



# City of Palm Coast

160 Cypress Point Pkwy.  
Suite B-106  
Palm Coast, Florida 32164  
palmcoastgov.com

## Meeting Minutes City Council Workshop

**Mayor Jon Netts**  
**Vice Mayor Jason DeLorenzo**  
**Council Member David Ferguson**  
**Council Member William Lewis**  
**Council Member Bill McGuire**

---

**Tuesday, January 28, 2014**

**9:00 AM**

**Council Conference Room**

---

>Other matters of concern may be discussed as determined by City Council.

>If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.

>City Council meetings are televised on Bright House Networks Channel 199.

>All pagers and cell phones are to remain OFF while City Council is in session.

### **A. Call to Order**

*Mayor Netts called the meeting to order at 9:00 a.m.*

### **B. Pledge of Allegiance to the Flag**

### **C. Roll Call**

*Records Coordinator Barbara Redline called the roll. All members were present.*

**Present:** 5 - Mayor Netts, Vice Mayor DeLorenzo, Council Member Ferguson, Council Member Lewis, and Council Member McGuire

### **D. PRESENTATIONS**

- 1**      [14-30](#)      RESOLUTION 2014-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF FOR LAW ENFORCEMENT

**Attachments:**      [Resolution 1A Sheriff](#)  
                                 [1A Sheriff](#)

*Mr. Landon gave a brief overview of this item and gave a PowerPoint presentation (attached to these minutes). Commander Mark Carman of the Flagler County Sheriff's Office was present for questions.*

*CM McGuire - Are COPs sworn officers? Commander Carman - No.*

CM McGuire - So they are over and above these numbers (16 plus 22 sworn officers in Sec. 3.4)? Commander Carman - Yes.

CM McGuire - How many SROs (School Resource Officers) are there in the Sheriff's Office? Commander Carman - Currently, five, but with the new schedule there will be six all together because Corporal Apperson that oversees the program, and covers the alternate school which hours are being cut down, will be roaming the other schools and covering where needed.

CM McGuire - All of the schools in the district with the exception of Bunnell are in Palm Coast; we're only required to fund one SRO? Commander Carman - You are funding one because we are adding one; there is not a SRO in every school (Bunnell and some elementary schools do not have SROs; were not approved by the School Board). The School Board, the City, and Sheriff's Office agreed that if the City funded a SRO, when summertimes come or no-school days they would all be assigned to the City to do juvenile patrol and special duties with the kids, etc.

CM McGuire - How much does the County budget for the Sheriff for services? Commander Carman - About \$20 mil.

CM McGuire - And ours is about \$2.5 mil.? Commander Carman - Yes. Mr. Landon added the Palm Coast taxpayers are paying the majority of that \$20 mil.

CM Lewis - Wasn't one of the reasons we agreed to fund a SRO was to defray costs? Mr. Landon - In his opinion that wasn't the main focus; it was our neighborhoods, parks and where the kids hang out; and the officers wanted to help us.

CM McGuire - If the State legislature declares red light cameras to be illegal, do we have a contingency plan; do we plan on adding more police patrol or anything; because this contract expires in 2017; do we have rights to renegotiate? Mr. Landon - Yes, you can always do that; there is a clause regarding negotiating renewal.

CM McGuire - How many traffic tickets does the Sheriff's Office write a week? Commander Carman stated he can provide end of the month reports; last year in Palm Coast 3,800 traffic citations were issued by Sheriff's deputies.

CM McGuire - If we are not putting together a contingency plan for the demise or absence of red light cameras, we should be at least thinking about it, because the people he has talked to in Tallahassee are saying they are gone. Mr. Landon - Okay.

VM DeLorenzo - If we were to enhance or add more officers on the street he assumes that means another supervisor; how does it work; a package, how does that break out? Mayor Netts - Could we add 3-4 deputies without a supervisor? Commander Carman - Right now we probably could; there are different formulas but normally there is 1 sergeant or supervisor to every 4-5 men.

VM DeLorenzo - It looks like the Sheriff pays for the supervisor, we pay for one and the school district pays for four; why is the cost so much different? Mr. Landon - The agreement with the School Board is they are only paying for the time that they are in school; cars are parked not using fuel, etc. Our costs reflect year-round, full-time deputies.

Mayor Netts - What is retroactive (referring to Cost of Services/Term slide "Applied retroactively and expires Jan. 31, 2017")? Mr. Landon stated that should probably be

*changed to continuously.*

*CM McGuire - We pay for COPs don't we? Mr. Landon - No, COPs are not part of this, though they are a major asset. Commander Carman - It is a great enhancement; about 65 volunteer COPs and most of them work in Palm Coast.*

*CM McGuire - Who is paying for that (training, uniforms)? Commander Carman - The Sheriff; there is a small budget for them.*

*Mayor Netts did a plug for the home hardening inspection service that the COPs provide for home security at no cost to residents; it can make a huge difference in your home security. Commander Carman believed it is called "star approval;" they give you an inspection and come back out and reinspect.*

*CM Lewis asked about the contract expiring 1/31/2017. Mayor Netts stated this is to allow for the election of a possible new Sheriff and renegotiation. Mr. Landon - The idea is we would not renegotiate until 2017.*

*CM Lewis will the Sheriff be present for this? Mr. Landon - He was intending on being at the business meeting.*

**The Resolution was Continued.**

**2**      [14-26](#)

**RESOLUTION 2014-XX APPROVING AN ENERGY SAVINGS  
PERFORMANCE CONTRACT/PROJECT DEVELOPMENT  
AGREEMENT WITH SIEMENS INDUSTRY, INC.**

**Attachments:**      [Resolution-Energy Savings Project Development Agreement](#)  
[Exhibit A Siemens Project Development Agreement](#)  
[Summary - Evaluation](#)  
[2013 FMU Reference Letter](#)  
[2012 Don Ball Letter of Recommendation](#)  
[2009 FIT Reference Scott Weber](#)  
[2006 LSCC Don Ball Ref Letter](#)

*Mr. Landon gave a brief overview of this item. Ms. Denise Bevan, Senior Planner, and Mr. Steven Flanagan, Utility Development Manager, gave a PowerPoint presentation (attached to these minutes). Mr. Jim Hogan, Utility Systems Manager of Water Operations, was also present.*

*CM Lewis - How does the Indian Trails Sports Complex fit in with the water and wastewater plants (Expanding Our Vision - Top 6 Energy Consumers City Wide slide)? Mr. Flanagan - This is solely based on the amount of consumption of power; electrical bill (lights).*

*VM DeLorenzo - Is this the six highest? Mr. Landon - Yes, six highest costs for electrical bills.*

*CM McGuire - Will you break this down; lights, etc.? Mr. Flanagan - This was just to show you the value of what we are paying for now; most of it is pumps, rotors, etc., at the water and wastewater plants. Mr. Landon - That is the next step to figure out how much goes to lights and equipment.*

*CM McGuire - We are going to consider spending money to do something that will*

give us a return; did these glowing reports tell what they spent and what was recouped? Mr. Flanagan - Some of them did give us a dollar value; many did say they were saving more than the funding needed to pay back for the capital improvement.

Mayor Netts - Are they a team normally, Siemens Industry and CPH Engineers? Mr. Flanagan - No, the contract would be with Siemens and CPH would sub to them; a big factor was CPH is very familiar with our facilities; they designed a good portion of them.

CM Lewis - Water Treatment Plant 3 (WTP3), that is a fairly new plant how would this impact that plant? Mr. Hogan - Since it is the newest facility, it has already had a lot of efficiency measures designed into it (lighting, motors) so not so much there. However, he described the different ways the older plants could benefit from this process. Mr. Landon - The first step is evaluating the facilities and nothing may need to be done at WTP3.

Mayor Netts discussed two components of green; you could spend a lot of money to do a green improvement and it would be good for the environment but may not be cost-effective; the other is where there is return on investment.

Mayor Netts - The question that he and CM McGuire had was if Siemens says you can save \$200 a year if we install something and we don't make anywhere near that savings, what happens? Mr. Flanagan - That is where the guarantee comes into place.

CM McGuire - What is Siemens going to do that you can't do for yourself? Mr. Flanagan - Siemens and CPH have the expertise that we do not have in-house. Mr. Landon - We don't have electrical engineers to do an energy audit; we would have to hire outside people to tell us.

Mayor Netts - Is the scope of what you think this study might recommend; does it fall in the capital project magnitude or is this an R&R (routine replacement) magnitude? Mr. Flanagan responded it doesn't mean that we do every project that Siemens recommends; and there probably will be both R&R and capital projects. He explained the phased process in further detail and how Siemens guarantees savings in the amount of the cost of the capital improvement(s) at minimum. Mr. Landon explained this item is to approve the Project Development Agreement (or energy audit) which will be able to provide those numbers to Council.

Mayor Netts - Over what period of time? Mr. Flanagan - That depends on how big our projects are and how long we determine to fund them. Mr. Landon explained the next step, Performance Contracting Agreement (PCA).

CM McGuire - Assuming we agree; then does Siemens oversee the actual work or is that on the City? Mr. Landon - When they come back, then those types of decisions will be made; right now we are just asking for authorization for the \$53,000 audit (PDA). When we have the list of improvements we will decide which ones we will do, and if we don't get the savings; we don't have to pay them back.

Mayor Netts - So if you had a project with a payback period of 10 years, they would make their profit over 10 years and we would start to get the benefits hopefully within the 11th year? Mr. Landon expressed the cost may be \$10,000 and the savings has to be \$12,000-\$15,000 and we only pay them \$10,000.

Mayor Netts asked for more details about the State statute. Mr. Flanagan - It is the

*State statute that set forth the performance contracting; to be included in it you have to be certified by the State; there is a listing of approximately a dozen companies (when we started our request for qualifications) that are certified.*

*CM McGuire - Only two requested to bid on this project? Mr. Flanagan - No four, we whittled it down to two to come in for interviews/presentations.*

*Mayor Netts - Some of these proposals could come under our R&R instead of capital projects? Messrs. Flanagan and Landon - Correct.*

*Mayor Netts - We as Council could just say we are only going to do projects that come under R&R? Mr. Landon - Yes.*

*Mayor Netts - What is worst case scenario? Mr. Flanagan - We spent \$53,000 for the audit and Siemens comes back to us and says we do not have enough options where you can save money. Mr. Flanagan stated they already have done an assessment and know there is a potential for savings.*

*Mayor Netts - We spend \$53,000, if they can't show us a savings we don't have to pay them \$53,000? Mr. Landon - Right.*

*Mayor Netts - If they can show us a savings, we can pay them the \$53,000 we can take the report and try to muddle through it on our own or contract with them to make these improvements and they will then get paid back through the incremental savings, is that right? Messrs. Landon and Flanagan agreed.*

*VM DeLorenzo - That is what the State statute authorized, right; that type of financing? Mr. Flanagan - Yes.*

*Mayor Netts stressed he wants to see return on investment.*

*VM DeLorenzo - Do you anticipate alternative energy projects? Mr. Flanagan - They will look at all different components for potential savings; more than just electrical, such as fleet, etc., and staff will be working with them.*

*CM McGuire - He would like to see, when it comes for approval, letters of recommendation from customers to Siemens. Mr. Flanagan was certain we could get that.*

*CM Ferguson - Were there many municipalities that had utility departments targeted for this program? Mr. Flanagan - Many of them, because that is where the savings were as well.*

*Mayor Netts - How long has this State statute been in affect? Siemens representative responded they have been doing it since 1996.*

*There was discussion about cost savings from the new LED lights and when we might hear from Florida Power & Light with the numbers.*

*CM Ferguson - Was this in the budgetary process; anticipated? Mr. Landon - Yes, we have been working on this for years.*

**The Resolution was Continued.**

THE AMOUNT OF \$250,000.00 FOR ALLOWED REIMBURSIBLE  
EXPENSES RELATING TO LANDSCAPING AND IRRIGATION OF  
MEDIANS ON STATE ROAD 100

**Attachments:**     [Resolution-FDOT JPA Agreement SR100 Landscape](#)  
                              [Exhibit A-FDOT Joint Participation Agreement](#)

*Mr. Landon gave a brief overview of this item. Mr. Bill Butler, Landscape Architect, gave a PowerPoint presentation (attached to these minutes).*

*CM Lewis - Where is the County on all of this? Mr. Butler - They previously had some landscape work done in this area; we are taking the reins on this; makes more sense for us since they are our medians. Mr. Landon - Three projects really going on: path which is a County managed project (north side); Florida Department of Transportation (FDOT) is resurfacing SR100 from I-95 all the way to the beach; and we are doing the medians; it is all of us working together.*

*CM Lewis - Asked about the south side (path), where is the input for that? Mr. Landon - He doesn't think we'll see a demand for that.*

*Mayor Netts - FDOT is going to pay a portion of the median upgrades; that is a one time expenditure; do we then assume the cost for the perpetual maintenance? Mr. Butler - They will only pay a portion; the cost to just mow it.*

*CM McGuire - What is the distance of the median? Mr. Butler - It is about two miles, and in response to Mayor Nett's inquiry about the median that continues into Flagler Beach; he responded Flagler Beach also has a JPA (Joint Participation Agreement), and they are going to continue with the median when we are finished and replicate what we did so it will look seamless.*

*VM DeLorenzo - Our City Limits sign is in the wrong place; it is west of Colbert. Mr. Butler - Yes, and he wasn't sure why. Mr. Landon - It is in the FDOT right-of-way but he is sure we could move it. Publix is in Flagler Beach, but the Beach Village Apartments are in Palm Coast (that is where the line is and the sign should be).*

*CM McGuire - What kind of low profile shrubs? Mr. Butler - Dune Sunflower and Juniper; the idea is less shrubs and more mature trees for less maintenance.*

*CM McGuire - What is an understory tree? Mr. Butler - Trees that get no bigger than 11" diameter trunks, such as: Crepe Myrtle, Holly or Viburnum.*

*Mayor Netts - This is not work our staff would do? Mr. Butler - Each time we do a project like this, we evaluate what makes sense and what doesn't; in this case with the timing of the project; have to be done by the end of September that is when the JPA ends and our Public Works Department is already heavily in a lot of other City projects, plus the contractor has to be FDOT certified.*

*CM McGuire - Do you have a cost breakdown of what is labor, materials, irrigation, etc., and what the City's cost is going to be? Mr. Butler - Not yet until the drawings are finally done; we have to enter in the JPA first and then you do the drawings and the final plans haven't been approved by FDOT yet.*

*CM McGuire - Preliminary thoughts of what the cost breakdown would be? Mr. Butler - The irrigation has not been designed yet.*

*Mayor Netts - What will you do if it comes back too much? Mr. Landon - Then Mr.*

*Butler has to go back to the design and cut out something(s).*

*Mr. Landon - This is the grant agreement; you are authorizing for FDOT to contribute \$250,000 to the project; then we will come back with actual cost by the City. We are doing design and inspections in-house.*

*CM McGuire - What are you asking for at this time? Mr. Landon - Just approval of the grant agreement (JPA) between the City and FDOT.*

*Mayor Netts - The underlying issue is, are we willing to approve spending \$215,000 for the median project? Mr. Landon - This is already in the budget; Council has approved it once; it is before you now to approve the grant and then it will come back to Council again for approval of the construction dollars to make it happen.*

*CM Ferguson - You alluded to the language in the contract and he remembers reading that City staff could not perform work that was attributed to the \$250,000 grant, is that right? Mr. Butler - That is really just to the project; not the cost of the inspections, etc. (sod, stamped concrete). Mr. Landon - FDOT will not reimburse us for City staff time; they will reimburse us for a check to a contractor or materials; the cost of the construction will be more than \$250,000.*

**The Resolution was Continued.**

#### **E. WRITTEN ITEMS**

##### **4      [14-13](#)      RESOLUTION 2014-XX APPROVING THE SECOND AND FINAL ONE-YEAR RENEWAL OF THE CONTRACT WITH TRI-COUNTY BOBCAT SERVICES, INC., FOR TREE REMOVAL SERVICES**

**Attachments:**      [Resolution-Tree Removal Services](#)  
                                 [Tri-County Renewal Letter](#)

*Mr. Landon gave a brief overview of this item.*

*CM McGuire - When he sees Asplundh tree service, is that coming through Tri-County Bobcat? Mr. Landon - No, they are probably contracted by Florida Power & Light.*

*CM McGuire - Budgeted? Mr. Landon - Yes, mainly out of the Code Division.*

**The Resolution was Continued.**

#### **Public Participation**

**In accordance with Section 286.0114 Florida Statutes, any member of the public interested in speaking on any proposition agendaed or that Council discusses or considers during this workshop, will be afforded the opportunity to speak during public participation at the next City Council Business Meeting. Contact the City Clerk's office for the meeting date, time, and location at 386-986-3713 or [cityclerk@palmcoastgov.com](mailto:cityclerk@palmcoastgov.com)**

#### **F. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM McGuire - What is our deadline, at what point in time if the Supervisor of Elections (SOE) says she is not going to conduct our election, and we have to plan on doing it ourselves? City Attorney Reischmann - The City Clerk is the charter*

*officer for elections and she has indicated that she has taken steps to investigate into her due diligence in the event that it becomes a reality; we are not at that point now and we won't be at that point for several months.*

*CM McGuire - Is there any update on the conversations with the SOE? Attorney Reischmann believes Council received a copy of the latest e-mail (1/24/14) he provided to the SOE which he states the City's preference is that the SOE meet with us as soon as possible to discuss the planning of her role and participation in the 2014 elections. He has not yet received a response from the SOE. There were a series of communications between the SOE and the City Clerk.*

*CM McGuire - We will have to come up with the money out of budget if we have to do the election. Mr. Landon - Most of it, if not all of it, would come out of this year's budget; probably would be a lot more expensive than we had anticipated. It makes zero sense for us to conduct our own election; the whole concept was to have City Council seats on the County ballot to save the confusion, to save money, to have one election for all the positions: the City, County, Federal and special districts, etc. We are still hoping that is the case.*

*CM McGuire - But we can't force her to do it, and if she refuses we have to be ready for it. Mr. Landon - We doing the due diligence as to exactly what it would take for us to conduct the elections, but our goal is, and we are hoping that, we don't have to do it; too early to tell how much that will cost.*

*Mayor Netts - What do Flagler Beach and Bunnell do? Mr. Landon - They contract with the SOE.*

*Attorney Reischmann - Her sole remaining contention is that the referendum that was held in 2011 was done in conjunction with a primary rather than a general election and she has demanded that before she sits down to prepare for election that we submit to the Attorney General for a blessing of the process of 2011; we have said there already is an Attorney General Opinion on the subject and we have tried to convince her of that; there is clear precedent.*

*Mayor Netts - How is it that she does not have clear instructions from the State? Attorney Reischmann - They have not supported her opinion, nor the County attorney; that is where we are today.*

*CM Ferguson received some inquiries of the Perkins property. Mr. Landon - We can tell you we issued a demolition permit; he is respecting the request of the property owner and doesn't want to spread rumors. As soon as we get formal plans submitted, we will let Council know.*

*CM McGuire - Asked what about the McDonald's at Belle Terre? Mr. Landon - Yes, those permits have been issued along with a Verizon phone store (between the east and west Palm Coast Pkwy.); they are coming out of the ground.*

*Mr. Landon - We could have as many six commercial projects coming out first half of 2014 and residential is going up; we are extremely busy; we are not where we need to be for planning staff. We had in the budget two additional positions in our Building Division and he expects to receive requests to have them filled soon. The quarterly report (ending 12/31/13) in our building fund we were projecting, if we kept flat, we would have about a \$200,000 deficit in expenses versus permit fees, but we are already \$100,000 over (positive) and this quarter is even more active, so we are seeing enough activity. We have hired the new zoning person; we are evaluating staff needs which is a good thing.*



*Mayor Netts expressed his concerns about the striping on Old Kings Road in the vicinity of Celico Way; difficult to see the lines. Mr. Landon agreed, we have an annual striping program and we will grind out the green paint and restripe this year. Old Kings Road north of Palm Coast Pkwy. is on the list.*

**G. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Attorney Reischmann stated that Mr. McDonald's lawsuit against the City was dismissed last week; our motion to dismiss most likely precipitated the voluntary motion to dismiss; we also filed a motion for sanctions which will probably be scheduled to be heard in February.*

*CM Ferguson - How much money are we talking about? Attorney Reischmann - The amount of costs and attorneys' fees the City incurred from the time the motion was filed to the time of the dismissal. Mr. Landon believes the full cost to defend this lawsuit is around \$9,000-10,000.*

**H. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Mr. Landon reported the tennis tournament went very well.*

*CM McGuire - Has the City ever had a booth at the home show (he noticed we were about the only governmental agency that didn't)? Mr. Landon didn't think we ever had.*

*CM McGuire - Should we? Mr. Landon - Okay, we could.*

*Zero Liquid Discharge project (ZLD) is out of the ground, quite impressive.*

*Seminole Woods path is going well, in-house staff is doing a great job.*

*Bridge projects are in initial phases, rehab on Palm Harbor, Long Creek, weir project is coming up, contract for widening of Palm Coast Pkwy. has been signed; start probably later part of February.*

*Bulldog Dr. is ready to go and will start February 3rd.*

*CM McGuire - When is the project going to start with the soccer fields along US1 across from Indian Trails, behind the trees? Mr. Landon - He has been told they are still planning on doing that in 2014, but we are not directly involved in that one; private club is doing it; hopefully it will get started in 2014.*

**I. ADJOURNMENT**

*The meeting was adjourned at 11:21 a.m.*

*Respectfully submitted,  
Barbara Redline*

[14-31](#)

**MEETINGS CALENDAR AND AGENDA WORKSHEET**

**Attachments:**    [Calendar](#)  
                              [Agenda Worksheet](#)

[14-32](#)

ATTACHMENTS TO MINUTES

**Attachments:**

[Item 1-Enhanced Law Enforcement Services](#)

[Item 2-Green Team-Energy Team Update](#)

[Item 3-JPA with FDOT-SR100 Median Landscape](#)