



City of Palm Coast

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

Meeting Minutes

City Council

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

Tuesday, October 20, 2015

9:00 AM

Palm Coast Community Center

City Staff

Jim Landon, City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

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

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

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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

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

Approval of Minutes

- 1 [15-434](#) MINUTES OF THE CITY COUNCIL'S:
 A. October 6, 2015 City Council Business
 B. October 13, 2015 City Council Workshop

A motion was made by Council Member DeLorenzo, and seconded by Vice Mayor McGuire, that the Minutes be Approved as presented. This motion was approved by the following vote:

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

PRESENTATIONS

Proclamations and Presentations

- 2 [15-423](#) PROCLAMATION RECOGNIZING NOVEMBER 13, 2015 AS WORLD PANCREATIC CANCER DAY
- Added item 2A Citizen's Academy Graduation for the 34th Citizen's Academy Class.*
- Mayor Netts and Ms. Cindi Lane presented the certificates to the 34th Citizen's Academy class.*
- Item 2B -CM Shipley presented this Proclamation. Shauna Vodkin, 3 year pancreatic cancer survivor thanked Council for their recognition.*
- The Proclamation was Received and Filed.**

ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

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

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

Resolutions

- 3 [15-416](#) RESOLUTION 2015-XX APPROVING A WORK ORDER WITH STONE ENGINEERING GROUP, INC., FOR DESIGN AND CONSTRUCTION PLANS FOR THE REHABILITATION OF BRIDGE #734064 ON COLORADO DRIVE
- Mr. Landon presented a brief overview to this item. Mr. Michael Brennan presented a PowerPoint presentation, which is attached to these minutes.*
- VM McGuire-The FDOT evaluates all bridges, where does the Colorado Bridge stand on the list? Ans: Mr. Brennan-I have that list and this bridge is at the top of the list.*

Mayor Netts-Bridge number 734064 is designated from FDOT, correct? Ans: Mr. Brennan-Correct, that is the number assigned by FDOT.

CM Nobile-Last week at the workshop, I asked about the selection process for the engineering firm and what we had in our packet is a listing of the 3 companies with numbers that were rated on by the 5 (person) team evaluation. I asked if I could have information about the details about what was behind these numbers as far as why did one get a 1 and one get a 3, one get a 6 in each of these questions. What I got was an email which basically gave me the same information just broke down by question. I do not know, Mr. Landon who did that come from? I know you sent it to me, but who originally sent it? Ans: Mr. Landon-Mike, myself or Brian Rothwell. CM Nobile-I don't know if you are familiar with it, but now what I have is a listing of the categories with the chart with the numbers, what I am asking for is the criteria for that selection, is that further documented as to why someone got a 4 and someone got a 5 in that category or is it subjective, the team got together, looked at all the data and said we will give them a 4, is that further documented? Ans: Mr. Brennan-I do not take notes myself, not sure how the other team members come up with their numbers, it is not done collaboratively. Everyone comes up with their own numbers, those numbers are then forwarded to purchasing.

CM Nobile-So there is no way to determine why, unless I go talk to each individual person as to why they gave them a 4 or a 6.

VM McGuire-Mike is there a written procedure that describes how the evaluation process works? Ans: Mr. Brennan-I believe purchasing has that procedure. Mr. Landon-Yes, it is in the Request for Qualifications or the Request for Proposals; it outlines it in quite detail, the process and then there is a selection criteria and that is what you received, experience, the team members, the variety of things that they are ranked on and then they receive a numerical number, so it is very subjective as to what their numerical number is but then when it is all done it is very objective as far as adding up the numbers.

CM Nobile-That is the non comparative component. The comparative component is why someone selected. Ans: Mr. Landon-They are reviewing the proposals and then they are going to the sheet that says this is what you will be ranked on and ranking them accordingly. There are times when the process, and I do not think it was done this time, they have a short list, let's say the top 3 and then the top 3 will be asked to come in and do a presentation and answer questions. Those top 3 will be ranked based on that presentation. It is in the case a process that is controlled by state law. You are supposed to select engineers by qualifications for the project, not by price or any other criteria. It is supposed to be some sort of process to determine who is the best qualified.

CM Nobile-Would it not be, I am a six sigma guy, I am a CMMI guy, to document this? I am looking at this, let me give you, I have had people come to me and ask "this company has been picked and they should not have been, blah blah blah and I am trying to look for a defense. And I can't, this is not a defense, well, this team member gave him a 5. Ans: Mr. Landon-It is subjective.

CM Nobile-But at least if they give him a 5, they say why. Ans: Mr. Landon-All of our training has taught us differently. Similar to when you hire someone, because as soon as you put down why, and you actually make a statement that, why you open yourself up to litigation and other challenges, it is better to put the numerical number down than to actually start making written statements about a company that they will

come back later and use against us.

CM Nobile-Then the process should be less subjective. This transparency is hidden by this process as to how a company was picked. Mayor Netts-Let me jump in on this; let's suppose one of the criteria the committee was evaluating was experience, and the one company said I have built 20 bridges, another company says I have built 10 bridges but I have built 10 bridges of this type rather than suspension bridges, which is more, which is better experience. A third company says Well I have not built any bridges but I have built 25 skyscrapers. They are all different kinds of experience but you have a selection committee that is experienced in this kind of work and they say the more relevant experience is that of the type, so I will give them a 5, and the guy that built the 20 different kinds of bridges will get a 4, sure there is subjectivity but it is based on professional experience.

CM Shipley-Is it possible that the top three do the presentation in front of Council, would that make a difference, if the top three do a presentation kind of like what they did with the golf groups, but I don't know what expertise we have to decide.

CM Nobile-I like the process, I do not have a problem with the process. I think there is a problem with the follow up documentation, say what you do, do what you say, there is no say what I did. It is a numbering system, again, how do I defend that to my constituents, well they got a 3, why, because they got a 3 and the others got a 2. It is hard for me to talk to people in that regard. Mr. Landon-I am going to try one more time, it is like an essay, the teacher gives one an A and one a B, the next teacher you take the same two essays, the one that got a B, the teacher now gives him an A and gives the other one a B. It is that person's professional opinion and the same thing with hiring people. We get criticized all the time, how come my son did not get the job, well when you have 100 people apply, you have 99 people who did not get the job, it was very subjective as to who got the job.

*CM Nobile-So if you are sued for racism, how do you prove that you are not racist?
Ans: Mr. Landon-That is the whole point, we provide the information, that is what you received if you provide the documentation that we have in this process, I do not want anyone to think we are withholding any information because we are not, and yes, because of the litigation that we deal with every day, sometimes less documentation when it is subjective and you are telling somebody an opinion as to why they don't like you or why they do like you, it is usually best not to put that in writing and that is basically what this is, judging these firms and now you can get another 5 professionals out there and they can rank them differently. It is the process that we have and it is very subjective. Just like in hiring someone you can always question whether you are selecting the best qualified. It is not just Palm Coast, it is throughout Florida and every state in the country.*

Mayor Netts-To our attorney, this is covered under CCNA (Consultant Competitive Negotiation Act)? Ans: Mr. Reischmann-Correct.

Mayor Netts provided an overview as to the process outlined in the State Statutes.

Attorney Reischmann-To CM Nobile-to your specific point, the most important thing for any local government to avoid a bid challenge is to follow your process that is set forth in your bid documents, which in this case, was in the RFQ, which as the Mayor indicated is pursuant to CCNA, and so we do that, and not just with this one, but as you noted in all others, so to the folks that are asking these questions, I might suggest it is not just a naked 3 or 4 for no reason, the way I understand it is there is a specific set of guidelines that each member of staff that is reviewing these has to apply. It is not just one number, they rank them based upon the standards, so it is a

3 for experience, it would be a 3 for quantity of staff, a 4 for local involvement. There is a breakdown of many different categories that are set forth in the RFQ. I am sure that every time this process goes through, if you have 5 staff members that are ranking these various engineering firms or whatever the case may be they are going to be ranking differently but it will be based upon the standards set forth in the RFQ and that is what they have to follow to avoid a bid challenge.

VM McGuire-If I am a bidder and I am not awarded the bid, do I have any recourse?
Ans: Attorney Reischmann-Well that is exactly what I am talking about, if that bidder believes there has been some violation of state law, in this case CCNA, or a violation that we did not follow the RFQ, or if there was some violation of State or Federal law, as far as discrimination, which we brought up before, then yes, they can raise that through a bid challenge. And they could go to court if they felt there was discrimination based upon gender or race or any of the protected categories and they could file a lawsuit as well, in addition to a bid challenge.

CM Nobile-Then our position is, the less we supply them, the less they have to use against us? We supply them everything we have, but what we have won't feed the beast to attack? Ans: Mr. Landon-Absolutely, you could put it that way. Mayor Netts-That is the collateral benefit, that is not the primary focus. The primary focus is following state statute. CM Nobile-No state statute has nothing to do with how we give them a 4 or we did everything perfect here, there is no problem with our process.

Mr. Landon-The bottom line is, once again, very similar to personnel, it is best practice based on experience and all our training will tell us this is the best practice, the firms know it, and just like when hiring people if someone asks you well how come you picked them over me? Because they are the best qualified in our opinion. As soon as you start saying why they are the best qualified, then attorneys start getting involved and will argue that case one way or another in front of a judge. If you say it's the best qualified because that is our opinion, we avoid that step.

CM DeLorenzo-Back in 2012 we had lengthy discussion about this. In the end we concluded this is the best process, you have professionals in their positions, reviewing and scoring the proposals to the best of their ability.

CM Nobile-So we are comfortable with the Team picking the qualified company but we have no shield from corruption, not no, we have a lack of, not a complete but...
Ans: Mr. Landon-I must totally disagree with that statement. There are steps in the process to avoid corruption and we follow all those, including state law, our procedures, so that one person is not making that decision, we throw out the top and the low so that we have a process to avoid any type of your term "corruption." Is it a perfect process no, but it is the best practice for selecting firms that are all qualified, that is the other, these top 3 firms, we have already determined that they are qualified.

CM DeLorenzo-When you say we, City Council already affirmed their qualifications by entering into the Continuing Services Contract. It is our process. Ans: Mr. Landon-Yes, it has all sorts of checks and balances, including this public process right here and the ability for any of them to challenge it if they think there is something that is inappropriate. So I fully believe the process allows for it to be fair and competitive but it is still subjective and peoples opinion. Thank you.

Public Comments:

Jack Carall-I take an offense when people say there is something going on, I believe personally that we have the best in the whole City and State, the best workers, they do their job honestly and to the best. To question someone's honesty, I take offense

to.

Ed Caroe-Shakespeare addresses the exact problem-"The solution is easy but first we have to kill all the lawyers."

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

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

Enactment No: R2015-114

Other Business

4 [15-437](#)

CHARTER REVIEW DISCUSSION AND CITY COUNCIL ACTION

CM Nobile requested a vote on creating a charter review committee.

CM Nobile motioned for Council to create a charter review committee.

CM Shipley-My thought on it is, I do have emails from people. I do have emails on it from both sides but I only have four emails (against it) and I have 10 and a small petition that want the charter review. My thing is if we appoint people, we are going to appoint people who are going to think exactly like us, they are not going to be people who actually work in this setting, if there needs to be a review I would rather do it right here out in the open, it is only 8 pages, every time we come to a meeting we say ok this is the first 3, this is the second 3, and we vote on it and people can get up and put their input in it too. I do not want to totally dismiss it because I do have people asking for it but I just don't see why we should have to form a committee other than it is in the charter that's the way we should do it but that is something maybe that needs to change.

Mayor Netts-Actually for clarification, the charter specifies several ways in which a charter review could be initiated. It could be initiated purely on the action of City Council. City Council, as we did in 2011, can put something on the ballot and people vote it up or down. That is one way to do a charter review. We could put a list of 20 items on it or a list of 1. In 2011, we put one single item on it that was approved by the voters. The second way you can do a charter review is for the City Council to appoint a 5 member charter review committee, which would meet, discuss it, make recommendations to City Council. City Council would then hold 2 public meetings to allow the public to comment on the proposed materials and then whatever comes out of that process goes on the ballot and again people would have to vote on it. The third process is if there is a significant body of individuals in the public who want a charter review and neither of the first two processes meet their desires, then can petition. There is a process where you could outline what it is you want put on the ballot, get a certain number of signatures and if that number of signatures is verified by the supervisor elections, then that goes on the ballot as is. Those are the three processes. What you are suggesting is something like the first but a little more formal but actually in 2011 it was formal. What you are suggesting, Ms. Shipley is let's take it page by page, week by week, yes, no, yes, no. That certainly is an alternative and it is an alternative that is possible under the existing charter.

CM Nobile-Prefers this be handled by the citizens who can then have separate meetings where the public is then invited to make conversations. I do not know if I want to take the time here because some of those discussions may lengthen, but I

am not all opposed to it but I would rather have the people do it first.

Mayor Netts-Let me point out what you have suggested now is not comport with the City Charter. You cannot have individual groups holding individual meetings, you asked for full transparency meetings, open to the public.

CM DeLorenzo-Procedurally where are we? Ans: Mayor Netts-We have a motion, we do not have a second. Technically, in accordance with Roberts Rules we should have a second before we even open for discussion but I am trying to be as permissive...

CM DeLorenzo-Seconded for discussion. I have attempted to speak to many about this issue; I have spoken to previous Council Members, other elected officials to try to get some guidance on what makes the most sense here. The City did a charter review in 2011 and only one thing came out of that and it went on the ballot and passed. I find myself conflicted because the actual charter review and the civic part of a charter review I actually find to be a good idea; I still cannot get over the fact that in my mind this is still a political ploy and nothing more than that. I think very little good other than arguing will come out of it and that is why I cannot support it at this time and I rescind my second.

CM Nobile-That is pretty interesting. I take offense to that political statement because when I first made statements that I thought we should do a charter review, had I not been so brutally attacked because of the fact that this Council was threatened by a third party and they decided they were going to take action against me because of what Dennis McDonald came into this Council and said. So I take offense to that. I do not pander to anyone. I did not ask for a charter for no ones request but people who live in my district, democrats, republicans, independents and people and like I stated last time, every single person who stood up here, I am against the charter review ended their statement with but if we do do one I would like to see this changed. This is not political, this is basic process that this Council has decided on its own it will not do and for that reason I continue to fight that because I am here fighting for the people who want their voice heard not just the Council. They want the Council to represent them. Not to tell them what they want and that is why I brought it forward. Not for any political advancement. That has been a ruse by many people in this town, who have put it through the newspapers and have advanced their strong man attack on this that Steve Nobile and his small group want to take over the City. How absurd does that sound? Does that not sound absurd to any of you? Do you not get it that you are pandering to the few people who have loud voices and you are ignoring those who are out there working every day who are asking me to be their voice?

Mayor Netts-Procedurally we have a motion, the second has been withdrawn, correct? Ans: CM DeLorenzo-Correct. Mayor Netts-Is there a second to the motion?

Motion failed for lack of a second.

Motion by CM Shipley for Council to do a charter review amongst ourselves. Motion failed for a lack of a second.

Mayor Netts-Let me say to that end, at any City Council workshop, any City Council Member during Council comments can say here is this paragraph, i.e.paragraph 3 page 4, I would like to offer my opinion, so you get the same discussion just a slightly different way of approaching it.

CM DeLorenzo-We each roughly represent 20K residents, I have the same number of emails as CM Shipley received, about 14 emails, of the 10 are pro-charter 6 came

from the same household. My point of that is that there is 19,986 other people, silent people who I represent, doesn't mean I shouldn't protect them as well and that is why I made that decision.

VM McGuire-Received a dozen emails from those in my district, I have said this once before in our discussion, I applaud CM Nobile for bringing this issue forward but still would like to know what is it we are trying to fix. So far I have heard we need to have more districts, we need to have the Council actually doing what is mostly delegated to Jim Landon, if I had a list of things that are objectionable and can be fixed through a charter amendment, I can probably get behind it. But so far all I have from the few people I have heard from is we need to review the City charter or we don't need to review the City charter. I do not have any problem reviewing it if I know why I am performing surgery. What cancer am I trying to cut out of the charter and what am I trying to fix? It is like if my wife comes home and says I need a new car. Well why do you need a new car. Well everybody at the VFW says I need one so I guess I need one. If there are specific things in the charter that cry out for correction, tell me what they are and I will probably get behind them but just to have a charter review just to have a review does not make any sense to me. We have real problems in this city that we are trying to address every time we have a meeting and while I commend you Mr. Nobile for your dedication, no one has yet told me what is broken.

CM Nobile-First of all do not compare a charter to a car at home. If you want to compare it to something you compare it to your retirement plan, which as your employment changes, your retirement age changes, you review it, to see that you are maximizing what you are doing there. It is not a car, it is not a broken thing. We go through this thing every year (picking up a copy of the SAP goals and Prosperity 2021), how come? It's not broken, why do we look at the strategy every year. Because we might be able to do better. If you don't look at something you cannot say it's good, its doing everything we need, or it's bad, so please with the straw man stuff, the comparisons are terrible. If I sat up here and voted for everything, if I voted no for everything that not a bunch of people sent me an email on, we get nothing done except the contracts, but if you want to do a park and I do not get a hundred thousand emails or 15K emails I vote no because I did not get the emails. That is not how we do things. That is not how it is supposed to work.

Mayor Netts-I agree with CM Nobile last statement, this is a representative government, people as a whole elected these five people to use your best judgment. Your, I hate to use the term as it will be misconstrued, inside information, we are intimately involved in what goes on in this City, we understand the implications of we build this park and you don't build that boat ramp, we are elected to use our best judgment. A couple of people have used the term in the last year or so, about my district, please remember we were elected at large, we represent everyone.

CM DeLorenzo-Mayor you covered what I was going to say. The method to review the charter is there every other Tuesday. The method to review the charter is there at any time, every other Tuesday. CM Nobile-At the discretion of the Council. CM DeLorenzo-No every other Tuesday. CM Nobile-But every other place in the state it is reviewed by the people not the Council. Mayor Netts-That is not necessarily true. CM Nobile-Well I will say in 90%, please, please I want through this whole thing, nobody, the Council makes changes to the charter no doubt. They come up something, like the election, that was not something that had to be reviewed that was just something that was best, a good idea that we switch to off dates, off election dates to the current election structure, but that is not a review that was a single thing, There were no new ideas that were introduced that could enhance the charter to advance the City, that's all. When you are looking at the charter and you are looking for something in the charter that says oh look this does not work anymore, it is not

that, its not just that, it is bigger than that. This is a document that could be keeping us back, there could be new ideas out there on things we can add to enhance it, but we are not going to hear those so.... Mayor Netts-Like CM DeLorenzo said every second Tuesday. And just for the record, when in 2011 voted to put a charter amendment on the ballot, there was discussions, there were pros and cons, what was the advantage going to an even number year, well money savings. If you have an election in an off year, you pay the full boat for the Supervisor of Election to run that ballot. If you do it in an even numbered year when there are other elections, state, local, or federal elections, instead of paying for the whole ballot you pay for a little piece of the ballot. There are money savings. The other issue discussed was voter turn out during national elections tends to be higher than during the local elections, therefore you will probably get a greater number of residents participating. The down side, City Council, the City of Palm Coast is a non-partisan government but when you go to and incorporate your election into the national elections it develops a certain partisanship that is inherent in the national and state elections. These points, pro and con, were all discussed by City Council and the decision was the two primary benefits were savings of money and better voter turnout outweighed the downside of partisanship and having, losing sight of little local issue in the bigger national and state issue, the decision was made, not just a simple decision, it was a discussion.

Consent Agenda

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

*VM McGuire requested to remove 12 from consent for discussion purposes.
CM DeLorenzo requested to remove 9 and 13 from consent.*

A motion was made by that the Consent Items be Considered as reported on the Consent Agenda.. They were approved by the following vote:

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

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| 5 | <u>15-414</u> | RESOLUTION 2015-XX APPROVING THE COOPERATIVE COST SHARE INITIATIVE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE GRAND LANDING RECLAIMED WATER TRANSMISSION MAIN

Enactment No: R2015-115 |
| 6 | <u>15-415</u> | RESOLUTION 2015-XX APPROVING THE COOPERATIVE COST SHARE INITIATIVE AGREEMENT WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR THE WATER TREATMENT PLANT #2 WELLFIELD EXPANSION

Enactment No: R2015-116 |
| 7 | <u>15-395</u> | RESOLUTION 2015-XX OPPOSING SHIFT OF UTILITY RELOCATION COSTS TO LOCAL GOVERNMENTS.

Enactment No: R2015-117 |
| 8 | <u>15-435</u> | RESOLUTION 2015-XX SUPPORT LEGISLATION IMPROVING ACCESS |

AND EFFICIENCY OF EMERGENCY MEDICAL SERVICES

Enactment No: R2015-118

9 [15-411](#)

RESOLUTION 2015-XX APPROVING THE PURCHASE OF TWO COMMERCIAL CHASSIS FIRE APPARATUS PIGGYBACKING THE CONTRACT BETWEEN THE FLORIDA SHERIFFS ASSOCIATION AND ROSENBAUER SOUTH DAKOTA, LLC

This item was removed from consent by CM DeLorenzo.

Chief Beadle provided an overview to this item.

CM DeLorenzo-Chief, we have kind of shyed away from commercial vehicles in the past, why do you think it is the right choice for this? Ans: Chief Beadle-We have shyed away because we have run commercial apparatus and they have lasted about 7 to 8 years and we have to re-chasis them, start all over, take the body off and put it on a new chasis. This setting we will have them as the back ups, they will not be running every single day like our front line. Our volunteers will be using them. We are hoping to get 10 to 12 years out of them at least and then maybe have to replace them. You are correct we shyed away in the past but for this application, we feel this is the best bang for our buck.

CM Nobile-So we are anticipating that once the 10 to 12 years, these are gone, not like when we purchase non-commercial and then they go to back up? Ans: Chief Beadle-We will have to see. Typically a fire truck would last 20 years on a custome chasis. The commercials, our history shows we have run 7-8 years, so what this will bring, I do not have a crystal ball.

VM McGuire-Mr. Quinn please raise your hand if this is in the budget. Mr. Quinn raised his hand.

Public Comments:

Jack Carall-What are we doing with being able to transport injured people?

Responses to Public Comment:

Mayor Netts-One of the reasons we are putting a significant number of miles on our fire trucks is that we are using our trucks for non-fire (emergency medical) runs. It is my understanding there is or will be pending legislation this year to modify the current process. My hope is that we have asked the Chief to come back to us within a short period of time with a detailed analysis of options. One of the things that I learned, many years in local government, there is one obvious solution that may or may not be good but there are all kinds of options. We have asked the Chief what are some of the options. The goal of course is to maintain high quality EMS services throughout the County at the most cost effective process within the City. Chief will come back soon with a presentation.

VM McGuire-Mr. Carall spoke about getting it back in the City but I do believe the transportation of victims was ever in the City. Ans: Mayor Netts-Correct.

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

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

Enactment No: R2015-122

- 10 [15-308](#) RESOLUTION 2015-XX APPROVING THE PURCHASE OF TWO TRADEWINDS GENERATOR SETS, FOR A TOTAL COST OF \$86,840.00, FROM CENTRAL FLORIDA GENERATORS FOR WASTEWATER PUMP STATION 34-1 AND PUMP STATION TC-9

Enactment No: R2015-119

- 11 [15-388](#) RESOLUTION 2015-XX APPROVING THE EIGHT APPLICATIONS RECEIVED FOR THE FY 2015-2016 CULTURAL ARTS GRANTS

Enactment No: R2015-120

- 12 [15-417](#) RESOLUTION 2015-XX APPROVING AMENDMENT TWO TO THE CITY ATTORNEY SERVICES CONTRACT

This item was removed from the consent agenda by VM McGuire.

VM McGuire-There was considerable discussion in last weeks workshop about attorney rates, services provided, comparisons of other types of legal counsel in the state and I have asked Mr. Landon and Mr. Reischmann to provide information that will illuminate why we should support or not support this agenda item.

Attorney Reischmann provided a PowerPoint presentation, which is attached to these minutes.

VM McGuire-Your monthly retainer rate that you are proposing, how is that number arrived at? Ans: Attorney Reischmann-Mr. Garganese sat down and had discussions with the City Manager and it represents a 15% increase. Certainly the information provided to you today was a factor in reaching that amount.

VM McGuire-You had mentioned \$90 per hour for paralegal, were some of the staff members of those names you gave paralegals? Ans: Attorney Reischmann-All of the people I specifically mentioned are attorneys. If you look at our invoices, there are times we have paralegals assist but again it is all in the retainer.

Public Comments:

Ralph Lightfoot-In the retainer, can you give us actual based on last year?

Responses to public comments:

Attorney Reischmann-It varies but yes I can. Last year the average monthly average hours were 193 hours per month. Last year the average rate was approximately \$116 per hour.

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

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

Enactment No: R2015-123

- 13 [15-419](#) RESOLUTION 2015-XX APPROVING PURCHASE OF HEAVY EQUIPMENT AS APPROVED IN THE FISCAL YEAR 2015-2016 BUDGET

CM DeLorenzo removed this item from consent.

CM DeLorenzo-please provide a quick overview as to how a vehicle is evaluated for removal. Ans: Mr. Roger LaChance, Fleet Supervisor provided an overview to the evaluation process for fleet for replacement.

CM DeLorenzo-We do not replace vehicles just for the sake of replacing them? Ans: Mr. LaChance-Correct.

VM McGuire-Do we replace any equipment that is not amortized? Ans: Mr. LaChance-All are amortized. We have vehicles that do not make their scheduled life.

Mayor Netts-When you have a vehicle that does not meet it's schedule time, do you then adjust the amortization scheduled for that type of vehicle? Ans: Mr. LaChance-Correct.

*Public Comments:
There were no public comments.*

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

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

Enactment No: R2015-124

- 14** [15-424](#) RESOLUTION 2015-XX APPROVING PIGGYBACKING THE STATE OF FLORIDA CONTRACT WITH SHI, A MICROSOFT RESELLER, FOR MICROSOFT SOFTWARE AND LICENSING

Enactment No: R2015-121

D. Public Participation

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

Louis McCarthy-Thanked City Council for their approval of the art grants.

Jack Carall-A little beef-coming out of the post office, I have to make a left turn, people coming out of where the bank is, there is a stop sign there, but when the light turns green, they never make that stop. I had to sit through 3 lights before I could turn left. Can we get a left turn marker on that light? Palm Coast Service districts-before we were a City we had the same amount of people but we were not

assessed for Sheriff services. Why now do we have to pay for the service?

John Brady-Agrees with CM Nobile's charter review request. I have heard there is language not in line with State Statutes. Supports a charter review.

Ed Caroe-County Attorney-staff Al Hadeed. He is not a law firm, an employee that is subject to fire and hire. Senior facilities needed. Thanked Council for all that they do.

George Mayo-Has there been any more discussions with the School Board regarding Belle Terre Swim and Raquet Club.

Ralph Lightfoot-Alter the Charter so we do not have the method used to build City Hall. Supports a charter review.

Steve Carr-Florida Park Drive statistics is on the FDOT website. Traffic on Florida Park Drive.

Denise Calderwood-Proud to be one of the first families here in Palm Coast. Supports a charter review. Seniors matter issue-River House-supports buying the Yacht Club.

Mr. ? (could not understand)-Woodbury Drive traffic.

Thomas Sisty-Thanked Cindi Lane for all she did for Citizen's Academy.

Steven Jones-Historian-would like to talk with Council on how he could help.

Responses to Public Comments:

Requested Commander Carman speak with Mr. Caroll regarding the Pine Cone Drive traffic light issue.

Sheriff budget and City's contribution to it-Mayor Netts-Relatively early in the history of this City, the question of should Palm Coast have its own Police Department, as does Flagler Beach, as does Bunnell, should that be circumstance. The City hired a consultant, Robert Ford, Past President of the Chief of Police Association. He came in to Palm Coast and he did an analysis in terms of level of service and cost. Keep in mind at the time of the analysis, we had a population of about 30K. While we were more dense than unincorporated Flagler County, we had about the same density as Bunnell and Flagler Beach. His analysis showed start up costs, put this back 10 years ago, was about \$16mil-everything to start a police department, the annual budget based on a number of officers that was derived from an FBI study, the annual budget was about \$4 mil per year; in negotiations with the then Sheriff, we said we would like a guaranteed increment in the number of officers in Palm Coast. The Sheriff has responsibility for all of Flagler County. We negotiated an agreement whereby for an additional contribution to the Sheriff Department, we would be guaranteed an additional number of deputies in Palm Coast assigned to Palm Coast with the understanding of course that they might go somewhere else. That was based on a level of service we felt we wanted. The price was \$2mil plus and that number has been modified slightly over the years, the issue is still there, could you have your own police department, yes you could. We all pay County taxes, and the Sheriff is supported by taxes, why should we have to pay extra? Because we are getting something extra. We want a higher level of service, deputies per square mile, deputies per thousand population. Thus far, City Council has felt this is the most economical way to provide the service without the unnecessary duplication of service. It is something that we look at periodically but it is something at least from my perspective that seems to be working.

City Attorney-Mayor Netts-Not sure that I talked about a law firm. I think I used the word attorney, and yes Mr. Hadeed is a single attorney not a law firm. At one time we had an in-house attorney. we looked at the billing that was on the retainer, hourly rate, and we looked at the number of times we had to bring in additional attorneys because let's face it, even as Mr. Reischmann indicated, attorneys have specializations, some in labor, some in arbitration, some in this and some in that. We looked at are we getting the most bang for our buck, we decided after several years of having an in-house attorney, Mr. Grott was the attorney at the time, we decided this was a better approach.

Belle Terre Swim and Racquet Club-There are two groups that have submitted proposals to the Board of Education.

Traffic on Woodbury-Mayor Netts requested Commander Carman take a look at the traffic.

Seniors-CM DeLorenzo-Last week we directed staff to continue their due diligence in the Yacht Club.

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

CM Nobile-Towards Mr. Brady's comments-We do not agree on a lot of things Mr. Brady is not a conservative like I am, but we are a City and at the City level we can come together, like we did, we sat down, we had discussions about what we disagreed about, about what we agreed about, I did not call him any names, he did not call me any names and this happen with several other people, the DEC people and the REC people. We have to get off this "he is a Tea Party Republican", until this Council starts dealing with social issues, that is all irrelevant. We all live here and we need to talk together. And that is how this works. That is how the whole process works. I am glad Mr. Brady does not agree with me on everything but I am glad we are able to sit down and discuss what we can do and how we each feel. That we can talk about it without hurting eachother.

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

I wanted to add a thank you. I was remiss in that providing the work, I am fortunate to do for the City, I could not do it without the input from your City Clerk Virginia Smith. She is invaluable to coordinate the work that we do through the City Manager, through you and through the department heads. So, I just want to say publically thank you, thank you to her.

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

Our 5th annual Business Assistance expo is a week from Friday, October 30, 2015 8:30 am to 1:00 pm. It provides lunch if you register and it is at the Hammock Beach Resort. So, anyone in the business community, this is a good time to come out and network and have learning sessions.

City Hall is moving this week. Next Monday 8:00 am City Hall is open for business. City Marketplace will be closed 5:00 pm on Friday, October 23, 2015.

City Council workshop will be held here at the Community Center next Tuesday, October 27, 2015.

Grand Opening of City Hall November 3, 2015, 4:00 pm to 8:00 pm open house with

tours of City Hall; 5:15 pm ribbon cutting; 6:30 pm City Council Business Meeting.

Mayor Netts-Since some of you are early Palm Coast residents, on October 26, 2015 1:00 pm to 3:00 pm at the Community Center the Palm Coast Historical Society will have an open house/exhibit of the history of our City.

H. Adjournment

The meeting was adjourned at 11:01 am.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[15-430](#) MEETINGS CALENDAR AND AGENDA WORKSHEET

[15-443](#) ATTACHMENTS TO MINUTES