

**City of DeBary**  
**SPECIAL CITY COUNCIL MEETING**  
**AND EXECUTIVE SESSION**

**Wednesday**  
**February 25, 2009**  
**6:00 PM**

City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

Mayor Garcia called the meeting to order at 6:00 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norman Erickson, Council Member Van Conoley, Council Member Jack Lenzen, and Council Member Leonard Marks

**Others Present:** City Manager Maryann Courson, City Clerk Stacy Tebo, City Attorney Kurt Ardaman, and Assistant City Attorney Dan Langley

**III. Public Participation For Any Issues Not On the Agenda** - Citizen comments are limited to three minutes per speaker.

None.

**IV. Approval of Minutes**

None.

**V. Additions, Deletions, or Amendments to the Agenda**

**VI. Presentations**

None.

**VII. Consent Agenda**

*Agenda items marked with \* are considered routine matters or have been previously discussed by the City Council. All items are considered by one motion unless removed from the Consent Agenda by a member of the City Council.*

None.

**VIII. Public Hearings**

*Members of the Council should disclose for the record the substance of any ex-parte communication that has occurred before or during the public hearings for the following items:*

None.

## **IX. Growth Management and Development Review**

None.

## **X. Old Business**

1. Approval of Agreement for Personal Services for Grant Administration, Implementation and Acquisitions with Donald R. Ward & Associates, Inc.

Mr. Langley informed the Council that both the State Division of Emergency Management and Don Ward have approved the contract for personal services.

Vice Mayor Erickson made a motion to approve the agreement for personal services for grant administration, implementation and acquisition between the City of DeBary and Donald R. Ward & Associates, Inc. Council Member Conoley seconded. The motion passed unanimously.

Mr. Langley explained the federally funded subgrant agreement with the State to the Council.

Vice Mayor Erickson made a motion to approve to approve the federally funded subgrant agreement with the State of Florida Division of Emergency Management. Council Member Marks seconded, and the motion passed unanimously.

## **XI. New Business**

None.

## **XII. Council Member/Committee/Staff Reports**

1. Member Reports/Communications
  - A Mayor and Council Members

Council Member Lenzen informed the other members that at a recent Volusia County MPO meeting, they were discussing the submittal of projects. He asked the Council if they wished to submit a letter regarding the raising of US Highway 17-92.

The Council discussed Council Member Lenzen's request and agreed there is a need to raise the road.

Vice Mayor Erickson made a motion for the city manager to draft a letter to FDOT in reference to raising US Highway 17-92 in front of the entrance to DeBary Golf and Country Club. Council Member Marks seconded. The motion passed unanimously.

Council Member Marks reminded everyone that a stormwater workshop should be scheduled.

Mayor Garcia said he met with Deltona and Orange City regarding the possibility of regional fire services. He noted that the DeBary fire station is in very poor condition, and they are currently working on a list of deficiencies in the building. He informed the other members that DeBary submitted a request for \$12.2 million for the stimulus packet.

Mayor Garcia updated the Council regarding the Volusia Council of Government's (VCOG) resolution for the Volusia Growth Management Commission (VGMC). He stated that VCOG

forwarded it to Volusia County for direction, and then it would be given to the cities for consideration.

Council Member Conoley read aloud two letters he sent to the St. Johns River Water Management District.

B. City Attorney

Mr. Ardaman and Mr. Langley had nothing to report.

C. City Manager

Ms. Courson spoke briefly about watering restrictions and stated that the City does not have enforcement authority on violations because there is not a water conservation ordinance on the books.

**XIII. Business**

Request by City Attorney for Executive Attorney-Client Session to Discuss Pending Litigation Pursuant to Section 286.011(8), Fla. Stat. concerning DeBary Real Estate Holdings, LLC v. City of DeBary, Volusia County Circuit Court case no.: 2009-10280-CIDL and DeBary Real Estate Holdings, LLC v. City of DeBary, Volusia County Circuit Court case no.: 2009-10293-CIDL.

Mr. Ardaman requested advice from the Council concerning the two pending lawsuits and advised the Council that the plaintiff has failed to pay the City approximately \$27,000 in fees. He clarified that the fee is not part of the litigation, and if the Council chooses, it would be appropriate to discuss the matter prior to the executive session.

Mayor Garcia read aloud the persons attending the executive session, noted that the executive session would last approximately forty-five minutes, and closed the public meeting.

**XIV. Recess Public Meeting and Open Executive Attorney-Client Session with City Attorney**

Executive Attorney-Client Session (Closed to Public) to Discuss Pending Litigation concerning DeBary Real Estate Holdings, LLC v. City of DeBary, Volusia County Circuit Court case no.: 2009-10280-CIDL and DeBary Real Estate Holdings, LLC v. City of DeBary, Volusia County Circuit Court case no.: 2009-10293-CIDL.

Estimated Length of Session: 45 minutes.

Names of the Persons Attending: Mayor Bob Garcia, Vice Mayor Norm Erickson, Council Member Lenny Marks, Council Member Jack Lenzen, Council Member Van Conoley, City Manager Maryann Courson, City Attorney A. Kurt Ardaman, Assistant City Attorney Dan Langley, and Court Reporter.

**XV. Termination of Executive Session and Reopening of Public Meeting**

**XVI. Adjournment**

The meeting adjourned at 7:50 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**