

## **City of Palm Coast**

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

# Meeting Minutes City Council Workshop

Mayor Milissa Holland Vice Mayor Steven Nobile Council Member Robert G. Cuff Council Member Nick Klufas Council Member Heidi Shipley

Tuesday, May 30, 2017

9:00 AM

**City Hall Community Wing** 

City Staff Jim Landon, City Manager William Reischmann, City Attorney Virginia A. Smith, City Clerk

- >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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- >City Council Meetings are televised on Charter Spectrum Channel 495 and on AT&T U-verse Channel 99.
- >All pagers and cell phones are to remain OFF while City Council is in session.

## A. Call to Order

Mayor Holland 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 Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

## D. PRESENTATIONS

1 17-223 PRESENTATION BY THE CITY ATTORNEY ON A CHARTER REVIEW

City Attorney William Reischmann gave a PowerPoint presentation, which is attached to these minutes.

VM Nobile - What would be the point of two public meetings (Option 3-Charter Review Committee slide) if you cannot change anything? Attorney Reischmann agreed and explained that Council would have a second bite at the apple; they would have the power to make those changes and submit that to the voters.

VM Nobile asked about the figure for the Palm Coast electorate. Attorney Reischmann stated it would be based on the registered voters (10%).

CM Shipley asked about the last City Charter review, and what was changed? Mr. Landon - The main change was changing the date/year of the municipal elections so that it coincided with County and State elections. Attorney Reischmann - The City of Palm Coast saved a lot of money from doing that.

Mr. Landon summarized from what he heard, staff would put together a game plan that would include, during the next few months, how people would provide input; flyer, radio show, social media. Somehow get the word out, if you have issues with the City Charter, please bring them forth. In the meantime, we would also have more time to process; come October bring a proposal back to Council with suggestions on how to proceed.

Attorney Reischmann - Getting back to the petition (that was in Facebook), there is a specific process in the State Statutes on how the electorate/voters can prepare a document with specific amendments to the Charter. There is no such thing as putting it on the ballot to hold a Charter review. The purpose of 166.031 is to allow the voters/electorate, when they feel that they have no other means, no other choice, than to bring it back to themselves to amend the Charter through this process of petition.

Council consensus to start with Option 2 - Same as Petition process, except done by the City Council, by Ordinance (Section 166.031(1), Fla. Stat.).

Council will send all comments to City Clerk, Virginia Smith. Mayor Holland also suggested that any posts on Facebook that Council sees to be forwarded to the City Clerk as well.

The Presentation was Received and Filed.

**2** 17-226

RESOLUTION 2017-XX APPROVING A WORK ORDER TO LASSITER TRANSPORTATION GROUP, INC., FOR THE CITY'S CONTINUOUS STREET LIGHTING MASTER PLAN AND STREET LIGHTING DESIGN SERVICES FOR BELLE TERRE BOULEVARD AND LAKEVIEW BOULEVARD

Mr. Landon gave a brief overview of this item. Mr. Donald Schrager, Construction Site Supervisor, gave a PowerPoint presentation, which is attached to these minutes. Mr. Andy Ames from the Lassiter Transportation Group, Inc., the City's consultant, was present for questions.

Mayor Holland - The private lights, are those the ones on the poles in the neighborhoods; anyone can request that? Mr. Schrager - Yes, the cost is about \$10-\$20 a month and they just, instead of turning it towards the street, turn it towards their property.

Mayor Holland - What is the cost differential between regular (high pressure sodium) and LED? Mr. Schrager - Up until very recently, FPL did not provide a standard LED fixture. It was a premium until a couple of weeks ago when they changed the tariff, so it is not considered a premium light now. Previously, it was \$500-\$600 to install a

LED light fixture. Mr. Landon - Now, FPL is going to increase the monthly charge so that the cost of the fixture will be included in the monthly charge.

Mayor Holland - Do we pay for the maintenance of the lights? Mr. Landon - Yes, it is part of our monthly charge.

VM Nobile - Is there an option, or is it now just a monthly bill and you cannot pay the upfront charge? Mr. Schrager - They have changed it now so you cannot pay the upfront charge. Mr. Landon added that there still is the option of the high pressure sodium lights.

VM Nobile - Is there a plan; 1,500 lights to go LED? Mr. Landon - Yes, FPL has put together a plan for the State of Florida to go all LED. Mr. Landon explained because of the pilot program that we were involved in, FPL is starting the change-out to LEDs in South Florida, but they are also going to change-out Palm Coast (at the same time when their scheduling allows); it will not cost us any money, but there will be a reduction in the bill as a result.

CM Klufas - Cities are incorporating automated dimming opportunities for streets that are not heavily populated with cars or sidewalk presence; are there any initiatives where we can save some money with dimmable LED lights? Mr. Schrager - It is very early in this discussion process. Mr. Landon - With continuous lighting it has to be designed; we can ask our consultant, Mr. Ames (Lassiter Transportation Group) to take a look at that option.

There were questions from Mayor Holland and CM Klufas about ownership of the lights. Mr. Landon responded FPL owns all of the streetlights.

CM Klufas asked if there are limitations on what we could use the lights for or if we could attach things to them. Mr. Landon stated it is all up to FPL.

Mayor Holland asked about CM Klufas' research regarding attachments for streetlights. CM Klufas stated there were some smart city initiatives involving AT&T and Verizon; they have a bunch of these interconnected operations; for example streetlights having meter reader capabilities; there are numerous opportunities.

CM Klufas asked about the possibility of dimmable streetlights to save money. Mr. Ames described how it would have to be designed.

VM Nobile - So you would be designing for the lower wattage, and then the overlap is not a problem? Mr. Ames described three key elements in streetlighting design; it is all about how much light is on the pavement. He would be looking at pole placements, fixture types, 250 watt, 150 watt, etc.

CM Klufas - Is there also an opportunity to incorporate something into the poles; one-way communication/loud speakers to broadcast capabilities for emergency notifications, evacuations, Amber alerts, etc. Mr. Ames explained if you own your own pole, you could put whatever you want.

Mayor Holland - What is your timeframe? Mr. Ames - Master plan first with 2-3 meetings with staff, a couple of public meetings; 3-4 months and then design. Mr. Landon stated design can be done concurrently.

VM Nobile asked about the Lakeview area and there are two issues there - path and light; right now path goes from Lamancha up to London. How is that coordination with putting up lights and path? Mr. Landon - Path is FDOT grant dollars, lighting will go

on FPL poles; there are already poles there, and there will be two separate processes. Ideally the lights go up first because their trucks can damage concrete and then the path.

Mayor Holland - FPL's new tariff, does that include retrofitting the current lights and at their own cost? Mr. Landon - Yes, their program is that they are headed towards that at no cost to the City; it is a matter of time.

CM Klufas asked if the relationship has been good between Palm Coast and Lassiter. How much does it cost for the City to install a pole? Mr. Ames - If you want to get into ITS programs (Intelligent Transportation Systems), he would keep it separate from the lighting and FPL.

Mayor Holland - Do we know how much it costs to put up a pole? Mr. Ames - FDOT, estimate for construction with FPL lighting design is about \$4,000-\$7,000 a pole; that includes: conduits, pole boxes, pole, foundation and load settings, so you can have several circuits coming off of there and you can have a separate meter for the pole system.

Mayor Holland - When you break it out, what are the maintenance costs (per light/pole)? Mr. Christopher Quinn, Finance Director - The continuous lighting that is on Belle Terre north; all in costs we pay \$38 a month, per fixture. CM Klufas believes the electricity portion is about \$10 per month. Mr. Landon - Those fixtures were not installed on existing poles. Old Kings Rd. to SR100, that is going to be less because they put them on existing poles. It would not be efficient for us to try to maintain our own light poles compared to FPL.

CM Klufas - Can we find out what the equilibrium point is for pay out on the poles? Mr. Ames - He thinks it is only a third; to really assess the key is annualizing the cost; he would use a 20-year window, etc.

CM Shipley - The master plan, Belle Terre and Lakeview are the most important; is it going to stay that way that those will be the first two? Mr. Landon - Yes, Lassiter is going to design those two as part of this work order; those two are the priorities right now. The actual projects themselves will come back to Council for cost approval. Staff recommends to move forward to the design and then construction for those or we can wait for the master plan if that is what Council wants to do. Mr. Landon - We are very comfortable with Lassiter; they have ties here; located in Volusia.

### The Resolution was Continued.

Enactment No: R2017-62

**3** 17-243

RESOLUTION 2017-XX APPROVING THE CONTRACT WITH HALIFAX PAVING INC. FOR THE 2017 STREET RESURFACING PROJECT.

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

Mayor Holland - Every single time someone gets fuel in the City, we get to resurface more roads; she suggested that every time we have a project like this that we add "shop local;" it would be very helpful.

Mayor Holland - How much does it cost to resurface a mile of road? Mr. Castello - About \$100,000 a mile.

Mayor Holland asked if Linear Park will be closed while the repaving is being done on St. Joes Walkway? Mr. Landon - Yes, it is going to have to be closed.

Mayor Holland asked how long the resurfacing program has been in place. Mr. Landon - More than 10 years; since the 1/2 cent sales tax was in place.

Mayor Holland - Is Public Works our evaluators for the street conditions? Mr. Landon - Yes.

Mayor Holland - Are we using impact fees? Mr. Landon - No, because we are not adding capacity; just maintaining.

VM Nobile - Lehigh Trail has a few major holes; are those going to be repaired under this? Mr. Landon - That is maintained by Flagler County.

(Lunch break 11:13-11:42 a.m.)

The Resolution was Continued.

Enactment No: R2017-63

### 4 17-227

## ORDINANCE 2017-XX AMENDING CHAPTER 2, ARTICLE 1, DIVISION 3 OF THE CITY OF PALM COAST CODE OF ORDINANCES

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

Mayor Holland - It is prescribed that we have to do this right, this is not a choice we have; we go through a process because there is certain things required by our auditors, those kinds of things, correct? Mr. Landon - Yes, State law that we follow. Mr. Falgout - It is also court decisions, legal framework, etc.

Mayor Holland - When we set up our policy for the hiring local, where did that percentage come from; how did the Council decide that percentage? Mr. Falgout - It was kind of the general trend, but we will get into that further in the presentation.

Mayor Holland - Are they (vendors/contractors) required to use Bonfire? Mr. Falgout - Yes, and we have not had any pushback; it saves them costs too.

Mayor Holland asked about input from the Council for scope of work for contracts. Mr. Landon gave some different examples of different contracts/projects and how they are processed; there is no single answer. There was discussion about including Council earlier on in the process of scope of work creation for projects or large contracts.

CM Klufas asked how the people judging/scoring the proposals are chosen; is it based on background of that individual so that they are grading something that they are qualified to judge on? Mr. Falgout - The evaluation committee is like staff sunshine group; they are not allowed to communicate outside of that evaluation team meeting which is a publicly noticed meeting. We try to get people with backgrounds in the subject area; we try to get diversity, etc.

Mayor Holland asked about office supplies and whether the City piggybacks on a contract for them. Mr. Falgout - That is an interesting one, we do piggyback off of Staples. When we get into those larger scale national companies utility chemicals,

the City of Palm Coast takes the lead and puts the bid out every year for approximately 10 different entities that piggyback off of the chemical bids.

Mayor Holland - If we are building a local community center, the equipment that Ajax is purchasing for that; she is assuming they get it at Home Depot or Lowes and support our local businesses. Does that go through a process of where they are getting their material or do they just go and find the lowest price they possibly can? Mr. Falgout - The latter, but with that project and this project there is a strong emphasis on using local subcontractors and there was an outreach by the general contractor; most of them do not realize that they can participate; if we take some of the complexity out of it, they will participate. We love piggybacks that are with local vendors.

Mayor Holland - Does the team evaluate their qualifications? Mr. Falgout - Yes or no; it depends if they are prequalified (or not); same sort of process; evaluation team separately scores; majority rules.

Mayor Holland (Formal Procurement Processes slide) asked for an example of what would require us to have a defined by State Statute (process). Mr. Falgout - Any engineering services, architectural services, surveying and mapping. Attorney Reischmann - We refer to those as CCNA (Consultants Competitive Negotiation Act); a group of specific contractors and professionals that were able to obtain that process for their bidding.

Mayor Holland - Since we have enacted this local preference ordinance, has the City ever offered a workshop to local businesses to invite them in to help them understand the process? Mr. Landon - Yes, particularly during the recession we did it once a year with the County and other local cities. Mr. Falgout - Very low attendance, so we moved more towards the reverse tradeshow; vendors and government staff from the whole region come and get a chance to meet, etc.

Mayor Holland - How do you get the message out? Mr. Falgout - We have an email list for all of the local businesses with Business Tax Receipts.

Mayor Holland - Do you have a percentage of how many local vendors have actually been awarded contracts? Mr. Falgout stated he does not have a percentage. We have a question on our purchasing forms that asks if this is a local vendor; there are a few here and there, etc.

Mayor Holland asked about the definition of local vendor. Mr. Falgout - They have to have a Business Tax Receipt for Palm Coast. Attorney Reischmann - Staff did a great job of creating a better definition of local.

CM Klufas - Do they have to have a number of employees? Mr. Landon - What you see is an open storefront, but very seldom do you see someone in there, but they can call it local. Attorney Reischmann gave an example and read from the agenda item attachment, "a vendor must have its headquarters, manufacturing facility, or locally-owned franchise located in, or having a street address within, the legal boundaries of the City of Palm Coast for at least one (1) year immediately prior to the request for a quote or formal bid solicitation (Post office boxes do not qualify as a verifiable business address); that is what is being proposed.

(Local Preference Policy Update slide) Council is comfortable with Option B for local preference.

CM Klufas - The RFP (Request for Proposal), is there a standard process that once

the City Council has already voted on moving forward with that intent, and they cannot reach final terms in negotiation; does that have to come back to City Council or do you just go with the next highest ranked? Mr. Falgout - Typically with a RFP, the notice of intent to award is issued and then we negotiate with the highest ranked, then it goes to City Council. Mr. Landon - If there is a major change and they want to double the price, then yes it would have to come back to City Council.

CM Klufas - Design/build, do you ever find that there are issues conveying specs for projects for proposals that are sent out that it is not necessarily given the field of design/build; they go out with engineered plan and since design/build the RFP proposers are given the opportunity to redesign something to fit; some components may be much more costly than what the engineered plans called for as an example of what we are looking to achieve; is that something that occurs frequently or not so much, etc.? Mr. Falgout - It depends on the scope related to the project. Mr. Landon -Design/build, they almost always end up being a conflict; he would much rather have the construction management company that you work with through the design process that actually has input during the design process before they go out to bid for their subs. That gives the middle ground between design/build, which you contract with them and then you worry about design versus a general contractor where you have someone that designs it and the contractor says they can do better than that. Now you get into, that is not what was bid on versus the construction management company that you hire at the same time as you hire the design people, and they work together on final specs.

Mayor Holland - FDOT projects, they do not allow local preference? Mr. Falgout - No, not federally funded projects; it depends on the funding source.

CM Cuff - Given the nature of the contract that these reference, if we were to go with Option B, is there any meaningful way to compare what local businesses would get if we switched to Option B? Mr. Falgout - Most of our local preference benefits; lower purchasing amounts probably ones that you will not see come to Council; we can start tracking it.

CM Cuff - (Procurement Process-Minimum Requirements slide) Giving the written quote a higher amount, is that addressing a specific problem? Mr. Falgout - No, our current policy has this \$5,000 range from \$25,000-\$30,000 that has to go to bid and is approved by the City Manager. We are trying to resolve this strange \$5,000 gap; we are trying to match the approval range with the processes we go through.

VM Nobile is okay either way \$30,000 or \$50,000.

CM Cuff is okay either way, but public perception.

CM Shipley would like to see \$30,000.

Mayor Holland would like to see the approach more; either figure is fine.

CM Klufas prefers to keep it at \$30,000.

VM Nobile - What kind of bond level are we talking about? Mr. Falgout - 5% of the bid amount. Attorney Reischmann - The standard is 5% but there could be a specific situation where because of this, the City could lose money; you could lose a grant or lose time, etc.

CM Klufas - Is there a time limit on how long a bid protest can take? Mr. Landon - They have time limits on when they have to submit a protest. Attorney Reischmann -

No, it takes what it takes. Mr. Falgout - Most of the bid protests we had in the past were dropped after the first step.

CM Shipley - Once a bid has been done, and we vote on it and give someone the contract, then we cannot talk to the vendor either. What is the reasoning behind why we cannot talk to them after they get the bid? Mr. Landon - Council approved the contract; the concept is two-fold; scope of services that includes making a presentation to City Council. If that scope of services says you will meet individually with City Council to get input, then you can do that, but if it does not, and one Councilman says he/she wants talk to them and influence the bid recommendation and we do not open up that for all Council Members to meet with them, then that gives one Council Member more influence on recommendations with the consultant. The other factor is that if it is a not-to-exceed price but they are working hourly and if Council talks to the vendor; that is coming out of their (billable) time. It is not that Council Members cannot talk to vendors legally, but it is intended for them to talk to Council as a group and (publicly) meet.

VM Nobile - Is there a specific scenario? CM Shipley - She was contacted by an individual who is a member of the tennis association, and he did not want to go through this process but asked her to get the consultant's name, because they could help with bringing money to the tennis center. CM Shipley asked for the name of the consultant contact, but she could not get the contact so she wants them to know why she cannot get the contact.

Mayor Holland - Local preference, is it utilized in every single solitary bid we put out? Mr. Falgout - It is used in all purchases, not just bids, over \$3,000, not including emergency or sole source; unless restricted by State laws, regulations.

The Ordinance was Continued.

## E. WRITTEN ITEMS

<u>17-222</u>

5

## RESOLUTION 2017-XX APPROVING THE 2017 FIND GRANT FOR THE WATERWAY CLEANUP

Mr. Landon gave a brief overview of this item.

Mayor Holland - When was the last time we applied for FIND (Florida Inland Navigation District) annual dollars that we get through a grant opportunity? Ms. Denise Bevan, Administration Coordinator - Long's Creek Preserve navigation enhancements. Mr. Landon - 2015.

Mayor Holland asked if we look at that for waterway projects and does it have to be in design, etc. Ms. Bevan - Permits. Mr. Landon - Waterfront Park is one; Long's Creek Preserve. We do not have any in our capital improvement plan that are eligible for FIND grants. We have an arrangement with Flagler County and Beverly Beach that we would each take a turn. FIND grants are 50/50 match and you have to have a legitimate grant that meets their qualifications. He asked if there was something that Council wanted to apply for; it is our turn.

Mayor Holland - Restrooms for Long's? Mr. Landon - Nature center which is in our capital plan for a couple of years from now; that would be one that would qualify.

Mr. Landon - Waterway cleanup this year is September 9th.

The Resolution was Continued.

10	<u>17-231</u>	RESOLUTION 2017-XX APPROVING PIGGYBACKING CITY OF HALLANDALE AGREEMENT WITH PFM ASSET MANAGEMENT, LLC, FOR INVESTMENT ADVISORY SERVICES
		Mr. Landon gave a brief overview of this item.
		Mayor Holland - Have we used them before? Mr. Quinn - Yes, they were our advisor before the current one and we miss the services that we were getting.
		Mayor Holland - And this is just to do investment advisory? Mr. Quinn - Yes.
		The Resolution was Continued.
		Enactment No: R2017-67
11	17-233	RESOLUTION 2017-XX AUTHORIZING THE EXPENSES FOR THE INDIAN TRAILS SPORTS COMPLEX IMPROVEMENTS PROJECT AND APPROVING PIGGYBACKING THE VOLUSIA COUNTY CONTRACT WITH STRICKLAND SOD FARM, INC.
		Mr. Landon gave a brief overview of this item.
		No Council questions.
		The Resolution was Continued.
		Enactment No: R2017-71
12	<u>17-239</u>	RESOLUTION 2017-XX APPROVING A CHANGE ORDER WITH 4C'S TRUCKING AND EXCAVATION, INC., IN AN AMOUNT NOT TO EXCEED \$150,000, FOR SPINCASTING A CONCRETE LINING RELATED TO THE PINE LAKES PATH PEDESTRIAN BRIDGE
		Mr. Landon gave a brief overview of this item.
		CM Shipley - The last bridge, we came in under budget? Mr. Landon - Yes.
		The Resolution was Continued.
		Enactment No: R2017-64

## 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.

No public comments.

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

No Council comments.

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

Attorney Reischmann is waiting to see what bills are going to become law; he will keep Council updated.

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

Countywide burn ban is still on.

Mayor Holland - The County made the determination to continue with the fireworks in Flagler Beach; where are we with our fireworks? Mr. Landon - We are planning on moving forward; we are officially now in the rainy season; it will depend on how much rain we get from now until then.

Mayor's Healthy Community Challenge; a lot of good things happening.

June 9th, the Portuguese Day flag raising ceremony will be here at City Hall.

## J. ADJOURNMENT

The meeting was adjourned at 1:40 p.m.

Respectfully submitted, Barbara Redline

## Calendar and Worksheet

17-241 MEETINGS CALENDAR AND AGENDA WORKSHEET

17-250 ATTACHMENTS TO MINUTES