

City of DeBary
REGULAR CITY COUNCIL MEETING
Wednesday
March 2, 2011
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 Jack Lenzen, Council Member Chris Carson, Council Member Dan Hunt, and Council Member Nick Koval

Others Present: City Manager Dan Parrott, Assistant City Manager Cassandra Blissett, City Clerk Stacy Tebo, and City Attorney Kurt Ardaman

III. Committee Reports

Danny Allen, VGMC Representative, provided an update to the Council regarding rules and procedures being considered by the Commission.

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

Ryan Rinaldo, 161 W. Highbanks Road, spoke about a common sense budget approach and suggested a hiring freeze.

Roger VanAuker, Riviera Bella representative, asked the Council to allow temporary directional signage to Riviera Bella on US Highway 17-92.

Mort Culligan, 66 Tanglewood Road, voiced concern regarding the City's debt and budget.

George Coleman, 286 Deleon Road, spoke about VGMC and said the City previously passed an ordinance stating the Council could remove a member at any time, regardless of the term set by VGMC.

V. Approval of Minutes

1. City Council Workshop held February 16, 2011.
2. Regular City Council Meeting held February 16, 2011.

Council Member Koval moved to approve the minutes as presented. Council Member Carson seconded, and the motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

None.

VII. Presentations

1. Randell Brown of the Florida Department of Financial Services Representing Chief Financial Officer Jeff Atwater.

Mr. Brown spoke about the new priorities the Department of Financial Services is addressing including fraud and a focus on consumer protection.

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 hearing for the following item:

1. Resolution #11-04 – Approval of LAP (Local Agency Program) Agreement with FDOT for Emergency Signal at the Corner of Colomba Road and US Hwy 17-92.

Mr. Ardaman read Resolution #11-04 aloud by title.

Ms. Blissett stated that the emergency signal project will consist of the construction of an emergency signal and mast arm in front of the existing fire station on US Highway 17-92; that the designing of the project will be performed under one of the continuing service contracts for engineering; that the actual construction costs associated with the signal and CEI services qualify for the FDOT funding up to \$190,000; and that the design of the emergency signal will be completed and approved by FDOT prior to the execution of the LAP Agreement in July.

Council Member Hunt made a motion to approve Resolution #11-04, and Council Member Koval seconded. The motion passed unanimously.

X. Growth Management and Development Review

None.

XI. Old Business

None.

XII. New Business

1. Bid No. 03-10, Lake Anna Maria, Lake Maud, Lake Olivia, and Lake Susan Stormwater Outfall System Change Order #1 – Wisteria/Cosmos Intersection Drainage Improvements and Shell Road Drainage at Pond OS.

Mr. Parrott stated that Change Order #1 is comprised of two elements and explained them to the Council. He recommended that Council approve the LAMMOS Change Order 1, Item 1 (\$51,464.00) plus Item 2 (\$9,647.00) for a total amount of \$61,111.00. He added that funding for the change order is available in the Capital Improvement Program Fund.

Council Member Hunt made a motion to approve Change Order #1 as recommended by Mr. Parrott, and Vice Mayor Lenzen seconded. The motion passed 4-1, with Council Member Koval dissenting.

2. Approval of Temporary Construction Easement for Construction of US 17-92 and West Highbank's Mast Arm.

Mr. Parrott stated that Council approved the construction of the Mast Arm Project in this fiscal year's budget; that the project will construct a right turn lane for West Highbank's traffic to turn onto US Highway 17-92; that the existing signals will be mounted on mast arms as part of the project; and that to accomplish the project two property owners, Mr. Scott Bechir and Mrs. Judy Schuler, have consented to grant the temporary construction easement.

Council Member Koval made a motion to approve the temporary construction easement and authorize the Mayor to execute the easement documents. Council Member Carson seconded. The motion passed unanimously.

3. Approval of Agreement to Close Ingress and Egress from the Schuler Property from and onto West Highbanks Road.

Mr. Parrott stated that during the plan review process FDOT required the closure of the eastern most access of the Schuler Property to West Highbanks; that the project required a Reciprocal Joint Driveway and Cross Access Easement Agreement be executed between Mr. Scott Bechir and Mrs. Judy Schuler; that both parties have executed the agreement which includes a Temporary Construction Easement granted by both parties to the City; that in exchange for closing the access to West Highbanks and providing the Reciprocal Joint Driveway and Cross Access Easement, both of which were essential in allowing the project to move forward, the City has agreed to pay \$8,000 in legal fees incurred by Mrs. Judy Schuler on the project and compensate Mr. Scott Bechir \$2,500 for the loss of one parking space and to pay for the cost of relocating his existing sign; and that he recommends approval of the agreement.

Council Member Hunt made a motion to approve the agreement and authorize the Mayor to execute the document. Council Member Koval seconded. The motion passed unanimously.

XIII. Council Member/Staff Reports

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

Mayor Garcia said he toured the new business incubator earlier in the day and is very excited about it. He said he attended the VCOG meeting, and the main topic was water. He noted there are two different rail projects; he explained that one is high speed rail, and the other one is commuter rail which is also called SunRail. He reminded everyone of the upcoming ribbon cutting ceremony at Rob Sullivan Community Park.

Council Member Carson said that the Council should work with Riviera Bella and the other City businesses to help them succeed. He suggested a Facebook page for the City of DeBary. He said the first community events meeting was well attended, and there would be another meeting the following evening at the Swamp House Grill.

Council Member Koval said he would like to discuss the sign code at the next workshop. He said he attended the SunRail forum in Orlando. He informed the Council that he is still working on the banking program for schools.

Council Member Hunt thanked Mayor Garcia for his attendance at the Blue & Gold Dinner for the Cub Scouts. He spoke about the importance of the City's parks and said he would continue to support the parks. He pointed out that Bill Keller Park is everyone's favorite place to play baseball and softball, and other cities are envious of DeBary's beautiful park.

Vice Mayor Lenzen said he would attend the Executive TPO meeting the next Monday. He encouraged the rest of the Council to participate in Tallahassee Days on March 23rd.

B. City Manager

Mr. Parrott had nothing to report.

C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting adjourned at 8:50 p.m.

**APPROVED March 16, 2011
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk