

**City of DeBary**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday**  
**October 21, 2009**  
**7 PM**  
City Council Chambers  
16 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call To Order**

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

**II. Roll Call**

**Members Present:** Mayor Bob Garcia, Vice Mayor Norm Erickson, Council Member Van Conoley, and Council Member Jack Lenzen

**Members Absent:** Council Member Leonard Marks (excused)

**Others Present:** Acting City Manager Kassandra Blissett, City Clerk Stacy Tebo, and City Attorney Kurt Ardaman

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

David Chapman, 13 Palmetto Drive, read aloud a memo written by Council Member Conoley regarding staff and said he felt that his actions were inappropriate.

Mark Meister, 146 Pine Tree Drive, said that Council Member Conoley did not comply with his previous request for public records. He submitted a new request for Council Member Conoley's emails from January 2, 2009 to October 21, 2009.

Don McGrath, 116 Lower Lake Court, asked for an update on the stormwater project in his area. Vice Mayor Erickson responded that Stormwater Engineer David Hamstra was researching the best way to spend the money, and Council was waiting for his determination.

Ms. Blissett said that the issue would appear on the November 4<sup>th</sup> agenda.

Mr. McGrath asked that the City compensate the flooded residents on Lower Lake Court in the amount of \$10,000 per person for the flooding that happened after Tropical Storm Fay. He blamed the former Mayor for the flooding.

Council Member Conoley said he did not feel that the former Mayor was responsible for the flooding and asked Mr. Ardaman what he found out about potential liability for other government agencies that was discussed previously. Mr. Ardaman answered that he did not remember getting direction from the Council to look into it.

Council Member Lenzen stated that it would be costly to pursue St. Johns or Volusia County for the flooding or code violations, without much chance of winning; that he felt pursuing it would be a huge mistake; and that he did not think the attorney was instructed to pursue it.

Mr. Ardaman said he believed Council's direction was to speak with Mr. Hamstra about the situation before moving forward. He said Mr. Hamstra was going to look at the areas from an engineering standpoint to identify any areas that would be worth pursuing further. Mayor Garcia asked Council if they agreed to wait for the assessment before allocating money, and Vice Mayor Erickson said he agreed.

Ms. Blissett suggested that Council might want to put a limit on Mr. Hamstra's time for the project. Mr. Hamstra said his time should not exceed four hours. There was Council consensus to limit the time charged to four hours.

#### **IV. Approval of Minutes**

None.

#### **V. Additions, Deletions, or Amendments to the Agenda**

Mayor Garcia added the summit under public hearings.

Ms. Blissett requested an item be added under New Business for emergency purchase for removal of pumps.

Mayor Garcia added an item for Halloween safety tips under Presentations.

#### **VI. Presentations**

1. Donation by Ann Batson, Chris Brooks, and Foster Hughes of the Fraternal Order Orioles DeBary Nest 322 for New K-9 Partner for the Volusia County Sheriff's Office and the City of DeBary.

Ms. Batson said the City's current K-9 officer would be retiring, and there was not money in the budget to pay for a new one. She added that the estimated cost for a new K-9 officer is \$8,600. She said that the Fraternal Order Orioles DeBary, Nest 322, raised the money for the new K-9 officer.

Mayor Garcia said he was amazed at their fundraising efforts and thanked them.

Captain Alan Osowski thanked the Orioles for their fundraising efforts and said there were other contributors that he wanted to thank. He stated that the Orioles' effort raised a total of \$11,376.50 that would go towards equipment, care and maintenance of the K-9 named Asco.

2. Halloween Safety Tips

Captain Osowski presented a number of Halloween safety tips for DeBary residents. He asked that Council list the tips on the City website for residents to access.

#### **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:*

1. West Volusia Summit

Mayor Garcia said that the summit was a success; that the Council did very well at the summit; that the main topics of discussion were water and growth; and that there would be another summit in January.

### **IX. Growth Management and Development Review**

None.

### **X. Old Business**

1. Discussion Regarding Previously Advertised RFQ for Continuing Engineering Services.

Ms. Blissett stated that she planned to reject the current bids and reissue the advertisement for a RFQ (Request for Qualifications) with a broader scope of engineering services. She added that the due date would be November 4<sup>th</sup>, and she has assembled a review committee of various professionals from Volusia County to provide their recommendations to the Council. She recommended that the City have three or more engineering firms under contract.

### **XI. New Business**

1. Interlocal Agreement with the City of Orange City for Provision of Municipal Fire Services.

Ms. Blissett stated that the terms of the agreement had not significantly changed; that it is a three-year agreement; and that the agreement is in the City's best interest. She outlined the details of the agreement.

Mr. Ardaman suggested that the motion would be to approve the Interlocal Agreement with the City of Orange City for Provision of Municipal Fire Services, not to exceed \$883,915, and the effective date be no later than November 13, 2009, and contingent upon the approval of Orange City's City Council on November 2, 2009.

Vice Mayor Erickson motioned to approve the agreement as stated by Mr. Ardaman. Council Member Lenzen seconded the motion.

Vice Mayor Erickson asked about ALS services.

Mr. Ardaman noted that Orange City originally had requested a six-year contract. Ms. Blissett said the shorter agreement allowed the City to have greater flexibility.

Mayor Garcia said he was happy with the agreement.

Council Member Lenzen discussed the condition of the existing fire services building and said it might cost more to fix or upgrade the building than it is worth.

Mayor Garcia noted that DeBary's agreement with Volusia County could be extended to December 31<sup>st</sup> if necessary.

Ms. Blissett said if they cannot comply with that date, they could amend the current agreement.

Mayor Garcia asked for a vote on Vice Mayor Erickson's motion to approve, and the motion passed unanimously.

2. Settlement Offer from Riverside Bank for Code Enforcement Lien at 9 Smyrna Drive.

Mr. Ardaman stated that the City received a settlement offer on the code enforcement lien of \$134,853 for the property at 9 Smyrna Drive; that the City Code provision gave the City preference over the bank's authority; that the bank disputed the City's superiority ordinance; that the bank agreed to pay litigation costs and administrative costs; that the bank would ensure that the property is maintained until it is sold; and that they would like to settle the case. He asked if the offer was acceptable to the City, or if the City wanted to renegotiate for more.

Vice Mayor Erickson said he was interested in the agreement as it was outlined in the summary, and he wanted to know the other Council member's responses.

Council Member Conoley said he did not have any problems with it and suggested that the Council approve it.

Council Member Lenzen confirmed that the property is in compliance, and the bank agreed to keep it maintained. He said he would like to work with the bank.

Mayor Garcia said he agreed with the other Council members to move forward.

Vice Mayor Erickson made a motion to move forward with the settlement agreement for no less than \$8,211.32. Council Member Conoley seconded, and the motion passed unanimously.

3. Emergency Purchase for Removal of Pumps.

Ms. Blissett stated that Council previously directed staff to remove the pumps as the leases expire; that due to the lack of necessary personnel and appropriate equipment on hand, there is a cost associated with the removal of pumps; that the cost was not discussed at the stormwater workshop; that she quickly obtained three bids for the removal of nine pumps; that it would have cost the City approximately \$38,000 for an additional month lease if the pumps were not returned by October 19<sup>th</sup>; that she entered into an agreement with Whitehouse Contracting for the purpose of removing nine pumps and equipment for \$7,500; that she moved forward based on an

emergency provision in the City Code without a vote from the Council; and that she felt it was in the best interest of the community to authorize the expenditure.

Vice Mayor Erickson moved to approve Ms. Blissett's action. Council Member Lenzen seconded, and the motion passed unanimously.

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

### **1. Board / Committee Appointments**

#### **Public Safety Advisory Committee**

Alternate Member

At-Large

Vice Mayor Erickson made a motion to appoint Marlee Grein as the alternate member. Council Member Lenzen seconded the motion, and the motion passed unanimously.

#### **Code Enforcement Board**

Alternate Member

At-Large

Vice Mayor Erickson made a motion to appoint Louis Morales. Council Member Lenzen seconded the motion, and the motion passed unanimously.

### **2. Member Reports/Communications**

#### **A. Mayor and Council Members**

Mayor Garcia informed the Council that a contest at DeBary Elementary School had been initiated to name the unnamed DeBary lakes.

Vice Mayor Erickson distributed a handout for Council's consideration regarding the position for city manager. He listed important points to look for in the next candidate and asked that the Council discuss the points listed before hiring a new city manager.

Council Member Conoley said he also wanted to make some adjustments to the hiring process.

Council Member Lenzen said he agreed that the previous attempt to hire a city manager was a debacle. He asked that the hiring process move quickly.

Mayor Garcia asked if a special workshop was necessary to work out the details of hiring a new city manager.

Ms. Blissett suggested that they wait until Council Member Marks was present to decide how to proceed.

Vice Mayor Erickson discussed the forensic audit and the suggested areas of improvement.

Council Member Lenzen spoke briefly about Sun Rail.

#### **B. City Attorney**

Mr. Ardaman had nothing to report.

C. City Manager

Ms. Blissett said she would add the selection of the grand marshal and judges for the Christmas Parade to the next agenda.

She informed the Council that there would be an EDAC meeting on November 12<sup>th</sup>, and the Committee members would select a chair and vice chair at the meeting.

**XIII. Adjournment**

The meeting was adjourned at 9:42 p.m.

**APPROVED April 21, 2010  
CITY OF DeBARY  
CITY COUNCIL**

**Bob Garcia, Mayor**

**ATTEST:**

**Stacy Tebo, City Clerk**