



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 Robert G. Cuff
Council Member Jason DeLorenzo
Council Member Steven Nobile

Tuesday, September 27, 2016

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.

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

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.

>City Council Meetings are televised on Brighthouse Networks 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 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 Cuff, Council Member DeLorenzo, and Council Member Nobile

D. PRESENTATIONS

- 1** [16-393](#) RESOLUTION 2016-XX APPROVING THE PURCHASE OF A COMMERCIAL CHASSIS FIRE APPARATUS PIGGYBACKING THE CONTRACT BETWEEN THE FLORIDA SHERIFFS ASSOCIATION AND ROSENBAUER SOUTH DAKOTA, LLC

Fire Chief Mike Beadle gave a PowerPoint presentation (attached to these minutes).

>Apparatus Replacement Schedule slide:

CM DeLorenzo - That is a custom or commercial (Engine 21 at Station 21)? Chief Beadle - Custom body.

CM DeLorenzo - 13 years of service? Chief Beadle - Yes.

CM Nobile - The third engine that is coming in 2019, the engine needs replacing? Chief Beadle - What will happen is Engine 21 is a Pierce, that will move down to backup.

CM Nobile - Are we okay between now and then? Chief Beadle - We have the Macks that we need to replace; we have extended it out where we should be okay until we get to that point.

VM Shipley - Because we are only getting \$3,000 when we put them up for auction, is it worth it to use them for parts? Mr. Christopher Quinn, Finance Director - We would probably struggle to find parts for them ourselves. We are talking about 30 year-old pieces of equipment and the new trucks aren't anything like the old trucks. Chief Beadle - As Chris said, they are not interchangeable; totally different, the emissions, the safety features, etc. But there are those that are antique dealers that inquire. Mr. Quinn - If there is anything on the truck that we can take off and use, we do. Chief Beadle - Yes anything usable comes off the truck.

Mayor Netts - When did you have a change of heart about commercial chassis versus custom chassis? Chief Beadle - He doesn't really have a change of heart other than, the two differences; the commercial truck is built for long hauls over the road. We have had those trucks before. We still have one in the fleet and it lasted seven years before we had to put a new chassis underneath. The customs lasted 15 years before we had to start backing them down from wear and tear. Because of the need for the backups for our frontline, and the need for the volunteers, we chose to go with the commercial because we went to a heavier chassis upon the recommendation of our fleet division. We are trying to get 12-15 years out of those because they are not going to be frontlined every day. We will have the backups there if we need them. He is still a firm believer that the customs are the way to go for the frontline. It was a budget decision based on how the apparatus was going to be used.

CM Cuff - The commercial truck that you said had to be rebuilt, was that used as a frontline? Chief Beadle - It was on the frontline, it is now a backup and it is slated to go out of service in a couple of years.

The Resolution was Continued.

Enactment No: R2016-105

2 [16-384](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH MCMAHAN CONSTRUCTION, CO., INC., FOR THE CONSTRUCTION OF THE SOUTHERN WELL FIELD EXPANSION: EQUIP 5 WELLS AND RAW WATER MAIN, PHASE 2 PROJECT

Mr. Stephen Flanagan, Community Development Director, gave an overview of this item and introduced two staff members that are working and managing this project: Mary Kronenberg, Project Coordinator, and Alex Blake, Engineer. Mr. Blake's main function is going to be Utility projects, water and sewer, but he will also cross over into other things.

Mayor Netts - Are these shallow wells? Mr. Flanagan - These are upper Floridan wells, roughly 250-300 ft. deep. Each of these wells will produce approximately 350 gals. a minute when they are running. The will also allow some of the existing wells to rest, which is one of our goals because some of these existing wells have been downgraded due to potentially over pumping.

CM Nobile - When you say downgraded, what do you mean? Mr. Flanagan - Some of the water quality has gone down, fluorides have come up, etc.

CM Nobile - About the bids, he noticed that Cline's bid was higher but it was close. He is wondering if we need to look at our policy when it comes to local contractors, local companies that want to do business with us. Mayor Netts - There is a policy adopted about 10 or 8 years ago giving a 3% bonus for local.

CM Nobile - Given our economic state, he believes we should potentially increase that and build a better policy. If you spend those dollars locally, the dollars will have a multiplier effect. He would like for Council to have a discussion and reopen that. He would like the City Manager to make a quick decision on 3%. He would like to see it go as high as 8% and anything that would come between 3%-8% would come before the Council for each process; gives us a little more control to keep things local. Mr. Flanagan - Obviously, this is a Council decision but he shared that one of the difficult things here in Palm Coast is getting competitive bids and if we slant it more towards local, it will be harder to get competitive bids. He also agrees with buying local, etc. Mr. Quinn added that a lot of grants we receive do not permit local bid preference.

Mayor Netts added for future discussion - the definition of a local company, does that mean they have an office here with a secretary and a phone, etc.?

CM DeLorenzo - Is the pipeline on the same side as the sidewalk/path and are they being coordinated together? Mr. Flanagan - The phase one piece that is on Seminole Woods that is already installed is on the south side of the road, and this path is also the south side of the road, that was one of the reasons why we phased this and made sure to install the first phase before the path. The pipeline that is within this project's scope on Sesame is also going to be on the same side of the road as the path and that is why we are trying to get the pipeline in first before the path comes.

The Resolution was Continued.

Enactment No: R2016-100

E. WRITTEN ITEMS

3 [16-364](#) RESOLUTION 2016-XX APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND FLAGLER COUNTY SCHOOL DISTRICT FOR RESTROOM BUILDING AND SPORTS LIGHTING

Mr. Carl Cote, Construction Management & Engineering Manager - gave a PowerPoint presentation (attached to these minutes).

CM DeLorenzo - What is the approximate square footage? Mr. Cote - 50' x30' roughly.

CM DeLorenzo - The \$260,000, that is for construction or is that for infrastructure improvements as well? Mr. Cote - Construction related items.

The Resolution was Continued.

Enactment No: R2016-106

4 [16-357](#)

RESOLUTION 2016-XX APPROVING A FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT FOR FUNDING ADJUSTMENT FROM \$594,920.00 TO \$535,428.00

Mr. Don Schrager, Construction Site Supervisor, gave an overview of this item.

Mayor Netts - Which LAP (Local Agency Program) is this? Mr. Schrager - This is for the Seminole Woods path.

CM DeLorenzo - The roughly \$59,000, where are the funds coming from? Mr. Schrager - It is coming from the sidewalk fund.

The Resolution was Continued.

Enactment No: R2016-97

5 [16-360](#)

RESOLUTION 2016-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH HARRIS CULVERT, INC., TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPE

Mr. Nestor Abreu, Public Works Director, gave a brief overview of this item.

No Council questions.

The Resolution was Continued.

Enactment No: R2016-96

6 [16-376](#)

RESOLUTION 2016-XX APPROVING A PRICE AGREEMENT WITH STRICKLAND SOD FARM, INC., FOR THE PURCHASE AND INSTALLATION OF SOD AT VARIOUS LOCATIONS ON AN AS-NEEDED BASIS

Mr. Randall Zaleski, Utility Systems Manager, gave a brief overview of this item.

CM Nobile - What kind of money do we spend on sod? Mr. Zaleski - It depends on the breaks; we have three funds basically, capital, O&M (Operating & Management) budget for water and an O&M budget for wastewater. Depending on the repairs, it could be about \$40,000-\$50,000 possibly, but they are small repairs so there is not a tractor trailer load of sod at a time.

VM Shipley - The two prices, \$2.75 and \$159.25? Mr. Zaleski - It is the mobilization fee, etc.; the low bidder decided not to use a mobilization fee, the other bidder decided to put in a mobilization fee.

The Resolution was Continued.

Enactment No: R2016-98

7 [16-383](#)

RESOLUTION 2016-XX APPROVING PRICE AGREEMENTS WITH VARIOUS VENDORS FOR THE PURCHASE OF WATER AND WASTEWATER TREATMENT CHEMICALS FOR FY 2017

Mr. James Hogan, Utility Systems Manager of Water Operations, gave a brief overview of this item.

No Council questions.

The Resolution was Continued.

Enactment No: R2016-99

8 [16-385](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH JESSE BOHANAN FOR LIME SLUDGE TRANSFER AND STACKING SERVICES AT WATER TREATMENT PLANT 1

Mr. Hogan gave a brief overview of this item.

No Council questions.

The Resolution was Continued.

Enactment No: R2016-101

9 [16-386](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH 4 C'S TRUCKING AND EXCAVATION, INC., FOR THE LIME SLUDGE HAULING AND DISPOSAL FROM WATER TREATMENT PLANT 1

Mr. Hogan gave a brief overview of this item related to the previous item.

No Council questions.

The Resolution was Continued.

Enactment No: R2016-102

10 [16-392](#)

RESOLUTION 2016-XX APPROVING A CONTRACT WITH INFRASTRUCTURE SOLUTION SERVICES IN THE AMOUNT OF \$88,000.00 FOR THE BIOSOLIDS ALTERNATIVES EVALUATION

Attorney Reischmann explained that this item involves a Consultant's Competitive Negotiations Act-CCNA process that is required for certain types of professional contractors, i.e., engineers, architects, etc. You have to go through an RFQ (Request for Qualifications) and through that process you find the most responsible bidder(s). The price cannot be the determining factor, so once you make the determination of who is the most qualified responsive bidder then the statute requires you to then negotiate a contract. Mayor Netts added, if you can't reach an agreement with company #1, then you go to company #2 and company #1 cannot change their price.

VM Shipley - You negotiate with business #1, but you can't change the price, what is the sense of negotiating? Mayor Netts - This is a piece of legislature that was passed to protect a certain group of professionals; the theory being that price is not always the determining factor. These people are highly skilled, highly specialized and the goal is to get the very best person to do the job, so you evaluate your competitors based on criteria, etc.

CM Nobile - The determination comes from where? Attorney Reischmann - That is something where you have flexibility, that is not specified.

CM Nobile - So, we define the criteria, there is no law that says this is the criteria? Mr. Beau Falgout, Administrative Services & Economic Development Director - Yes,

one of them includes location, and that was part of the review in this instance, the company with the local office did get an advantage for points. It involves 10 points versus 2.5 points, but it can't be the major factor; it specifically lists six things that should be considered in State statute through CCNA. It is a very convoluted, specific process that we have to follow. Location was a consideration and the company did receive a 7.5 point advantage over the second-ranked company.

CM Nobile - Okay so we have gone through this process, how have we determined a fair price? Mr. Falgout explained we typically compare man-hour estimates and rates to what we have done in the past for similar projects. Attorney Reischmann added purchasing staff can also inquire with other local governments and find out who they contract with, how they calculate it, etc. That process is available through public records.

The Resolution was Continued.

Enactment No: R2016-104

11 [16-390](#)

RESOLUTION 2016-XX APPROVING BUDGETED PURCHASES FOR TECHNOLOGY EQUIPMENT, SUPPLIES, MAINTENANCE AND COMMUNICATIONS SERVICE FOR FISCAL YEAR 2017

Mr. Steve Viscardi, Information Technology Director, gave a brief overview of this item.

No Council questions.

The Resolution was Continued.

Enactment No: R2016-103

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.

Louis McCarthy - When you talk about bids and bidders and whether they are local or not also consider their past performances, because we have been fairly lucky not having duds and getting rid of duds is harder.

Robert MacDonald - Last week he brought up an issue about political board of education signs all over the City, since last Tuesday signs are coming out of the woodwork. He went to Code Enforcement and according to them the only stipulation in the ordinance is how many days after election which is 15 days but nothing that indicates how many days before. The City Clerk said that once your paperwork is

submitted you can start putting up signs a year and a half in advance. He could only imagine what the City is going to look like after the signs are up for a year and a half. 3% discount if you are a local vendor, what constitutes local: Palm Coast, Flagler, State of Florida?

Vincent Liguori - After conferring with Mayor Canfield about the recent passing of Mrs. Martyna McLean. He stated emphatically that if it wasn't for this lovely lady you might not well be here today. She was a leader in the incorporation movement beyond reproach. Mayor Canfield delegated the task to him. He is asking the Council to go on the agenda, he has already written the tribute for Mrs. McLean; reviewed it with Mayor Canfield; we both feel that going on the agenda would be more appropriate than presenting her tribute during public participation.

Jack Carall - We have a bond for water management (Utility), how much more do we have to pay on this bond? When are we finished paying for the bond? He notices people come up here and they don't talk about price. Lights, night games at the sports complex? If you don't have night games, you don't need lights. What cost is that going to be? Is all this in our budget for next year?

Responses:

Utility bonds - Mr. Quinn - All of the current outstanding Utility debt will be paid off within 20 years or less; the average is probably closer to 15 years. Mayor Netts added, to keep in mind though that we may require new bonds as the City grows. Mr. Quinn - Owning and running a utility is extremely capital hungry; it needs continuous investment that is just the way they work. Mayor Netts explained that the new plants benefit the new growth; by bonding/borrowing for capital investment; the people that are benefitting are paying for improvements.

Night sports lights - Mayor Netts presumes there will be night games by the City and Schools. Attorney Reischmann added that there will be a separate meter for the lights, so the City will pay for what it should pay and the School District will pay for their use of the lights for their own games, per agreement with the School Board.

Agenda tribute for Mrs. McQueen - Mayor Netts is not personally in favor of it; where do you draw the line. She was an outspoken proponent of incorporation back in the late 1990s, but then so were a lot of folks. We didn't do special consideration for other people who were proponents and we didn't recognize people who were opposed but any Council Member that wants to put it on the agenda is welcome to do so.

Signs - Mayor Netts - Prior to election, he doesn't think you can register 1.5 years before election. Attorney Reischmann - Mr. MacDonald is correct our current code provides that once an election is held you have 15 days to take down the signs and that is not unusual. Signs are not permitted in the right-of-ways. We are talking about these temporary signs that are on private property, with the permission of the property owner. You do not have State regulations, City regulations on when such temporary signs can be placed on private property for an event or election. There was a recent US Supreme Court decision involving a small church in a town in Arizona - Reed vs. Town of Gilbert. That decision basically said you cannot regulate placement, duration, size of signs, temporary signs based on the content or what it says on the front of the signs. He explained the problems that poses for local governments. The City is doing everything it can do legally, etc. We don't have that in the code because we shouldn't have that in the code.

Local preference - Attorney Reischmann - The City's purchasing policy section (2-20 to 2-32) has local preference and he read, awards will be made to bidders or

proposes from the City, Flagler County or the State of Florida if all costs to the City are essentially equal. Mr. Falgout - The definition of a local business as contained in that section; it has to be in business at least 6 months prior with a Palm Coast Business Tax Receipt and have a physical address, not just a P.O. box in Palm Coast, and the next level, Flagler County, would be the same standards.

Prices - How does the public know what the prices are? Mayor Netts explained the prices are contained in the agenda item; copies of the agenda are made public on the City website; you can see the dollars and cents, etc. VM Shipley asked why don't we put the price in the title (of the agenda item) in the summary printout.

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

Mayor Netts - The Florida Dept. of Transportation (FDOT) has a long, long range plan for a Tampa to northeast Florida corridor highway, transportation thing; it could be a road, it could be rail, etc. FDOT has been laboring the last six months to try to figure out the first piece of that corridor which would be from Tampa to I-75. After six months they came to a consensus by 1 vote out of a committee of 25 in favor of a particular route for this corridor. FDOT is not comfortable with that margin being sufficient to make a decision so they are still debating what they are going to do. In the meantime, the Northeast Regional Council representing the seven counties in northeast Florida (NEFRC) through their regional community institute has taken the initiative to develop suggestions, models, criteria for what happens as, if and when this corridor is extended up into the northeast region. He will leave the report in the Council's office for review. It will be presented Thursday, October 6th at the regional council's meeting.

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

No comments.

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

The City Manager was away at a conference.

J. ADJOURNMENT

The meeting was adjourned at

*10:16 am Respectfully submitted,
Barbara Redline*

Calendar and Worksheet

[16-395](#) MEETINGS CALENDAR AND AGENDA

[16-397](#) ATTACHMENTS TO MINUTES