



# City of Palm Coast

Palm Coast  
Community Center  
305 Palm Coast Pkwy., NE  
Palm Coast, FL 32137  
palmcoastgov.com

## Meeting Minutes

### City Council

*Mayor Jon Netts*  
*Vice Mayor Bill McGuire*  
*Council Member Jason DeLorenzo*  
*Council Member Steven Nobile*  
*Council Member Heidi Shipley*

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Tuesday, December 16, 2014

9:00 AM

Palm Coast Community Center

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#### City Staff

**Jim Landon, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes for each speaker.

>If any person decides to appeal a decision made by the City Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

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

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

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>City Council Meetings are televised on Bighthouse Networks Channel 199.

>All 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

*City Clerk Virginia Smith called the roll. All members were present.*

**Present:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

### Approval of Minutes

- 1      [14-431](#)      MINUTES OF THE CITY COUNCIL'S:  
                                         A. December 2, 2014 City Council Business  
                                         B. December 9, 2014 City Council Workshop
- A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, that the Minutes be Approved as presented. This motion was approved by the following vote:**
- Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

### Proclamations and Presentations

#### PRESENTATIONS

- 2      [14-441](#)      PRESENTATION OF THE NORTHEAST FLORIDA REGIONAL COUNCIL AWARDS FOR EXCELLENCE IN ENVIRONMENTAL STEWARDSHIP AND PUBLIC SAFETY
- Mr. Landon introduced Mr. Brian Teeple, Executive Director from NEFRC, who presented two awards to the City.*
- The Presentation was Received and Filed.**

### ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

Order of Business for Public Hearings (Council may make inquiries at any stage):

Open Hearing  
Staff Presentation  
Applicant Presentation (if applicable)  
Council Questions of Applicant (if applicable)  
Public Comments/ Presentations  
Rebuttal by Applicant (if applicable)  
Close Hearing  
Council Discussion  
Council Action

#### First Reading

- 3      [14-435](#)      ORDINANCE 2015-XX RELATED TO COMPREHENSIVE PLAN AMENDMENTS BASED ON THE EVALUATION AND APPRAISAL LETTER SENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY
- City Attorney Reischmann read the title into the record.*
- Mr. Landon gave a brief summary of the item. Jose Papa gave a PowerPoint presentation, which is attached to these minutes.*
- CM DeLorenzo-Chapter 8, Exh. 8.1 on page 12 of the update, there is a new part*

*about level of service for highways, the chart shows a new section that states we are to use the State's requirement, how does that change what we are doing? Ans: Mr. Papa-The State adopts level of service "C" for the State highway system. I-95 has a level of "C" that would be part of the Florida Interstate Highway system but it is also part of the strategic and intermodal system (SIS).*

*CM DeLorenzo-What roadways do we have other than I-95? Ans: Mr. Papa-SR100 is emerging SIS.*

*CM DeLorenzo-In practical terms, if SR100 becomes a full SIS, and has a level of service, and we adopt the State level of "C" rather than "D," does that increase development costs along SR100 because you may need to improve the roadway sooner? Ans: Mr. Papa-Part of the process with the level of service is that eventually we will get into discussion with the DOT as to the appropriate level of service, there is room for negotiation as to if it becomes a full SIS.*

*CM DeLorenzo-In the long term history of SR100, is it anticipated it will be 6-laned? Ans: Mr. Papa-I do not believe that has been determined.*

*CM DeLorenzo-DOT will come back to the jurisdiction at that time and have that discussion? Ans: Mr. Papa-Yes.*

*CM DeLorenzo-Is this proposed language due to State Statutes? Ans: Mr. Papa-Yes, we cannot change it; we have to remain at "D."*

*Public Comment:  
There were no public comments.*

**A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor McGuire, that the Ordinance be Approved on First Reading. The motion was adopted by the following vote:**

**Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

## Resolutions

### 4 [14-443](#)

RESOLUTION 2014-XX APPROVING A CONTRACT WITH TUMBLESON WHITE CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE FIRST PHASE OF THE HOLLAND PARK IMPROVEMENTS PROJECT

*Mr. Landon provided an overview to this item, as well as items 5 and 6. Mr. Carl Cote, Ms. Santangelo, and Mr. Quinn presented a PowerPoint presentation for items 4, 5, and 6, which is attached to these minutes.*

*CM DeLorenzo-Proposed new design for the Community Center-the top left is the north face which is along Palm Coast Parkway westbound-the concern is that it is a long flat mass-do you know the set back? Ans: Mr. Cote-I believe it is 35 feet.*

*CM Nobile-Are any of the new rooms or the existing rooms going to have partitions? Ans: Mr. Cote-Right now they are not.*

*VM McGuire-The basketball players that currently use this facility, are they in this neighborhood? Ans: Ms. Santangelo-Local, being they drive here, they are from Palm Coast, there are very little walkers due to crossing Palm Coast Parkway.*

*CM Nobile-Do we have bids for 2B projects? Ans: Mr. Cote-Yes, we did the entire City Hall. Our contractor gave us a price for Phase 1. We did not discuss the prices for additional phasing. Mr. Landon clarified that the City does not go out for bids for construction contracts, that was done by the Construction Manager.*

*CM Nobile-Current construction bids are current costs? Ans: Mr. Landon-Yes. Mr. Joe Frisco provided an overview to the pricing of this project.*

*CM Nobile-Perceived savings are standard from inflation from year 2014 to 2019, as far as the savings to close the Community Center and do it in a single phase, where is the study we did where we would need to have the annex open and we have no other means of supporting people in the City for meetings that we already have scheduled? So, if we were to close this down today, where else can we house these meetings in the City? Ans: Mr. Landon-Yes, there are other meetings rooms that are being occupied or being used.*

*CM Nobile-Can we coordinate with other entities to support our reservations? Ans: Ms. Santangelo-There are other places available, the issue with those are either the groups are paying more for the hourly rate, or if I am interpreting your suggestion correctly, the City would pay the difference. That could be significant as well. Research has been done in the past regarding rates. We have general information on what they were charging at that time of our research. The challenges with other facilities is that you are required to use their catering. There are a lot of advantages to us, for example, low cost, more flexibility, and customer service that we provide.*

*CM Nobile-The money for the annex would come from where? Ans: Mr. Quinn-Assuming you are speaking about the Community Wing, it would be a combination of initially through the Small County Surtax and also through the Town Center tax increment financing.*

*CM Nobile-Currently what is the CRA's debt? Ans: Mr. Quinn-There are two loans, the debt is approximately \$10 mil.*

*CM Nobile-Are those dollars being used in the proposed original renovation of the Community Center? Ans: Yes, and some Park and Recreation impact fees.*

*CM Nobile-How much of the CRA \$10 mil. is owed to the City? Ans: Mr. Quinn-Zero is owed to the City.*

*CM Nobile-The contract on the Community Center, is that guaranteed? Ans: Mr. Cote-That is a budget, we are only 50% in design. Mr. Landon-We would have to come back to Council with the Guaranteed Maximum Price.*

*CM DeLorenzo-Who pays CRA tax increment financing? Ans: Mr. Quinn-Only those properties within the CRA area pay for the CRA debt as well as any CRA infrastructure improvements.*

*CM DeLorenzo-So the landowners that receive the largest benefit, pay for that benefit? Ans: Mr. Quinn-Correct.*

*Public Comments:*

*Mayor Netts announced, accepting comments on items 4, 5, and 6.*

*Jack Carall-Spending about \$8 mil. but does not see a dime coming up to the west of Palm Coast. There is no playground or parks, only trails and gas stations. How about*

*giving up something on the east side and give the west side something?*

*George Mayo-Phase 2 of Holland Park-future renovations, will it be small enough or economical enough to do Phase 2 during Phase 1?*

*Joe Kowalski-What about security at Holland Park? What would it cost to put 24/7 security on that?*

*Louis McCarthy-Holland Park-will there be electrical and towers that can overlook for security? Or can it be put in at a later time?*

*Ron Radford-Dog park at Holland Park-will the concerns be addressed?*

*Carmichael McMillan-City Hall-Plans were scrapped a few years ago as it was too opulent, it looks bad that you pulled back that City Hall and pushed the \$6 mil. City Hall.*

*Rose Penetta-Why are we building a new City Hall without a conference room big enough to accommodate our meetings?*

*Responses to Public Comments:*

*Long Term CIP - West side of Palm Coast? Where is the west side line? Ans: Mr. Landon-The West side is typically defined as I-95 as the line, our park dollars have been recently spent on the west side. The last two parks we developed are on the west side; maybe the last 3 parks-one was Ralph Carter Park; probably the most recent one, Belle Terre Park, and the one in Seminole Woods. Then you have ITSC that has a playground and has been receiving major upgrades and renovations. These 3 projects combined and the Community wing is on the west side in Town Center, that is another highly used park. City Council's position has always been not just spending our dollars on new parks, we are going to make sure we maintain our existing parks and facilities. This community was started basically at the Intracoastal and moved west. Our dollars have been spent all over this community.*

*Blending Phase 2 Holland Park Improvements to Phase 1 has a potential cost savings- Ans: Mr. Cote-We looked into that, specifically, the only structure improvement we are building is the new restroom facility. All the remaining structure improvements can be tailored to a small building contractor. Roofing only can get much better bid pricing. They are completely independent of the site work, it is not the same contractor(s) that will be on site; it was our intent to handle them separately.*

*Holland Park security and towers-Ans: Mr. Cote-Security as part of Phase 1, we are putting in an internal loop of underground conduit to all the light poles throughout the facility.*

*Dog Park-It is in Phase 1-it will be a new dog park; two large areas-one for large dogs and one for small dogs with water. We are bringing in a turf grass with an irrigation system.*

*Citizen's Referendum-The referendum was not per say a referendum on City Hall; it was a bond issue, it was a \$22 mil. bond; this is being built without that additional debt.*

*Community Center-Advertise this center publicly-sell the building. I am not sure how that puts us ahead of the game. Right now we only have one Community Center and if we sell this building to fund the Community Wing, we are still only with one building.*

VM McGuire-Rent issue with our current City offices. Rent versus own. The rent we pay comes out of our ad valorem taxes. We are using cash to build and not raise taxes.

CM DeLorenzo-Where did the majority of the CRA debt come from? Ans: Mr. Quinn-Two primary projects-Bulldog Drive improvements and the first round was to purchase the land in the blighted area. Mr. Landon-We also used it for Central Park improvements.

CM Shipley-I have been working on this for three months now, but if Mr. Nobile doesn't feel comfortable with this, and given it has only been five days since it was presented; wait for Mr. Nobile to speak with staff to get a better understanding of these issues? Ans: Mayor Netts-Anything is possible. Mr. Reischmann-In order to do that we would have to have a motion to table this and that motion would have to pass? Ans: Mr. Reischmann-There are two related items, arguably there are three, so the first motion would be to move forward with agenda item 4 or table it. I think it merits discussion on the non-legal consequences to tabling #4.

Mr. Landon-The only change is the timing of it, not what we are building but when we are building it. This plan, from a financial standpoint, whether perceived or not, is at the end of the five years, we would save \$1 mil. This is not a new project that we sprung on anyone.

**A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor McGuire, that the Resolution be Adopted. This motion was approved by the following vote:**

**Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Enactment No: R2014-147

5 [14-442](#)

RESOLUTION 2014-XX APPROVING AN EXTENSION OF EXISTING CONTRACTS WITH ARCADIS U.S., INC., AND LITTLEJOHN ENGINEERING ASSOCIATES, INC., FOR ADDITIONAL SERVICES DURING THE CONSTRUCTION PHASE OF THE HOLLAND PARK IMPROVEMENTS PROJECT

*Public Comment: Although this item was heard with item 4 and 6, the Mayor called for additional comments. There were none.*

**A motion was made by Vice Mayor McGuire, and seconded by Council Member Nobile, that the Resolution be Adopted. This motion was approved by the following vote:**

**Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

Enactment No: R2014-148

6 [14-450](#)

RESOLUTION 2014-XX APPROVING A CONTRACT AMENDMENT IN THE AMOUNT OF \$2,537,374 WITH GILBANE COMPANY FOR A REVISED TOTAL GUARANTEED MAXIMUM PRICE OF \$9,151,117 FOR CITY HALL PROJECT AND CENTRAL PARK COMMUNITY WING

*Public Comments: Although this item was heard under items 4 and 5, the Mayor called for additional comments. There were none.*

**A motion was made by Council Member DeLorenzo, and seconded by Council Member Shipley, that the Resolution be Adopted. The motion was adopted by the following vote:**

**Approved:** 4 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, and Council Member Shipley

**Denied:** 1 - Council Member Nobile

Enactment No: R2014-149

**Consent Agenda**

**Public comments shall be held in accordance with Section 286.0114 Florida Statutes. Any member of the public interested in speaking on any item on the Consent Agenda, shall come to the podium, state their name and will have up to three (3) minutes each to speak.**

**A motion was made by Vice Mayor McGuire, and seconded by Council Member DeLorenzo, to Approve the Consent Agenda. The motion was approved by the following vote: This motion passed unanimously**

**Approved:** 5 - Mayor Netts, Vice Mayor McGuire, Council Member DeLorenzo, Council Member Nobile, and Council Member Shipley

- 7**      [14-432](#)      RESOLUTION 2014-XX APPROVING PIGGYBACKING THE FDOT CONTRACT WITH URETEK HOLDINGS, INC., FOR MAINTENANCE REPAIRS TO THE OLD KINGS ROAD BRIDGE #734073 ABUTMENT

**The Resolution was Adopted on Consent.**

Enactment No: R2014-150
  
- 8**      [14-438](#)      RESOLUTION 2014-XX APPROVING CHANGES TO THE CITY'S HEALTH INSURANCE PROGRAM RELATING TO THE STOP-LOSS INSURANCE CARRIER AND THE ANCILLARY INSURANCE PROVIDER

**The Resolution was Adopted on Consent.**

Enactment No: R2014-151
  
- 9**      [14-440](#)      RESOLUTION 2014-XX APPROVING PRICE AGREEMENTS FOR VARIOUS UTILITY MATERIALS FOR THE PUBLIC WORKS DEPARTMENT

**The Resolution was Adopted on Consent.**

Enactment No: R2014-152

**D. Public Participation**

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

*Jack Carall-Happy Holidays*

*George Mayo-Happy Holidays, Price is Right we had another winner to the Hammock Dunes Resort, so nationally we are recognized again.*

**E. Discussion by CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM Nobile-Is there a way for Council to receive additional items placed on the agenda sooner? Ans: Mr. Landon-The concept is that in a lot of places you will see an item on an agenda at the business meeting and be asked to act on it right then and there; you would get it the Thursday before the business meeting and you would see the presentation and be asked to vote. We actually make sure you have the information almost two weeks to a week and a half (in advance). If it is a complicated presentation like this it is virtually impossible for us to try to put that in writing other than the presentation format. The idea is that after the workshop and you see the information that is presented to you, you have a whole week before you would have to take a vote on it. I did not know you had these concerns until today. Typically with a Council Member, he would come and discuss with the project manager, the finance director, etc., so that we can try to give you that whole week to get those answers for you; not just for you but for the public to ask as well. The system works quite well. I can get together with you after the workshops if you would like.*

*VM McGuire-Little League-Parking issue. I am trying to get the area behind ITMS where the buses are parked; we handle all the golf carts, does the company that provides them, provide a shuttle vehicle, so we can shuttle participants, residents, etc.? Ans: Mr. Landon-We can take a look at that to provide that service during our major events, etc. He has asked the Park Team to look at the issue and see what additional parking may be available, whether paved or grass. Also, looking at a path behind the church.*

*Mayor Netts-Happy Holidays!*

**F. Discussion by CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Red Light Camera-one of the options was to go to a judge and ask how the 4th DCA's decision affects the City of Palm Coast's contract with ATS. Council's questions last week was, can we do that right away? First-legal-the vehicle, the type of method is called a declaratory judgment, the timing; is there a present controversy;*

*issue has to be ripe. Mayor Netts-Are you saying the appeal does not make our declaratory action ripe? Ans: Mr. Reischmann-Yes, there is a motion for a re-hearing in Arem (case), once that is done, there will most likely be another hearing and then an appeal. Mayor Netts-To whom would one appeal a DCA decision? Ans: Mr. Reischmann-The Supreme Court of Florida. So no, I cannot tell you or a judge that there is a present controversy as it is not decided fully yet.*

*VM McGuire-What is your recommendation at this point in time? Ans: Mr. Reischmann-We had a long discussion last Tuesday where I raised a lot of different options; each option had risks associated with them. There is too much speculation for each option. There are a lot of moving parts.*

*CM Nobile-Are we in compliance with State Statutes? UTC's? Ans: Mr. Landon-The UTC issue was an issue that has been heard by the courts. The courts, not us, have decided that the process was not consistent with State Statutes, so then we reacted to the court decision.*

#### **G. Discussion by CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Flood Insurance Rating-was increased from 6 to a 5; 5 is the best rating for flood insurance in the State.*

*Election-Special Election for State Senator and Representative seats - January 27 and April 7. Room reservation-January date is open-there is no conflict; the April date is a City Council business meeting here in this room, and another renter on April 7; the smaller room is available. Suggested waiting to see how the Primary in January goes to determine if we need to rebook our room reservations for the April Election.*

*CM DeLorenzo-only issue is that there is not a Democratic Primary, only Republican Primary; not sure what the turn out will be.*

*Next workshop is cancelled and the first meeting in January will be cancelled if we have no business.*

*Happy Holidays.*

#### **H. Adjournment**

*The meeting was adjourned at 11:35 a.m.*

*Respectfully submitted,  
Virginia Smith, City Clerk*

#### **Calendar and Worksheet**

[14-452](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[14-447](#) ATTACHMENTS TO MINUTES