

City of DeBary
CITY COUNCIL MEETING
Wednesday
April 21, 2010
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 7:03 p.m.

II. Roll Call

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

Others Present: City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, City Clerk Stacy Tebo, Neighborhood Improvement Officer Dave Hooker, and City Attorney Kurt Ardaman

III. Committee Reports

1. Update on Economic Development Advisory Committee by Vice Chair Val Emerson.

Vice Chair Emerson addressed the Council and provided an update on the recent Committee meeting. She stated that the Committee discussed the progress of the City brochure, various development incentive programs offered by other cities and counties, the business workshop, the suggestion that a business association be formed in DeBary, and the Comprehensive Plan update and its Economic Development Element.

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

Donald McGrath, 116 Lower Lake Court, congratulated the Council on the progress being made on the Westside stormwater project. He cautioned the Council to fully consider the signage the City allows.

V. Approval of Minutes

1. Regular City Council Meeting held October 7, 2009.
2. Regular City Council Meeting held October 21, 2009.
3. Regular City Council Meeting held November 4, 2009.
4. Regular City Council Meeting held November 18, 2009.

Mayor Garcia entertained a motion for approval of all sets of minutes. Vice Mayor Erickson moved to approve all of them, and Council Member Marks seconded. The motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

Mr. Parrott recommended that the Council table Item #2 under Public Hearings. Vice Mayor Erickson made a motion to table Resolution #10-15 until May 5, 2010 at 7:00 p.m. Council Member Lenzen seconded. The motion passed unanimously.

VII. Presentations

1. Certificate of Appreciation to Colleen Chamberlain.

Mayor Garcia read the certificate aloud and presented it to Colleen Chamberlain. He thanked Ms. Chamberlain for the many hours she dedicated to encouraging DeBary citizens to participate in the 2010 Census.

Ms. Chamberlain thanked the citizens of DeBary for their participation. She presented Council Member Marks with a plaque in appreciation for his assistance and said she could not have done it without him.

VIII. 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.

IX. 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 #04-10 – Second Reading – Clarifying Provisions of the City Charter Relating to Council Vacancies.

Mr. Ardaman read Ordinance #04-10 aloud by title.

Vice Mayor Erickson made a motion to approve Ordinance #04-10, and Council Member Lenzen seconded. The motion passed unanimously.

2. Resolution #10-15 – Amendment to the DeBary Corner Business Planned Unit Development Located at the Northeast Corner of U.S. Highway 17-92 and Highbanks Road.

This item was tabled to May 5, 2010 at 7:00 p.m.

X. Growth Management and Development Review

1. Request for Reduction / Abatement of a Code Enforcement Lien – Located at 263 DeBary Drive.

Neighborhood Improvement Officer Dave Hooker explained that the property was foreclosed, and Fannie Mae is asking for the lien to be reduced to administrative costs.

Vice Mayor Erickson made a motion to reduce the lien to \$337.54 payable within thirty days. Council Member Lenzen seconded, and the motion passed unanimously.

XI. Old Business

1. Discussion of Process to Fill Vacant Council Seat.

Mayor Garcia excused himself for a few minutes. Vice Mayor Erickson took over chairing the meeting and called for those who submitted speaker cards.

George Coleman, 286 Deleon Road, suggested that there might be a violation of the City Charter because there are not five seated Council members.

Mayor Garcia returned to the Chambers.

Mr. Ardaman stated that there is not a prohibition against the Council meeting with a member missing, and the Council may act at its leisure.

There was discussion regarding verbiage in the City Charter.

Donald McGrath, 116 Lower Lake Court, asked if the Council would appoint an interim Council member during the meeting and asked for clarification of the process.

There was consensus for each Council member to submit two names to Mr. Ardaman at the May 5th meeting.

XII. New Business

1. Approval of Task Order for Rob Sullivan Community Park ECHO Grant Improvements.

Ms. Blissett stated that the City received ECHO funding for the improvements; that the City already received FRDAP funding of \$112,500, which counts as a match for the ECHO funding; that the City's portion would be \$61,050; and that staff recommends approval of the task order to Quentin Hampton for the CEI services.

Vice Mayor Erickson made a motion to approve the task order with QLH Associates, Inc. for bidding phase services, including specifications, for the Rob Sullivan Community Park ECHO grant improvements for a price not to exceed \$5,920. Council Member Lenzen seconded, and the motion passed unanimously.

2. Change Order #2 for the Monroe Avenue, Catalina Drive and Pond OS Stormwater Capital Improvement Program.

Construction Engineer Kevin Hare explained the need for the change order to the Council. He said that the change order is comprised of three separate items resulting from unknown and unforeseen field conditions that require additional work by the contractor. He recommended that

the change order be approved in the amount of \$116,103.40 with the extra ninety days added to the contract.

Vice Mayor Erickson made a motion to approve the change order, and Council Member Marks seconded. The motion passed unanimously.

3. Change Order #6 for the West Side Emergency Flood Management System.

Mr. Hare explained that the change order is for the purpose of Phase Six of the project; that initially, the force main was to connect to FDOT, and after advertisement for bids, FDOT determined that the City's force main should not connect to its existing drainage system necessitating an alternate route; and that it should be completed by the end of the summer.

Vice Mayor Erickson voiced concern regarding the unbudgeted change orders.

Vice Mayor Erickson made a motion to approve change order number six for the amount of \$180,964.80. Council Member Marks seconded. The motion passed unanimously.

4. Change Order #8 for the West Side Emergency Flood Management System.

Mr. Hare stated that the change order is comprised of modifications to the project scope due to changed, unforeseen, and unknown conditions related to the entrance pond of the DeBary Golf and Country Club.

Vice Mayor Erickson made a motion to approve the change order, and Mayor Garcia seconded. The motion passed unanimously.

Council Member Lenzen asked for clarification on FDOT. Mayor Garcia asked Stormwater Engineer David Hamstra to address Council.

Mr. Hamstra explained Miller Lake, FDOT, and the various connections and outfall in the area.

XIII. Council Member/Staff Reports

1. Board/Committee Appointments
MPO Citizen Advisory Committee At-Large

There was Council consensus to reschedule the appointment for the May 5th meeting.

2. Member Reports/Communications
A. Mayor and Council Members

Mayor Garcia said he would be meeting with the St. Johns River Water Management District on the restoration of Gemini Springs.

Vice Mayor Erickson suggested tasking the Economic Development Advisory Committee with establishing and fostering communication with the DeBary Business Group.

Vice Mayor Erickson said a citizen talked to him about the Council on Aging. Mr. Parrott said he would meet with Vice Mayor Erickson and bring a representative to make a presentation to Council.

Vice Mayor Erickson informed the Council that he attended the VCOG Smart Growth workshop. He added that he made a suggestion at the workshop that they have a smart growth representative rather than a facilitator to answer the real questions.

Vice Mayor Erickson spoke about the Farmton issue and DCA's response.

Council Member Marks asked for the status of the appeal on the reimbursement of the May Storm event. Mr. Parrott answered that FEMA has not modified their \$19,000 reimbursement figure.

Council Member Lenzen said he would be attending the MPO meeting in the next week.

Mayor Garcia thanked Barbara Poulton for her work on the website and newsletter to publicize the 2010 Census.

B. City Manager

Mr. Parrott had nothing to report.

C. City Attorney

Mr. Ardaman requested the scheduling of an executive session due to the Hazen litigation. The Council agreed to schedule it at 6pm on May 5th.

Mr. Ardaman updated the Council on the DiTaranto lawsuit.

XIV. Adjournment

The meeting adjourned at 9:06 p.m.

**APPROVED
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk