



# City of Palm Coast

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## Meeting Minutes City Council Workshop

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

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Tuesday, May 13, 2014

9:00 AM

Council Conference Room

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### AMENDED AGENDA

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

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>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 [14-159](#) PRESENTATION ON THE CHAMBER'S ECONOMIC DEVELOPMENT SURVEY RESULTS BY THE FLAGLER COUNTY CHAMBER OF COMMERCE

*Mr. David Fowler, 2014 Chairman of the Board, Flagler County Chamber of Commerce, and Mr. Garry Lubi, Chair of the Economic Alliance Council, gave a PowerPoint presentation (attached to these minutes).*

*Mayor Netts - How did you change your surveying tactics to get that higher number?  
Mr. Lubi - The first time the surveys were face to face; the second time around we structured questions with multiple choice answers.*

CM McGuire believes tourism is the biggest bang for the buck. Mr. Fowler - That may be correct, the survey is the perception of the people that answered it. Mr. Lubi - In terms of investment we invested more in tourism and it has paid off for us. Our TDC (Tourist Development Council) staff is doing an outstanding job. Economic development efforts have brought Aveo Engineering, Coastal Cloud and others - 50-300 forecasted jobs and the suppliers may come next. They want a smorgasbord of businesses.

CM Ferguson - What are the things that government can or should not be doing to facilitate economic development? Mr. Lubi - From the standpoint of government - one word, teamwork.

CM Ferguson - Has that improved over the last two years? Mr. Lubi - Some areas it has, in some areas we still have room for more improvement. The framework of the people he deals with he feels we are working in the right direction now. He mentioned an outstanding experience he had with the City's Utility Division in his capacity as president of a homeowners' association in the City regarding utility billing.

CM Ferguson - Has the business friendly topic been raised lately? Mr. Lubi - You will still get those one-off type situations as they arise, but the big key to it is do you have a process in place for escalation when people have an issue to close the gap of expectations and what can be delivered. On an overall basis, where we are today versus two years ago, is a more positive direction. Mr. Fowler agreed and the BAC (Business Assistance Center) may be part of that; the feedback that he gets from the small businesses that he works with is very good.

VM DeLorenzo spoke of questions 2 and 3 of the survey (the most important component of economic development and what results would you like to see and how you measure the results); job creation is the respondents' most important component, so we've added more jobs but we haven't been able to change our unemployment narrative. What is more important, job creation or the lower unemployment rate? Mayor Netts believes job creation is more important, because most of the numbers of unemployment come from jobs that were lost outside of the City but they reside here. Mr. Lubi - When you take a look at unemployment rates themselves, we need to continue to work to get the unemployment rate down, being at the top of the counties in the State is not something we want to maintain. We want to get the quality of employment up too; skilled workers.

Mayor Netts noticed at most business openings and ribbon cuttings that the attendants are mainly Chamber members; he suggested more emphasis be put on letting the rest of the residents know about the new business openings. Mr. Lubi - We typically do press releases that get published in the News-Journal and Palm Coast Observer, we also use social media. Ms. Rebecca DeLorenzo, President of the TDC (from the audience), stated they have an article coming out in the Voice Newsletter in the 5/14/14 Palm Coast Observer about the importance of attending business openings/ribbon cuttings, they are on the same track; working hard to get there, etc.

**The Presentation was Received and Filed.**

**2**      [14-156](#)

**PRESENTATION ON STRATEGIC ACTION PLAN EVALUATION RESULTS**

Mr. Landon gave a brief overview of this item. Ms. Denise Bevan, Senior Planner, gave a PowerPoint presentation (attached to these minutes).

EXPANSION-Goal 1 slide:

CM McGuire - Seems the swale complaints are repeat complaints; should the City staff do some sort of a lessons learned? When people come out to do the swales, if you don't do the whole street you are not going to get the results you want. Mr. Landon - Yes, we made a lot of progress but we have to step back, educate and report.

VM DeLorenzo - He thinks we are doing a good job in maintenance; it's never going to go away and it's expensive; he wants to be sure it is comprehensive, cost effective.

Mayor Netts - We have to be sure, in our annual budget, that there is adequate funds for this maintenance and upgrade; needs to be fully funded.

CM Ferguson - Florida Park Drive, what is the expansion element of that complaint? Ms. Bevan - How expansion is delivering as a long term goal to this strategy is a priority; need for a potential reaction to expansion; the team felt that this was the most appropriate strategy. Mayor Netts stated there are existing conditions and a number of residents would like to see less traffic on Florida Park Drive. However, as the City and population grows, the professor and students that did the study, projected that this will increase the traffic on Florida Park Dr.

CM Ferguson - The Longs Landing project and refurbishing of the bridge on Palm Harbor Parkway, are those the two expansions driving the complaints for truck traffic? Mayor Netts - Probably adding to it; he understands the City has asked that our contractors avoid Florida Park Drive, but if you are an outside contractor working for a private company it would be difficult to do that. Drivers want to take the path of least resistance, shortest distance, but we have to realize if you remove traffic from Florida Park Drive you relocate it somewhere else. Mr. Landon - We can hire an engineering firm to study it, but it will most likely move the traffic to another residential street.

CM McGuire believes it still needs to be in the spot light even though we don't have a solution yet. Mayor Netts thinks the only thing he heard that may be reasonable is to not allow trucks on Florida Park Drive, but then there was discussion the traffic would end up on Frontier or Fleetwood. Mr. Landon - It is a problem that has been here for many years; we are not sure what to do with it.

CM McGuire - Leave it there so we don't lose sight of it.

VM DeLorenzo stated there will be a lot of PEP (pretreatment effluent pump) tanks that will go (fail) at the same time, because they were installed at the same time; staff is fantastic at fixing/replacing these.

CM McGuire - How many PEP tanks in the City? Mr. Adams, Public Works/Utility Division Director - 12,000-13,000 so far.

Mayor Netts - You can have a gravity sewer with periodic lift stations, you can have PEP tanks, is there a third technology? Mr. Adams - There are other systems but they have similar problems to the PEP tanks.

CM McGuire - Is there a difference of impact fees between a lot with PEP or sewer? Mr. Landon - No; impact fees cannot be used for maintenance; they have to be used for expansion. If we are expanding an area/adding more lots, we put in gravity sewer not PEP tanks; unless it is in an area where they already designed for PEP tanks.

CM Ferguson - What is our water capacity and what percent are we using currently

for both? Mr. Adams - We currently have treatment capacity of 15 mil. gallons a day; the ZLD recovers even more and then this project today recovers raw water because we are reclaiming the concentrate that normally would be discharged to the Intracoastal; we are reclaiming it and sending it to water plant 1. Today's item allows us to continue doing that and increase the amount that we send to water plant 1.

CM McGuire - Doesn't the law require your capacity be at a certain percent? Mr. Adams - Yes, even though we have 15 mil. gallons a day of treatment capacity, we have about that much raw water capacity, our raw water capacity at water plant 2 has been reduced because of water quality issues and you will see coming down the pike some additional items in our capital plan to add well capacity to water plant 2 so we can run it at full capacity. We also have peak flows that we have to be able to meet and at times during the boom we were reaching 12 mil. gallons a day in peak flows so you have to be able to treat that many gallons of water every day. We will continue to expand our fresh water source out west and we have some additional capacity out there for future expansions (Rayonier) but ultimately we will have to go to an alternative source. The Coquina Coast project has been put on the shelf but it is not dead; ultimately that may be our long term water supply but now that has been pushed out quite a number of years because of the slow down of growth but we will be evaluating other alternative sources such as brackish; you will see some items in our capital plan that address potential brackish supply; test wells, etc.

CM Ferguson - 15 mil. gallons water treatment capacity, 15 mil. gallons of well water generating capacity; the peak demand was around 12; today the typical peak demand is what? Mr. Adams - We are probably averaging between 7-8 mil. gallons a day and peaking out at less than 10, but each year is a different depending on how dry or wet the weather is and irrigation (peak demands).

CM Ferguson - We use reclaimed also, right? Mr. Adams - Yes reclaimed is used in limited areas; reclaimed has always been used in Town Center and that won't change, also the Conservatory and Hidden Lakes, these have never used potable water for irrigation. As we expand our reuse, we will be expanding into areas generally where potable water is not used right now. Mayor Netts - The problem is your high density areas are not served by reclaimed lines and it would be prohibitively expensive to put them in. Mr. Adams - Exactly, because of the infrastructure that is already in place - driveways, utilities, roads, etc.; frankly, not necessary because we are using all of our reuse in the dry weather and our only issue is wet weather discharge.

Mayor Netts - Are we still using the ribs for weather discharge? Mr. Adams - Yes.

CM Ferguson - The explanation for why it was 12 during the boom time versus what it is today is conservation? Mr. Adams - There are a number of factors, we are not totally sure; conservation, people converting from potable to well water and a lot of it is the builders - putting down sod and watering it.

CM Ferguson - What are the numbers for waste treatment capacity and usage? Mr. Adams - Our wastewater plant has 6.83 mil. gallons capacity and we are now operating at over 6 mil. gallons of day on average, but we have wastewater plant 2 designed and permitted with plans on the shelf, and all we have to do is find the money but and pull the trigger; probably with an SRF (State Revolving Fund) loan in the next couple of years. Mr. Landon put on the screen Utility's March 2014 Progress Report charts (attached to these minutes) and went over the numbers.

ECONOMIC-Goal 2 slide:

CM Ferguson - Do we have an awareness or measure of percent of utility of the

FiberNET installation in place currently (we have so much fiber installed and we are using how much of that total)? Mr. Landon - Yes. If there are customers out Verdego or Austin Outdoors and they wanted 50 [10 sic] megabytes (which is a good size customer) so it was worthwhile expanding, etc.

VM DeLorenzo - Once the line is in, do we have a program where we reach the businesses along the way? Mr. Viscardi, Information and Technology Director - Typically, we push our ISPs (internet service providers) to do it.

Mayor Netts - Do we have two ISP partners? Mr. Viscardi - Yes. Mr. Landon - We are trying to learn to promote to provide the service to the community. The goal is to operate it like a business but more importantly have the community benefit by having the speed and plenty of capacity.

CM Ferguson wasn't sure how the Business Districts topic came up (in the preparation of the SAP), but he knows he made a comment about other than Hargrove where else would a logical place be for a business district be and are we planning or thinking about that? Mayor Netts - When you talk about business districts, are you talking about St. Joe's Plaza? Mr. Landon - Yes, this is Jack Carrall saying we need a map to show where these all are. VM DeLorenzo - the original Prosperity 2021 document had business districts in there, but it was something we never got to; how he sees it is common place for people to tell you where they live by the section, P Section, etc.; he thinks there is an opportunity here to help local businesses by saying their business is in the Island Walk business district or St. Joe's Plaza business district; with some lightpole signage to show where the business districts are like Town Center. Mr. Landon - Kind of branding those different areas.

CM Ferguson - He was wondering if there was also a plan on foot also with an idea that there would be another industrial type district such as Hargrove area. Mr. Landon - Right now by the airport commerce district which is there on Seminole Woods adjacent to the airport is one that has already been platted, already available.

CM Ferguson - Is that within Palm Coast City limits? Mr. Landon - Yes, the airport itself is not but the business district around it is.

CM McGuire - Hijackers is in the City? Mr. Landon - No, that is on the airport property.

Mayor Netts - You also have those mixed-use developments in those two big DRIs (developments of regional impact) where this a business component, somewhere in the distant future. Mr. Landon - You may have some opportunities on Roberts Road maybe, out by SeaRay. VM DeLorenzo mentioned property across the railroad; part of Neoga Lakes. Mr. Landon mentioned Town Center, Palm Coast Park, etc.

Mr. Landon stated staff's interpretation of this item was more to promote existing business district areas.

VM DeLorenzo - Citizens can get on wifi through FiberNET at some parks, here (City Offices), Community Center? He wonders if a FiberNET landing page (detailing a little about FiberNET) right now the Palm Coast website is the landing page, maybe a FiberNET landing page with a couple of blurbs about FiberNET and then continue to the Palm Coast website. Mr. Viscardi - Yes, we could do something like that, right now they go through a splash page (terms and conditions) and then they go to the Palm Coast website; we can dress that up and add more stuff to it.

FINANCIAL-Goal 3 slide:

*There was discussion about EMS (Emergency Medical Services)/Fire Department which is 54% of the City's operating budget and there are some duplication of services between the City and the County to provide these services.*

*WORKFORCE TALENT-Goal 6 slide:*

*VM DeLorenzo - Do we have exit interviews? Mr. Landon - Yes.*

*CM McGuire - Who is going to analyze the results of the annual employee survey?*

*Mr. Landon - The BAM (Boost All Morale) Team and they will come up with ideas.*

*Mayor Netts - What are we doing for the employees that need improvement? Mr.*

*Landon - Every department has its own program, but under this goal more emphasis is on training and tracking it.*

*CM McGuire - You would have to have a numerical co-efficient unit of measure for the review, so it is not subjective. Mr. Landon - This has been one of City Council's goals and the measuring system is off and running full speed; he doesn't know exactly what that will look like yet.*

*VM DeLorenzo - Would like the surveys to be more prominent to get more feedback. Mayor Netts agreed, when we send someone out directly to respond to a complaint, it would be nice to know how our customer service was.*

*VM DeLorenzo - Who handles the internships? Mr. Landon - Human Resources, individual departments and Mr. Beau Falgout, Senior Planner, is going to help out with this under his new role.*

*CM McGuire - Are there any opportunities within our own community for high school students? Mr. Landon - We did a little recruitment plan with the schools for recreation jobs and that was very successful with school staff and students applying for summer jobs.*

*CM Ferguson - Paid internships? Mr. Landon - Usually.*

*ENHANCEMENT OF SAP PROCESS slide:*

*CM McGuire still thinks that our sample size (for the citizen survey) should be bigger; he is not sure it represents a good cross-section of the community, but he is all for the process.*

*VM DeLorenzo and Mayor Netts believe there is value for the public to see, on the bottom of each agenda item, what goals they are tied to.*

*CM McGuire - Excellent presentation.*

*VM DeLorenzo - The process and the progress has been great, you can see how it started and after one year, the continuation of it, consistent, nice movement to it, you can see the pieces being built in between and fitting together; really moving in the right direction.*

*Mayor Netts agreed, nice correlation.*

**The Presentation was Received and Filed.**

**3**      [14-153](#)

**RESOLUTION 2014-XX APPROVING A CONTRACT WITH SAWCROSS, INC., FOR THE CONSTRUCTION OF WATER TREATMENT PLANT 3 CONCENTRATE PRETREATMENT SYSTEM**

## PROJECT

**Attachments:** [Resolution WTP3 Concentrate Pretreatment System](#)  
[Contract Summary - Sawcross](#)  
[Award Recommendation Palm Coast WTP3 Concentrate Pretreatment System](#)  
[Bid Opening Tab](#)

*Mr. Landon gave a brief overview of this item. Mr. Steve Flanagan, Utility Unit Development Manager, and Mr. Jim Hogan, Utility Systems Manager of Water Operations, gave a PowerPoint presentation (attached to these minutes).*

*CM McGuire - Is the EPA (Environmental Protection Agency) also happy with this; DEP (Department of Environmental Protection) signed off on this? Mr. Hogan - Yes, the DEP is behind our efforts; the Northeast District has always been very good to get along with, we have a great relationship with them and they are quite happy with the program.*

*CM McGuire - We are doing this because of their change in regulation, right? Mr. Hogan - Yes, basically the EPA said there are no more extended mixing zones, which drove us to go to an alternative direction but it turned out to be a beneficial one.*

*CM McGuire asked if there was any funding available from the DEP or EPA. Mr. Landon - Yes, mandate came with some funds which is coming in the presentation.*

*VM DeLorenzo - In the distant future, at full capacity of Water Treatment Plant 3 (WTP3), will Water Treatment Plant 1 (WTP1) be able to handle all the concentrate? Mr. Hogan - WTP3 design currently is to have three fresh water skids and three brackish water skids and will end up being a hybrid facility. The ozone system is designed to treat all three skids of fresh water and the mass balance study shows that it will work; the more concentrate we send to WTP1 it is concentrated more so than the normal source water; basically the concentrate is the source water from WTP3 which is the same source as WTP1 but it is concentrated about four times; that is why we are having to put the ozone system in, to treat the color. We can handle one skid's worth of concentrate to WTP1 but the color goes off scale and that is one of the regulatory requirements.*

*CM McGuire - Does the ozone change the ph or the chemistry of the water? Mr. Hogan - No, ozone is a highly reactive gas; it is an oxidant and does a super job of getting rid of the bad things in our water that cause the color and also cause disinfection byproducts.*

*Mayor Netts - Does it reduce chlorine demand? Mr. Hogan - Yes, it does considerably. Mr. Flanagan - Basically, the shallow aquifer water that is coming to WTP3 can, based on our studies, handle this entire amount at WTP1; when and if we get brackish water approved for WTP3, what our thinking is right now is we will have a split system to where the concentrate from a shallow aquifer will go to WTP1 after it is pretreated through the system; the concentrate water from the brackish aquifer will go to the river.*

*VM DeLorenzo - In the future when all three fresh water tracks are running, WTP1 can handle it; and as brackish water comes on then you will split that process and it will go to the river? Mr. Hogan - Correct.*

*CM McGuire - Utility isn't using ozone treatment now, so if you start doing this you will*

add cost to producing drinking water? Mr. Hogan - Yes, there will be some O&M (operating and maintenance) cost associated with the system. Mayor Netts - Offsetting the cost is the additional raw water capacity. Mr. Hogan - In effect, 750,000 gallons is equivalent of about five wells.

CM McGuire - We are putting a ZLD into one plant because of our discharge into Intracoastal, are we not? Mr. Hogan - Yes, basically we are discharging from WTP2 into a fresh water source that we will no longer be allowed to do because of the elimination of the mixing zone.

CM McGuire was concerned about getting in trouble for what we are putting into the Intracoastal. Mr. Hogan - The concentrate that is going into the Intracoastal from the fresh water concentrate is better quality than the Intracoastal with the exception of the iron; chlorides meet drinking water standards.

Mayor Netts - Secondary system is only when you bypass WTP1? Hogan - Yes, and going to the river.

CM McGuire - What is the life of the filter cartridges? Mr. Hogan - We don't know yet, 4-5 days we believe. This is a backup though and we don't expect to use it much.

CM McGuire asked if the design money was already spent. Mr. Flanagan stated most of it; the engineer stays with the project; watches it; completing the permitting to get DEP certified.

CM McGuire - Why 6% contingency? Mr. Flanagan - Best guess of what the necessary changes might be.

CM Ferguson - What is the typical threshold's point amount - .3 mg? Mr. Hogan - We don't exceed it much but it is about .5 mg per liter.

CM McGuire - When might we expect the Governor's response to our request (concerned about being fined by the EPA)? Mr. Flanagan - June. Mr. Landon - That means you will not see this next week; this item will not come back to you until then; we will move forward as quickly as the government will allow.

CM Ferguson - What portion of the total funds were budgeted? Mr. Landon - We knew about the St. Johns River Water Management District grant but not the State legislative grant so the capital improvement plan included the balance; with the grant from the State we will be well under budget.

CM Ferguson - Will that be completed this budget year? Mr. Hogan - It will be close.

CM McGuire - We selected Sawcross from how many bidders? Mr. Flanagan - Five bidders. Mr. Chris Quinn, Finance Director, added this is where the 5-year CIP (capital improvement plan) bond funds came in - this is the additional amount, part of that group of projects that we had borrowed the additional money for last year, when we refinanced the bonds.

CM McGuire - So, what you are saying is regardless of whether the Governor signs off on the grant money, we budgeted this? Mr. Quinn - Right, and we have the money in the bank today.

Mr. Landon - All three of our plants won the 2013 Plant Excellence Award put on by the EPA/DEP; in northeast Florida, which is a 19 county region, our plants are the only ones that received that award.



*Mr. Hogan announced they are attending the National Top-Ops competition held June 9-10.*

**The Resolution was Continued.**

4      [14-146](#)

RESOLUTION 2014-XX APPROVING A CONTRACT WITH P & S PAVING, INC., FOR THE 2014 STREET RESURFACING PROJECT

**Attachments:**      [Resolution - P & S Paving, Inc. Street Resurfacing 2014](#)  
                                 [Contract Summary - P & S Paving](#)  
                                 [Bid Opening Tab](#)  
                                 [2014 Street Resurfacing List](#)

*Mr. Landon gave a brief overview of this item. Mr. Tony Capela, Public Works Streets Superintendent, gave a PowerPoint presentation (attached to these minutes).*

*CM McGuire - What do you mean about unraveling? Mr. Capela - Starts to fail.*

*CM McGuire - Is this the area the gentleman that comes to the business meetings complains about? Mr. Capela - No, we received a few calls about Old Kings Road, but we are getting to that on next year's list; it didn't make the list this year.*

*CM McGuire - What if one road has more traffic than the other? Mr. Capela - We look at that.*

*CM Ferguson - Would it be useful to have your inventory and rating of all the streets be public knowledge? Mr. Capela - There are a number of things we keep evaluating/changing; we have it for whoever asks for it.*

*Mayor Netts - Mr. Meeker was critical of a section immediately northwest of Palm Harbor bridge by the yacht club; there were pressure ridges there; we repaired but they are coming back; is there a long term cure for that? Mr. Capela - A lot of it has to do with heavy traffic, sloping, base, etc. We are trying to address that stuff. Mr. Landon - A water main blow out caused that.*

*CM Ferguson - How much are we generating in the gas tax roughly? Mr. Quinn - Approximately, \$1.6 mil.*

*CM Ferguson - So, what happened to the other \$600,000? Mr. Quinn - It funds other non-grant road improvement projects.*

*CM McGuire - Balance under budget, what does that mean for us? Mr. Quinn - It would mean it would either carry forward to next year, so we would reappropriate it as part of next year's budget or if for some reason one of the other projects went over budget, it would be available for reappropriation this year (for transportation projects only).*

*CM McGuire - So, we treat it like a reserve? Mr. Quinn - Yes.*

**The Resolution was Continued.**

Enactment No: R2014-51

## E. WRITTEN ITEMS

- 5      [14-154](#)      RESOLUTION 2014-XX APPROVING PIGGYBACKING FLORIDA SHERIFFS ASSOCIATION CONTRACT WITH THOMPSON PUMP & MANUFACTURING CO., INC., TO PURCHASE 4" WELLPOINT PUMP

**Attachments:**      [Resolution for Purchase of 4 inch Wellpoint Pump](#)  
[Letter-Thompson Pump Authorizing Piggyback](#)  
[Florida Sheriffs Assn Specs and Quote](#)

*Mr. Landon gave a brief overview.*

*No Council comments.*

**The Resolution was Continued.**

Enactment No: R2014-52

- 6      [14-161](#)      RESOLUTION 2014-XX APPROVING CONTINUING SERVICES CONTRACTS FOR LANDSCAPE ARCHITECTURAL AND PARK DESIGN SERVICES

**Attachments:**      [Resolution-Landscape Architectural and Park Design](#)  
[Contract Summary - Landscape Architectural and Park Design](#)  
[Evaluation Summary RFQ-CD-CM-14-05](#)

*Mr. Landon gave a brief overview.*

*CM McGuire - Who decides when we need to go to a firm? Mr. Landon - The (staff evaluating) team, depending on the project and how complicated it is.*

*CM Ferguson - How much money is typically spent on these types of firms? Mr. Landon - We will get that to you.*

*There was discussion about CCNA (Consultants Competitive Negotiations Act), which involves RFQs (Requests for Qualifications) and the process of governments contracting with architects, engineers, etc., which is required by Florida law.*

**The Resolution was Continued.**

Enactment No: R2014-54

- 7      [14-155](#)      RESOLUTION 2014-XX AWARDED CONTINUING SERVICES CONTRACTS FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES

**Attachments:**      [Resolution Traffic Engineering Services](#)  
[Contract Summary - Traffic Engineering Services](#)  
[Evaluation Summary RFQ-CD-CM-14-08](#)

*Mr. Landon gave a brief overview.*

*CM McGuire - We have our own traffic engineers don't we? Mr. Landon - We have one, just like we have one landscape architect, but if we get into a larger project then*

*you would call on one of these firms to help. Mayor Netts - We don't use them unless we need them.*

**The Resolution was Continued.**

Enactment No: R2014-53

### **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**

*VM DeLorenzo - Comment for the public, 5/13/14 at 5:30 p.m. at Daytona State College, Building 2, Gilbane Construction Management Company is holding a local vendor round table for contractors to get more information on how to bid to work on City Hall; he hopes to see a lot of local contractors there.*

*CM Ferguson - He had a discussion with Mr. Quinn about conforming to citizens' request for information and a line that needs to be drawn, or could be drawn, as to interpreting the data. There seems to be citizens wanting not only information and public documents but they want explanation, discussion and meetings sometimes; wondering when and where should the line be drawn? City Attorney Reischmann - Florida Statute, Chapter 119, governing public records. If it is a document, any type of medium or form that memorializes some thought process of the government and that means that any City or City contractor that does work with public funds, those are public records and the public has the absolute ability to make a request to the City of Palm Coast to ask for copies of those records and do so quickly and to do so at minimal cost. All of the specifics are set forth in Chapter 119. In his experience, the City follows the law and goes above and beyond to try to assist them. The City has to use its judgment, and there may be situations where there is abuse. We have a ?? to the citizens regarding the use of taxpayer dollars.*

*CM McGuire - What if the requests are voluminous? Attorney Reischmann - We will still have to provide the documentation but before we do that, we let the person know that is making the request that to comply with their request it will require a significant amount of staff time to compile and make copies and what the cost of that is going be. This is not a profit source for governments; part of governing in the sunshine, transparency.*

*Mayor Netts - Part of the problem is the issue of specificity; some things don't point to a document; sometimes we need to tell them what documents they need to ask for.*

*CM Ferguson - Do we account for this time in a separate box? Mr. Landon - Only, if we know we are going to have to charge them for staff time.*

*CM Ferguson - So you would say Palm Coast is in the forefront of cooperating with the public requests? Attorney Reischmann - Pursuant to Chapter 119 you have to comply. There was further discussion regarding complying with Chapter 119.*

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

## 1. Discussion on the referendum process

*Attorney Reischmann - Initiatives and referendums and red light cameras; some folks would like our current process, revised or revoked, and how do you do it. It's in Section 10.3 of the City Charter, Initiative and Referendum. The initiative is what the citizens do (petitions) and we respond to the initiative by the public; under the Charter if you have at least 25% of the qualified electorate which means the people that are registered to vote in the City of Palm Coast, they have the right under our Charter to petition or ask this Council to either initiate or propose an ordinance (a new law) or they can require the Council to reconsider existing law (adopted ordinance) which would be to eliminate or change it in some way or to propose an amendment to the Charter.*

*CM McGuire - What is the mechanics of that, a citizen brings a petition and gives it to them? Attorney Reischmann - Ultimately it is going to end up in the hands of Virginia Smith, City Clerk. She is going to work with the Supervisor of Elections (SOE) and with his office to make sure it is legally consistent with Chapter 101 as well as the election code and the Florida Statutes. She is going to work with the SOE primarily to make sure that this requirement of at least 25% of electorate have signed it and then there are requirements for timeframes. If it meets the requirements of the Charter, then that ball falls in Council's lap and Council has the options referred to above, or Council can refuse to do it. Council does not have the option to not let the voters decide on it and that goes to the next general election as a referendum question. The deadlines for a ballot, referendum question to the SOE would be 6/20/14. The deadline for the receipt of the petitions to be certified by the SOE is 5/19/14.*

*Attorney Reischmann - There are other processes called advisory referendums (provided for under general law, home rule power) - the City has done one in the past and other cities have done them. This is where there are no petitions and the Council says they are looking for guidance on what the citizens or voters want and prepare a question for the ballot.*

*Mayor Netts stated there are two types of petitions - we could receive another type of petition asking Council to do something. Attorney Reischmann - Yes, different forms of formality.*

*CM McGuire - Does this petition (talking about red light cameras) if it goes before the voters, does it give how much it is going to cost to do this? Attorney Reischmann would want to take a look at the petition, work with the City Clerk and the administration to craft the ballot language, which is set forth in Florida Statutes, Chapter 101, etc.*

*CM McGuire - If he is going to the polls and he has to make a decision on this he also needs to know how much it is going to cost to do this? Mayor Netts said that could be crafted into the ballot.*

*Attorney Reischmann asked if Council received the email with all the information from the people that are against red light cameras? Council confirmed receipt.*

*CM Ferguson - So, this is in support of the next step of interaction with the County Judge? Attorney Reischmann - At the end of this month, this Judge had asked everyone to come back and explain to her what is going on with this process that the City is using when you go from a notice of violation to a Uniform Traffic Citation (UTC) and what happens when it is dismissed, etc. Mr. Landon - It is actually a hearing for these people that we have requested that their UTCs be dismissed, and*

*as per State law the Clerk of the Court denied that request and said we are going to make you come to court. They went to court and the Judge continued the hearing until 5/30/14. We are required, through our attorney to provide a response to her questions within 14 days, which we have done and we have been requested to have representation at the hearing. (In the past, the Clerk of Court dismissed the UTCs when notified by the City that the fines were paid).*

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

*Mr. Landon stated the City advertised for auditors - the question is does Council want the firms to make an oral presentations or written documents and where, during a workshop?*

*Mayor Netts prefers written documents.*

*CM Lewis - oral.*

*VM DeLorenzo -oral.*

*CM McGuire is comfortable with written.*

*CM Ferguson read the proposal and is trying to find a reason why we should change; the benefit of change is to eliminate the familiarity? He didn't see a cost incentive.*

*CM McGuire - Why is this different than other vendors? Mayor Netts - City Charter. Mr. Landon - City Auditor, City Manager and City Attorney, Council is the selection committee. You are welcome to talk to Mr. Quinn one-on-one as part of your homework, but you cannot talk amongst yourselves, except for in a public forum.*

*CM McGuire - What standards should I be holding them to? Mr. Quinn - We have kind of already done that as part of our purchasing policy. These two companies have both qualified.*

*CM McGuire - Is one more expensive than the other? Mr. Quinn - They are both very close. Mr. Quinn the last time they did the presentations it ended up being a special meeting at the workshop and decided right there.*

*Mayor Netts - Let's do oral presentations at our next workshop (5/27/14).*

*Mr. Landon recommends that Council hear presentations and then make a decision at the following business meeting.*

*Mr. Landon - Once you drain the swamp you find things you didn't know were there. When the contractor drained the ponds near the high school. The School District found old decaying metal pipes - \$500,000 to replace the pipes that connect the ponds for drainage. Mr. Landon spoke to Mr. Capela and we are working together (our pipe crew) to do the pipe replacement for the School District. They will pay for all the materials; we will pay for staff labor and use our swale dirt. This is a drainage project that benefits all, and it will save thousands for the School District and a good partnership (the pipe crew's next project was being delayed anyway because of land acquisition).*

*Mayor Netts - Will this help keep the project on time? Mr. Landon wasn't sure if it was going to delay the project but allows for it to be done correctly.*

*Mr. Landon - Flagler Chamber did the Flagler Restaurant Week that just concluded -*

*best restaurant in town is Canfield's Restaurant at the Palm Harbor Golf Course; won all three awards: best restaurant, best menu and best server.*

## I. ADJOURNMENT

*The meeting was adjourned at 12:35 p.m.*

*Respectfully submitted,  
Barbara Redline*

## 8 [14-162](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

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

## [14-169](#) ATTACHMENTS TO MINUTES

**Attachments:** [1-Palm Coast Economic Development Survey](#)  
[1-Flagler County Chamber Presentation](#)  
[2-City SAP Evaluation Presentation](#)  
[2-Utility March 2014 Progress Report Water Charts](#)  
[3-WTP3 Concentrate Pretreatment System](#)  
[4-2014 Street Resurfacing](#)