

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, October 08, 2019 at 6:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

5
6 The meeting was called to order at 6:30 p.m. by Mayor Blair and roll call was taken.
7

8 **ROLL CALL**

9
10 **PRESENT:** Mayor Gary A. Blair; Vice Mayor Bill O'Connor; Council Members: O. William (Bill)
11 Crippen, Jim Mahoney, Martin Harper, Jeff Allebach, Kelli Marks; City Attorney Neysa Borkert; City
12 Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Pastor Mike Carroll, Associate Pastor, First Assembly Deland, followed by
17 the Pledge of Allegiance.

18
19 **1. ABSENCES:**

20
21 None at this time.

22
23 **2. PRESENTATIONS/PROCLAMATIONS:**

24
25 None at this time.

26
27 **3. CITIZEN COMMENTS:**

28
29 Steven Sanders, 623 Swan Range Road came forward and stated that he wanted to bring to Council's
30 attention the results of an EPA inspection done on the Holly Ave construction site. The EPA found several
31 violations and issued a Non-Compliance Corrective Action notice. Mayor Blair suggested that Mr. Sanders
32 leave the document with the City Clerk to distribute.

33
34 **4. CONSENT AGENDA:**

- 35
36 A. Proposed Pay Plan , Resolution No. 982-19
37 B. Amendment to the Collective Bargaining Agreement Between the City of Orange City and the
38 International Union of Police Associations (I.U.P.A.) AFL-CIO
39 C. Surplus Vehicles and Equipment Trailers
40 D. Veterinarian Services for Orange City
41 E. Approve Purchase of Medical Supplies
42 F. Approve August 12, 2019 Budget Workshop Minutes
43 G. Approve September 11, 2019 Regular Meeting Minutes
44

45 **Council Member Crippen moved to approve the Consent Agenda, seconded by**
46 **Council Member Marks, the motion passed by unanimous roll call vote of the City**
47 **Council.**

1 **5. ORDINANCES – FIRST READING:**

2
3 None at this time.

4
5 **6. PUBLIC HEARINGS/ORDINANCES-SECOND READING:**

6
7 None at this time.

8
9 **7. RESOLUTIONS:**

- 10
11 A. **Resolution No. 966-19** A resolution of the City of Orange City, Florida, adopting revised
12 utility rates, pertaining to Orange City Water, Wastewater (sewer) and Reclaimed Water
13 Rates; repealing all resolutions in conflict herewith and providing for an effective date.

14
15 Mr. Reischmann read the title of Resolution No. 966-19 into the record.

16
17 Migdalia Hernandez, Development Services Director, came forward and provided a PowerPoint presentation
18 (a copy of which is attached and becomes a permanent part of these minutes.) Ms. Hernandez recalled that
19 a rate study was done and presented to Council at an earlier meeting. She noted that the rate study looked at
20 revenues, alternative water supply needs, aquifer recharge, as well as, all the current and future projects
21 needed to maintain our level of services. Ms. Hernandez noted that the northeast area, Country Village, was
22 not included in the study and will be discussed at a later time.

23
24 Ms. Hernandez discussed the proposed Utility rate increase. She recalled that there was some confusion the
25 last time it was presented, several people thought it was a 5% increase over the current rates and that is not
26 the case. Currently, the City's water rates are calculated by a CPI+1 index. For the past three years, the
27 average increase was approximately 3.4%. The Utility is asking for an additional 1.6% increase, for the next
28 five years to bring the percentage to 5% and then to revert back to the CPI+1 formula after 2023.

29
30 Ms. Hernandez advised that this increase is not recommended for the northeast area because the financial
31 impact to the customers and the general public would be too high. Instead, the Utility will add two more
32 employees to the Water Distribution Division to address some of the problems and to allow additional time
33 to plan exactly what is needed for that water system.

34
35 Ms. Hernandez advised that there have been several meetings regarding this matter. The consultants,
36 Raftelis, presented the results of the Water, Wastewater and Reclaimed Rate Study to Council at the August
37 13 City Council meeting. Staff came back to the August 27 meeting to request authorization to increase the
38 water rates and authorization to notify customers beginning with the September 10, 2019 utility invoices.
39 Ms. Hernandez noted that staff is asking Council to adopt Resolution No. 966-19 and the water rate schedule
40 outlined in Exhibit A, thereby, increasing the water rates for the next five years.

41
42 Vice Mayor O'Connor questioned whether staff looked at an incentive program for people who reuse water.
43 Ms. Hernandez advised that the Saint John's River Water Management District has incentives for utilities to
44 expand on alternative water, such as reused. However, for a citizen the benefit will be using less water and
45 getting a lower bill.

46

1 Vice Mayor O'Connor noted several people in his sub-division are very interested in reclaimed water. The
 2 pipes were installed in 2004 but reclaimed water has never been offered. Ms. Hernandez responded that the
 3 pipes are called "dry lines." The County is the water supplier for that sub-division. The City recently signed
 4 a Master Plan with the County to partner on that project. The County is required to bring down the line and
 5 connect to our system.

6
 7 Council Member Allebach discussed the CPI+ index used to calculate the water rate increase. He clarified
 8 that the waste rate was being increased another 1.6%, not 5% as mentioned in the newspaper.

9
 10 **Council Member Mahoney moved to approve Resolution 966-19, seconded by**
 11 **Council Member Crippen, the motion passed by a 7/0 roll call vote of the City**
 12 **Council.**

13
 14 B. **Resolution No. 979-19** A resolution of the City of Orange City, Florida, amending the
 15 fees for the use of City owned Parks and Recreation facilities; repealing all resolutions
 16 or parts of resolutions in conflict herewith; and providing for an effective date.

17
 18 Mr. Reischmann read the title of Resolution No. 979-19 into the record.

19
 20 Ashly Gay, Parks & Recreation Superintendent provided a PowerPoint presentation (a copy of which is
 21 attached and becomes a permanent part of these minutes.) She noted that the last revision to the Parks
 22 Reservation Fee structure was in 2018 and there have been several changes and additions since that time.
 23 Staff looked at the parks reservation fee structure and compared it to surrounding municipal user fees.
 24 Staff found that while each community does it differently, the City is comparable and charging basically
 25 the same user fees.

26
 27 Ms. Gay advised that the changes staff is recommending is to add a user fee for the new pavilion at
 28 Coleman Park; decrease the night and weekend rental fee for the Valentine Park Meeting Room from \$35
 29 to \$30/per hour; decrease the security deposit required for Wava Hall and the Dickinson Park Gazebo
 30 from \$200 to \$100; reduce the daytime rental for Oak Park from \$40 to \$20 and the nighttime and weekend
 31 rental fee from \$60 to \$30/per hour.

32
 33 Council Member Marks suggested that the security deposit for the Oak Park be reduced, as well as the
 34 rental fee.

35
 36 Ms. Gay noted that the athletic fields are very popular in the fall because of the lights that were added.
 37 Maintaining the fields are more involved than what was previously done and maintenance costs have gone
 38 up. The City's rental fee is significantly less than other municipality's fees. Staff is recommending that
 39 the City charge \$10 for a 3 hour block, \$25 for a field with light and a half day rental on the weekend for
 40 \$50. Ms. Gay concluded by stating that staff is requesting Council approve Resolution No. 979-19.

41
 42 Council Members discussed the requested changes. Mayor Blair asked if there were user fees for the
 43 tennis courts. Ms. Gay responded that no one has rented the tennis courts for some time. If a tennis league
 44 requested the courts they would be charged accordingly.

45
 46 Vice Mayor O'Connor asked if a database regarding the amount of rentals for city facilities was available.
 47 He stated that he would like to see the usage.

1 Steven Sanders, 623 Blue Spring Villas asked what portion of the funds are going back into the veteran's
2 section of Veteran's Memorial Park. He stated that there does not seem to be a lot of activity in that area.
3 Mr. Sanders said he would like to see statistics on how much the City is receiving for each park and how
4 much is spent. He agreed with the Vice Mayor's comment, a database would be an amazing idea.

5
6 Ms. Arrington explained that appropriations are set on fee structures, not based on revenue. Money taken
7 in goes into the General Fund and is not allocated back to cost areas. If it is Council's desire in an
8 upcoming budget year staff can certainly gather that information, but it is not done that way currently.

9
10 Council Members discussed matters pertaining the parks and the user fees.

11
12 Council Member Mahoney suggested keeping track of park usage moving forward and not spend the effort
13 to get the historical data.

14
15 Vice Mayor O'Connor stated that he just wanted a benchmark to work with when making these types of
16 decisions. He said he would only need the information for this year.

17
18 **Council Member Marks moved to approve Resolution No. 979-19 with the**
19 **amendment of the Oak Park Security Deposit being changed from \$100 to \$50,**
20 **seconded by Council Member Crippen.**

21
22 Council Member Mahoney asked what is the purpose of the security deposit and is \$50 adequate for Oak
23 Park. Ms. Davis commented that it helps to cover costs if someone trashes the park so the City does not
24 have to spend extra money on cleaning it up.

25
26 **The motion passed by a 7/0 roll call vote of the City Council.**

27
28 **8. DISCUSSION AND ACTION:**

29
30 **A. Emergency Work – Leavitt Ave Pipe Rehabilitation Work Order Amendment**

31
32 Migdalia Hernandez, Development Service Director advised that during construction of the Leavitt Avenue
33 Pipe Rehabilitation project the contractor found that the Ohio Avenue pipe was not connected to the Leavitt
34 Avenue pipe, as shown on GIS reports. Staff requested a quote to install two shutoff valves to allow
35 connection of the Ohio Avenue line to the new Leavitt line, under construction. The contractor gave a quote
36 for \$31,108.

37
38 Ms. Hernandez explained the goal was to abandon the line because it was bad and created discolored water
39 to customers in that area, including Orange Tree Village. However, as the contractor was digging they found
40 the line that is connected to Ohio Avenue. It was not on any of the GIS drawings. The project is not
41 completed yet, however, this discovery saved the City approximately \$10,000. The line is currently being
42 tested for bacteria to make sure it is properly disinfected, before it is connected to the new line.

43
44 Ms. Hernandez advised that the amount of the work order is the best cost estimate staff had prior to the
45 location of the connected line. If there are no more surprises, it will cost the City less money, overall, to
46 complete this phase of the project.

47

1 Ms. Hernandez concluded by stating staff is asking Council to approve Amendment #1 to Work Order 19 in
2 an amount not to exceed \$31,180.

3 Council Member Mahoney questioned what the City could do to make sure there is accountability when
4 infrastructure jobs are contracted out.

5
6 Ms. Hernandez described the Sunshine Locate process, a system where contractors are required to locate
7 underground utilities, before a construction job begins. She stated that when a contractor pulls a permit they
8 are provided with GIS maps which, to the best of our knowledge, has the location of underground
9 infrastructure.

10
11 Ms. Arrington advised that the mistakes the City is uncovering occurred in the 1980s. There was no mapping
12 system back then, and inspections were not done. Today, the City has a full time inspector who looks at the
13 construction projects on a daily basis. When the contractor finishes his work he will provide the City with a
14 set of construction plans which will be mapped out so that future generations will be able to pull up these
15 field drawing. She stated, short of excavating before construction begins, we do not know what will be
16 encountered in the field.

17
18 Mr. Reischmann noted that currently our contracts provide for accountability. Inspectors go out every day
19 to make sure construction is consistent with the design plans. As the City Manager mentioned, a final set of
20 "as builds" drawings will be provided and compared to the design plans to make sure the work was done
21 according to the construction plans.

22
23 **Vice Mayor O'Connor moved to approve Amendment #1 to Work Order 19 in an**
24 **amount not to exceed \$31,180 under Section 12.3-30 of the City's Purchasing Code**
25 **and authorize the City Manager to execute the amendment, seconded by Council**
26 **Member Mahoney, the motion passed by unanimous 7/0 voice vote of the City**
27 **Council.**

28
29 **9. REPORTS:**

30
31 A. City Manager

32
33 No report at this time.

34
35 B. City Clerk

36
37 No report at this time.

38
39 C. City Attorney

40
41 No report at this time.

42
43 Council Member Harper inquired about real estate laws that govern disclosure of fact for real estate. Mr.
44 Reischmann responded that case law in Florida states that if there is a problem or a defect with a seller's real
45 property, and the problem impacts the value of the property, the seller is required to disclose the defect to the
46 buyer.

47

1 Council Member Harper commented that a resident complained that she was kicked out of the dog park, even
2 though she called the police. He asked if there was signage posted relating to the rules of the dog park.

3
4 Ms. Arrington responded that there is signage at the dog park. She explained that she spoke with the Police
5 department when Council Member Harper called, and went through the log books for the past week. There
6 was no indication that the police kicked anyone out of the dog park. Ms. Arrington commented that staff has
7 heard rumors about dog clubs that monopolize the dog park, but if staff were to learn of such a thing, we are
8 happy to explain that the dog park is for everybody.

9
10 **10. NEW BUSINESS:**

11
12 None at this time

13
14 **11. APPROVAL OF MINUTES:** *See the Consent Agenda*

15
16 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

17
18 Council Member Marks commented that the Homecoming Parade was a lot of fun. She suggested that in the
19 future the jeeps have open tops to facilitate handing out the candy.

20
21 Council Member Harper reported that he attended the National Night Out event and the Police department
22 had a nice display. Council Member Harper stated that he also participated in the Orange City Walk to
23 School Day there were a lot of kids and they were having fun. He stated that the Homecoming parade was
24 great, as well.

25
26 Council Member Allebach stated "ditto" on Homecoming parade, it was awesome. He suggested that
27 Council continue to support this event. Council Member Allebach commented on the CRA project, he said
28 he is proud and happy to see Orange City coming together. Council Member Allebach noted that daylight
29 savings is coming again and it will be dark outside at 5:00 p.m. when the kids are getting out of school. He
30 asked staff to continue their efforts with getting Duke Energy to work with them on the street lighting issues.

31
32 Council Member Crippen also feels the CRA is coming along very nicely. He reported that he attended the
33 National Night Out, the Homecoming Parade and will attend the Fire Dept. Open House on Sunday. Council
34 Member Crippen reminded everyone of the unveiling of the River of Lakes Interpretive Panel this Friday at
35 Blue Spring Park. He said he is looking forward to the Halloween Block Party.

36
37 Council Member Mahoney stated he was glad an agreement was reached with the Police Officer's union. He
38 said he is looking forward to the Ethics Training on November 16. Council Member Mahoney stated, "When
39 I am asking questions about processes, the purpose is not to cast blame on anyone but to protect our
40 interests...it is what can we learn from what experience we had and how do we protect ourselves going
41 forward."

42
43 Vice Mayor O'Connor reported that the National Night Out was wonderful and the Homecoming parade was
44 a lot of fun. The Vice Mayor commented that some Safer Grants were issued this morning. He said he is
45 keeping his fingers crossed for Orange City's application.

1 Mayor Blair reported the he attended the Homecoming parade, it was great. He said the walk to school with
2 the children was fabulous. The Mayor stated that he attended the West Volusia Summit and the Volusia
3 League of Dinners and both events were great.

4
5 Mayor Blair advised that he will entertain a motion to adjourn.

6
7 **Council Member Crippen moved to adjourn the City Council meeting, seconded**
8 **by Vice Mayor O’Conner, the meeting was adjourned by a unanimous voice vote**
9 **of the City Council.**

10
11 **13. ADJOURN:**

12
13 There being no further business, Mayor Blair adjourned the meeting at 7:53 p.m.

14
15 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

16
17 _____
18 Gloria J. Thomas
19 CMC, City Clerk

11-12-2019
Date