

City of DeBary
CITY COUNCIL MEETING
Wednesday
March 3, 2010
7:00 PM
City Council Chambers
16 Colomba Road
DeBary, Florida 32713

MINUTES

I. Call to Order

Vice Mayor Erickson called the meeting to order at 7:00 p.m.

II. Roll Call

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

Members Absent: Mayor Bob Garcia (excused)

Others Present: City Manager Dan Parrott, City Clerk Stacy Tebo, Safety Coordinator Alan Williamson, Parks and Recreation Director John Fletcher, City Attorney Kurt Ardaman, and Consultant Cassandra Blissett

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

Noble Livingston, owner of Salon Moxie on Enterprise Road, said he would like the Council to consider a renewal of the special rules for banner signs that were previously allowed in 2009 due to the economy.

Craig Cooper, 49 Glenview Road, put the Council on notice that he would be resigning as a member of the Orlandia Heights Neighborhood Improvement District.

IV. Approval of Minutes

1. Special City Council Meeting held July 29, 2009.
2. Regular City Council Meeting held August 19, 2009.

Vice Mayor Erickson made a motion for approval of both sets of minutes, and Council Member Marks seconded. The motion passed unanimously.

V. Additions, Deletions, or Amendments to the Agenda

Council Member Conoley requested the addition of the following four items: the concept of agency, direction to staff from Council members, the position of assistant city manager, and a question regarding a contract.

Vice Mayor Erickson stated that the four items could be added to New Business as numbers four, five, six and seven. Council Member Conoley made a motion to approve the amended agenda, and Council Member Marks seconded. The motion passed unanimously.

VI. Presentations

1. Fire Tender Update by Alan Williamson.

Safety Coordinator Alan Williamson outlined the features of the new fire tender for the Council. He explained the diagram he provided and noted the extra features for the audience.

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:

1. Ordinance #03-10 – Second Reading – Amending the Land Development Code to Prohibit the Establishment and Operation of Card Rooms within the City of DeBary.

Mr. Ardaman read Ordinance #03-10 aloud by title.

Council Member Lenzen stated that he believes gambling is a morality issue, and he does not feel it is his place as a Council member to weigh in on the issue.

Vice Mayor Erickson made a motion to approve Ordinance #03-10, and Council Member Marks seconded. The motion passed 3-1, with Council Member Lenzen dissenting.

2. Resolution #10-10 – Amending Resolution #08-14 to Provide for a Change to the Agenda to Conduct City Council Meetings.

Mr. Ardaman read Resolution #10-10 aloud by title.

Vice Mayor Erickson stated his reasons for requesting the resolution. Mr. Parrott explained that the committee reports would be moved from item twelve to item number three.

Vice Mayor Erickson made a motion for approval, and Council Member Lenzen seconded. The motion passed unanimously.

3. Resolution #10-11 – Changing Signatories for Orlandia Heights Neighborhood Improvement District.

Mr. Ardaman read Resolution #10-11 aloud by title.

Vice Mayor Erickson made a motion for approval, and Council Member Marks seconded. The motion passed unanimously.

XI. Growth Management and Development Review

None.

X. Old Business

1. Approval of Engineering Contracts for Finley Engineering, Pegasus Engineering, CPH Engineers, and Quentin L. Hampton and Associates.

Consultant Cassandra Blissett explained the RFQ process for the Council.

Council Member Conoley said he would like to separate the engineering firms and vote on each contract separately.

Council Member Conoley moved to approve the contract with CPH Engineers, and Vice Mayor Erickson seconded. The motion passed unanimously.

Council Member Conoley moved to approve the contract with Pegasus Engineering, and Council Member Marks seconded. The motion passed unanimously.

Council Member Lenzen moved to approve the contract with Finley Engineering, and Vice Mayor Erickson seconded. The motion passed unanimously.

Vice Mayor Erickson moved to approve the contract with Quentin L. Hampton and Associates, Inc., and Council Member Conoley seconded. The motion passed unanimously.

2. Award of Bid #07-09 for the Three Lake Interconnect Projects and Community Drive Stormwater Capital Improvement Project.

Construction Engineer Kevin Hare outlined the bid process for the Council and recommended that the bid be awarded to F.E. Development Recycling, Inc.

Vice Mayor Erickson entertained a motion for approval. Council Member Marks made a motion to approve a total budget amount of \$268,288.68 for the Three Lake Interconnect Projects and Community Drive Stormwater Capital Improvement project, Bid No. 07-09, which is the summation of the F.E. Development Recycling, Inc. low bid amount of \$250,737.08 plus the contingency reserve of \$17,551.60. Vice Mayor Erickson seconded. The motion passed unanimously.

3. Award of Construction Engineering Inspection Services for the Three Lake Interconnect Projects and Community Drive Stormwater Capital Improvement Project.

Vice Mayor Erickson moved to approve the award to Quentin L. Hampton and Associates, Inc. Council Member Lenzen seconded. The motion passed unanimously.

XI. New Business

1. Approval of Final Payment to Masci Construction for the Magnolia/Aster/Dahlia Stormwater Capital Improvement Project.

Mr. Hare explained that unknown underground utilities were encountered during construction of the Magnolia/Aster/Dahlia project; that as a result of the unforeseen conditions, additional costs were incurred to resolve utility conflicts; that pavement restoration was required due to re-alignment of the system; that the City requested Masci Construction install asphalt curb at two locations to address localized drainage issues requested by residents, adding cost to the project; and that the net cost of the project over the original budgeted amount was \$25,669.07.

Council Member Lenzen asked how utilities could be unknown. Mr. Hare answered that in the past, things have been constructed in an alternate place from where the plans have shown, sometimes over a few feet or perhaps at a different depth than was anticipated. He added that when the contractor starts digging, they find that the lines are actually somewhere different than where they are shown on the plans. He said that when there is work in a congested area with numerous utilities, there also has to be room for required clearance.

Council Member Lenzen made a motion to approve the final payment of \$49,104.22 to Masci Construction Inc. for the Magnolia/Aster/Dahlia Stormwater Capital Improvement Project. Council Member Marks seconded. The motion passed unanimously.

2. Award of Bid #01-10 for CDBG Grant Project at Rob Sullivan Community Park.

Parks and Recreation Director John Fletcher explained the bid process and recommended the bid be awarded to Whitehouse Contracting, LLC. He noted that the project would be fully grant funded, and the City would not have to contribute any funds.

Vice Mayor Erickson made a motion to approve the award to Whitehouse Contracting for a bid amount of \$43,628.78, and Council Member Marks seconded. The motion passed unanimously.

3. Discussion of VCOG by Council Member Conoley.

Council Member Conoley voiced his opinion regarding VCOG and asked what DeBary's membership in VCOG does for its residents. He noted that the City's VCOG membership is paid by taxpayers.

Council Member Conoley made a motion for DeBary to cease to be a member of VCOG. Vice Mayor Erickson seconded for discussion.

Vice Mayor Erickson shared his experience attending a recent VCOG meeting.

There was discussion regarding smart growth.

Council Member Lenzen said that DeBary should not bury its head in the sand, and it is important for the City to be involved with what goes on in the rest of Volusia County. He added that the Volusia cities have common goals and interests, and the relationships should be fostered.

Vice Mayor Erickson called for a vote on the motion. The motion failed 2-2, with Council Member Lenzen and Vice Mayor Erickson dissenting. Council Member Conoley and Council Member Marks voted in favor of the motion.

4. Concept of Agency.

Council Member Conoley said there was a letter sent out on City letterhead dated February 24, 2010, which was signed by Ms. Blissett as an agent of the City. He voiced concern that she is a consultant to the City, and she should not be represented as an agent of the City.

Mr. Parrott said he asked Ms. Blissett to send a letter to some homeowners, and he assigned the duty to her.

Mr. Ardaman stated that it is a management question; that in the letter, Ms. Blissett identifies herself as a consultant to the City; and that from a legal standpoint, there is not a problem with her signing the letter as a consultant.

5. Direction to Staff from Council Members

Council Member Conoley stated that the Council gives direction to the city manager and the city attorney only. He added that the city manager directs all the employees, and not the Council.

6. Position of Assistant City Manager

Council Member Conoley made a motion not to fund the assistant city manager position for six months, and Vice Mayor Erickson seconded.

There was a discussion regarding the assistant city manager position and the need for one.

Council Member Marks stated it should be the city manager's decision regarding whether he needs an assistant or not. Council Member Lenzen agreed.

Mr. Parrott stated that he had planned on presenting recommendations to Council on March 17th.

Council Member Conoley requested that Vice Mayor Erickson removed his second in light of what Mr. Parrott stated.

Mr. Parrott requested that the Council extend Ms. Blissett's contract through March 17, 2010. Vice Mayor Erickson moved to approve Mr. Parrott's request. Council Member Lenzen seconded, and the motion passed unanimously.

7. Question Regarding a Contract

Council Member Conoley said he was finished and did not need to ask his question.

XII. Council Member/Committee/Staff Reports

1. Board / Committee Appointments

Historic Preservation Advisory Board

Ken Webster

Council Member Lenzen

Council Member Lenzen made a motion to reappoint Ken Webster. Vice Mayor Erickson seconded, and the motion passed unanimously.

2. Member Reports/Communications

A. Mayor and Council Members

Vice Mayor Erickson stated that he read a newspaper article regarding an AutoZone planned for DeBary, and he had not previously heard anything about it. He pointed out an interesting article in the Florida Trend magazine regarding the pros and cons of Amendment Four.

Council Member Marks thanked Mr. Parrott for his weekly updates and said he would like to bring it up on the next agenda. He informed the Council that he has been working with Colleen Chamberlain on the Census presentation to the various homeowner associations in DeBary.

Council Member Conoley said he attended the recent city manager interviews in Orange City, as well as an African American celebration. He also discussed public records.

Council Member Lenzen said he attended the recent MPO meeting, and there is a great interest on the east side to connect to commuter rail.

Vice Mayor Erickson said the joint meeting with the Economic Development Advisory Committee went really well. He reminded everyone that the Little League Opening ceremony and Riverfest would be held on Saturday.

B. City Manager

Mr. Parrott said he received a letter from Congressman Mica asking if DeBary has a project, and he suggested the widening of Dirksen Drive. Council Member Marks made a motion to approve Mr. Parrott's pursuit of the widening of Dirksen Drive through Congressman Mica, and Council Member Conoley seconded. The motion passed unanimously.

C. City Attorney

Mr. Ardaman informed the Council that the DiTaranto lawsuit was served on the City. He said he spoke with both attorneys representing the mobile home park and the Art League.

XIII. Adjournment

The meeting adjourned at 10:04 p.m.

**APPROVED
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk