



**CITY OF NEW SMYRNA BEACH
CITY COMMISSION REGULAR MEETING**

SUMMARY OF ACTION

TUESDAY, DECEMBER 13, 2011 – 6:30 P.M.

**CITY COMMISSION CHAMBER, CITY HALL,
210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA**

I. Call to Order/Roll Call:

II. Invocation/Pledge of Allegiance:

Senior Police Department Chaplain Donald Horne will be present and give the invocation.

Vice Mayor Reiker gave the invocation.

III. Approval of the Agenda:

Consent Agenda Items B, G & H moved to New Business Items C, E & F.

IV. Announcements/Presentations/Recognition:

- A. Concerned Citizens for Animal Welfare of Volusia County, Inc. – Cheryl Robel and Pat Mihalic will be present to give a brief presentation regarding spay/neuter programs in Volusia County.

No action. At a meeting in January 2012, the Animal Control Board will consider and recommend to the City Commission a proposed ordinance regarding future City Spay/Neuter programs for future consideration.

V. Mayor and Commission Reports:

No action.

VI. Consent Agenda (Approval of Minutes/Routine Resolutions):

- A. Riverside Park Seawall, Pier & Lighting Replacement Project – Approve the award of contract to C & L Landscape, Inc. in the amount of \$912,725 for the budgeted Riverside Park Seawall, Pier & Lighting Replacement Project. If approved, the project will be funded from CRA funds.

Approved per staff recommendation.

- B. Gateway Features/Intersections of S.R. 44 and I-95 & S.R. 44 & Canal Street – Approve entering into a contract with Tetra Engineering for CEI services associated with the Gateway Features Project at the intersections of S.R. 44 and I-95, and S.R. 44 and Canal Street. The negotiated cost of the contract is \$112,000 and will be funded through the Tree Mitigation Fund, if approved.

Approved per staff recommendation.

- C. Motor Grader Purchase – Approve the purchase of a 2012 Leeboy Grader with a caterpillar engine and 10-foot blade through the Florida Sheriff's Association Contract with Ringpower, for the purchase price of \$28,089. The offer includes a 5-year buy back option of \$35,000.

Approved per staff recommendation.

- D. Swoope Site Improvements Project Survey, Permitting and Design – Approve entering into a contract with Quentin Hampton and Associates for the survey, permitting and design of the Swoope Site Improvements Project in the unbudgeted amount of \$165,000.

Approved per staff recommendation.

- E. Real Estate Brokerage Services/Commercial Properties – Approve entering into a contract with Harkins Commercial, Inc. of Sanford, Florida to provide real estate brokerage services for commercial properties. There is no funding appropriated for the proposed contract as it is anticipated that costs would be paid with a portion of the proceeds from the sale or lease of properties.

Approved per staff recommendation.

- F. Gateway Features/Intersections of S.R. 44 and I-95 & S.R. 44 & Canal Street – Approve the awarding of the bid to Thadcon Construction for the construction of the S.R. 44/I-95 & S.R. 44/Canal Street Gateway Feature Project, for a cost of \$1,388,583.02.

Approved per staff recommendation.

- G. Chisholm High School Alumni Association/Wall Naming Project – Approve the award of \$2,100 to the Chisholm High School Alumni Association, to go toward a project at the Babe James Community Center, which is planned to list the names of every student, teacher, administrator, custodian and cafeteria employee that either worked or attended Chisholm High School.

Approved per staff recommendation.

- H. 8th Amendment to Agreement for Consulting Services/Airport Engineering Company (AEC) – Approve the 8th Amendment to the Consulting Services Agreement with Airport Engineering Company (AEC) in order to all the purchase and installation of fuel farm equipment at the municipal airport, at a budgeted cost of approximately \$240,000.

Approved per staff recommendation.

- I. Bid Award/Flagler Avenue & Fairway Circle Pipelining – Approve the award of bid to Miller Pipeline Corporation for the repair/replacement of stormwater pipelining on Flagler Avenue, from Peninsula Drive to North Atlantic Avenue; and, between 6 and 8 Fairway Circle, at a cost of \$279,935.

Approved per staff recommendation.

- J. Part-time Grants Specialist Position – Approve the funding of a part-time Grants Specialist position in order to centralize the grant process and to ensure compliance with grant award requirements.

Approved per staff recommendation.

VII. Ordinances – Second Reading and Public Hearings:

- A. Annexation: Strahman/1569 Lewis Lane – Conduct the second reading and final public hearing of the following ordinances, which if adopted, would annex and assign City land use to approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane, as requested by Peggy Strahman, owner.
1. Ordinance No. 113-11 – Annexing approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane.

Adopted as submitted, per staff recommendation.

2. Ordinance No. 114-11 – Amending the Comprehensive Plan by changing land use on approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane from Volusia County Rural to City Rural land use designation.

Adopted as submitted, per staff recommendation.

- B. Ordinance No. 116-11/ Fire Pension Plan Restatement – Conduct the second reading and final public hearing of an ordinance, which if adopted, would amend and restate the City Firefighters' Retirement System.

Adopted as amended to reaffirm the length of Fire Pension Board member terms of appointment to two years.

- C. Ordinance No. 117-11/ Utilities Commission Series 2011 Revenue Certificates – Conduct the second reading and final public hearing of an ordinance, which if adopted, would approve the issuance by the Utilities Commission, City of New Smyrna Beach, of Utilities System Revenue Certificates in an aggregate principal amount not exceeding \$9,100,000.

Adopted as submitted, per staff recommendation.

- D. Ordinance No. 118-11/Budget Amendment – Conduct the second reading and final public hearing of an ordinance, which if adopted, would amend Ordinance No. 98-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2012.

Adopted as submitted, per staff recommendation.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 119-11/Budget Amendment – Conduct the first reading of an ordinance, which if adopted, would amend Ordinance Nos. 98-11 and 118-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2012.

Approved on first reading, per staff recommendation. Second reading and public hearing scheduled for the regular meeting on January 10, 2012.

X. Administrative Items/New Business:

- A. Resolution No. 49-11 – Consider adoption of a resolution supporting Police Officer and Firefighter Pension Plans and disability presumption reforms to make the plans sustainable, sound and secure for current and future police officers and firefighters.

Adopted per staff recommendation.

- B. Washington Street Streetscape Project – Discuss options and provide staff guidance regarding its recommendation to install a sidewalk on the north side of Washington Street, within the Florida East Coast Railway right-of-way for use as a railroad pedestrian crossing.

Staff directed to move forward with sidewalk infill on both sides of Washington, stopping on the south side of Washington Street on the west end of Demmick Street, and moving all the way east to U.S. Highway 1 (Dixie Freeway) on the north side of Washington Street. Staff further directed to begin the process to apply for funding from the Volusia County Transportation Planning Organization.

- C. Sub-recipient Agreement/Police Athletic League (P.A.L. Track Team) – Approve entering into a Sub-recipient Agreement with the Police Athletic League in order to reallocate Community Development Block Grant funds in the amount of \$5,000 from the remaining Pettis Park CDBG Funds to the P.A.L. track program.

Approved per staff recommendation.

- D. Extension of the “Teen Stipend” Program – Consider approval of a request from the K.C. Society to extending its “Teen Stipend” Program, as currently funded through the CDBG. The Community Development Block Grant Advisory Board and staff recommend funding be terminated and the remaining \$9,000 for the program be reallocated.

No action.

- E. Reallocation of CDBG Funds – Approve the recommended reallocation of CDBG Funds as follows: \$7,000 – Pettis Park Walkway; \$9,000 – Babe James Electronic Message Center Sign; and, \$23,307 – Replacement of dugouts at Pettis Park ball fields. If approved the reallocation would come from the following: \$5,000 – Boxing Program; \$5,000 – Track Program; \$9,307 – Teen Stipend Program; and, \$20,000 – Senior Stipend Program, all as recommended by the CDBG Advisory Board.

Approved per staff recommendation.

- F. Gateway Feature/Intersection of U.S. Highway 1 and Canal Street – Approve piggy-backing of the existing contract between the Florida Department of Transportation and Metric Engineering in the budgeted amount of \$38,554.85 for the submittal of a proposal to incorporate a gateway feature design at the intersection of U.S. Highway 1 and Canal Street. If approved, the project will be funded from CRA funds.

Approved per staff recommendation.

XI. Boards and Commissions:

- A. Building Trades Board – Consider the reappointment of two members to 3-year terms to expire January 1, 2015. The terms of members R. Grant Clark and Terry Harrison expire January 1, 2012.

Members R. Grant Clark and Terry Harrison was reappointed to three-year terms to expire January 1, 2015.

- B. Community Development Block Grant Advisory Board – Consider the appointment of a non-voting member to the remainder of a two-year term to expire March 29, 2013.

Robert Thomas was appointed as a non-voting member, to a term to expire March 29, 2013.

- C. Community Redevelopment Agency – Accept the resignation of member Thomas Williams.

Mr. Williams’ resignation was accepted, with regrets.

D. Planning and Zoning Board – Accept the resignation of member Laurene Herwald, and consider the appointment of a member to fill the vacant term to expire October 31, 2013.

Ms. Herwald's resignation was accepted, with regrets. Steven Casserly was appointed to fill Ms. Herwald vacant term that will expire October 31, 2013.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

8:15 p.m.

The foregoing summary of action is a true and accurate record of action taken by the New Smyrna Beach City Commission at its regular meeting on December 13, 2011, pending approval of the official minutes of the meeting.

Johnny R. Bledsoe, CMC, City Clerk