



City of Palm Coast

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Meeting Minutes City Council Workshop

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

Tuesday, June 28, 2016

9:00 AM

City Hall Community Wing

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

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

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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.

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

D. PRESENTATIONS

1 [16-248](#) PRESENTATION - SOLID WASTE CONTRACT DISCUSSION.

Mr. Landon gave a brief overview of this item. Ms. Dianne Torino, Contracts and Risk Manager, gave a PowerPoint presentation (attached to these minutes).

CM McGuire - Monitor contract, what does that mean? Ms. Torino - Basically, make sure they are doing what the contract says they are supposed to do; she works with Ms. Cynthia Jessup, Customer Service Manager, she takes most of the calls as far as complaints or requests and if there are issues with contract compliance or questions, they usually come to her and she speaks directly with the manager of Waste Pro.

CM DeLorenzo - How many customers/households do we have? Ms. Torino - 33,000-34,000.

CM DeLorenzo - Recycling - this is all single stream, this contract, do you have numbers for when it wasn't single stream? Was there a wide increase when we went to single stream? Ms. Torino - She can get the numbers, there was an increase when we went single stream and we introduced the rewards plan the same time; there was initially a 17% increase and she can look it up and verify it.

Mayor Netts - What are we measuring with these numbers? Ms. Torino - Tons.

>Service Requirements - No Proposed Changes slide:

CM Nobile - If he was to buy a (recycling) bin would they empty it? Ms. Torino - Yes, but you wouldn't get rewards for it (without the bin with the computer chip in it).

CM DeLorenzo expressed making the recycling cart (with lid to reduce loose trash, etc.) an option in the bid documents; good to see if it is worth it. Mayor Netts agreed. Ms. Torino - Absolutely.

CM DeLorenzo - Aren't there other alternatives to CNG (compressed natural gas)? Ms. Torino - She has not heard of any.

CM Nobile - What is the basic life of these vehicles (CNG garbage trucks)? Mr. Landon - 7-10 years.

Mr. Landon stated the criteria in the presentation is what staff is proposing for the bid documents.

CM Nobile would like to see the requirement for new CNG trucks; that they can be up to 5 years old (rather than new).

CM McGuire - Who actually goes and takes an inventory to find out how old the trucks are? Mr. Landon - Registering, etc.

VM Shipley stated the other thing to keep in mind is there haven't been many complaints with them (Waste Pro), the new company coming in is an unknown; we don't know what we are going to have with them. Mr. Landon - If you change over, it will be 6 months of major complaints. Mayor Netts - Because they are learning new routes; that is the nature of the beast.

CM DeLorenzo - We have one company that has one fuel station (CNG) in the County. Aren't we really cutting our nose off by saying it is CNG and CNG only? Because either Waste Pro is going to sell it or someone has to build a second CNG facility in the community. Aren't we really affecting our own price by requiring the trucks to be CNG? He mentioned combined hydraulic fluid; maybe there are cleaner alternatives. Mayor Netts spoke about the CNG facility and how the City thought they were going to convert their vehicles to CNG, etc. Mr. Landon - They are going to have to build a facility or buy Waste Pro's.

Mr. Landon - How about the requirement that they have a local facility? Mayor Netts - We haven't thus far, but the potential remains there; we may want to start looking at CNG vehicles.

Mr. Landon went through the rest of the service requirements on the slide. No objections by City Council.

>Service Requirements - Possible Changes/Enhancements slide:

CM Nobile - If you only have 2 (fluorescent) tubes, instead of calling them for a pick up or waiting; can you bring it somewhere? Mr. Landon - The drop off is operated by Flagler County at their old landfill.

VM Shipley - Is there no way that we can have it that whenever our pick up is, if we have paint or something, we can put it out for pick up on a regular garbage day?

Mayor Netts - It requires segregation; different kind of truck and there is security on the truck. Mr. Landon - Also, you don't want hazardous waste out at the curb (street) for a variety of reasons.

Mayor Netts - What would the incremental cost be to go to no minimums (doorstep hazardous waste pick ups)? CM Nobile would hate to see that; this one is going to cost. CM DeLorenzo - Maybe we could do some sort of mix or hybrid where if you are below the minimum, you can call once a year to encourage people to collect up some stuff for pick up.

CM DeLorenzo - How many pick ups are you projecting for this year? Ms. Torino - It was trending at 150 (year to date); about 300 for the year.

CM DeLorenzo - It is .30 cents a month per household? Ms. Torino - It is.

CM DeLorenzo calculated that is \$420 per pick up (\$126,000 for 300 pick ups). Ms. Torino - The other option that we asked for in the previous RFP (request for proposals) - we gave them the option that we are going to include it in every resident's bill (.30 cents) or if you are going to charge per pick up/per resident at the time of the service, it was \$60 per resident.

CM DeLorenzo - \$60 per pick up, if it wasn't passed on to the consumer and we picked it up as an incentive for doing it, we would still be way ahead. Mayor Netts pointed out if 2 gals. of paint and 4 light bulbs were put out by someone, that is showing up in 2 different columns (on the Doorstep Hazardous Waste Overview slide) but it is really 1 pick up. Ms. Torino - Correct. Mr. Landon - We will get 1 price for the base and then another price for all the add-ons and that will solve that slide and at that point you can start picking and choosing.

>Service Requirements - Possible Changes/Enhancements slide:

Mayor Netts - How do we benefit from GPS (global positioning systems) and cameras on the trucks? Mr. Landon stated the camera can confirm when the trucks were out and whether the trash was out at that time. It is good for the driver; keeps the driver more honest.

Mayor Netts - Who is doing the monitoring and is it ongoing monitoring or is this retroactive monitoring after so many complaints? Mr. Landon - Retroactive, after complaints received. The companies all want to know what their drivers are doing. CM McGuire saw the benefit for the vendor but not for the City; he doesn't receive complaints about trash pick ups.

CM DeLorenzo - Wasn't there a case when we used one of their cameras because of damage to a mailbox? Mr. Landon - Yes.

Mr. Landon - We will keep GPS in the base price, because we use that, and we will put the video/camera in as an alternative and see if they are going to charge more for it. Council was in agreement.

CM Nobile - 5 year contract, expanding the years (to 7-10 year contract) lessens your leverage for service. He would say instead of a 7 or 10 year contract, is stay with 5 years with a 2-year (renewal) option. Ms. Torino explained part of the reason for changing from a 5 year to something greater is specifically if we ask for new vehicles; they are going to charge us based on the amount of years those vehicles are going to be in the system. If they want to get all of their money back for all of those brand new vehicles, they are going to charge us more for the 5 year contract than they will for the 7 year contract. CM Nobile is okay with the 7 year contract but with the 5 year option for us to be able to pull out and get bids. Mr. Landon - If they are not doing well, having something in the contract that says that we can cancel the contract - he is all for that. Ms. Torino - We have that now. CM DeLorenzo doesn't think it is only the trucks; we are a growing community which means there are more customers; more value to the contract in year 6 and 7, etc. Mr. Landon suggested we propose a 5 year contract and a 7 year contract, and what is the difference in the base price? Council was in agreement.

CM DeLorenzo - Instead of one contract for pick up and tipping together, does it make sense to negotiate directly with the landfill to lock in the price for the entire time and also to make sure we are not being over charged on the tipping fee? Mr. Landon - It is in the best interest of the hauler to get the best tipping fee. CM Nobile - The only way we could benefit, is if we can negotiate a lower price. Mr. Landon doesn't think we could get a better price than a hauler.

CM DeLorenzo - What about the other side, there are only going to be so many of these permitted landfills in Florida, and if you reserve space over a very long period of time we could save ourselves money; landfills will become more expensive as fewer and fewer of them are available. Mr. Landon stated 10 years ago, we had those kind of conversations with Volusia County, but he still thinks it's better for the hauler to do their own negotiations with all the different landfills around versus us trying to negotiate with one. Ms. Torino added our trash has been hauled up to Georgia.

CM Nobile likes the service enhancements of unlimited bags and contractor (generated waste) component.

CM Nobile - His constituents would be unhappy about this increase (in the franchise fee); what is the benefit to them? Mr. Landon - This is for our costs for providing the service; this goes into the general fund. There has to be some way of keeping up with the cost for us to do business.

CM Nobile - How does this work on the residential side? Mr. Landon - The bill is \$18, we get \$1.60 of that. If you go up 5%, we get \$2.40.

CM DeLorenzo - What is the cost to run the program? Mr. Landon expressed it depends on how much trucks cause damage to (road) overlays, how much customer service, etc.

CM DeLorenzo - What are we collecting and how much is going to street improvements and how much goes into administration?

VM Shipley - So, businesses (commercial) right now pay the same as residential (franchise fees)? Mr. Christopher Quinn, Finance Director - Yes, between \$600,000-\$700,000 under residential solid waste franchise fee; a portion/small percentage of that is held back in the solid waste fund to cover people who don't pay their bills and to provide cash flow in the solid waste fund. Somewhere around \$500,000 is going into the general fund; that is part of the revenue sources that cover the other half of general fund expenditures including the streets division and a

number of administrative costs involved in it; property taxes cover about half the total general fund.

CM DeLorenzo - Is that just the residential side or is that residential and commercial combined? Mr. Quinn - The commercial goes in there also but that is just the residential part of it. Commercial is around \$150,000 a year roughly.

Mayor Netts - If you went from 10% to 15%, what would the incremental dollar amount be over the course of the year? Mr. Quinn - Probably another \$250,000 into the general fund revenue.

CM DeLorenzo does not agree with that (increase). CM Nobile does not agree either. CM McGuire agreed with them.

>RFP Process slide:

Mayor Netts - How do you evaluate the customer service if we have not contracted with them in the past? Ms. Torino - We call references; do they provide a service when you have problems; do they resolve the problems; technology is part of that because we have the internet based software that is working very well for us.

Mayor Netts thinks the customer service (30 points max) is very subjective; he would prefer to see 20 points for customer service and 40 points for pricing.

CM Nobile - It doesn't give him a warm fuzzy how that particular evaluator chose that point but he understands we don't want to get into hearsay, etc.; he would like to see a more detailed matrix where (inability to fulfill contract) we can get into details and he can see the ratings on key issues. He would like to see some documentation on how they reached their evaluations, rankings. Mr. Landon - As long as it is still check the box type of evaluation, we can work on that.

CM McGuire is concerned that Ms. Torino would not be on the evaluating team. Ms. Torino expressed that her and the Purchasing Manager, Brian Rothwell, are usually never on the evaluating teams. Mr. Landon expressed this is to avoid negative perception.

Mayor Netts wants someone with financial background.

CM Nobile - What is the technology involved here? Mr. Landon - Customer service software that goes directly (real time) to the vendor.

CM DeLorenzo - What is the definition of local experience? Ms. Torino - Companies that have been here locally; Waste Pro is obviously here locally on the residential side. We have 3 local companies, Waste Pro, Waste Management and Environmental Land Services, in the City right now doing commercial hauling so they have a local presence.

CM McGuire thinks almost everything listed is a factor of the ability to fulfill the contract. CM Nobile thinks the ability to fulfill the contract does not necessarily mean, can you do it today, but what is your ability a year from now?

VM Shipley - We could add local and technology under ability to fulfill contract. Mr. Landon - Yes, take that up to 50 points-ability, 30-pricing, 20-customer service. Council was in agreement.

Mayor Netts insists that if Council is approached by these vendors, they need to report it to the City Manager (enforcement of standard City anti-lobbying provision).

CM McGuire - Is this quasi judicial vote? Attorney Reischmann - No, this is legislative; does not apply to the land development code.

CM McGuire - When this candidate is chosen, we won't have to declare that we were contacted by lobbyists? CM Nobile - That is not illegal; what would be illegal is to accept something in favor, etc. Mr. Landon - If we put in the RFP that you cannot lobby, then they would be violating the RFP and, therefore, disqualifies them. Once the RFPs are opened, they will have a right to look at them; all public record; there is a 30 day process for protests. Attorney Reischmann stated there is a normal stage for vendors to ask questions/inquiries of staff regarding the RFP.

Council was in agreement about the anti-lobbying.

The Presentation was Received and Filed.

2 [16-225](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH LASSITER TRANSPORTATION GROUP TO COMPLETE THE TRANSPORTATION IMPACT FEE STUDY

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

CM DeLorenzo - Cost assumption is going to be based on today's costs or the costs of when the facility is going to be built? Mr. Papa - We are tied to providing it based on the costs today.

CM DeLorenzo - Which means they are going to be indexed at the end? Mr. Papa - Yes, there is always an indexing when it comes to the impact fees; that is part of the current ordinance. Mr. Papa introduced Sans Lassiter, P.E., of Lassiter Transportation Group. Mr. Lassiter - We will definitely be showing costs into the future because we realize that you will be collecting these fees over time and we will project in the time of need facility. We will project the cost inflation to the point of that time of need. We will base it on historical data and projected trends, but if we had an economic downturn, etc., we would never know if that is going to happen.

CM Nobile - So, as far as economic development strategies, we are trying to understand what the cost should be because of the type of impact by a strategy? Let's say down town here let's say this turns into a condo, multifamily, a large impact as opposed if it was just retail, where do they get that information or that assumption that this is the type of strategy that is going to be here so this is the kind of impact you are going to have so this is going to be the cost? Mr. Papa - A more concrete example would be if there was an opportunity for a potential corporate headquarters, that this could be an incentive to such a corporation that we can offer. Mr. Landon - We can also offer the mixed-use.

Mayor Netts - Coming out of the Regional Planning Council is resiliency; one of the concepts they are promoting is there should be incentives for development in resilient areas rather than more vulnerable areas.

CM McGuire - Why does this take 9 months? Mr. Papa - There are various steps to this modeling process; identify your street network, land use factors, projected population growth, and identifying/modeling where the roadway impacts will be.

CM McGuire - Do you already have a model based on the last study? Mr. Landon - No, the last study was not a big one like this.

CM McGuire - If we approve this, then the next impact fee study will already have software in place? Mr. Landon - In a lot better place than after the last one. He expressed the last one was rushed.

CM DeLorenzo - The scope includes something like the consultant will meet with the client before coming to Council, what is the reason for that? Mr. Papa - It is in preparation for City Council workshop; it is a review as to what we said we would cover and the request for proposal and the scope of service to make sure we are accomplishing what we want to. Mr. Landon - It is a combination of the consultant's experts in the firm and City staff.

CM DeLorenzo - Comparison of impact fee schedules, has no value because unless they have the exact transportation needs that we need, between now and 2040, there is no comparing them. He sees a much larger scope in this and it does include this comparison to other communities, why? Mr. Landon - Because we always get that question, whether it has value or not, everybody always wants to know. So, we just anticipated the question of what are other communities doing, but yes we agree they are all different.

CM DeLorenzo - Our park impact fee that we updated 2 years ago, it is not indexed because it is a total cost of all facilities, etc., so today's cost or when the facility is needed because that would produce a different number? Mr. Papa - When we are creating what the construction costs would be, that would be the localized costs and certainly the trend and the history of what construction costs have been but then at what point do we need this improvement, so the cost of that came up for the impact fee of 2016; it is not going to be the cost for calculating what that improvement will be 2021. Mr. Lassiter - We have got to look at potential future costs and we also have to look at today's costs; it will be a mixture of both.

CM Nobile - What is the high end cost breakdown of items: community outreach, public participation, collaboration of stakeholders; what exactly is that? Mr. Papa - We don't intend to do this in a vacuum. Council will obviously be very involved, then we have stakeholders in the community; the business community; the Home Builders, the Chamber will probably be invited and the outreach to provide a more open process as to how the study is being conducted. It is the preparation and the actual time for numerous meetings.

CM Nobile - Outside of Council meetings, what other meetings with stakeholders would you have? Mr. Papa - Independent meetings with the Chamber, Home Builders Association, etc.

CM McGuire - Who is on this (evaluation) team? Mr. Papa - Mr. Quinn, Mr. Beau Falgout, Mr. Bill Hoover, Mr. Sean Castello and himself.

CM McGuire - The total ranking points and what are adjusted ranking points? Mr. Landon - This was suggested by Council previously, where you get rid of the high and low. Mayor Netts spoke of a past Council meeting where the rankings were greatly skewed in one direction and why this high/low process is used.

CM Nobile expressed he would like to see more detail/backup to the evaluations; how they arrived at that.

The Resolution was Continued.

Enactment No: R2016-63

Mr. Landon gave a brief overview of this item. Mr. Beau Falgout, Administrative Services & Economic Development Director, and Mr. Quinn, gave a PowerPoint presentation (attached to these minutes).

>Keep Doing the Same Thing - 3rd Party Management slide:

CM McGuire - Asset, are you talking about the physical appearance and condition of the course? Mr. Landon - Yes.

CM DeLorenzo - Where is the mitigation of that risk in this scenario? Mr. Falgout - What happened at Palm Harbor is unhappy with conditions to communicate with the contractor, etc.

CM McGuire - So, the statement that the asset is at the mercy of the general manager and superintendent is not entirely accurate? Mr. Landon - It is middle of the road. Mr. Falgout - It could be at the mercy for 2 weeks until the evaluation team goes out there and sees it. Whereas, a lease situation could take much longer to get control of. Mr. Quinn - They had made so many cuts that it affected the condition course. It takes time to notice those, 6-8 months for the physical results to appear. Attorney Reischmann - With the contract, if the City is not happy with the amount of fertilizer, you tell them to put more fertilizer on it and per the contract they have to put more fertilizer; it is a more streamlined process.

>Move in a Different Direction - Lease slide:

CM McGuire - Can you expand on the financial risks to the City is limited? Mr. Quinn - Basically, if you are talking about day to day operations, there are shortfalls the City doesn't have to be concerned about from a check writing standpoint. However, there are still some growing concerns. If whoever is leasing the golf course isn't able to make money there, they are not going to stay there. Mr. Landon expressed he is against the lease proposal.

VM Shipley - If they are doing a bad job, what do we do? Attorney Reischmann - It is all in the wording of the contract; carte blanche is the other side, it would be a breach of contract. Mr. Landon - We would write it in trying to protect the asset.

VM Shipley - Does the restaurant there make any money, profitable? CM McGuire - They are close to breaking even, last year they showed a loss of about \$20,000.

Mayor Netts - What costs do you allocate to the restaurant, because the restaurant is about half of that building; the pro shop is the other half. Mr. Quinn - It is primarily the labor and expenditures; direct costs.

>Hybrid Model slide:

CM McGuire - When you run the numbers on this (he has spoken with Mr. Quinn on this matter), what you would save by doing this compared to what you are paying Kemper is less than \$50,000 a year. He doesn't know if it is worth the headache of taking this over. Mr. Quinn - We could take a look at the business; contract out the main chunks of the business so we don't have to hire employees so if this doesn't work we are not in a position where we have a lot of employees that potentially have to be let go and see what we could do with it. Can we do a better job or not?

VM Shipley - You would be able to look at the finances of this and you could do your magic? Mr. Quinn - We aren't really plugged in to how the business works.

CM Nobile - Would there be an overall manager there that would be a City employee? Mr. Quinn - Yes.

CM Nobile - What are we going to save if we weren't paying Kemper? Mr. Quinn - We pay them a little over \$80,000 a year for golf course management. Mr. Landon - The restaurant - we are losing \$20,000; we could lease out the restaurant for somebody to operate and we wouldn't have any expenses of food, etc.

Mayor Netts - The underlying issue though, when you are comparing these other options to the management company, Kemper refuses to assume any liability; is there any reason to believe that Kemper's contemporaries will not want to assume liability? Because that is a major issue. Mr. Landon - We don't know the answer to that until we go out for that process.

CM Nobile - So, we wouldn't have those expenses. If we are not paying \$80,000 to Kemper, that is about what it is going to cost us for a manager. Mr. Quinn - We are paying that too. Mr. Landon - All of the costs, 110% of the costs, comes out of the City's checkbook. Mr. Quinn - We pay the full cost of running the facility (employees, etc.) and golf course management fees.

CM Nobile - In this case, we are going to replace just the cost of Kemper? Mr. Landon - And we are going to have to hire a manager.

Mayor Netts - Most of the Palm Coast residents know this golf course here; they know the rates are comparable to the other courses; it is close to home; what is the marketing bringing, new customers? CM DeLorenzo gave an example that he was speaking with someone 2 weeks ago and that they went on one of the golf websites (maybe - golfnow.com) and looked for specials; that is how they chose which course to play.

VM Shipley asked if the clubhouse gets rented out for events and can it be used when the community center is closed. Mr. Quinn - It is not very big. Mayor Netts stated they do private events.

Mr. Landon - Staff recommends trying this option (Hybrid). Mayor Netts - Unless you can assure him another company will assume liability, that to him cannot be business as usual; we are at risk.

CM DeLorenzo - Doesn't the League of Cities (FLC) insure us and most of the municipalities as well? Attorney Reischmann - We went to the FLC and they said, they will insure the City but they are the League of Cities not the league of golf course operators. So, they were unwilling to provide insurance. If the City was to take on the golf course, the FLC would most likely step up and provide insurance for that.

VM Shipley - So, legally this makes more sense too. Mr. Landon - Yes.

VM Shipley - The Kemper people, thinking of them losing their jobs here, would we be taking those people on (hiring)? Mr. Landon believes the general manager and superintendent have a clause (non-compete) in their contract with Kemper but not the frontline people. We are not going to necessarily hire their frontline employees if we hire someone, but if we contract with someone they can apply.

CM Nobile - What is the potential interruption in service with any of these? Mr. Landon - If Kemper stays to their word - it should be none. They said they are comfortable staying month to month and helping with the transition. They don't want to get a black eye in this industry and be accused of leaving the course in the lurch. Mr. Falgout - This is a common thing in this industry, the transitioning.

Mayor Netts mentioned one presenter/bidder (from the initial RFP) that was primarily

a golf course maintenance company; have you folded that into your hybrid model?
Mr. Landon - We hope that company will bid on the maintenance of this course.

VM Shipley - Is that the Down Home? Because she has been trying to email them and she can't get in touch with anybody. Mr. Landon - That is the type of company that what they do is maintenance. We hope they bid for this course; what was new to them was the whole management side of it.

CM DeLorenzo - If we went out for an RFP for third party maintenance and included our risk concerns in that RFP, included our evaluations that we already do to protect our asset, is there any possibility that we could say something to the affect of - they don't collect a management fee unless they are profitable, and keep our oversight to protect the asset to make sure they are maintaining it to our standards? Is it worth the 2-3 months to see if we got any of those really aggressive RFPs back (for a third party manager)? Mayor Netts - In other words, if you put to rest the liability issue - he doesn't think you will get them to say they will waive their management fee if it doesn't make money, but just getting rid of the liability issue would make him more comfortable. How long would it take to put together the third party RFP, to get it out, review it? Mr. Quinn - At least 30+ days. Mr. Falgout - We could run concurrently with some other bids.

CM Nobile - Are we paying Kemper for the employees or are we paying the employees directly? CM DeLorenzo - We are paying Kemper.

CM Nobile - Is there any overhead on them; are they collecting anything on those people? Mr. Quinn - It is direct costs for those employees and their benefits. We pay for absolutely everything; we do receive some checks of portions of rebates that they receive.

VM Shipley - Where does that money go? Mr. Quinn - Into the golf course.

CM DeLorenzo - Combination golf and tennis or just golf? Mr. Quinn - Both.

Mayor Netts - What do you need from us at this point? Mr. Falgout - What we are hearing is, third party management RFP, no management fee unless they are profitable or break even. We will start developing the hybrid model and with both of those we will be back before Council.

VM Shipley likes the Hybrid option.

CM McGuire would like to see an org chart, who is going to run this thing? He thinks Parks and Rec has all they can handle, this would have to be a new division.

The Presentation was Received and Filed.

4 [16-228](#)

PRESENTATION - CUSTODIAL SERVICES UPDATE FOR CITY FACILITIES

Mr. Landon gave a brief overview of this item. Mr. Nestor Abreu, Public Works Director, gave a PowerPoint presentation (attached to these minutes).

Mayor Netts - Why is just Water Treatment Plant 3 (WT Plant 3 - of all the water plants) contracted for cleaning by Stockton? Mr. Landon - More offices and administrative staff out there as well as Information Technology. The other water plants are smaller and keep their own facilities clean.

CM McGuire - Does labor cost include fringe? Mr. Landon - Yes.

CM McGuire - If one of the two employees cleaning at night is ill, what about the safety, what about a supervisor? Mr. Abreu - The supervisor is one of the 3 of the crew.

CM McGuire - How does the cost of cleaning this facility compare to the other facility at City Marketplace? Mr. Landon - We had a contract that was for all of our facilities, not sure of the price for just that facility.

The Presentation was Received and Filed.

E. WRITTEN ITEMS

5 [16-241](#) RESOLUTION 2016-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT

Mr. Landon gave a brief overview of this item.

CM McGuire - If these people end up getting a lien, does this lien get satisfied first? Attorney Reischmann - Yes, it is the same as for real estate taxes. Tax certificates would be issued and if they are not satisfied over the course of the year then notice would be sent out; statutory process, and ultimately the property could be lost with sale of tax deed. You are right, it has a higher priority as opposed to a regular code enforcement board lien. Mr. Landon - The term is super priority. Attorney Reischmann - It has proven to be an effective tool for code enforcement to deal with situations that become very dangerous, problematic to a local neighborhood. Mr. Landon - The alternative is taxpayers pay for it.

VM Shipley - Do we know how much this list adds up to? Ms. Barbara Grossman, Code Enforcement Manager - About \$160,000.

The Resolution was Continued.

Enactment No: R2016-59

6 [16-224](#) RESOLUTION 2016-XX APPROVING PIGGYBACKING THE FLORIDA STATE CONTRACT #405-000-10-1 WITH PETROLEUM TRADERS CORPORATION FOR FUEL

No comments.

The Resolution was Continued.

Enactment No: R2016-61

7 [16-246](#) RESOLUTION 2016-XX APPROVING A CONTRACT WITH MEDLEY SPORTS CONSTRUCTION IN THE AMOUNT OF \$95,945.00, FOR CONSTRUCTION OF INDIAN TRAILS SPORTS COMPLEX DUGOUT REPLACEMENT PROJECT

CM McGuire - He is questioning the necessity of this. He doesn't think the dugouts are in bad shape at all. Who says they are? Mr. Landon - This is one of the requests that we received from the Little League numerous times.

CM McGuire - He thinks the conditions of the fields and the dugouts are absolutely spectacular. He does not agree with this. Mr. Carl Cote, Engineering and

Construction Management Manager - They have been band-aided and are fairly rusted out; in poor shape. He showed some photos from a PowerPoint presentation (attached to these minutes).

CM McGuire - \$95,000 this year, and then how much next year and the year after that? Mr. Landon - Yes, he agrees, but they did give us a grant to help pay for some of them this time.

>Field #3 Improvements slide:

CM Nobile - What are we looking at? Mr. Cote - This is the multipurpose field. Mr.

Landon - This is where they play soccer and lacrosse field.

CM McGuire - Who is going to lay the sod? Mr. Cote - We have a price agreement/contract (Strickland Sod).

CM McGuire - You are not talking about a sprinkler system are you? Mr. Cote - No, it is like a perforated drain pipe with sand.

CM Nobile - Is this the whole dugout frame, benches, slab, all that? Mr. Cote - Correct, \$95,000 will provide new footers, all new benches, batting storage racks, remove the existing dugouts and putting in new.

CM McGuire - And of the \$95,000, \$20,000 is coming from the Little League? Mr.

Landon - Yes, we got a \$20,000 grant from the Little League.

VM Shipley - So, there is nothing left in their budget when they call? That is what she told them. Mr. Landon - We put together the plan; the whole idea is to have a financial plan for the year; this was included.

The Resolution was Continued.

Enactment No: R2016-60

8 [16-242](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH S.E. CLINE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE SEMINOLE WOODS BOULEVARD RECLAIMED MAIN TO GRAND LANDINGS PROJECT

Mr. Landon gave a brief overview of this item.

No Council comments.

The Resolution was Continued.

Enactment No: R2016-62

F. 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 topics on the workshop agenda or any topic or proposition not on the agenda, 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.

Public Comments:

Jack Carall - Solid waste - before you sign the contract; time to get trucks. If they are in the business of picking up waste, they already have all this equipment. Hiring them and give them 6 months to get their trucks, personnel, etc. He doesn't understand the waiting period. Dugouts - Where are we getting all this money to build dugouts and for all the sports complex rehabs.

Anita Moeder - Golf course - Financials hard to tell heads or tails out of how the money is coming in and going out. She asks that Kemper be required to provide enough information so we can make the right decisions. She thinks the hybrid program is a great idea and there are multiple ways that could be looked at; third party that is responsible for the course itself and leasing out the restaurant. The City participation is critical, it is not just a golf course, it is a destination and we could be doing more events there, weddings, parties to generate more revenue; not just for the restaurant but the golf course. Looking at how we can have more marketing done. There are amazing programs in our City and a lot of people don't know about them. So, the focus on really getting information out to Palm Coast residents as well as to beyond our borders. She knows there are programs in place, we need to just perhaps focus more on those.

Responses:

Dugout money - Mr. Landon - It's in our capital improvement program. Mr. Quinn - Primarily, (money comes from) sales tax.

Waiting time for trucks - Mr. Landon - Yes, one of them has a fleet of trucks but they are designated for their current contracts, if they are going to have a new contract, new city, they may have some backup trucks, but they are not going to have a whole fleet that is necessary for a community our size and they are not going to have employees waiting around for that next contract, etc.

Golf Course financials - Mayor Netts asked Mr. Quinn to get with Ms. Moeder to go over the financials. Mr. Landon - We do have more detailed information than the summaries.

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

Mayor Netts - We were provided a copy of a final draft ordinance from the Flagler County Board of Commissioners with regard to adult civil citation program in lieu of misdemeanor for possession of marijuana. He gave background to conversations

that led to this draft. One of the issues raised has to do with the amount of cannabis or marijuana; it was suggested at one point instead of 20 grams, 10 grams might be an appropriate number. The Public Defender, Mr. Purdy, was pretty opinionated on this that thought there ought to be consistency across all jurisdictions. There was discussion about the amount of fines; civil citation as opposed to a criminal misdemeanor. Some of the communities have \$100 fine; it was pointed out that a traffic ticket costs \$150-\$200; it should be something a little more than that so they arrived at \$250. Another issue that was discuss was - how many bites of the apple do you get? Broward County, which is one of the counties that initiated this, it's 3 steps. You can have 3 simple violations before you convert to a criminal misdemeanor. The problem with that was pointed out very eloquently is in Broward County there are 31 cities. Does that mean you get 3 violations in this city, 3 violations in this city, etc. There is no statewide or even countywide effective database so it would be very difficult to tell whether an individual is on their 1st, 2nd or 3rd violation. So this ordinance is a one time out. There was question about a default penalty. Suppose you are given the simple citation, you are given a demand for a \$250 fine; what happens if you don't pay it? One of the alternatives that was brought up is that it converts to a criminal misdemeanor. The public defender's office pointed out that if that were the case, the public defender's office could not offer defense for that criminal charge because a public defender cannot defend against a local or county ordinance and only State Statutes. One of the Mayor's discussions was, what if it's not paid? One of the interesting comments from the prosecutor's office was that last year in Flagler County there was drug possession issues of those 80 some odd, 20 more or less would qualify under this civil citation, so you are not talking about a huge number. The cost to follow up, is probably more than the cost you would lose by not collecting those revenues. One of the biggest issues that was brought up is - is this a countywide ordinance or is it for unincorporated county and any city can opt in or opt out. There was fairly strong support for countywide, but the City of Bunnell that was represented by the chief of police, did not seem in favor of this ordinance at all. Flagler Beach represented by their mayor and their police chief, not quite as adamant but still not thrilled with it. So, the ordinance as it is written is a County ordinance but it can be adopted by each municipality that chooses to do so. Another topic that was discussed, as long as we are going to have a civil citation for under 20 grams of marijuana, is there anything else we can fold into this? The recommendation was possession of alcohol under 21 years of age, etc. Probably the most important factor is that this whole process is at the discretion of the law enforcement officer. It is suggested by the Sheriff and others, that law enforcement know who the habitual offender is, etc. Another issue was the inclusion of marijuana paraphernalia. These meetings were open to the public, there was some public comment for and against it. The committee has asked for input from local governments and get back to the Chair, Barbara Revels by July 1st and they will take into consideration any suggestions, any concerns and then come up with a final draft ordinance that the County may or may not enact and local municipalities may or may not adopt.

CM Nobile can't believe we would say victimless crime, when it comes to marijuana; there are victims everywhere. By supporting that industry, there are victims. We are turning policemen into judges. He believes we are making a mess here of picking and choosing laws that we don't agree with.

CM McGuire - It is either legal or it is not; he doesn't agree with differing amounts of usage, etc. Unless you are going to change the law, enforce the law.

CM DeLorenzo - If it is a hodgepodge; he prefers all or nothing, one strike. \$250 rather than \$100, he is comfortable with that. Needs to be countywide.

Mayor Netts - Instead of dealing with this locally, we should be telling our legislators

to change this Statewide, Countywide. It is a judgment issue, they go to apply for a job or military and they will have a criminal record for a first time violation. Prosecutor's and Sheriff's offices - since this would be a County ordinance it would not be enforceable in a local jurisdiction unless we enacted the same ordinance. Mayor Netts' understanding is that if none of the cities enacted this ordinance, it would only be applicable in unincorporated Flagler County.

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

No comments.

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

City Manager apologized for the length of the meeting without a lunch break. The meeting was longer than anticipated.

Mr. Falgout is drafting legislative priorities for Council's consideration to forward on to State Legislature.

Water Buoys won Top-Ops national championship.

4th of July is Monday - offices closed; our fireworks go off Sunday night at 9:00 p.m. on July 3rd.

July 4th "By Dawn's Early Light" celebration at Heroes Park at 8:00 am.

Flagler Beach has something going on all weekend.

J. ADJOURNMENT

The meeting was adjourned at 1:25 p.m.

*Respectfully submitted,
Barbara Redline*

Calendar and Worksheet

9 [16-250](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[16-251](#) ATTACHMENTS TO MINUTES