

City of DeBary
CITY COUNCIL MEETING
Wednesday
June 17, 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 7:02 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, Neighborhood Improvement Officer Dave Hooker, and Assistant City Attorney Dan Langley

III. Public Participation For Any Issues Not on the Agenda – Citizens are limited to three minutes per speaker.

Steve Costa, 101 Curry Rise Court, addressed the Council regarding the pass-through ordinance and asked the Council to explore the possibility of a flat fee. The Council discussed that they could ask the new Economic Development Advisory Committee to review it. Mayor Garcia asked Mr. Gonzalez to provide copies of the ordinance to Council.

Mike Kolba, 441 Quail Meadow Court, asked the Council about a rumor concerning the extension of Donald Smith and Saxon Boulevard and voiced concern regarding eminent domain. Mayor Garcia reassured him that he would make every effort to ensure the extensions do not go through. Mr. Kolba thanked the Council for their support regarding Quail Lake and asked for improved communications between the City and the residents.

Paul Setteducati, 449 Quail Hill Drive, said he appreciates the pre-emptive strike against flooding and requested improved communications with the citizens to avoid surprises. He asked the Council to ensure all parties are updated and a schedule made available.

James Ransom, 516 Quail Lake Drive, asked the Council if they would agenda the FEMA Flood Plain letter of June 10th. He said he would like the Council to discuss it at a

meeting and open it up for public discussion. Mr. Gonzalez said that Mr. Hamstra would discuss it during his presentation that evening.

IV. Approval of Minutes

1. Regular City Council Meeting held March 4, 2009

Council Member Conoley made a motion to approve, and Council Member Marks seconded. The motion passed unanimously.

V. Additions, Deletions or Amendments to the Agenda.

Council Member Conoley said he would like to add an item under New Business to specify a date and time certain to begin the analysis for a new City Manager. The Council agreed.

Vice Mayor Erickson asked that Item 10, Old Business, (2), Fire Services Transition be moved to follow the stormwater presentation. The Council agreed.

VI. Presentations

1. Stormwater Pumping Update by David Hamstra of Professional Engineering Consultants, Inc.

Mr. Hamstra spoke about the citywide FEMA letter of map revision (LOMR) to properly depict the floodplains within the City. He stated that the updated floodplain mapping delineations would help determine if an area is prone to flooding; that it would alert citizens if they are in the floodplain, so that they could consider buying flood insurance; and that they mailed 684 letters to residents to notify them of mapping changes.

He updated the Council on the May Severe Event. He stated that there are 27 pumps deployed and running; that the rented pumps have to be returned starting in June; that FEMA declared the May Severe Event disaster DR-1840-FL; and that he is requesting the reinstatement of Resolution 09-07 to continue emergency pumping.

The Council agreed to keep the necessary pumps in place for the next thirty days, and Vice Mayor Erickson made a motion to extend Resolution #09-07 retroactive to the date it expired and for a period of thirty days. Mr. Langley read Resolution #09-07 aloud by title. Council Member Conoley seconded, and the motion passed unanimously.

Mr. Hamstra updated everyone on the FEMA buy-out program and said the contract was received earlier in the day, and after the Mayor has signed the agreement, acquisition and demolition can proceed. The Council agreed that the Mayor should make every effort to speed up the process to collect the funds.

Mr. Hamstra said he would make a formal request to FEMA to request the following items be included with the West Side grant: post-design services, emergency generators for three stormwater pump stations, and acquisition of land to expand the borrow pit.

Mr. Hamstra gave quick updates on Quail Lake, the May 2009 FEMA Hazard Mitigation Grant Program projects, the NRCS projects, and the Saxon Woods Pond.

John Wilson, 114 Pine Valley Court, spoke about the berm failure at Saxon Woods.

It was agreed to direct the City Manager and City Attorney to approach the Saxon Woods HOA about the flooding in their private community. There was discussion regarding the possibility of partnering with the community to resolve the flooding issue.

Jim Gangitano, 309 LaCreek Court, said he represents the DeBary Golf and Country Club, and asked the Council to retain the five pumps in the area throughout the entire hurricane season because there is a propensity for the ponds to flood.

Mr. Langley recommended that the Council amend the previous motion to reinstate Resolution# 09-07. Vice Mayor Erickson made a motion to reconsider the previous vote, and Council Member Conoley seconded. The motion passed unanimously. Vice Mayor Erickson made a motion to extend Resolution #09-07 retroactively to the date it expired and to run in seven-day increments for a maximum of thirty days. Council Member Conoley seconded, and the motion passed unanimously.

X. Old Business

2. Fire Services Transition

Shirley Tirella, 10 Palmira Road, said she is concerned that the City wants to get rid of the fire station because the firefighters recently saved her life with their quick response time.

Kurt Vroman, 318 Colomba Road, said the City should retain the Deltona Fire Department, and they should consider quality of service over cost.

Steve Tirella, 10 Palmira Road, stated that the City fire department saved his wife from bleeding to death with their quick response time.

The Council discussed that the County Council would render a final decision the next day, and it is not DeBary's decision. Mayor Garcia said that maintaining the safety of the citizens is the top priority, and he would ensure the City delivers the best services at the lowest cost. The other Council members agreed.

Robert Staples, Deltona Fire Chief, entertained questions from the Council and discussed his unionized department.

Don Neyer, 207 East Highbanks Road, asked the Council to consider the differences between union and non-union and the costs associated with each choice. He noted that Orange City borders DeBary and the City should consider the geographical issue.

Assistant Fire Chief of Orange City, Richard Beauregard briefly introduced himself.

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 & Development Review

1. Temporary Waiver of Section 5-35 (7) of the Land Development Code for Temporary Promotional and Special Event Signs.

Mr. Gonzalez suggested increasing the time from 14 to 30 days, to reduce the \$75 permit to \$45, and to provide for a sunset to the new rule.

Council Member Conoley made a motion to approve a waiver of the 14-day limitation and extend it to 45 days and reduce the permit fee to \$25 through December 31, 2009. Vice Mayor Erickson seconded, and the motion passed unanimously.

2. Consideration of Request from Dan Kimble to Abate CEB Lien on Property at 126 Eldorado Drive.

Neighborhood Improvement Officer Dave Hooker outlined the Code case for the Council and said the Code Board recommended waiving the lien.

Dan Kimble, 126 Eldorado Drive, said he purchased the property at a tax deed sale and presented an update of the work he has done on the home. He asked for leniency with regard to the lien on the property and said he would be willing to pay the administrative costs.

Vice Mayor Erickson said he would be in favor of a reduction to \$500.

Council Member Conoley made a motion to reduce the lien to \$1,200 if paid within five days. Council Member Marks seconded. The motion passed 4-1, with Vice Mayor Erickson dissenting.

John Wilson, 114 Pine Valley Court, voiced dissatisfaction with the previous vote on the lien.

X. Old Business

1. Interlocal Agreement – City AND County Joint Use of the WSEFMS RSSF for Stormwater Flood Protection and Reclaimed Water Disposal.

Mr. Gonzalez stated that the City is in limbo regarding the County's possible use of the borrow pit, and he is looking for direction.

Vice Mayor Erickson made a motion to cease coordination efforts with Volusia County. He added that eventually, the City might revisit the Interlocal Agreement in the future if the performance exceeds the design engineer's expectations. Council Member Lenzen seconded, and the motion passed unanimously.

XI. New Business

1. Scope of Service and Fee Proposal from GAI Consultants, Inc., for Construction Engineering and Inspection Services – West Side Emergency Flood Management System.

Mr. Langley presented a report to the Council regarding the continuing contract the City has with GAI Consultants. He suggested awarding separate phases of work to keep it under a million. He noted that the construction of Phase Five would exceed a million dollars, and the City should bid it separately.

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

Vice Mayor Erickson made a motion to award Phases One and Two construction engineering and inspection services to GAI in the amount of \$36,036. Council Member Marks seconded, and the motion passed unanimously.

Vice Mayor Erickson made a motion to award Phase Three construction engineering and inspection services to GAI for \$48,048. Council Member Marks seconded, and the motion passed unanimously.

Vice Mayor Erickson made a motion to award Phase Four construction engineering and inspection services to GAI for \$48,798.75. Council Member Lenzen seconded, and the motion passed unanimously.

Vice Mayor Erickson made a motion to award Phase Six construction engineering and inspection services to GAI for \$24,524.50. Council Member Lenzen seconded, and the motion passed unanimously.

Vice Mayor Erickson made a motion to put Phase Five construction engineering and inspection services out for bid. Council Member Conoley seconded, and the motion passed unanimously.

2. Engagement Letter Regarding Forensic Audit with Berkowitz Dick Pollack & Brant.

The Council reviewed and discussed the letter.

Mayor Garcia made a motion to proceed with the audit not to exceed \$8,000 for services, and for the audit to begin on or after July 15, 2009. Council Member Conoley seconded, and the motion passed unanimously.

3. Discussion of Reinstating the Economic Development Advisory Committee (EDAC).

Council Member Marks Council Member Marks made a motion to reinstate the EDAC. Council Member Conoley seconded, and the motion passed unanimously.

The Council agreed to discuss nominations at the July 1st meeting.

4. City Manager Discussion

Council Member Conoley discussed his readiness to move forward with the city manager selection process.

The Council agreed to narrow down the applicants to a short list of five finalists at the July 1st meeting.

XII. Council Member/Committee/Staff Reports

1. Board / Committee Appointments
Code Enforcement Board
Don Pulver

Mayor Garcia

Vice Mayor Erickson made a motion to approve Don Pulver for the Code Enforcement Board. Mayor Garcia seconded, and the motion passed unanimously.

- Volusia Growth Management Commission
Danny Allen

At-Large

Mayor Garcia made a motion that Danny Allen continues serving on the VGMC. Council Member Lenzen seconded, and the motion passed unanimously.

Vice Mayor Erickson made a motion to extend the meeting for 20 minutes, and Council Member Marks seconded. The motion passed unanimously.

Mr. Allen stated that VGMC is requesting a resolution from the cities that states their position on citizen standing. Vice Mayor Erickson made a motion to approve Resolution #09-08, providing its official position that citizens as well as the County and municipalities should be permitted to request a hearing before the VGMC on an application and seek party status to the proceedings. Mayor Garcia seconded, and the motion passed unanimously.

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

The Mayor and Council made a few brief announcements.

B. City Attorney

Mr. Langley briefly discussed Senate Bill 360 and the two-year extension of development orders.

C. City Manager

Mr. Gonzalez asked the Council to pick a color for the new storage building at Nature Park. Council Member Conoley suggested that the City Clerk pick the colors, and the other members agreed.

Mr. Gonzalez said that Parks Superintendent Tom VanDeHey was given four additional personal days off due to the numerous overtime hours he worked during the May Severe Event. There was Council consensus that Mr. VanDeHey deserved the four days.

XII. Adjournment

The meeting adjourned at 12:20 a.m.

**APPROVED February 3, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk