

**City of DeBary**  
**CITY COUNCIL MEETING**  
**Wednesday**  
**July 15, 2009**  
**7:00 PM**  
City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

Mayor Garcia called the meeting to order at 7:00 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:** Acting City Manager Anthony Gonzalez, City Clerk Stacy Tebo, Finance Administrator Jimmie Seelbinder, 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.

Annette Mullins, 521 Lanyard Lane, voiced concern that an assisted living facility is opening across the street from her home, and said she did not understand how the City could allow it. Mr. Gonzalez said that Ms. Tebo could address the question. Ms. Tebo stated that Florida Statute 419.001(2) contains an exemption that allows the operation of an assisted living facility serving a maximum of six residents without approval from the local government.

George Coleman, 286 Deleon Road, spoke about the experience Mr. Gonzalez has gained during his employment at the City and asked the Council to consider it when making a decision on the city manager position.

**IV. Approval of Minutes**

None

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

**VI. Presentations**

1. Stephen Kintner – Environmental Management Director for Volusia County

Mr. Kintner discussed water conservation and the St. Johns River Management District (SJRWMD). He stressed the importance that all the entities involved share a similar ordinance to streamline public education and enforcement.

Vice Mayor Erickson discussed conservation versus growth with Mr. Kintner.

Council Member Marks spoke about the Water Authority of Volusia (WAV) and the uncertainty facing the group.

Council Member Conoley asked several questions of Mr. Kintner, including the duties of Mr. Kintner's department.

Mr. Kintner answered the questions and discussed in detail the duties of his organization. He said that his department's mission is to preserve, protect, and restore the region's unique environmental natural resources and improve and enhance the enjoyment and health of a growing population. He added that they strive to achieve a balance between the quality of the environment and the economic interests of the citizens. He stated that the department's goal is to ensure that development proceeds without compromising the environment; that to accomplish the goal each of the various program areas issue permits and conduct routine inspections for compliance with the County adopted minimum standards for environmental protection; and that through inter-governmental coordination, the Environmental Management Department also represents and assists with enforcement of select State and Federal regulations.

Mr. Gonzalez asked Mr. Kintner to explain the enforcement process.

The Council members thanked Mr. Kintner for attending the meeting to make a presentation.

#### **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 item:*

None.

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

None.

#### **X. Old Business**

None.

#### **XI. New Business**

1. Award of the Soft Shadow Lane Stormwater Capital Improvement Project, Bid No. 06-09.

Kevin Hare, construction engineer with GAI Consultants, discussed the general project and outlined the bidding process for the Council. He stated that of the fourteen bids received, CWB Contractors was the low bid at \$739,128.00; that the bids were reviewed for accuracy; that he performed a background check on the contractor by contacting previous customers; and that CWB Contractors is also working on other projects for the City of DeBary.

Mr. Hare recommend that as the lowest responsive and responsible bidder, CWB Contractors be awarded the contract for the sum of \$739,128.00; that GAI Consultants be awarded the inspection duties for the sum of \$62,050.00; and that a budget reserve of 4.35%, or \$32,152.10 be placed in a contingency fund for a total contract price of \$833,330.10. He added that the estimated time for completion of the project is 210 days.

Council Member Marks asked Mr. Seelbinder how much money is currently in the storm water fund. Mr. Seelbinder responded that there is 5.2 million dollars.

Council Member Lenzen said he would like to see a running tally of what funds are available in the future when the Council considers bid awards for stormwater projects.

Mr. Hare explained the reason the contractor has 210 days, including the need for utilities to be moved and the response time needed by the utility companies.

Council Member Conoley questioned Lynn Gibson, construction engineer with GAI Consultants, concerning inspection rates. Mr. Gibson responded and noted that it is not a customary practice for engineering firms to bid on jobs, and that instead, they respond to a request for qualifications.

Mr. Gonzalez explained the process for selecting an engineering firm. Mr. Gibson explained that GAI was selected by City Council to perform engineering services for a five-year period in 2005.

Vice Mayor Erickson made a motion to award the contract for the Soft Shadow Lane Stormwater Capital Improvement Project, Bid No. 06-09, to CWB Contractors in the amount of \$739,128.00 plus a contingency amount of \$32,150.10. Council Member Marks seconded, and the motion passed unanimously.

Vice Mayor Erickson made a motion for the acting city manager to negotiate with GAI for the lowest possible cost for construction engineering services, not to exceed \$62,050.00. Council Member Marks seconded the motion and said he would like a reduction of 7.3% to the engineering services; Council Member Conoley said he would like a 10% reduction. Mayor Garcia called for a vote, and the motion passed 4-1, with Council Member Conoley dissenting.

## 2. Proposal to purchase 300 Alexandra Woods Drive.

Mr. Gonzalez stated that the property was not included in the FEMA home buy-out program; that the listing broker estimated that it would cost approximately \$50,000 to \$70,000 to remove the mold and an additional \$300,000 for repairs to make the house livable; and that he recommends the City offer the bank \$25,000 for an as-is contract to purchase the property.

Mr. Langley informed the Council that the City would be responsible for homeowner association dues for the lots that they own following demolition of the structure, and that he would write a letter to the association asking them to waive the association dues.

Jeff Morosetti, 307 Alexandra Woods Drive, asked the purpose of purchasing the property and if the City would also need to purchase 306 and 308 Alexandra Woods.

David Hamstra, of Professional Engineering Consultants, stated that before Tropical Storm Fay, there was a plan for a pumping station in the area; that once the houses from the buy-out are

demolished, there would not be a need for the pumping station; and that the City might expand James Pond in the future.

Mr. Morosetti thanked the Council for their effort in the home buy-out program.

Mayor Garcia asked for a motion to purchase 300 Alexandra Woods Drive. Vice Mayor Erickson made a motion for the Acting City Manager to negotiate the purchase, not to exceed \$25,000. Council Member Lenzen seconded, and the motion passed unanimously.

3. Discussion of City Manager Contract and Procedures for Interviewing City Manager Applicants.

There was a lengthy discussion concerning the applicants' expenses for airfare, hotel, car rental and meals. There was consensus to pay the hotel directly to save money on sales tax, pay the applicant's airfare and car rental, and to require receipts prior to reimbursement.

The Council agreed to interview the applicants in Council Chambers on August 11<sup>th</sup> beginning at 1PM. Council Member Conoley made a motion to approve everything agreed to previously, and Council Member Marks seconded. The motion passed unanimously. The Council asked Ms. Tebo to notify the six candidates of the date and time to appear for the interview.

Council Member Conoley discussed his ideas for the new city manager contract with the other members.

Council Member Marks questioned a car allowance for the new city manager and mileage reimbursement to other City employees. He asked Mr. Seelbinder for a spreadsheet showing how much the City paid in mileage reimbursements from January 2008 thru July 2009.

The Council discussed requiring the new city manager to live in DeBary.

4. Discussion of Strategic Planning Steering Committee by Mayor Garcia.

Mayor Garcia said that he and the Moose Lodge funded the beginning stages to pay facilitator Mike Abels, and that an additional \$3,000 was needed to continue and complete the strategic plan.

Council Member Marks stated the Mayor's contribution creates a bad perception, as he would be paying for an activity he would ultimately be voting to approve. There was extensive discussion regarding private contributions and the strategic planning process.

Vice Mayor Erickson made a motion to extend the meeting by one hour. Council Member Marks seconded, and the motion passed unanimously.

Council Member Marks made a motion to continue the Strategic Planning Steering Committee process, to approve an expense of \$3,000 for the Committee, and to reimburse the Mayor and the Moose Lodge for their contributions. Council Member Lenzen seconded the motion. The motion passed 4-1, with Mayor Garcia dissenting.

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

1. Member Reports/Communications

#### A. Mayor and Council Members

Mayor Garcia informed the Council that approximately 250 fliers have been distributed to residents to notify them that construction is underway on the West Side Stormwater Project.

The Council discussed the upcoming issue of the fire services contract. Mr. Gonzalez informed the Council that he has been coordinating with both Orange City and Deltona; that the County has sent Orange City and Deltona a list of what equipment will be left in DeBary; and that he would send a list of questions compiled by Safety Coordinator Alan Williamson to the Council for their review. He added that there would be a workshop on July 22<sup>nd</sup> with Orange City and Deltona, so the two cities can finalize their proposals for fire services. The Council agreed to make a final decision on the fire services contract at the August 19<sup>th</sup> Council meeting.

Council Member Conoley said he had been to Orange City and Deltona concerning fire services. He added that he also e-mailed Captain Osowski regarding the law enforcement contract.

Vice Mayor Erickson asked when the forensic audit would begin. Mr. Seelbinder answered that he has already provided the auditor with data she has requested.

Vice Mayor Erickson discussed an editorial in the Orlando Sentinel concerning the commuter rail.

#### B. City Attorney

Mr. Langley reported on the Saxon Woods Stormwater Pond legal issue. He stated that the Saxon Woods Homeowners Association's insurance carrier is still investigating the facts; that they have hired an engineering firm, and they are expecting a report either the 24<sup>th</sup> or 25<sup>th</sup> of July; and that the City is currently in a holding pattern.

#### C. City Manager

Mr. Gonzalez thanked Mr. Seelbinder for his work on the annual budget for fiscal year 2009-2010, and stated the budget books are available for Council's review.

Mr. Gonzalez informed the Council that a group of volunteers are ready to paint Rob Sullivan Park, and the paint color needs to be selected. The consensus was to let Ms. Tebo select the color.

Mr. Gonzalez noted that three Council members would be on vacation the first week in August, and there would not be quorum to hold the regular meeting. Vice Mayor Erickson made a motion to cancel the first meeting in August. Council Member Conoley seconded, and the motion passed unanimously.

### **XIII. Adjournment**

The meeting adjourned at 11:44 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**