

City of DeBary
CITY COUNCIL MEETING
Wednesday
July 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, Council Member Lita Handy-Peters, Council Member Jack Lenzen, and Council Member Leonard Marks

Members Absent: Vice Mayor Norman Erickson (excused)

Others Present: City Manager Dan Parrott, Assistant City Manager Kassandra Blissett, City Clerk Stacy Tebo, Parks and Recreation Director John Fletcher, 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.

Donald McGrath, 116 Lower Lake Court, asked for clarification on the political signs. He welcomed Council Member Handy-Peters.

Lee Atkins, 283 E. Constance Road, asked if City Hall would have the candidates' campaign literature. Mayor Garcia said it would be up to each candidate to get their information to the voters. Ms. Atkins suggested that City business cards be consolidated into one sheet of paper. She said she thought she heard on the news that FEMA was out of money and voiced concern about flooding.

V. Approval of Minutes .

1. Regular City Council Meeting held March 17, 2010.
2. Regular City Council Meeting held April 7, 2010.
3. City Council Workshop held April 21, 2010.

Council Member Marks made a motion to approve all the minutes as presented, and Council Member Handy-Peters seconded. The motion passed unanimously.

VI. Additions, Deletions, or Amendments to the Agenda

Mayor Garcia requested the addition of a discussion regarding the city manager's weekly report as item ten under New Business.

Mayor Garcia added a discussion of Highbanks Road under Presentations.

VII. Presentations

1. Discussion of Highbanks Road.

Mayor Garcia said the City just received the traffic study report from Volusia County earlier in the afternoon.

Mr. Parrott itemized the recommendations contained in the traffic study and noted that they would perform the study again in October when school is open.

County Council Member Pat Northey said there is mandated curriculum for elementary school students, but it is not required for middle school students. She said she would meet with School Board representative Diane Smith to work on getting a safety program for middle school students. She added that the traffic report would also be referred to the West Volusia Safety Team.

Michael Wentworth, 183 W. Highbanks Road, asked Mr. Ardaman if the Council could lower the speed limit even though the traffic study recommended the speed limit remain at 35 m.p.h.

Mr. Ardaman answered that if the traffic study did not find that the speed limit should be changed, then the Council would not have the legal authority to reduce the speed limit.

2. Proclamation Declaring July Parks and Recreation Month.

Mayor Garcia read the proclamation aloud and presented it to Parks and Recreation Director John Fletcher.

3. Presentation Regarding El Faro de Volusia by Carmen Grados.

Ms. Grados explained the new website of the West Volusia Beacon geared to the Hispanic population in Volusia County.

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.

1. Historic Tree Removal Permit for 13 Jasmine Drive.

Council Member Marks stated that the stormwater project would benefit him and he wished to recuse himself from the vote. Mr. Ardaman advised that if Council Member Marks does not have any special private gain or loss then he should vote and not recuse himself. He added that there would be no monetary gain for Council Member Marks, and therefore he should vote.

Council Member Marks moved to approve the removal of the historic live oak tree at 13 Jasmine Drive in order to proceed with the proposed construction project as planned. Council Member Handy-Peters seconded, and the motion passed unanimously.

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 item:
None.

X. Growth Management and Development Review

None.

XI. Old Business

None.

XII. New Business

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

Mr. Parrott explained that item one is needed to install additional fittings to the valve at Upper Lake and the valve at Lower Lake to facilitate the connection of emergency pumping equipment. He said that item two is needed to provide an emergency power receptacle and manual transfer switch for connection of a temporary portable electric power generator at Pump Station #1.

Council Member Marks moved to approve change order eleven of the West Side Emergency Flood Management System, for the total amount of \$13,167.00. Council Member Lenzen seconded and asked about the matching grant for the generators.

Construction Engineer Kevin Hare said the receptacle would be used for this hurricane season if a portable generator is needed because they would not have the hardwired generator for at least ninety days.

Mayor Garcia asked for a vote on the motion, and it passed unanimously.

2. Ongoing Miscellaneous Stormwater Related Engineering Services.

Mr. Parrott stated that Pegasus Engineering has been providing ongoing stormwater engineering services and has exhausted the \$25,000 awarded by City Council on March 17, 2010. He asked Council to authorize Pegasus Engineering, LLC for continued ongoing miscellaneous stormwater related engineering services, for a hourly not-to-exceed amount of \$50,000 to get the City through hurricane season.

Council Member Marks made a motion to approve the request, and Council Member Handy-Peters seconded. The motion passed unanimously.

3. Florida League of Cities Voting Delegate – 84th Annual Conference.

Mayor Garcia asked for nomination of a voting delegate. Council Member Marks made a motion to approve the Mayor as voting delegate, and Council Member Handy-Peters seconded. The motion passed unanimously.

4. Underground Stormwater Pipeline Right-Of-Way Utilization Agreement.

Mr. Parrott stated that the West Side Emergency Flood Management System required a 36-inch stormwater pipe be constructed from the DeBary Golf and Country Club entrance pond to the borrow pit; that construction of the line required crossing an existing Progress Energy easement at the intersection of Donald E. Smith and West Highbanks; that the city attorney has negotiated the Right of Use Agreement with Progress Energy; that the agreement is not an easement, but rather, provides the City with permission to use the area in which the storm water line is constructed; and that he recommends approval.

Council Member Marks moved to approve the Right of Use Agreement with Progress Energy and authorize the Mayor to sign. Council Member Lenzen seconded. The motion passed unanimously.

Mr. Ardaman said it is a license and not an easement, and if in the future, Progress Energy wants the City to move the pipe, they can require the City to do so at its expense. He added that Progress Energy did not approve of all changes suggested by the attorney's office, but there is limited liability exposure for the City with upper limits on the liability.

5. City Manager Contract Amendment.

Mr. Parrott said that the amendment contains two changes, one being that the manager's evaluation will be done in August, and the other change is the deletion of the reference to a 45 minute lunch break.

Council Member Handy-Peters motioned to approve the contract amendment, and Council Member Marks seconded. The motion passed unanimously.

6. Approval of the 2010/2011 CDBG Plan and the 2010 through 2015 Five-Year CDBG Plan.

Parks and Recreation Director John Fletcher asked the Council to approve the 2010/2011 Annual CDBG Plan and the 2010/2011-2014/2015 Five Year CDBG Plans.

Council Member Marks made a motion to approve the request, and Council Member Handy-Peters seconded. The motion passed unanimously.

7. Status and Budget Update for Rob Sullivan Park Improvement Project.

Mr. Fletcher said the bids came in considerably higher than the cost estimates so staff looked at value engineering in order to complete the project. Mr. Parrott asked him to explain the value engineering. Mr. Fletcher clarified the changes that were made to save money.

There was discussion regarding the parking situation and the safety concerns of vehicles parking on Highbanks Road.

Council Member Lenzen asked Mr. Fletcher to explain the course of events that led to the change in the scope of the project. Mr. Fletcher explained that the City could not receive any grants if the project only contained the parking lot, and that they had to include a soccer field. He added that the City gets a much better park with the additional grant funds.

Council Member Marks said he would like to go back to the original plan to do the parking lot for \$77,000.

Council Member Handy-Peters said the 132 parking spaces are sorely needed.

Mayor Garcia said the project is important for the City's children.

Council Member Lenzen moved to authorize the City Manager to proceed with the suggested bid extractions using \$20,465 from the parks impact fees, \$2,946 from the tree protection fund, \$14,179 from the sidewalk fund, \$5,279 from the Parks & Recreation Budget and the balance of \$61,050 from the general fund. Mayor Garcia seconded, and the motion passed unanimously. Council Member Marks said he was only voting for it due to the safety factor of the parking lot.

8. Award of Bid #02-10 for Rob Sullivan Park Improvement Project.

Mr. Parrott summarized the bid process for the Council and recommended the bid be awarded to the Briar Team.

Council Member Lenzen made a motion to authorize the Mayor to enter into a contract with the Briar Team for the Rob Sullivan Park Improvements in the amount of \$430,637. Council Member Handy-Peters seconded, and the motion passed unanimously.

9. Purchase of Two Driver Feedback Signs.

Mr. Parrott said that two "Intersection Ahead" signs have been installed on W. Highbanks to raise driver awareness, and he also recommends the installation of flashing driver feedback signs to measure the speed of approaching vehicles. He said that quotes were obtained from two companies for both solar and AC powered signs. He asked the Council to approve the purchase of two AC powered driver feedback signs from Temple, Inc in the amount of \$7,190, to be paid out of the Franchise Tax Fund.

Council Member Handy-Peters moved to approve Mr. Parrott's request, and Council Member Marks seconded.

Council Member Lenzen asked about solar powered versus electric powered signs. Mr. Parrott said the technology is not reliable at this time for solar and he recommends the electric.

Mayor Garcia asked for a vote on the motion, and it passed unanimously.

10. City Manager Weekly Report

Mayor Garcia asked Mr. Parrott a few questions on the weekly report and thanked him for all the information being provided to the Council. He asked Mr. Parrott to include the emergency procedures ordinance on the agenda for the next meeting.

XIII. Council Member/Committee/Staff Reports

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

Mayor Garcia said the Old Fashioned 4th of July was a success and thanked everyone that attended.

Mayor Garcia said he attended the West Volusia Summit, and there is a possibility that the price of water will rise exponentially. He said he would be attending the upcoming Florida League of Cities conference. He said he would miss Vice Mayor Erickson and Council Member Marks.

Council Member Handy-Peters said she also attended the celebration at DeBary Hall and said it was a lot of fun. She said that the residents should be proud of the new fire tender, and it is an unbelievable piece of equipment.

Council Member Marks thanked the Mayor for his kind words. He agreed with the sentiments of the other members regarding the 4th of July celebration. He said Ms. Blissett did a wonderful job planning the event.

Council Member Lenzen said he also attended the West Volusia Summit and noted all the cities have a common goal, which is potable water. He complimented Council Member Handy-Peters for jumping in right off the bat and attending the Summit. He also complimented Mr. Parrott, Ms. Blissett, and the staff for the smooth operations of the City.

B. City Manager

Mr. Parrott informed the Council that the Lower Lake pump station is operational on the West Side System. He added that they would still need to pressure test the lines, but it is working.

He said he has been getting questions about the Reverse 911 system, and he encourages the citizens to sign up for the service because they only have land lines in the system.

C. City Attorney

Mr. Ardaman had nothing to report.

XIV. Adjournment

The meeting adjourned at 8:37 p.m.

**APPROVED September 1, 2010
CITY OF DeBARY
CITY COUNCIL**

Bob Garcia, Mayor

ATTEST:

Stacy Tebo, City Clerk