

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**September 1, 2010**  
**7 PM**  
City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call To Order**

Mayor Garcia called the meeting to order at 7:02 p.m.

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norm Erickson (late), Council Member Lita Handy-Peters, Council Member Jack Lenzen, and Council Member Leonard Marks

**Others Present:** City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, City Clerk Stacy Tebo, Finance Administrator Jimmie Seelbinder, and City Attorney Kurt Ardaman

**III. Committee Reports**

None.

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

Dan Hunt, 115 Colomba Road, congratulated the candidates on the recent primary election.

Thomas S. Marshall, Sr., 301 Glen Club Drive, voiced concern that the 50+ Club for senior citizens had been discontinued. Mr. Parrott explained that the program cost is \$4,000 per year, and the Civic Center offered to provide the program for free.

Danny Allen, 140 Fort Florida Road, spoke about the proposed transit oriented development and said he was concerned about the regulations discussed at the prior workshop.

**V. Approval of Minutes**

1. City Council Workshop held June 29, 2010.
2. Regular City Council Meeting held July 7, 2010.

Council Member Lenzen moved to approve both sets of minutes as presented. Council Member Handy-Peters seconded, and the motion passed 4-0.

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

None.

## **VII. Presentations**

None.

## **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 #06-10 – First Reading – Adopting International Property Maintenance Code.

Mr. Ardaman read Ordinance #06-10 aloud by title.

Mr. Blissett stated that in recent years, staff has come across properties that have been vacated and left in an abandoned state due to foreclosure, fire, flood, etc.; that the Florida Building Code only requires the minimum standards of construction of a dwelling or structure; that once the construction is complete, the FBC has no other method of maintenance of the structure; that over the years, especially now with the current economic environment, staff has discovered that DeBary's adopted codes are lacking in protecting property values; that with the adoption of the code, it will fill in many holes that the adopted codes lack; and that it would allow staff to take immediate action, where in the past they have not been able to.

Council Member Handy-Peters made a motion to approve Ordinance #06-10 on first reading, and Council Member Lenzen seconded. The motion passed 4-0.

2. Resolution Numbers 10-21, 10-22, 10-23, and 10-24 – Adopting Non-Ad Valorem Assessment Rolls for Solid Waste Collection, Streetlighting Districts, Stormwater, and Orlandia Heights Neighborhood Improvement District.

Mr. Ardaman read Resolution #10-21 aloud by title.

Council Member Lenzen made a motion to approve Resolution #10-21, and Council Member Handy-Peters seconded. The motion passed 4-0.

Mr. Ardaman read Resolution #10-22 aloud by title.

Council Member Handy-Peters made a motion to approve Resolution #10-22, and Council Member Lenzen seconded. The motion passed 4-0.

Mr. Ardaman read Resolution #10-23 aloud by title.

Council Member Handy-Peters made a motion to approve Resolution #10-23, and Council Member Lenzen seconded. The motion passed 4-0.

Mr. Ardaman read Resolution #10-24 aloud by title.

Council Member Lenzen moved to approve Resolution #10-24, and Council Member Handy-Peters seconded. The motion passed 4-0.

Vice Mayor Erickson arrived at this time.

**X. Growth Management and Development Review**

None.

**XI. Old Business**

None.

**XII. New Business**

1. West Side Emergency Flood Management System – Change Order No. 13 - Phase VI, Revise Force Main Installation Method to Directional Drill.

Mr. Parrott explained that construction of the stormwater force main by the open cut trenching method would require closing a lane on US Highway 17/92 for approximately two months, and business entrances at Dogwood Trail and US Highway 17/92 would be temporarily restricted or closed. He added that the change consists of installing the sixteen-inch diameter stormwater force main by the directional drilling method, which would improve safety in the work zone on US Highway 17/92, while minimizing the affect of the construction to businesses and vehicle traffic on US Highway 17/92.

Council Member Lenzen made a motion to approve Change Order 13, and Council Member Handy-Peters seconded. Council Member Lenzen said it would be a problem to close US Highway 17-92, and Dogwood Trail is a major intersection.

Council Member Marks asked if the change order would expedite the project. Mr. Parrott responded that it would reduce the time frame by forty days.

Mayor Garcia called for a vote on the motion to approve the change order, and it passed unanimously.

2. Change Order No. 3 for Monroe Avenue, Catalina Drive and Pond OS Stormwater Capital Improvement Project.

Mr. Parrott stated that excavation of the intersection at Shell Road and Catalina Drive revealed that an existing twenty-inch reclaimed water main had been installed more than five feet lower than information provided to the designer of the project; that the variation placed the proposed stormwater piping in conflict with the existing reclaimed water main; that Shell Road had been closed to all traffic at Catalina Drive during the extensive excavation of the intersection; and that in order to restore the intersection for vehicle traffic, he went ahead and ordered the work completed.

Council Member Lenzen made a motion to approve Change Order No. 3, for the Monroe Avenue, Catalina Drive and Pond OS Stormwater Capital Improvement Project in the amount of \$7,232.00. Council Member Handy-Peters seconded, and the motion passed unanimously.

Mr. Parrott noted that Shell Road would be paved Thursday and Friday by Briar, and he hoped to have the road open by the weekend.

3. Proposal from Pegasus Engineering for Final Design and Permitting of the Lakeside Phase II Stormwater Improvements.

Mr. Parrott said the flow testing on Phase Five is not yet completed, and he would like to postpone the item until the September 15<sup>th</sup> meeting.

4. Proposal from Edmonds & Associates for Accounting Software.

Mr. Seelbinder explained the process he went through to locate new software for the City and recommended approval of the Edmonds & Associates proposal.

Mr. Parrott stated that Edmonds came to city hall and did a presentation; that the software is Microsoft compatible; and that the software is not top of the line, but it would meet the City's needs now and in the future.

Council Member Handy-Peters made a motion that the Council authorize the Mayor to enter into contract with Edmonds & Associates for a Windows-based application software and services in the amount of \$14,375. Council Member Lenzen seconded, and the motion passed unanimously.

5. Consideration of Recommendation from the Streetscape Advisory Committee Regarding the Adopt-a-Planter Program.

Ms. Blissett stated that Committee members unanimously approved the recommendation to prohibit artificial plants in the planters; that the City's Adopt-a-Planter program has been in place for several years; that there is an existing agreement, conditions and a list of suggested plant materials; and that if the Council approves the proposed recommendation, it would be incorporated into the existing conditions of the Adopt-a-Planter program.

Council Member Lenzen made a motion to approve the Committee's recommendation. Council Member Handy-Peters seconded, and the motion passed unanimously.

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

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

Council Member Handy-Peters suggested that the City become a member of the National League of Cities (NLC) for \$1200, and they would offer all the citizens a prescription card to save twenty percent without limits or fees. Mr. Parrott said he used the program in another city he worked for, and it saved the citizens over \$26,000 in the first year. He added that the NLC would provide the City with a quarterly report noting the savings for the City.

Vice Mayor Erickson said he would like it placed on a future agenda for a vote. There was consensus to place it on the Council's agenda.

Council Member Lenzen discussed the recent RaceTrac public hearing and said they might have considered giving the applicant more time given the money that was invested to have their experts present for the hearing. Vice Mayor Erickson responded that it was a broad land use change request, and they were getting into final site plan type questions. He added that a Council member could have made a motion to allow the applicant additional time. Mr. Ardaman noted that the applicant said he would like fifteen minutes, and the Council allowed him fifteen minutes.

Mayor Garcia said the dedication ceremony for the West Side Emergency Flood Management System went very well. He said that he spoke with Congressman Mica regarding scheduling a summit for the Bayou restoration. He also informed the Council that he was served a lawsuit filed by Highland Country Estates, and he forwarded it to Mr. Parrott and Mr. Ardaman.

**B. City Manager**

Mr. Parrott had nothing to report.

**C. City Attorney**

Mr. Ardaman explained the lawsuit referenced by Mayor Garcia and said he sent it to the League of Cities, as they are the City's insurance provider. He added that he would send a letter to the Gateway Center for the Arts because they have agreed through their sublease to hold the City harmless.

Mr. Ardaman said he received a letter earlier in the day from the County Attorney's office regarding a scrivener's error on the attachment to the County contract with respect to Animal Control and Mosquito Control. He added that all the numbers remain the same as the contract previously approved by Council, and the County only revised verbiage in the attachments.

Mr. Parrott said he had no problem with the County's requested changes.

Council Member Marks made a motion to authorize Mr. Parrott and Mayor Garcia to execute the revised agreement. Council Member Lenzen seconded, and the motion passed unanimously.

**XIV. Adjournment**

The meeting adjourned at 7:58 p.m.

**APPROVED  
CITY OF DeBARY  
CITY COUNCIL**

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**Bob Garcia, Mayor**

**ATTEST:**

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**Stacy Tebo, City Clerk**