

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida, held
2 on Tuesday, December 11, 2018 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, Jeff Allebach, Jim Mahoney, Kellianne Marks, Martin E. Harper; City Attorney Neysa Borkert;
12 City Manager Dale Arrington; City Clerk Gloria Thomas.

13
14 **INVOCATION/PLEDGE OF ALLEGIANCE**

15
16 The Invocation was given by Reverend Phyllis Bartle-St. Jude's Episcopal Church

17
18 **1. ABSENCES:**

19
20 **2. PRESENTATIONS/PROCLAMATIONS:**

21
22 A. Florida League of Cities 20 years of Service Award to Mayor Gary Blair

23
24 Mark Sittig, Representative for Florida League of Cities, came forward and read a proclamation into the
25 record honoring Mayor Blair for 20 years of service as an elected official. Mr. Sittig presented the John
26 Land Years of Service Award to Mayor Blair.

27
28 **3. CITIZEN COMMENTS:**

29
30 Matt Weaver, 420 E. Minnesota Ave., came forward to introduce himself to the Council. Mr. Weaver
31 suggested the City and University High School collaborate on more programs.

32
33 Joan LaFluer, 20A Azula Dr., came forward to compliment staff on the Christmas lights around the City.
34 Ms. LaFluer thanked the Council and staff for making the City beautiful.

35
36 **4. CONSENT AGENDA:**

- 37
38 A. Contract Award MO66-18-Main Water Treatment Plant Well #5 Hydrogeological
39 Evaluation and Pump Repair
40 B. Contract Award-RFP-P052-0-2018/DRS-Colin's Dream at Coleman Park, Orange City
41 C. Contract Award-RFP P053-0-2018/DRS-Orange City Water, Wastewater and
42 Reclaimed Water Rate Study
43 D. Approve November 13, 2018 Regular Meeting Minutes

44
45 Vice Mayor O'Connor requested to remove Consent Agenda item 4C.

1 **Council Member Allebach moved to approve items A, B, and D of the Consent**
2 **Agenda, seconded by Council Member Crippen, and passed by a 7/0 roll call vote**
3 **of the City Council.**

4
5 Vice Mayor O'Connor requested an explanation as to why staff did not award the Orange City Water,
6 Wastewater and Reclaimed Water Rate Study to the lowest bidder.

7
8 Ms. Arrington advised that staff did not select the lowest bid because the lowest bidder was not the most
9 qualified for the job. Ms. Arrington noted that during the interview process the lowest bidder failed to
10 answer multiple questions asked by the committee regarding Country Village water rates.

11
12 Migdalia Hernandez, Public Works Director, reiterated Ms. Arrington's comment.

13
14 Neysa Borkert, City Attorney, stated that according to Section 1.12 of the RFP document, the award is not
15 required to be given to the lowest bidder, the award may be given to the most responsive and responsible
16 bidder. She noted there is no legal requirement to choose the lowest bidder.

17
18 **Vice Mayor O'Connor moved to award the contract as requested by staff, for the**
19 **Orange City Water, Wastewater and Reclaimed Water Study, seconded by**
20 **Council Member Crippen.**

21
22 Ms. Arrington asked for clarification of the motion. She noted that a determination to award without delay
23 is necessary because the City is behind on awarding the contract, due to the bid protest from GovRates.

24
25 Ms. Borkert stated, for the record, pursuant to City Code, Council must make a finding that it is necessary
26 to award the contract without delay to prevent the City's interests from being substantially affected, as far
27 as establishing retail water rates. She noted the Utility is currently operating under an outdated rate study.
28 This rate study, which was budgeted this fiscal year, will take approximately 6 months. Ms. Borkert
29 concluded by noting that the lowest bidder, GovRates, sent correspondence the City Council on December
30 6 which automatically disqualified them as a proposer because according to the RFP document, proposers
31 are prohibited from contacting decision makers until the procurement process is over.

32
33 Both the motion maker and the seconder withdrew their motion.

34
35 **Vice Mayor O'Connor moved to award a contract, without delay, to Raftelis, in the**
36 **amount of \$39,955 to conduct a Water, Wastewater and Reclaimed Water Study for**
37 **the City and authorize the City Manager to execute the contract, seconded by**
38 **Council Member Harper.**

39
40 **5. ORDINANCES – FIRST READING:** None at this time

41
42 A. Ordinance No. 609 An Ordinance of the City Council of the City of Orange City,
43 Florida, updating the five year schedule of capital improvements for fiscal years
44 18/19 through 22/23; repealing all ordinance or parts of ordinances in conflict
45 herewith; and providing for an effective date.

1 Neysa Borkert, read the title of Ordinance No. 609 into the record.

2
3 **Council Member Crippen moved to approve Ordinance No. 609 at first reading,**
4 **seconded by Council Member Allebach.**
5

6 Becky Mendez, Development Services Director, provided a PowerPoint presentation (a copy of which is
7 attached and becomes a permanent part of these minutes) that described Ordinance No. 609. Ms. Mendez
8 reported that Ordinance No. 609 is an annual update to the five year capital improvements plan (CIP).
9 Florida Statute requires the CIP, which is for capacity improvement projects, is adopted annually.

10
11 Ms. Mendez advised that the schedule identifies the City's capital projects necessary for implementation of
12 the comprehensive plan and ensures that the adopted level of service standards for public facilities are
13 achieved and maintained for the five-year planning period.

14
15 Ms. Mendez stated that Florida Statute establishes that sanitary sewer, potable water, solid waste, and
16 drainage are the only public facilities subject to statewide concurrency requirements, and are optional for
17 parks and recreation, public schools and transportation. Ms. Mendez provided a review of each in the
18 presentation.

19
20 Ms. Mendez stated that staff recommends approval of Ordinance 609 at first reading and schedule second
21 and final reading for January 8, 2019.

22
23 **Motion passed by a 7/0 roll call vote.**
24

- 25 B. Ordinance No. 610 An Ordinance of the City Council of the City of Orange City, Florida;
26 establishing Section 2-8 of the City Code related to naming of city buildings, parks and
27 trails; providing for the repeal of prior inconsistent ordinances and resolutions,
28 incorporation into the code, severability, and an effective date.
29

30 Ms. Arrington reminded Council that at the October 23, 2018 Council Meeting, Council requested that
31 staff bring back for consideration a policy for the naming of city facilities. Staff formed a small in house
32 committee and reviewed a large number of Ordinances that were in effect in the Central Florida region that
33 were pertinent to the City.

34
35 Ms. Arrington provided a list of what the Ordinance will accomplish:

- 36 • It retains the naming or renaming authority for any of the city owned buildings parks or trails solely in
37 the city council hands.
38 • It requires that Council adopt resolutions either to name or rename a facility.
39 • It requires a majority vote for the adoption of the resolution in all circumstances except for if Council
40 would like to name a facility after a living human being. Which would require a super majority vote.
41

42 Ms. Arrington described the guidelines to consider, other considerations, and discouragements/prohibitions
43 to the Ordinance. She concluded her presentation with a suggested process for naming city facilities within
44 the City.

1 Ms. Arrington stated that staff recommends Council approval of Ordinance 610 at first reading.

2
3 Ms. Borkert read Ordinance No. 610 into the record.

4
5 **Council Member Crippen moved to approve Ordinance No. 610 at first reading,**
6 **seconded by Vice Mayor O'Connor, motion passed by a 7/0 roll call vote of the**
7 **City Council.**
8

9 **6. PUBLIC HEARINGS/ORDINANCES-SECOND READING:**

- 10
11 A. **Resolution No. 932-18** A Resolution of the City of Orange City, Florida electing to
12 use the uniform method of collecting non-ad valorem special assessments levied
13 within the incorporated area of the City; stating a need for such levy; providing for the
14 mailing of this resolution; and providing for an effective date.
15

16 Neysa Borkert read the title of Resolution No. 932-18 into the record.

17
18 **Council Member Mahoney moved to approve Resolution No. 932-18, seconded**
19 **by Council Member Crippen.**
20

21 Christine Davis, Finance Manager, advised that Florida Statutes, requires that the City hold a public hearing
22 and adopt a resolution of intent to be eligible to utilize the uniform method of collection for any assessment
23 program in the calendar year, prior to implementing such collections.
24

25 Ms. Davis noted that this resolution, which does not obligate the City to use the method or to impose a
26 special assessment, must be adopted each year by January 1st and distributed to the Volusia County Property
27 Appraisers, the Volusia County Tax Collector/Revenue Department and the Florida Department of Revenue
28 by January 10, 2019. Ms. Davis noted that the City has adopted such a resolution annually for the last sixteen
29 years.
30

31 Ms. Davis stated that currently, the City has three special assessments: 1) the collection of the solid waste
32 fee, 2) the stormwater program and 3) the Shadow Ridge streetlighting program.
33

34 Ms. Davis stated that staff recommends Council approval of Resolution 932-18.
35

36 Mayor Blair opened the public hearing by asking if anyone wished to speak on the matter, there being no
37 request to speak the Mayor closed the public hearing.
38

39 **Motion passed by a 7/0 roll call vote.**
40

41 **7. RESOLUTIONS:**

- 42
43 A. **Resolution No. 938-18** A Resolution of the City Council of the City of Orange City,
44 Florida, appointing members to fill seat(s) #4, #5, and #6 on the Orange City Planning

1 Commission for a term to expire on December 31, 2022; repealing all resolutions or
2 parts of resolutions in conflict herewith; and providing for an effective date.

3
4 Neysa Borkert read the title of Resolution No. 938-18 into the record.

5
6 **Council Member Crippen moved to approve Resolution No. 938-18, seconded by**
7 **Vice Mayor O'Connor.**

8
9 Gaea Nunez came forward to introduce herself to the Council and stated her willingness to serve on the
10 Planning Commission.

11
12 **Motion passed by a 7/0 roll call vote.**

13
14 **8. DISCUSSION AND ACTION:**

15
16 A. Florida Hospital Transportation Proportionate Share Agreement

17
18 Ms. Mendez stated that the tower expansion project will generate 1,228 daily trips and 115 hour peak trips
19 and impact critical and near critical roads. She noted that Council approved the site plan on September 12,
20 2018 with conditions.

21
22 Ms. Mendez advised that Resolution No. 930-18, condition #3 requires proportionate share mitigation for
23 their impacts to the transportation network. Florida Statutes, 163.3180 allows the owner to satisfy the City's
24 transportation concurrency management requirements by entering into a binding agreement with the City
25 to pay for, or construct, its proportionate share of required improvements, which in this case is \$189,507.

26
27 Ms. Mendez noted that this agreement requires the \$189,507 payment to the City before a Certificate of
28 Occupancy (CO) is issued. The owner is entitled to \$80,600 in City transportation impact fee credits,
29 meaning once the prop share payment is made, no impact fees will be collected because the prop share
30 amount exceeds the impact fee due. Ms. Mendez stated that the owner will pay County transportation
31 impact fees prior to CO, regardless of this agreement. The City may expend the revenue once available to
32 cover costs for feasibility studies, construction, planning, permitting and design associated with the
33 expansion of the City's thoroughfare system.

34
35 Ms. Mendez stated that staff recommends that Council approve the agreement and authorize the Mayor's
36 signature thereof.

37
38 Zack Kasky, RLF Engineering, 4750 New Broad Street, Baldwin Park, noted that he was the engineer of
39 record for the project. Mr. Kasky stated that he was available for any questions that Council may have.

40
41 Vice Mayor O'Connor commended staff for switching from a sidewalk plan around the property to using
42 these funds for thoroughfares around the City.

43

1 Council Member Mahoney stated that it was indicated that receipt of the funds is contingent upon the CO,
2 construction will take two years and then three years to encumber the funds, when does the City anticipate
3 the funds being paid.

4
5 Ms. Mendez replied that most likely a payment will not be paid for two years.

6
7 Council Member Harper concurred with Vice Mayor O'Connor comments.

8
9 **Council Member Crippen motioned to approve the agreement and authorize the**
10 **Mayor's signature thereof, seconded by Council Member Allebach, motion passed**
11 **by a 7/0 roll call vote of the City Council.**

12
13 B. Third discussion on Land Development Code text amendment regarding landscaping
14 and tree protection requirements

15
16 Ms. Mendez, stated that at a previous Council meeting, staff was directed to move forward with a discussion
17 on May 22, 2018. Ms. Mendez noted that this item has been previously presented to Planning Commission
18 and Council. Staff then presented draft language to City Council on October 23, 2018, Council requested
19 five outstanding issues for additional information.

20
21 Ms. Mendez advised that the tree amendment seeks to apply landscape code to major subdivisions, increase
22 landscape buffer widths, convert replacement stock to caliper inches from Diameter at Breast Height
23 (DBH), add minimum tree sizes to side and rear buffers, revise exemption to "owner-occupied" dwellings,
24 add 15% replacement for all trees removed, add minimum specimen tree protection requirements, revise
25 tree bank formula, revise specimen tree list and to require City Council approval to remove historic tree.

26
27 Ms. Mendez stated that the revisions made include the alley way buffer widths, rounding, penalties, exempt
28 sand pines and define historic tree. Ms. Mendez stated that staff is recommending penalties to include
29 double permit fees, double replacement stock and/or double payment into the tree bank.

30
31 Ms. Mendez stated that staff recommend Council authorize advertisement and scheduling of the text
32 amendment for a public hearing at this time.

33
34 Council Member Crippen thanked Ms. Mendez for all the extensive work on this matter. He appreciates
35 that there will be a mandate for historic trees in the City.

36
37 Council Member Allebach stated that this is a step in the right direction to things improving with the trees
38 within the City.

39
40 **Council Member Allebach motioned to authorize the advertisement and scheduling of**
41 **the text amendment for public hearing, seconded by Council Member Crippen, and**
42 **passed by a 7/0 roll call vote of the City Council.**

43
44 C. Staffing for Adequate Fire and Emergency Response (SAFER) Grant
45

1 Fire Chief Ronnie Long provided a PowerPoint presentation (a copy of which is attached and becomes a
2 permanent part of the minutes) that explained the SAFER Grant. Chief Long stated that the purpose of the
3 SAFER Grant is to provide funding directly for Fire Department at national, state, and local levels, also
4 tribal, and that is to represent interest for volunteer fire fighters.
5

6 Chief Long stated that SAFER is comprised of two activities: Hiring of Firefighters, and recruitment and
7 retention of volunteer firefighters. He noted that grant funds may only be used to hire new additional full
8 time firefighters and cover salary and benefits for the SAFER positions.
9

10 Chief Long noted the ineligible costs, as well as the qualifications and requirements for the Grant. He
11 reported that the maximum federal funding to receive per position per year is \$46, 854 for the first two years
12 and the third year would be \$21,865.
13

14 Chief Long advised the after award requirements, should the City receive the grant. He opened the floor for
15 questions from Council.
16

17 Vice Mayor O'Connor stated that this Grant is now a chance to fund the three positions that are needed. He
18 thanked staff and stated that this was a great opportunity for the City.
19

20 Mayor Blair stated that if there is a motion it should be contingent on the fact that the enclave annexation
21 agreement passes the county on December 18th.
22

23 Council Member Mahoney stated that the City should focus on the fact that a need has been communicated
24 over the last two budget cycles. The message Council communicated to Chief Long was staff should be
25 better positioned because of annexations to fulfill that need.
26

27 Council Member Marks stated that before she was elected she had toured the fire houses and saw the needs
28 of the fire department, first hand. She noted that the fire fighters are over worked and tired and need the
29 extra help.
30

31 **Vice Mayor O'Connor moved that the City Council authorize staff to move forward**
32 **with applying for the SAFER Grant, providing the County Council approves the**
33 **Interlocal Enclave Annexation Agreement at their December 18, 2019. If rejected**
34 **Council will reconvene to discuss whether to apply for one, two or three, fulltime**
35 **firefighters, seconded by Council Member Crippen and passed by a 7/0 roll call vote**
36 **of the City Council.**
37

38 9. REPORTS:

39 A. City Manager

40
41

42 Ms. Arrington reported that she sent an email about the need to do a strategic planning and goal shop. She
43 noted that it would be beneficial to review future goals. Ms. Arrington stated the email included eight dates
44 including March 2nd. She asked Council if that date would work for everyone, Council Member Marks stated
45 that she would check her calendar and report back to Ms. Arrington in a week.

1 Ms. Arrington reported that documents about transportation issues was placed in each council member's
2 Dropbox. These files may be downloaded to your iPads.

3
4 B. City Clerk

5
6 Ms. Thomas wished everyone Happy Holidays and a Happy New Year.

7
8 C. City Attorney

9
10 Ms. Borkert thanked Council for the opportunity to serve the City another year. She wished everyone a
11 happy holiday.

12
13 **10. NEW BUSINESS:**

14
15 Council Member Crippen stated that pending approval of Ordinance No. 610, he requested a resolution to
16 name the playground behind Coleman Park in honor of Evelyn Robinson. It was agreed to review this matter
17 should Ordinance 610 pass.

18
19 **11. APPROVAL OF MINUTES:** See Consent Agenda

20
21 **12. COUNCIL & MAYOR'S COMMENTS AND REPORTS**

22
23 Council Member Mahoney stated that the parade was wonderful. He stated it is a wonderful thing to be
24 included in the parade as an elected official. He wished everyone a Merry Christmas.

25
26 Vice Mayor O'Connor stated that it is an honor and privilege to serve the community. He enjoys that one
27 of the priorities of the Council is the safety of the community. He looks forward to 2019 and wished
28 everyone happy holidays.

29
30 Council Member Crippen stated that the tree lighting ceremony was great, as well as the Volusia League of
31 Cities dinner and the Holiday parade. He reported that the River of Lakes Heritage Corridor met and the
32 speaker was Bob Sittler, professor at Stetson. Mr. Sittler showed a video about Florida's aquatic gems that
33 Council Member Crippen will forward to Ms. Arrington for approval to distribute. He attended the open
34 house for Certus, the memory care center. He spoke to the University High School special education class
35 in council chambers last Friday about being a council member. He wished everyone a Merry Christmas and
36 Happy New Year. He thanked staff for all their hard work.

37
38 Council Member Allebach reported on the TPO progress. He attended the open house for Certus Memory
39 Care. Council Member Allebach wished everyone a Merry Christmas and Happy New Year.

40
41 Council Member Harper wished everyone a Merry Christmas and Happy New Year.

42
43 Council Member Marks thanked the Clerk's office for printing out her agenda packet. She attended her first
44 Volusia League of Cities dinner and had a great time. She is excited to be a new Council member and be
45 involved in the activities. She brought her family to the Light Up Orange City and everyone had a blast

1 throwing out candy to the crowds at the Holiday parade. She gave kudos to the VIA Women’s Club for their
2 efforts in creating an awesome float for the parade. She wished everyone a Merry Christmas and Happy
3 New Year.

4
5 Mayor Blair stated that he was proud of Ms. Sprague for her efforts with finding funding for the skate park.
6 He is proud of the City for approving the contract for the park. He attended the Volusia League of Cities
7 dinner. He commented that all the recent holiday events around the City have turned out amazing and
8 thanked staff for putting everything together. He commented on some complaints he received about the
9 clean up afterwards. However, Mayor Blair noted that he did receive numerous compliments about the
10 parade.

11
12 Ms. Arrington noted that kudos should be given to the Parks and Recreation staff for the installation of all
13 the decorations around town.

14
15 Mayor Blair reported that after the Holiday parade he attended and judged the Deland Boat parade, the
16 Mayors Round Table and the Ginger Bread contest at Orange Tree Village. Mayor Blair and Ms. Arrington
17 attended a meeting in Debarry where they explained the Enclave Annexation Agreement. He commented
18 that if anyone has any questions pertaining this subject they should contact any and all of the County Council
19 members.

20
21 Mayor Blair announced that on December 20, 2018 at 9:00 a.m. a ribbon cutting for the spring to spring
22 trail from S. Orange City to Debarry will be held.

23
24 Mayor Blair commended and thanked Joe, a chamber member, for attending every Council meeting. He
25 reminded Council to finish Ms. Thomas evaluation. He complimented this evenings meeting and wished
26 everyone Happy Holidays.

27
28 **Council Member Crippen motioned to adjourn the Council meeting, seconded by**
29 **Vice Mayor O’Connor and motion passed by a unanimous voice vote of the City**
30 **Council.**

31
32 **13. ADJOURN:**

33
34 There being no further business, Mayor Blair adjourned the meeting at 8:42 p.m.

35
36 **RESPECTFULLY SUBMITTED:**

APPROVED ON:

37
38
39 _____
40 Melani Beringer
Deputy City Clerk

Date