manager Joyce Shanahan received the bronze for the City Manager award; in the Elected Official category, Deputy Mayor Ed Kelley received the bronze, largely recognizing his service with the Volusia Water Authority; and Doug Thomas received the gold for the Citizen of the Year award. He stated that the late Blaine O'Neil had chosen the President's Awards and his parents presented the awards to County Council Chairman Frank Bruno, Daytona Beach Mayor Glenn Ritchey, and Port Orange Mayor Allen Green.

Zone 1 Town Hall Meeting

Commissioner Gillooly thanked staff and the citizens who attended the Zone 1 Town Hall Meeting. She stated everyone expressed appreciation for the process.

Memorial Day Remembrance

Commissioner Gillooly acknowledged the incredible Memorial Day Remembrance service, and she stated Chairman Paul McCollum did a great job.

Mayor Costello stated the Memorial Day Remembrance was fabulous, and he received a number of sincere compliments.

Foreclosed Property

Commissioner Gillooly expressed concern regarding continued code enforcement issues relative to foreclosed properties. She appreciated that citizens were starting to contact Neighborhood Improvement directly. She stated she wanted to work on the vacant properties that were in violation with trees presenting safety issues. She suggested an ordinance to allow cutting down trees when there was a safety issue with a lien placed on the property to cover the costs. Commissioner Gillooly stated she would like some way to minimize staff visits and waiting to get the property owner to respond to a violation.

City Manager Shanahan stated she was not aware of any problems relative to trees but would look into the issue. She explained that the property owner had to be given a certain amount of time to correct the issues; after such time, the decision was made to make the improvements or not because money had to be spent up front and then lien the property. She stated that if there was a safety issue, it was handled immediately, such as pools that were not secured.

Commissioner Gillooly stated staff had always responded immediately, but she wanted to just clarify that she understood the process was difficult and she wanted to ask if the Commission could do anything to facilitate the process.

City Attorney Hayes stated there may already be the ability to act quicker, if the situation imposed a serious threat, and he would research it to get some answers.

Tax Devaluation

Mayor Costello stated the property tax devaluation was determined to be a 9.8% decrease, rather than a 15% decrease, which was a reflection on the quality of life in the City.

Mayor Costello stated he had mentioned to the City Attorney that a lot of people had mentioned pain clinic abuse, and he felt the City had the toughest ordinances against the sex-oriented businesses, internet gambling, and tattoo parlors. The Mayor stated the City held itself to a higher standard, and if another city had a tougher ordinance, he was to bring it to the Commission for consideration.

Item #14 – Close the Meeting

The meeting was adjourned at 8:41 p.m.

APPROVED: June 22, 2010

BY: Fred Costello, Mayor

ATTEST:

Veronica Patterson, City Clerk