



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 Bill McGuire
Council Member Jason DeLorenzo
Council Member Steven Nobile
Council Member Heidi Shipley

Tuesday, November 25, 2014

9:00 AM

Council Conference Room

>Public Participation shall be in accordance with Section 286.0114 Florida Statutes.

>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

Vice Mayor McGuire called the meeting to order at 9:00 a.m.

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 4 - Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Excused: 1 - Mayor Netts

D. PRESENTATIONS

1 [14-424](#) PRESENTATION ON TRAFFIC SIGNAL OPTIMIZATION STUDY

Mr. Landon gave a brief overview of this item. Mr. Sean Castello, Traffic Engineer, gave a PowerPoint presentation (attached to these minutes).

Project Costs slide:

VM McGuire - What are these tasks that we can't do ourselves; why do we need to bring in a consultant for what appears to be normal functions of a traffic system? Mr. Landon - It is actually going beyond that, we have our system that we operate, but we are trying to go to the next level to optimize it.

VM McGuire - Mr. Castello will be able to pick this up after the consultant; is this a one-shot deal with the consultant? Mr. Landon - Yes, that is the idea.

VM McGuire - This is already budgeted? Mr. Landon - Yes, and implementing the first phase.

CM Nobile - As far as the fiber is concerned, what routes is that already done at where we can connect these traffic signals? Mr. Landon - It runs down Palm Coast Parkway and Belle Terre; it's already there; the signals are not yet connected to it, also Old Kings Road in the commercial area.

CM DeLorenzo - Pedestrian signalization, the fact that we have some strange designs with multiple poles; looks like DRMP was involved with some of those designs, like the one at Corporate Dr. Please talk to them about the design styles that they have used. Mr. Landon - The answer he got was that the pedestrian beacon has to be right in front of the pedestrian walkway to meet the standards, but great idea to minimize the amount of hardware out there.

VM McGuire - What is the timetable for this? Mr. Castello - Approximately 6 months from now for the study. Mr. Landon - We will bring back the recommendations.

The Presentation was Received and Filed.

2 [14-420](#)

PRESENTATION OF ESTIMATED TIMELINE FOR FISCAL YEAR 2015 CAPITAL PROJECTS

Mr. Landon gave a brief overview of this item. Mr. Chris Quinn, Finance Director, gave a PowerPoint presentation (attached to these minutes).

VM McGuire - Our budget year is from when to when? Mr. Quinn - October 1, 2014 to September 30, 2015.

Capital Improvement Program - 2015 Projects by Type slide:

VM McGuire - Are we talking about new construction, not maintenance? Mr. Landon - Yes.

VM McGuire - Indian Trails Sports Complex scoreboard have we approached anyone else for funding, for example like the TDC (Tourist Development Council)? Mr. Landon didn't think we were eligible for any additional money unless they changed the rules. VM McGuire - They have changed the rules; he suggests a conversation with Mr. Matt Dunn; the rules have been revised there is another step added for funds that go to recreational projects now the TDC approves it and it goes back to the Board of Flagler County Commissioners. Mr. Landon - We can go back and try it. CM DeLorenzo - It may be every other year.

CM DeLorenzo - PDA (Players Development Association) also makes a lot of money on those fields, don't have any cash to kick into this thing? We are very helpful to their business. Mr. Landon - Yes, we can ask them too.

VM McGuire - What about the timing of our street program on Old Kings Road aimed at tying it in with the County's project to do the Matanzas Woods Interchange? Mr. Landon - Old Kings Road Extension is not up there (on the presentation) because the County is managing that program, but it is on track to get started in 2015; it's all like one big project at this point. Ours will be Palm Harbor Extension.

CM DeLorenzo - The Old Kings Road Extension, is that going to be designed to our criteria (since County is going to handle it); urban or rural? Mr. Landon - Yes, urban

road, 4-lane divided. We will see the design; that is going to be part of the Interlocal Agreement.

CM DeLorenzo - The Royal Palms reuse line when completed, that will allow us to continue the median work on Belle Terre south to SR100? Mr. Landon - Yes.

CM DeLorenzo - The anticipated construction at the corner of Seminole Woods and SR100, is that going to get us a reuse line under SR100 and down Seminole Woods; what do we need; is that enough or do we need to get more reuse line? Mr. Stephen Flanagan, Utility Development Manager - We previously had a design all the way from SR100 and Seminole Woods down to Grand Landings; we just didn't have the dollars. As part of our applications for cost shares money from the District (St. Johns River Water Management District) that project was graded too high to get grant or cost share dollars. We are going to submit it again for this year's cost share dollars, but in the meantime with Racetrac coming in at the corner of SR100 and Seminole Woods, we plan on doing our own capital project segment of it just across SR100 just far enough so we are not impacting with Racetrac and they are not impacting us. Mr. Landon - Racetrac is going to fund crossings, 4-ways at that intersection; we are going to do the work with FDOT's approval.

VM McGuire - What kind of timeframe for that, next year? Mr. Landon - It's just a matter of getting all their ducks lined up to get started.

Mr. Quinn passed out the Budget Glossary and Acronyms pamphlet and Fiscal Year 2015 Budget at a Glance pamphlet (both attached to these minutes), which are also available on the City's website.

The Presentation was Received and Filed.

E. WRITTEN ITEMS

3 [14-410](#) RESOLUTION 2014-XX APPROVING PURCHASE OF HEAVY EQUIPMENT AS APPROVED IN THE FISCAL YEAR 2015 BUDGET

Attachments: [Resolution - 2014-2015 Heavy Equipment](#)
 [2015 Fleet Replacement List](#)
 [Bid Tab-Heavy Equipment](#)

Mr. Landon gave a brief overview of this item. Mr. Tony Capella, Public Works Street Superintendent, presented the list of proposed heavy equipment for Fiscal Year 2015 attached to this agenda item.

CM Nobile - What happens with the equipment we are replacing? Mr. Capella - We have been very successful with online auctions and some being shipped out of the Country.

CM DeLorenzo - The dollars go back into the fleet? Mr. Capella - Yes.

CM DeLorenzo - What are the additional tasks this additional equipment is going to be used for? Mr. Capella - We have taken on Bulldog Drive, more median work all the way down to Flagler Beach on SR100. Mr. Landon - Most of it is mowing.

VM McGuire - Do you have a checklist when you look at your equipment to decide that it is time to replace it? Mr. Capella - Yes, we also look at parts availability, future service; through history we know that if this goes this piece of equipment is down for

a certain amount of time; we look at the efficiency of replacing it now compared to later.

VM McGuire - Do you have colleagues in other municipalities that you can exchange information with? Mr. Capella - Absolutely, we are looking at the service they are getting and why they are getting that service, etc. We have a firsthand look under the hood.

CM Nobile - We are switching some brands, is that by evaluation, criteria? Mr. Capella - Yes, everything is nice when it is new so we really look at service and parts availability; just because you've been doing something one way doesn't mean you should continue to do it that way. We are looking at different models and manufacturers that can give us better quality and service.

CM Nobile - So, you are monitoring the equipment over time? Mr. Capella - Yes, we look at how often it's down, how long, the history, etc.

VM McGuire - On any piece of equipment, you can tell how many hours and how much cost you have put into it? Mr. Capella - Absolutely.

The Resolution was Continued.

4 [14-406](#)

RESOLUTION 2014-XX APPROVING THE TERMS AND CONDITIONS OF THE COOPERATIVE COST SHARE INITIATIVE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE BRACKISH SOURCE AQUIFER PERFORMANCE TEST (APT)

Attachments: [Resolution - Aquifer Performance Test Cooperative Cost Sharing Agreement - City of Palm Coast Brackish Source Aquifer Performance Test](#)

Mr. Landon gave a brief overview covering items 4, 5 and 6. Mr. Richard Adams, Public Works Director, presented a map of the reuse system (attached to these minutes) and discussed it in detail.

VM McGuire - What is an alternative source? Mr. Adams - They have a combination of stormwater, brackish and fresh water aquifer; by combining all those different types of water they are able to irrigate their course; they have that paspalum which is somewhat salt tolerant; they use mostly those sources for their irrigation but they supplement/purchase from us reuse when needed.

VM McGuire - What about Palm Harbor Golf Course, what is their irrigation? Mr. Adams - They irrigate out of our stormwater reuse system. Mr. Landon - There are two types of reuse - stormwater and treated wastewater (or treated sewer).

CM DeLorenzo asked for a briefing on the benefits of using reuse to the whole water system. Mr. Adams - One of the reasons why we qualify for these grants is because it is reuse/reclaimed is replacing potential groundwater withdrawals; whether it is us withdrawing it and treating it to drinking water standards for irrigation or whether they pull directly out of their own well for irrigation, it is still groundwater. Reuse/reclaimed wastewater is considered a beneficial replacement of groundwater and that is how we qualify for grants; it's specifically a cost sharing program where it is specifically replacing source water. CM DeLorenzo - We are conserving water by reusing it, rather than pulling it out of the ground? Mr. Adams - Correct, and if we weren't using it we would be discharging it into the Intracoastal.

VM McGuire - Who is going to actually lay the pipe? Mr. Adams - A contractor, we have an Interlocal Agreement with the County to have their contractor do the piece that is in the Interchange; we are contracting the rest outside the interchange.

VM McGuire - It is in our capital budget? Mr. Adams - Yes. Mr. Landon - And it won't destroy the path either.

VM McGuire - Is that the Old Brick Township area? Mr. Adams - No, that is all within the gap; Rayonier property.

CM Nobile - On this reuse, the additions mostly are going to handle City irrigation, is that correct? Mr. Adams - The Royal Palms Parkway one, correct; the Palm Coast Parkway one currently under construction, correct; the Matanzas Woods Parkway connecting to two wastewater plants is related to all our reuse customers.

CM Nobile - Have we done a return on investment analysis; why are we doing this? Mr. Adams - A return on investment in reuse is an interesting concept, because right now if you don't reuse it you have waste disposal cost. For instance, we have approximately 3.3 or 3.6 mil. gallons a day capacity in our spray field, that is 160 acres of high, dry land. In order to build that, you would have to take the most prime developable land to be able to build an infiltration basin that allows the water to percolate into the ground; you can't use low lands. That is a lot of money for the acreage needed, etc. If you can replace that with reuse pipe that is a whole lot less money and we are also selling it to Hammock Dunes; sometimes upwards of 2 mil. gals. a day and Grand Haven sometimes half a million gals. a day. Mr. Adams mentioned installing reuse lines for residential use would be too expensive. CM DeLorenzo added that as part of our Land Development Code, new developments are required to be on the reuse water system. Mr. Adams - However, there are some exceptions.

The Resolution was Continued.

5 [14-407](#)

RESOLUTION 2014-XX APPROVING THE TERMS AND CONDITIONS OF THE COOPERATIVE COST SHARE INITIATIVE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE ROYAL PALMS PARKWAY RECLAIMED WATER TRANSMISSION PIPELINE

Attachments: [Resolution - Royal Palms Parkway Reclaimed Water Transmission Pipeline Cooperative Cost Sharing Agreement](#)
[Agreement - City of Palm Coast - Royal Palms Parkway Reclaimed Transmission Pipeline](#)

This item was discussed under Item 4.

The Resolution was Continued.

6 [14-408](#)

RESOLUTION 2014-XX APPROVING THE TERMS AND CONDITIONS OF THE COOPERATIVE COST SHARE INITIATIVE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE MATANZAS WOODS PARKWAY RECLAIMED WATER TRANSMISSION PIPELINE

Attachments: [Resolution - Matanzas Woods Parkway Reclaimed Water Transmission Pipeline Cooperative Cost Sharing Agreement](#)
[Agreement -City of Palm Coast-Matanzas Woods Parkway Reclaim Pipeline](#)

This item was discussed under Item 4.

The Resolution was Continued.

7 [14-417](#)

RESOLUTION 2014-XX APPROVING PIGGYBACKING CONTRACTS BETWEEN PINELLAS COUNTY AND NABORS, GIBLIN & NICKERSON, AS DISCLOSURE COUNSEL

Attachments: [Resolution - Disclosure Counsel Services](#)
[Engagement Letter - Nabors Giblin - Bond Council](#)
[Pinellas County Contract](#)

Mr. Landon gave a brief overview of this item.

VM McGuire - We don't pay them, if we don't use them? Mr. Landon - Correct, only if we need them.

CM DeLorenzo - Is this the same one we were using or a different one? Mr. Landon - The same one.

The Resolution was Continued.

8 [14-422](#)

RESOLUTION 2014-XX APPROVING A PRICE AGREEMENT WITH THATCHER CHEMICAL OF FLORIDA, FOR THE ANNUAL SUPPLY OF DENSE SODIUM CARBONATE (SODA ASH) FOR THE PUBLIC WORKS/UTILITY DIVISION FOR FISCAL YEAR 2015

Attachments: [Resolution Thatcher](#)
[Contract Summary - Thatcher Chemical](#)
[Bid Tab Dense Sodium Carbonate](#)

Mr. Landon gave a brief overview of this item.

VM McGuire - So, we sent out a request for bids and only received one response? Mr. Landon - Correct.

VM McGuire - How much do we spend on soda ash each year? Mr. Landon - The annual estimate is just under \$90,000.

CM Shipley - How far do the bids go out; local or so many miles' ratio where we look for a company that does that? Mr. Landon - We don't have limits, but they have to deliver it so the companies have limits.

CM Shipley - But we did ask for different bids, and only one came back? Mr. Landon - Yes, the bids were wide open.

VM McGuire - Is there any other chemical that is an acceptable substitute? Mr. Matthews - Yes and no, we are actually trying to react with non carbonate alkalinity that exists in the water with chlorites and sulfates specifically. Sodium hydroxide (lye/caustic soda) would be the only other acceptable product to use and costs more

money. We pilot tested both and soda ash ended up being a more economical and optimal process.

VM McGuire - If you were to use sodium hydroxide, would you have to use more, less or the same? Mr. Matthews - More.

The Resolution was Continued.

9 [14-425](#)

RESOLUTION 2014-XX APPROVING THE SECOND AND FINAL ONE-YEAR CONTRACT RENEWAL OPTION FOR JANITORIAL CLEANING SERVICES WITH KARPETMASTER, INC.

Attachments: [Resolution- Karpetmaster Renewal](#)
[Renewal Letter - 12-2-14](#)

Mr. Landon gave a brief overview of this item.

CM Nobile - A local business? Mr. Landon - Yes.

VM McGuire - Cleaning for this facility? Mr. Landon - Most of our facilities Utility, Community Center, etc.

VM McGuire - Fixed cost contract? Mr. Landon - Yes, per facility.

CM Shipley - When the new City Hall is up, we will have a new contract? Mr. Landon - If we do contract it out, we will have to go back out to bid.

VM McGuire - If you were to consider a custodial staff, you will also consider supervisory and supply costs? Mr. Landon - Absolutely.

The Resolution was Continued.

Public Participation shall be 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.

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

CM Shipley asked about a memorial for Mr. Jerry Full. Mr. Landon - This is something for Council to discuss. We have a couple of other facilities; there are other Ex-Council Members so you may be opening this up to other requests.

CM DeLorenzo - We don't currently have a way or process to do this; maybe research what other communities are doing and their criteria; use a committee, etc., and then we can discuss it.

CM Nobile - We would have to show why this one, and not another one; it would require strict criteria.

VM McGuire spoke of naming a street after a deceased deputy and the memorial wall at Flagler/Palm Coast High School containing deceased former students of the high school that served in Iraq, Afghanistan, etc., that do not have streets named after

them; we have to follow some kind of criteria to move on this.

CM Shipley - She doesn't know Mr. Full but received emails and communications regarding this so she researched him; she sees he is significant with his love of the environment, etc.; she agrees there would have to be guidelines.

CM Nobile wondered about an update on the red light cameras. Mr. Landon will discuss under his comments.

CM DeLorenzo - St. John's Housing Partnership, which is a non-profit that helps people get into and retain their homes with assistance and counseling, is holding a workshop in Palm Coast at the library 12/3/14 from 5:30-7:30 p.m. about foreclosure prevention. He would like to get the flyer on the website (CM Shipley already forwarded it to Ms. Cindi Lane, Communications and Marketing Manager).

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

City Attorney Robin McKinney was present for this workshop. She will address red light cameras under the City Manager's discussion.

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

Mr. Landon - Thanksgiving Holiday, City Offices are closed Thursday & Friday (11/27 & 11/28/14).

12/1 - Tree lighting ceremony at Central Park; tied in to the Rotary's Fantasy of Lights; starts at 6:30 p.m.

12/13 - The annual Holiday Parade & Starlight event.

Sports tournaments -women's collegiate rugby championships, nationally televised 12/6 & 12/7/14; they bring quite a fan base.

Lacrosse, soccer showcase; college coaches coming into town; a lot of good things happening.

Timing of FPL (Florida Power & Light) hardening of poles and wires project on Old Kings Road is scheduled to be completed in February. Belle Terre will be in two phases and in April timeframe.

CM DeLorenzo - They have equipment in or near swales, do we go back and make sure they haven't damaged the swale too badly? Mr. Landon - Yes, they do and we inspect and require them to repair.

On Old Kings Road, FPL is locating them where the 4-laning is going to be, so they don't have to move them later.

Update on where we are with our intersection red light camera issues (Attorney McKinney is present; she also covers the red light camera hearings for the City).

Mr. Landon presented charts regarding red light cameras (attached to these minutes) and discussed them in detail.

VM McGuire - Do you have information with the number of repeat violations? Mr. Landon - 10-15% of people get more than one violation.

CM Nobile - 2,300 or 2,700 of violations? CM DeLorenzo - 2,300 for this year for just those 10 cameras. Mr. Landon - 2013 we were at 21,000 citations; 2014 we are down to 9,700, plus the 2,300.

CM DeLorenzo - What percent is turn on red? Mr. Landon - Majority of them.

VM McGuire - How many out of town, out of State? Mr. Landon - Most in town; not sure; may be able to find that out.

CM Nobile - Essentially, we are looking at \$1.8 mil. this year leaving our economy. We are punishing the entire community; not just the people that received the violations. There are two perspectives; in the context of a constitutional republic where there is a presumption of innocence, Sixth Amendment where you are allowed to face your accuser, and then we have the financial aspect of \$1.8 mil. over the next 5 years; that is \$10 mil., plus the multiplier effect; it was about 3 times; a huge amount of money that is being taken out of our economy and it's punishing everyone not just the violators. It doesn't fall in line with the individual rights that our Country is bound on the fact that you are guilty by association, because we can't prove who was in the car; just because you own the car, and he can attest because he has received two violations and has never ran a red light; it was two other individuals. At some point you have to weigh the pay off and this does not have any value against its negative drawbacks. In line with our Ordinance (2006-24), Sec. 44.207 (he read the section); what would happen if we changed the word "owner" to "operator?" Attorney McKinney - Since 2010, the City has had to follow the State law when the Mark Wandall Act came into effect and in Florida we have the Uniform Traffic Control law, so what the legislature tells us is that the traffic law applies uniformly throughout the State and we have to follow it as it's written by the legislature. Now, we have to follow what is in the Mark Wandall Act which provides that the owner of the vehicle gets the citation and they have the opportunity to transfer the violation to the driver (by affidavit). As the owner of the vehicle, the owner has to be responsible for this vehicle and who is driving the vehicle, etc. Mr. Landon - The idea that we have 10s of 1000s of people running the red lights is why the program went into effect; whether to continue this program, is a discussion that Council will have to figure out. He likes to separate the red light camera processes into two separate processes: the initial Notice of Violation (NOV) process and then if that is issued and people do not pay the \$158 fine, it goes to a second process - UTC (Uniform Traffic Citation). NOV was the initial process; American Traffic Solutions (ATS) owns the cameras, they own the system and installed it at no cost to us. We have standards, we tell them what is a violation and what is not; he explained the full process. The recent court case did not make a ruling on the NOV process but it was about the UTC process. The idea was that for a UTC, once 60 days go by, ATS' computer automatically generates the UTC violation and that doesn't come back to us. The court is saying no, the City or County should be the one issuing the UTC. Once it goes to UTC, the City gets zero dollars and the fine goes up substantially. We now have a section of the contract with ATS that is no longer consistent with State law. Our City Attorneys' recommendation is to bring the ATS contract before a judge.

CM Nobile - What about ATS? Mr. Landon - Stays the same; they get \$75 (per citation).

CM DeLorenzo - Right now, if someone does not pay what happens to it? Mr. Landon - It sits in a file and it could get to a UTC in the future.

Mr. Landon - So, in essence ATS is putting UTCs on hold for now. The City of Hollywood has appealed, so that whole court process has not been concluded. As soon as that appeal was filed, the court ruling was stayed (no longer in effect);

therefore, you could argue that ATS could be sending out UTCs, however, if the ultimate decision is that Hollywood doesn't win the appeal, the decision goes back to the original appeal court and original date. So, anything that goes out since that date we are subject to being in violation of that court ruling. It is not worth that risk, we told ATS not to send out any UTCs until the final court ruling on this. If the final court ruling is that ATS cannot send out UTCs, then everything that has been placed on hold basically doesn't go anywhere. If the court ruling is that ATS can send out the UTCs, and that would be any of those within the allotted timeframe, ATS is going to send them as per our contract.

CM Nobile - What is that timeframe that the UTC must be sent out? Attorney McKinney - They have the initial 60 days to pay the NOV and then the UTC is generated after that.

CM Nobile - But there is no timeframe for them receiving the UTC? Attorney McKinney - She has to check the Statute but that is a legal issue that we would have to consider if we take them off hold.

We are right now in the best place we can be, no UTCs are going out, NOVs (per our contract) are going out as always; we are not violating our contract with ATS because it says we will abide by whatever State law and court rulings are. Any further action at this time would be premature until we see what the courts will do. If the court says ATS can send out UTCs, then we have a binding contract until 2019. If the current appeal decision stands and ATS cannot send out UTCs, then City Council will have two choices; amend the contract with ATS and have City staff start sending out UTCs and taking on that cost and time to abide by what the court ruling is for the UTC process or we could say no we are not going to and stay where we are today and then the contract becomes interesting because part of it is no longer consistent with State law. At that point, based on what our City Attorneys have advised him, based on what they know today, we take our contract to a judge and ask if we have a valid enforceable contract or does this court ruling basically void the contract and we have to have a new contract. This is important because if we say the contract is null and void because of the UTC, and we lose; we are talking millions of tax dollars.

CM DeLorenzo - You said upon completion of the appeal that is when that could occur; not in this gap? Mr. Landon - Right, once there is the final outcome from the court that is when Council has those two options, etc. Attorney McKinney added the City of Hollywood case is unusual because 6 months prior to this opinion they had issued an opinion going the other way and saying the process was okay and then on rehearing they reversed it and now it is up for rehearing again, so it is an unsettled area of the law right now.

CM Nobile - What kind of timeframe is there for that? Attorney McKinney - The court is going to have to hold a hearing to decide if they are going to do a rehearing or not in the 4th DCA (District Court of Appeals). The briefs have been filed; we are just monitoring that case to see when that decision is going to be made.

CM DeLorenzo read in the paper that a few municipalities down south have suspended their red light camera programs; have they suspended in the way that we have suspended (sending out the UTCs) or have they suspended their program with ATS completely? Attorney McKinney is not aware of what the other cities have done but she can look into that.

CM DeLorenzo - Because if they did, how were they able to do it under the contract? Attorney McKinney - The City of Hollywood case has to do with UTCs specifically; she is not sure if they have also put their NOV process on hold. She will find out what

the other cities are doing.

CM DeLorenzo - There also seems to be a Federal class action suit, are you familiar with it? Attorney McKinney - Only a little bit with where it exists.

CM DeLorenzo - He is concerned that we are going to see a big bill at the end of this; a repayment, etc.

CM Nobile - On the other end, if we are going to try to get out of the contract we have several millions of dollars in liability.

Mr. Landon - What we have done, he believes is most prudent; not canceling the contract without valid grounds but also taking action to suspend that portion that the court has said they don't agree with the process.

VM McGuire doubts the State is going to do anything, because they get the lions' share of the fines.

CM Nobile - What, within the bounds of our contract, can we do to lower the impact on our economy; what are we allowed to implement in order to lower the costs associated with, or not issue, the infractions? Mr. Landon - You have contractual obligations with the program (ATS) and the State controls how much the fines are.

VM McGuire - Do these numbers represent the initial numbers of the red light cameras or is that after staff has reviewed them? Mr. Landon - This represents the actual numbers of notices/violations that have gone out; we get much more of these in that we reject.

CM Nobile - The biggest step was going from 10 to 45 cameras; his major concern is the \$2 mil. we are taking out of the economy, etc. He does not see the benefit of punishing the entire community for someone's infraction. Mr. Landon - There are a lot of pluses and negatives; when we got into this there was a big outcry about traffic problems, and that is the same reason why we have been asked to optimize our signals because people have to wait too long, etc. At the time, it was touted as a program that would change behavior and increase safety in our intersections. The numbers indicate we have a problem.

CM Nobile - Citizens demanded a solution, but not this.

CM DeLorenzo - He wonders if the culture has changed; the last 3 years we were basically flat. How long do you have to maintain a program to keep the same results? We stopped running seat belt commercials because everyone is wearing their seat belts, right? We are one of the strongest recycling communities in the State. We have changed the culture, how long do we have to keep the program to keep the culture? Mr. Landon - The contract was designed to make that decision in 2019, with the court cases the City Council may be able to make that decision before 2019.

CM DeLorenzo wanted to go on record - spending millions of dollars getting out of the contract is counter-productive.

CM Shipley - Do we know what the figure is to get out of the contract? Mr. Landon - 6 months ago it was somewhere between \$4-\$5 mil.

CM DeLorenzo - That is why he asked how other communities are able to suspend their program/contract with ATS; unless they are taking a risk, how are they doing it? Mr. Landon - Right now, the people involved in this lawsuit; the whole focus is on that

lawsuit and after that is final we will go back to those issues, but we can find that out. Attorney McKinney mentioned we don't know the year their contracts are ending or the number of cameras; there are a lot of factors involved.

CM DeLorenzo - Are those cameras connected to our fiber? Mr. Landon - No.

VM McGuire expressed that for every communication he gets from a citizen regarding this, it is split down the middle for and against the red light cameras.

CM Shipley - Do you think it was when the cameras went from 10 cameras up (the opposition)? CM DeLorenzo - That probably has a lot to do with it. VM McGuire - If the strategy is to change people's driving habits, what difference would it make if you had 10 cameras or 100 cameras?

CM Shipley - How much is the ticket originally? Mr. Landon - It was originally \$125; a lot like a parking ticket; the ticket is attached to the car and it may be someone else that parked it.

CM Shipley - How much is a ticket if you ran a red light and a police officer gave you a ticket? CM DeLorenzo - UTC rate he believes, something like \$264. CM Nobile - Plus points on your license and it goes to your insurance company.

CM Nobile - He would like to make sure we get CM DeLorenzo's questions answered on the existing contracts that may or may not have been suspended and would also like to know again from the perspective of our traffic officers is there anything we can do to lighten the load as they get them; what are the parameters that they must follow as to accept or reject? Mr. Landon - State law is pretty clear as to when you violate a red light and that is if you have not entered the intersection when it turns red and then you proceed through it then you are in violation. So, what we have said is your front bumper has to be across the white stop bar before it turns red. If your bumper has crossed it, and you proceed through then you don't get a citation. Mr. Landon added there are some judgments, discretion as per the law if they could show they were on their way to the hospital, etc. Red means stop, complete stop before turning right on red. Code Enforcement officers are allowed some discretion. Attorney McKinney - If you stop a little after the stop bar you don't get violated as long as you stop.

I. ADJOURNMENT

The meeting was adjourned at 11:19 a.m.

*Respectfully submitted,
Barbara Redline*

[14-426](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[14-434](#)

ATTACHMENTS TO MINUTES

Attachments:

[Item 1-Signal Improvement Study Presentation](#)

[Item 2-2015 Capital Improvement Program Presentation](#)

[Item 2-Budget Pamphlets](#)

[Item 3-2014 Proposed Heavy Equipment Spreadsheet](#)

[Items 4, 5 & 6-Reuse and APT Map](#)

[Item D-Red Light Cameras 2008-2014](#)