

City of DeBary
CITY COUNCIL MEETING
Wednesday
April 7, 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 7:00 p.m.

II. Roll Call

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

Members Absent: Council Member Leonard Marks (excused)

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

III. Committee Reports

Danny Allen, DeBary's representative to the VGMC, reported to the Council on the VGMC meeting and explained his recent vote on the Farnton matter.

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

Jim Gangitano, 309 La Creek Court, voiced his concern regarding the Lakeside stormwater project and asked the Council to give it priority.

Stormwater Engineer David Hamstra elaborated on the status of the Lakeside project. He stated that the Westside system would be built before storm season, and there would be adequate protection for the homes that flooded during Tropical Storm Fay.

V. Approval of Minutes

1. Special City Council Meeting held September 11, 2009.
2. Regular City Council Meeting held September 16, 2009.
3. Special City Council Meeting held September 30, 2009.

Vice Mayor Erickson made a motion for approval of all sets of minutes as presented, and Council Member Lenzen seconded. The motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

None.

VII. Presentations

1. Proclamation Declaring April 11th through the 17th as Friends of the Library Week.

Mayor Garcia read the proclamation aloud and presented it to Gerald Lombardi of the DeBary Library Association.

2. Ann Benedetti of the St. Johns River Water Management District Regarding Water Conservation Month.

Ms. Benedetti thanked the City of DeBary for its efforts to educate the residents on water conservation. She noted that DeBary was the first city in Volusia County to pass an irrigation ordinance. She stressed the importance of water conservation.

3. DeBary Business Group.

Alex Vice, owner of H&R Block, itemized some of the concerns raised by the businesses at their recent meeting. He noted that Volusia County currently has a 12 ½ percent unemployment rate. He made suggestions for different ways to promote DeBary businesses. He asked the Council to again consider allowing the promotional signs, as the economy has not improved.

Alan Goshel, owner of DeBary Diner, said his business improved ten percent when he was allowed to have the banner signs in 2009.

A representative of Metro PCS said that the promotional flag signs he had were imperative to his business because most people do not know that his business is in DeBary Commons.

Noble Livingston, owner of Salon Moxie, asked for the Council's consideration because of his business' lack of visibility. He said that the business goes down thirty percent when they remove the promotional sign.

A representative of Stroud Cleaners in DeBary Commons agreed with the statements made by the other businesses and said that many businesses have closed their doors.

Mr. Parrott suggested that they discuss the sign issue at the work session prior to the next Council meeting.

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 – First 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 #10-13 – Dedication of Franchise Fees for Public Purposes and Improvements.

Mr. Ardaman read Resolution #10-13 aloud by title.

Vice Mayor Erickson made a motion to approve Resolution #10-13, and Council Member Lenzen seconded. The motion passed unanimously.

3. Resolution #10-08 – Vacating a Portion of a Drainage and Utility Easement at 37 Florence Boulevard.

Mr. Ardaman read Resolution #10-08 aloud by title.

Vice Mayor Erickson made a motion to approve Resolution #10-08, and Council Member Lenzen seconded. The motion passed unanimously.

X. Growth Management and Development Review

1. Request for Reduction / Abatement of a Code Enforcement Lien – Located at 123 Lower Lake Court.

Neighborhood Improvement Officer Dave Hooker explained that the home was flooded during Tropical Storm Fay, the property was foreclosed, and the lien needs to be abated so that the home can sell.

Vice Mayor Erickson asked for clarification on the City's costs. Mr. Parrott responded that the total cost is \$419.63.

Vice Mayor Erickson made a motion to reduce the lien to \$419.63 if paid within thirty days. Council Member Lenzen seconded, and the motion passed unanimously.

Cheryl Sassano, 2845 Enterprise Road and representing Fannie Mae, stated they would pay the lien the next day.

XI. Old Business

1. Discussion of Process to Fill Vacant Council Seat.

Vice Mayor Erickson said he would like to send a questionnaire to the list of interested people. He asked the Council to look at the questions he prepared.

Council Member Lenzen explained his reasoning for preferring a former Council member and said he did not have a problem with the questionnaire. He added that more information is always better when the Council makes a decision.

Danny Allen, 140 Fort Florida Road, said he did not ask to be placed on the list, and he would like the Council to remove his name from consideration.

Vice Mayor Erickson made a motion to send the questionnaire to the list of people interested in serving, and to have them returned by April 14th. Council Member Lenzen seconded, and the motion passed unanimously.

XII. New Business

1. Change Order Number Five for the West Side Emergency Flood Management System.

Construction Engineer Kevin Hare explained that the reason for the change order is due to a change of installation method for a section of the stormwater force main under West Highbanks Road. He stated they would change the method from “jack and bore” to a method known as “directional bore”, which would require much less excavation of Highbanks Road. He recommended approval of the change order.

Vice Mayor Erickson made a motion to approve the change order for the amount of \$9,120.47, and Council Member Lenzen seconded. The motion passed unanimously.

2. Approval of Contract with HHI to Develop Transit Oriented Development Policies and Standards.

Mr. Parrott stated that staff interviewed three companies and recommended the approval of HHI to address the land use element of the area surrounding the train station.

Vice Mayor Erickson made a motion to approve the agreement with HHI for tasks one through five as outlined in the letter dated March 30, 2010, not to exceed \$8,000. Council Member Lenzen seconded, and the motion passed unanimously.

3. Approval of Contract with CPH Engineers for Resurfacing Project.

Ms. Blissett stated that Council budgeted funds for resurfacing, and she recommends approval of the contract. She added that the contract would provide for preconstruction services, bidding and award phase services, and construction engineering/inspections (CEI) services associated with the street resurfacing project in an amount not to exceed \$73,455.

Vice Mayor Erickson asked if the lists of streets would change the amount. Mr. Parrott answered that the cost is based on the linear foot, and they would get to as many streets as possible within the budgeted funds.

Vice Mayor Erickson made a motion to approve CPH Task Order #2010-2, for the preconstruction, bidding and award phase, and CEI services associated with the street resurfacing project in an amount not to exceed \$73,455. Council Member Lenzen seconded, and the motion passed unanimously.

4. Reassignment of PEC Contracts to Pegasus Engineering

Ms. Blissett stated that PEC filed for bankruptcy in February; that there are several assignments that were made to PEC that have not been completed; that the City needs to terminate any and all contracts with PEC; that the remaining tasks should be assigned to Pegasus Engineering; and that the reassignment would not change the previously approved prices.

Council Member Lenzen made a motion to allow the city manager to terminate all contracts with PEC and to enter into new contracts with Pegasus Engineering for the remaining tasks. Vice Mayor Erickson seconded, and the motion passed unanimously.

5. Discussion Regarding Historic Preservation Advisory Board Membership.

Mr. Parrott said that a member was moving out of town, and there had been some trouble finding volunteers to fill the vacancy. He added that since the time the email was sent to Council, a volunteer application was received for the Board.

Vice Mayor Erickson made a motion to appoint Mary Lou Croteau to the Historic Preservation Advisory Board. Council Member Lenzen seconded, and the motion passed unanimously.

XIII. Council Member/Committee/Staff Reports

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

Vice Mayor Erickson spoke about a conversation he had with a Glen Abbey resident regarding the island in Glen Abbey. He said he was told the homeowners association previously took care of it, but they disbanded.

There was Council discussion regarding the maintenance of the island.

Vice Mayor Erickson said he would attend the Smart Growth session on Saturday.

Vice Mayor Erickson questioned the status of the Strategic Planning Steering Committee and noted that it was voted on twice by the Council but has not met since the first meeting. Mr. Parrott said he had discussed the Committee with Ms. Blissett, and he would get it moving again. He explained that he wanted to understand the Comprehensive Plan, the Land Development Code, and the EAR-based amendments prior to moving forward. He added that he also wanted to move the process further once the planner is hired.

Council Member Lenzen said that he attended the League of Cities meeting in Port Orange and enjoyed the speech made by the Mayor of Tallahassee, who is also the president of the Florida League of Cities.

Council Member Lenzen said that he would talk to the Volusia County MPO staff about getting a traffic signal on 17-92 in front of the fire station.

Mayor Garcia informed everyone that the commuter rail land acquisition should be completed by June, and they are hoping to begin construction by late December or early January.

Mayor Garcia said that a Summerhaven resident had been selected as a judge.

B. City Manager

Mr. Parrott had nothing to report.

C. City Attorney

Mr. Ardaman stated that Hazen Construction amended their complaint; that they served the Mayor; and that his office is in the process of responding to the complaint.

Mr. Ardaman informed the Council that the DiTaranto lawsuit has been removed to federal court. He noted they have also sued David Hamstra and PEC separately.

XIV. Adjournment

The meeting adjourned at 9:51 p.m.

**APPROVED July 7, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk