

1 **MINUTES OF THE SPECIAL MEETING** of the City Council of the City of Orange City,
2 Florida, held on Monday, November 02, 2009 at 6:00 p.m. in Council Chambers, 201 N. Holly
3 Avenue, Orange City.

4
5 **CALL TO ORDER**

6
7 The meeting was called to order at 6:00 p.m. by Mayor Strickland and roll call was taken.
8

9 **ROLL CALL**

10
11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,
12 Don Sherrill, Paul Rasch; Jim Mahoney; City Attorney William Reischmann; Interim City Manager
13 Chester Murray, City Clerk Deborah Renner

14
15 **ABSENT:** Council Member Tom Abraham
16

17 **INVOCATION**

18
19 The Invocation was given by Council Member Sherrill, followed by the Pledge of Allegiance.
20

21 **1. APPROVAL OF MINTUES:** September 30, 2009, Special Meeting

22
23 **Council Member Laputka moved to approve the minutes of the September 30,**
24 **2009 Special Meeting, seconded by Vice Mayor Allebach and passed by a 6/0**
25 **voice vote of the Council.**

26
27 October 6, 2009, Special Meeting

28
29 **Council Member Laputka moved to approve the minutes of the October 06,**
30 **2009 Special Meeting, seconded by Vice Mayor Allebach and passed by a 6/0**
31 **voice vote of the Council.**

32
33 October 13, 2009 Regular Meeting

34
35 **Council Member Laputka moved to approve the minutes of the October 13,**
36 **2009 Regular City Council Meeting, seconded by Council Member Mahoney**
37 **and passed by a 6/0 voice vote of the Council.**

38
39 **2. SEATING OF NEW COUNCIL:**

40 **A. Outgoing Members Farewell Comments**

41
42 Mayor Strickland invited the outgoing council members to make their farewell comments.
43

44 Council Member Mahoney said that it has been a privilege serving on the Council for the last six
45 years. He stated, "I have enjoyed being on Council and I take the responsibility seriously." Council
46 Member Mahoney noted that over the last decade, issues with Orange City and Gel Corp. have been

1 a “constant theme” at City Council meetings. Referring to a PowerPoint presentation (a copy of
2 which is attached and becomes a permanent part of these minutes) he listed several instances when
3 GEL Corp. was discussed. Many of the discussions included issues with fires; odors; air quality;
4 ground water contamination; expenses and litigation; closure monitoring and a developer’s
5 agreement. The City has incurred nearly \$600,000 in expenses to date addressing these concerns.
6 Council Member Mahoney recalled a Council meeting in 1999 where there was standing room only.
7 At that meeting attorney Dennis Wells spoke on behalf of GEL and talked about beginning a
8 working partnership between the City and GEL by initiating a developer’s agreement. Council
9 Member Mahoney noted that he was not a Council Member at the time. He stated, “The Department
10 of Environmental Protection (DEP) has also failed in its responsibility to protect the interest of the
11 community. Any proposed solution that excludes City participation is no different from what we
12 have seen in the past and it should be vehemently rejected.”
13

14 Council Member Mahoney cited several other instances when Council Members and citizens spoke
15 about issues with GEL. In 2001 Al Blue, the Vice Mayor at the time, also expressed his concerns
16 with the DEP re-permitting GEL when data indicated the water quality had been affected. Council
17 Member Mahoney stressed that the old Lake Marie landfill beneath the GEL property is the source
18 of the ground water contamination. He stated, “No way are we suggesting that the C&D Landfill
19 from GEL is the contributor, it is the Lake Marie Landfill beneath that property.” Council Member
20 Mahoney noted that in 2002 despite protests from the City, the DEP re-issued GEL’s permit and
21 Council Member Blue again expressed his outrage that the DEP had not acted to protect the water.
22

23 Council Member Mahoney continued his chronology noting that in 2006, various business owners
24 came forward and expressed their concerns with the landfill and the effect it was having on their
25 businesses. December 2006 the City Attorney advised Council the C&D Landfill closure was
26 expected by early January. During mediation between GEL and the City in April 2007, the City
27 Manager John McCue noted that if GEL were to comply with the City’s land development
28 regulations, the City would recommend that the recycling center be allowed. November 2008, Ms.
29 Kelly Eger, Environmental Engineer with Miller Legg & Associates addressed Council and stated, “I
30 have never seen the DEP deal with an environmental problem or ignoring an environmental problem
31 the way they have with GEL.” She noted that the DEP delineates the GEL site as a recycling facility
32 and a C&D landfill; however the contaminated water is under the land and encompasses the entire
33 site and may extend into adjoining properties. At the present there is no way to determine the
34 degree of contamination because for the last 20 years the owners have continually delayed the
35 required data collection and analysis. Council Member Mahoney re-emphasized that it was the Lake
36 Marie beneath GEL not the C&D Landfill that is the source of the contamination.
37

38 In a discussion about the developer’s agreement in February 2009, Mr. Wells came forward and
39 stated that the City has often felt that the DEP is not doing its job. However, GEL has always felt
40 the DEP is doing more than its job. On a subsequent meeting in April 2009, Mr. Evans said that his
41 client had concerns about being governed by both the DEP and the City and was concerned about
42 staff’s ability to interpret DEP rules. Council Member Mahoney stated, “It is not the desire of the
43 City to have to enter into enforcement proceedings with GEL, however, it is important to be able to
44 do so should the need arise.” He expressed his concerns about relying on the DEP to enforce their
45 code given their history with the City. At the same meeting Mayor Strickland commented that he
46 viewed a video about GEL’s recycling efforts and that he supports what they are trying to do.

1 Mayor Strickland said he supports Council Member Mahoney's position, but we have a history to
2 deal with. I like what you are trying to do however, I cannot support this without GEL agreeing to a
3 developer's agreement.

4
5 Council Member Mahoney concluded by stating, "If in fact we (the City) are able to overcome our
6 legal obstacles, GEL can conduct its business and the City has its own interests protected. And the
7 important part is the verified part we need the ability to verify should DEP not act in an appropriate
8 capacity. We have an opportunity in a developer's agreement to protect our interests, trust is a good
9 thing, we want businesses to be able to flourish, we don't want to say no to jobs, but we need to
10 protect our interests, interests of the community. I have enjoyed serving and I thank you very
11 much."

12
13 Council Member Rasch said that he has enjoyed serving on the Charter Review committee and the
14 Council. He stated his hope that the Council continues to do good work and that there are
15 "independent voices" on the Council.

16
17 Council Member Sherrill said that it has been a privilege and pleasure serving the residents and
18 business community in Orange City for the last nine years. He stated, "I'm glad to have been a part
19 of helping this City grow." Council Member Sherrill noted the improvements to Orange City over
20 the years. He said the City now has a mall, a major hospital, and four schools. This City has "great
21 parks", an excellent Police Department and the "finest" Fire Department in the area. It is becoming
22 a well rounded city and a place where people want to come and locate. Council Member Sherrill
23 cited various other improvements to the City. He stated, "It has been a pleasure to be a part of that.
24 I just want to see it keep growing in an orderly manner." Council Member Sherrill thanked staff and
25 employees for their hard work and dedication. Addressing the newly elected Council Members,
26 Council Member Sherrill congratulated them noting that the City needs good dedicated people. He
27 encouraged them to take advantage of the Institute for Elected Municipal Officials training because
28 it is a chance to learn about being an elected official. Council Member Sherrill concluded by stating,
29 "To all, many things and God bless you."

30
31 **B. Oath of Office – Newly Elected Council Members**

32
33 Mayor Strickland asked the newly-elected officials to come forward. City Clerk Debbie Renner
34 administered the Oath of Office to Council Members Pupello, Blair, and Crippen. Mayor Strickland
35 invited the newly-elected Council Members to take their place on the dais.

36
37 **3. ORDINANCES – FIRST READING:**

- 38
39 **A. ORDINANCE NO. 407:** an ordinance of the City of Orange City, Florida,
40 annexing the Mighty T Realty, Inc. Property into the corporate limits of the
41 City of Orange City, Florida; said property being generally located on the
42 west side of South Volusia Avenue, approximately 245 feet south of Miller
43 Road, containing approximately 5.80 acres; in accordance with the
44 voluntary annexation provisions of Florida Statute 171.044; redefining the
45 boundaries of the City of Orange City by amending the appropriate sections

1 of the code of ordinances; containing a repealer provision, a severability
2 clause and providing for an effective date.
3

4 Vice Mayor Allebach read the title of Ordinance No. 407 into the record.
5

6 **Council Member Blair moved to adopt Ordinance No. 407 on first reading,**
7 **seconded by Council Member Laputka.**
8

9 Wendy Hickey, Planning & Zoning Analyst came forward. Mr. Murray noted that in the future, Ms.
10 Hickey will handle annexations for the City. Ms. Hickey advised that the Mighty T. Realty property
11 is currently developed as a fitness center. Referring to a PowerPoint presentation (a copy of which is
12 attached and becomes a permanent part of these minutes) she said the property is a reasonably
13 compact 5.8 acres located on S. Volusia Avenue that is contiguous to and abuts the boundary of the
14 City. Ms. Hickey advised this annexation meets the requirements of Chapter 171.044 of the Florida
15 Statutes and does not create an enclave. She said that approving this annexation will continue the
16 City Council's intent to square off and fill in the City's boundaries. The taxable value would
17 generate \$4,415 in ad valorem revenue and, under its current zoning, additional revenue will be
18 realized from utility taxes.
19

20 In response to a question from Council Member Laputka, Ms. Hickey noted this is a voluntary
21 annexation. Council Member Laputka asked if the applicant was present. Michael Taranto, property
22 owner, came forward and said that his property is the only one in the area that was in the County
23 jurisdiction and that he feels it would be beneficial for it to be a part of Orange City. He noted he
24 has discussed the matter with the Vice Mayor and that staff has spoken with his attorney. He stated,
25 "I feel I want to be part of something and not sitting on the teeter-totter with the County on one side
26 and DeBary on the other." Mr. Taranto said he gets no "justification" when he calls the County with
27 his problems. He said he runs a family owned business, lives in the area and cares about what goes
28 on in the City.
29

30 **Motion passed by a 6/0 roll call vote of the Council.**
31

32 **4. PUBLIC HEARING:**
33

- 34 **A. ORDINANCE NO. 406:** An ordinance of the City Council of the City of
35 Orange City, Florida; establishing guidelines for compliance with the National
36 Pollutant Discharge Elimination System set by the United States Environmental
37 Protection Agency; guiding, regulating and controlling illicit discharges to the
38 City's MS4 Stormwater System; providing for codification, conflicts,
39 severability and an effective date.
40

41 Vice Mayor Allebach read the title of Ordinance No. 406 into the record.
42

43 **Council Member Laputka moved to adopt Ordinance No. 406 on first**
44 **reading, seconded by Council Member Blair.**
45

46 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the
47 proposed ordinance.

1
2 Paul Johnson, Director of Public Works came forward and advised this is the second reading for
3 Ordinance No. 406. He said it is a requirement of the City's stormwater discharge permit from the
4 State that regulates the illegal discharge of chemicals such as oil and antifreeze into the City ground
5 water system. Mr. Johnson said the City is in the process of acquiring Mill Lake and the U.S. 17-92
6 drainage system from the Department of Transportation and plans to allow commercial businesses to
7 utilize these properties as a means of discharging storm water from their properties. This ordinance
8 will provide the City with a tool to regulate that process, if illegal discharges were to occur.

9
10 Council Member Blair questioned what types of penalties are in place and whether the public would
11 be educated on the matter. Mr. Johnson noted the penalty is up to \$500 a day for continuing
12 violations however, there may not be a fine for minor infractions. Mr. Johnson noted that the City
13 would be posting some educational material to the web site as a requirement of the permit but it will
14 not be specific to this ordinance. Council Member Blair remarked that while that is an unfunded
15 mandate, it could be a good thing.

16
17 Mr. Reischmann pointed out pages 8 and 9 of the ordinance detail the processes that are available if
18 a violation were to occur. He discussed the actions that could be taken. Noting these types of
19 violations would be deemed a public nuisance, Mr. Reischmann said that this ordinance would be
20 codified in Chapter 7 of the City Code of Ordinances which deals with public nuisances and there
21 may be additional penalties associated with this type of violation.

22
23 In response to a question from Council Member Laputka, Mr. Johnson said that he was not able to
24 speak with the person coordinating the acquisition of Mill Lake, however, the matter is still moving
25 forward.

26
27 Al Blue, 447 North Oak Avenue, came forward and questioned what the illicit discharges are. He
28 questioned what effect this would have on the homeowner if the City does not have a "MS4" storm
29 water system. Mr. Johnson noted that technically the storm water system is the ground water. Mr.
30 Johnson responded in the affirmation. Mr. Reischmann noted the definitions can be found on page 2
31 and 3 of the ordinance. He expressed his understanding that this applies to the things that could be
32 added to storm water or that could come off of property apart from or distinct from storm water.
33 Oils and chemicals dumped into the curb or the swales which would then run into a storm drain are
34 the types of things that are contemplated by this regulation.

35
36 The mayor closed the public hearing.

37
38 **Motion passed by a 6/0 roll call vote of the Council.**

- 39
40
41 **B. ORDINANCE NO. 408:** An ordinance of the City of Orange City, Florida,
42 annexing the Breezewood Village condominium property into the corporate
43 limits of the City of Orange City, Florida; said property being located at 101
44 Grand Plaza Drive, containing approximately 11.5 acres; pending a referendum
45 vote of the registered electors of said area, directing a referendum on said
46 proposed annexation pursuant to Section 171.0413, Florida Statutes, establishing
47 the date of said referendum; redefining the boundaries of the City of Orange City

1 by amending the appropriate sections of the code of ordinances; containing a
2 repealer provision, a severability clause and providing for an effective date.

3
4 Vice Mayor Allebach read the title of Ordinance No. 408 into the record.

5
6 **Council Member Laputka moved to adopt Ordinance No. 408 on first**
7 **reading, seconded by Vice Mayor Allebach.**
8

9 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the
10 proposed ordinance.

11
12 Jim Kerr, City Planner came forward and stated this annexation is different from the one previously
13 discussed because it is a community that has requested to be annexed. This annexation requires a
14 referendum which has been scheduled for January 19, 2010. Mr. Kerr discussed the criteria
15 necessary for annexation, noting the property must meet State statutes, be contiguous to City limits
16 and that the annexation does not create an enclave. Staff is recommending that Council adopt this
17 ordinance thereby annexing the property into the City, pending the outcome of the referendum.
18 Referring to a PowerPoint presentation, (a copy of which is attached and becomes a permanent part
19 of these minutes), Mr. Kerr pointed out the location of the Breezewood Condominiums. He said the
20 population is 131, the property is 11.5 acres, with 17 buildings, 112 dwelling units, a pool and a club
21 house. Mr. Kerr noted that three of the homeowner's board members were present to answer any
22 questions that Council might have. Mr. Kerr reiterated this issue will be revisited at the December
23 8th meeting. He said there are 78 days until the referendum.

24
25 Council Member Pupello questioned whether the roads in Breezewood were private roads, Mr. Kerr
26 responded in the affirmative.

27
28 Mayor Strickland closed the public hearing.

29
30 **Motion passed by a 6/0 roll call vote of the Council.**

31
32 **5. RESOLUTIONS:**

- 33
34 **A. RESOLUTION NO. 564-09:** A resolution of the City Council of the City of
35 Orange City, Florida, authorizing the interim City Manager to execute an
36 agreement with Larson Consulting Services, LLC to serve as the City's
37 Financial Advisor.
38

39 Vice Mayor Allebach read the title of Resolution No. 564-09 into the record.

40
41 **Vice Mayor Allebach moved to adopt Resolution No. 564-09, seconded**
42 **by Council Member Laputka.**
43

44 Christine Davis, Finance Director came forward and advised that Resolution No. 564-09 is a contract
45 with Larson Consulting Services, LLC. She noted that Mr. Larson has worked with the City since
46 1996. Ms. Davis detailed some of the projects he has assisted with such as the expansion of the
47 utility water service area; consolidating and refinancing bonds; updating the City's investment plan

1 and policy; diversifying City investments; and most recently, working with staff and the developer
2 on the City's private/public partnership for the Sparkman road paving project.

3
4 Ms. Davis noted that Mr. Larson worked for DA Davidson, the firm with which the City currently
5 has a non-exclusive contract. DA Davidson has closed its Orlando office and as a result, Mr. Larson
6 opened his own firm. Ms. Davis detailed the services that Larson Consulting Services will perform
7 on behalf of the City indicating that quarterly reports will be provided. The proposed contract is
8 non-exclusive and mirrors the existing contract with DA Davidson. The new contract includes a
9 retainer that equates to 16 hours of service over the course of the year. Staff is recommending that
10 Council adopt this resolution, thereby continuing its relationship with Mr. Larson. Ms. Davis
11 advised that Mr. Larson was present to answer any questions that Council may have. In response to
12 a question from Council Member Laptka, Ms. Davis advised that the retainer is \$4,000 a year,
13 payable quarterly. Mr. Reischmann noted that the details of the retainer are discussed on page 2 of
14 the contract.

15
16 Vice Mayor Allebach noted that it was Mr. Larson who advised the City during the financial
17 problems with the state fund. Mr. Murray agreed, noting that Mr. Larson also advised the City
18 during the problems with the economy last year when the City was seeking to secure its money
19 through government secured bonds. Mr. Larson was extremely valuable in helping the City set up a
20 program that at the time did not exist. Mr. Murray expressed his opinion that it would be beneficial
21 for the City to retain Mr. Larson and to use his expertise as needed.

22
23 Mayor Strickland asked Mr. Larson to come forward. Jeff Larson, President, Larson Consulting
24 Services, came forward and said that he has consulted with the City on various projects since before
25 1996. Mr. Larson provided a brief background history. He said that he was a senior partner and
26 shareholder at DA Davidson, who contracted with the City. DA Davidson recently closed its
27 Orlando offices and he started his own firm, Larson Consulting. Mr. Larson said that he hoped to
28 continue working with the City. Mayor Strickland thanked Mr. Larson for the information that he
29 provided to Mr. Abraham. He said that it was very helpful.

30
31 Mayor Strickland announced that Council Member Abraham was not present this evening because
32 he was involved in an accident. He said the extent of his injuries is not known at this time as he is at
33 the hospital for treatment.

34
35 Council Member Crippen spoke in favor of this action. He commented that "institutional memory"
36 is extremely valuable and that he is glad that the City has the opportunity to continue a business
37 relationship with someone that has a history working with the City.

38
39 Mayor Strickland asked for an explanation of the "out of pocket expenses" discussed on page 5 of
40 the contract. He noted that Mr. Larson had never billed the City for this before. Mr. Larson
41 concurred. He said the expenses listed in the contract are typical.

42
43 Council Member Crippen pointed out an error in the first sentence on page 7 under D.4. Ms. Davis
44 acknowledged the error and advised that the words "the for either" would be stricken.

45
46 **Motion passed by a 6/0 roll call vote of the Council.**

- 1
2 **B. RESOLUION NO. 566-09:** A resolution of the City Council of the City of
3 Orange City, Florida, authorizing and directing the execution of an Agreement
4 between the City of Orange City and the City of DeBary for the provision of fire
5 protection services; repealing all resolutions in conflict herewith and providing
6 for an effective date.

7
8 Vice Mayor Allebach read the title of Resolution No. 566-09 into the record.

9
10 **Council Member Laputka moved to adopt Resolution No. 566-09,**
11 **seconded by Council Member Blair.**

12
13 Fire Chief Herb Hoffman came forward. Mr. Murray advised that staff worked closely with the City
14 of DeBary to come forward with this agreement. It is a very close time table, but if Council
15 approves, the City will take over the Fire Services for the City of DeBary at 7:00 a.m. Friday.

16
17 Council Member Laputka asked whether the ratio of ALS/paramedics staffing was adequate. Chief
18 Hoffman noted the level of service will be the same as DeBary had with the County. Chief Hoffman
19 advised this is a concise agreement and there is not a lot of “fluff” to it.

20
21 Mr. Murray discussed the details of the contract. He said the initial proposal included a price to
22 repair the exterior of the fire house however DeBary decided to make the repairs. Orange City
23 firefighters will remodel the interior as necessary with DeBary furnishing the supplies and
24 equipment. DeBary plans to purchase a new truck with the design and specifications provided by
25 staff. Mr. Murray said this contract will save DeBary a considerable sum of money over the life of
26 the contract. In addition, it provides an “economy of scale” for the City and it is anticipated that the
27 City’s fire service area may expand into the county area. Mr. Murray said he recommends that
28 Council approve this contract.

29
30 Council Member Blair questioned whether DeBary may be considering opening a fire department.
31 Mr. Murray noted that, initially, the City suggested a six year agreement because of the vesting that
32 takes place under the FRS system, but DeBary did not agree. Instead, the City included a provision
33 in the contract that if DeBary were to decide to eventually form a fire department, the City must be
34 notified six months in advance, and they must offer these employees employment first.

35
36 Vice Mayor Allebach spoke in support of this contract noting it is a great regionalization approach.

37
38 **Motion passed by a 6/0 roll call vote of the Council.**

- 39
40 **C. RESOLUTION NO. 571-09:** A resolution of the City Council of the City
41 of Orange City, Florida, authorizing the Mayor to execute an Agreement
42 between the City of Orange City and Holland & Reilly for auditing services
43 for the fiscal years ending September 30, 2009, September 30, 2010, and
44 September 30, 2011; repealing all resolutions in conflict herewith and
45 providing for an effective date.

46
47 Vice Mayor Allebach read the title of Resolution No. 571-09 into the record.

1
2 **Council Member Laputka moved to adopt Resolution No. 571-09,**
3 **seconded by Council Member Blair.**
4

5 Mr. Reischmann advised this action will conclude the selection of an auditor. Council has gone
6 through an extensive process and approval of this contract is the final step. Mr. Reischmann thanked
7 the Mayor for his input.
8

9 **Motion passed by a 6/0 roll call vote of the Council.**
10

11 **D. RESOLUTION NO. 573-09:** A resolution of the City Council of the City
12 of Orange City, Florida, cancelling the regular city council meetings
13 scheduled for November 24, 2009, and December 22, 2009; repealing all
14 resolutions in conflict herewith and providing for an effective date.
15

16 Vice Mayor Allebach read the title of Resolution No. 573-09 into the record.
17

18 **Council Member Blair moved to adopt Resolution No. 573-09,**
19 **seconded by Council Member Pupello and passed by a 6/0 roll call**
20 **vote of the Council.**
21

22 **E. RESOLUTION NO. 574-09:** A resolution of the City Council of the City
23 of Orange City, Florida, amending the Classification and Pay Plan for the
24 City of Orange City by adding the positions of Division Commander to the
25 Fire Department and Community Services Aide to the Police Department;
26 containing a repealer provision, a severability clause and providing for an
27 effective date.
28

29 Vice Mayor Allebach read the title of Resolution No. 574-09 into the record.
30

31 **Council Member Laputka moved to adopt Resolution No. 574-09,**
32 **seconded by Council Member Blair.**
33

34 Mr. Murray advised the Code of Ordinance requires Council approval to include new position titles
35 into the pay classification plan. He said the Community Service Aide position for the Police
36 Department was approved in the FY 09/10 budget. This resolution would allow staff to move
37 forward and formally incorporate that position title into the pay classification plan. In addition, the
38 position title of Division Commander for the Fire Department would be added. Incorporating this
39 position title would level the command structure through fire services dispatch. These changes
40 would have a minimal effect on the annual payroll. Herb Hoffman, Fire Chief came forward and
41 said firefighters cannot respond to certain incidents because of their title, even though they may be
42 qualified to handle the matter. Updating the position title puts the officers in sync with other
43 communities.
44

45 Council Member Blair asked whether the Community Service Aide is a uniform position. Jeff
46 Baskoff, Chief of Police came forward and responded in the affirmation noting the uniform would

1 not be the same uniform a police officer wears but it will identify the City. Council Member Blair
2 noted that it would not be a sworn officer. He questioned what the functions of the position would
3 be. Chief Baskoff stated that the community service aide would assist the sworn police officers in
4 processing crime scenes once the area is secure, as well as handle many other tasks. Mayor
5 Strickland classified the position as a “paper work jockey”, someone who will complete reports and
6 free up the police officers to move on the next crime scene.

7
8 Council Member Pupello questioned the method used to determine the salary for the position. He
9 noted that looking at the schedule of pay, a fire lieutenant will make less money than the
10 community service aide. Chief Hoffman noted that when the shift differential is added that would
11 not be the case.

12
13 **Motion passed by a 6/0 roll call vote of the Council.**

- 14
15 **F. RESOLUTION NO. 575-09:** A resolution of the City Council of the City of
16 Orange City, Florida, authorizing the execution of an agreement between the
17 City of Orange City and the City of Deltona for the provision of Fire and
18 Rescue Emergency Dispatch Services; providing for severability, providing for
19 conflicts, providing for implementation actions; repealing Resolution No. 506-
20 08; and providing for an effective date.

21
22 Vice Mayor Allebach read the title of Resolution No. 575-09 into the record.

23
24 **Council Member Laputka moved to adopt Resolution No. 575-09,**
25 **seconded by Vice Mayor Allebach.**

26
27 Mr. Murray advised the purpose of this resolution is to include the City of DeBary jurisdiction in the
28 current fire dispatch services contract with the City of Deltona. The addition of DeBary to the
29 contract required additional personnel and the contract increased accordingly. The additional costs
30 are included in the operational budget of the contract with DeBary. Mr. Murray said the City has
31 had a close working relationship through the years with Deltona and staff feels the increase is fair.

32
33 Council Member Blair noted that the City contracts with the County for its police dispatch and
34 Deltona for fire dispatch. He asked why the City does not use one entity to provide the service. Mr.
35 Murray said the City has had a good working relationship with Deltona for fire service dispatch for
36 some time. He suggested that the City could contract with another agency or do its own dispatch.
37 Council Member Blair clarified that he was concerned with the time factor involved. Mr. Murray
38 responded that it is seamless and transparent.

39
40 **Motion passed by a 6/0 roll call vote of the Council.**

41
42 **6. DISCUSSION AND ACTION:**

43
44 **A. Approval of Radio Read Meter Supplier**

45
46 Mr. Johnson came forward and advised that the purpose of this agenda item is to obtain
47 authorization for Orange City Utilities to change from its current meter supplier Ferguson

1 Enterprises, Inc. to Mainline Supply Company. Mainline Supply has agreed to maintain the current
2 pricing for meters and accessories for another year and plan to submit a minimal cost of living
3 increase. Mr. Johnson noted that this company is a sole-source supplier and that while the
4 Purchasing Code allows purchases from sole-source suppliers, staff felt it was important to bring this
5 matter to Council's attention.
6

7 In response to a question from Council Member Laputka, Mr. Johnson noted that the renewal and
8 replacement program began about 2 ½ years ago and 20% of the meters have already been replaced.
9 It is a ten year program and the City is "well on track with it." Mayor Strickland noted that once the
10 project is completed, staff will not have to get out of their vehicles to read the meter. Mr. Johnson
11 agreed noting that the driver will have a laptop computer that will read the meter. He pointed out
12 that some areas of the City have been isolated and currently staff is reading the meters in this
13 manner. Customers have expressed concerns that their meters are not being read, but it is being read
14 by the computer. It is very efficient.
15

16 **Vice Mayor Allebach moved that the City Council approve Mainline**
17 **Supply Company as the City's sole-source provider of Hersey Meters,**
18 **seconded by Council Member Laputka and passed by a 6/0 voice vote of**
19 **the Council.**
20

21 As a point of order, Mayor Strickland said that he received a request from a citizen to speak on the
22 item to be addressed during the attorney-client private session. He asked the City Attorney the best
23 way to proceed. Mr. Reischmann advised that Council has some limited discretion to hear from the
24 citizen, but once the meeting is recessed, everyone other than those authorized by Chapter 286 of the
25 Florida statutes must leave the room. If this were a regular meeting then, clearly, citizen comments
26 would be heard as is required by the *Council Rules & Procedures*. However Council is limited to
27 just those items that are on the agenda this evening.
28

29 Mayor Strickland recessed the meeting at 7:26 p.m. He asked that everyone leave the room.
30

31 **Recess Special Meeting and Convene ATTORNEY-CLIENT PRIVATE SESSION** for the purpose
32 of City Council and Legal Counsel to discuss settlement negotiations and strategies related to litigation in
33 the case of Orange City, Plaintiff v. GEL Corporation, Defendant, Case No's 2006-11049-CIDL and
34 2007-11086 CIDL. **This meeting shall be conducted under the authority of Florida Statute 286.011(8)**
35

36 **MAYOR ANNOUNCES COMMENCEMENT AND ESTIMATED LENGTH OF THE**
37 **ATTORNEY-CLIENT SESSION**
38

39 **MAYOR ANNOUNCES NAMES OF PERSONS ATTENDING ATTORNEY/CLIENT SESSION:**
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41 O. William Crippen, Gary A. Blair, Tom Laputka, Anthony Pupello,
42 Jeff Allebach, Harley Strickland; Chester Murray, William
43 Reischmann, Allen Watts
44

45 **COUNCIL CHAMBERS TO BE VACATED OF ALL OTHER PERSONS AT THIS TIME**
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47 **COMMENCEMENT OF ATTORNEY/CLIENT SESSION**

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CONCLUSION OF ATTORNEY/CLIENT SESSION

RECONVENE SPECIAL MEETING

Mayor Strickland reconvened the meeting at 9:02 p.m.

Council Member Crippen moved to adjourn the meeting, seconded by Council Member Blair and approved by 6/0 voice vote of the Council.

7. ADJOURN:

There being no further business, Mayor Strickland adjourned the meeting at 9:02 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Gloria Williams, CMC
Deputy City Clerk

December 08, 2009