



City of Palm Coast

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

Meeting Minutes

City Council

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

Tuesday, April 18, 2017

9:00 AM

City Hall Community Wing

AMENDED AGENDA

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.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

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

>If you wish to obtain more information regarding 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 Charter Spectrum Channel 495 and on AT&T U-verse Channel 99.

>All 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

Present: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

THE MAYOR AND CITY COUNCIL

Representatives from the Flagler County Centennial Committee presented pins to City Council for the upcoming Centennial celebration. Invited Council to join them on April 29 at the Government Services Building to celebrate 100 years.

The Presentation was Received and Filed.

6 [17-168](#)

PRESENTATION ON THE STATE OF HEALTH IN THE COUNTY BY FLAGLER COUNTY HEALTH DEPARTMENT

Mr. Bob Snyder provided a PowerPoint presentation, which is attached to these minutes.

Mayor Holland-Dramatic increase in dental services-what determines the availability for a child to come into your office? Ans: Mr. Snyder- Usually the children are on <edicaid.

Mayor Holland-Have we seen an increase in Medicaid recipients in the County? Ans: Mr. Snyder-Yes, we have seen an increase.

Mayor Holland-Graduation rate-Are you saying we do not have a good graduation rate? Ans: Mr. Snyder-I received this statistic from the State. This percentage is based on age 25 or up who do not have a HS diploma or GED.

The Presentation 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

Second Reading

7 [17-123](#)

ORDINANCE 2017-XX CROSS CONNECTION CONTROL, THE AMENDMENT OF ARTICLE II CHAPTER 49

Attachments: [Ordinance Cross Connection Control](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

*Public Comments:
There were no comments.*

A motion was made by Vice Mayor Nobile, and seconded by Council Member Shipley, that the Ordinance be adopted on Second Reading. The motion was adopted by the following vote:

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Enactment No: O2017-3

8 [17-134](#)

ORDINANCE 2017-XX AMENDING CHAPTER 8, ARTICLE II, OF THE CITY OF PALM COAST'S CODE OF ORDINANCES RELATING TO ANIMAL CONTROL REGULATIONS

Attachments: [Animal Control Ordinance](#)

City Attorney Reischmann read the title into the record.

Mr. Landon gave a brief summary of the item.

*Public Comments:
There were no comments.*

A motion was made by Vice Mayor Nobile, and seconded by Council Member Shipley, that the Ordinance be adopted on Second Reading. The motion was adopted by the following vote:

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Enactment No: O2017-4

Resolutions

9 [17-155](#)

RESOLUTION 2017-XX APPROVING A CONTRACT WITH SHADE SYSTEMS, INC., FOR THE DESIGN AND CONSTRUCTION OF SHADE SAILS AT FOUR CITY PARKS

Attachments: [Resolution-Shade Sail Systems, Inc.](#)
 [Notice of Intent to Award](#)
 [Project Summary](#)

Mr. Landon provided an overview to this item. Mr. Carl Cote presented a PowerPoint presentation, which is attached to these minutes.

CM Nobile-Why did we originally budget a for a 20% contingency? Ans: Mr. Cote-It is a 10% contingency. This is coming from the Park Renovation Fund and we have numerous projects in there. We split that contingency between projects. In this particular project, I think a lot will be limited unforeseen areas. The only place we are going underground (where you typically find those unforeseen issues is underground). We will be digging footers. We have some flexibility to shift those around if we run into irrigation or other utilities that may be in the way. It is just what we had available from other projects.

CM Nobile-We based contingency on money we had available? Ans: Mr. Cote-We

had a line item of \$20K. You can see we budgeted for \$25K for the shade, so we just used that \$20K leftover from the project budget. Mr. Landon-He (Carl) is trying to find where the money is going to come from. We are trying to show that after the \$8K deduct, we are going below \$400K, so we are trying to show that when you add it all up, there is enough money. CM Nobile-Ok, I am good.

CM Nobile-What if we were to come in at \$425K and we needed the \$40K? Ans: Mr. Landon-You hope that you never have to use that contingency. In this case, I would be surprised if we needed the \$40K. It is a standard number we use.

CM Klufas-provided an overview as to how he approached the negotiation with Shade Systems Inc. along with Mr. Cote. CM Klufas motioned to make a counter offer in the amount of \$375K in lieu of the fact that they provided examples of projects that they completed that we are mimicking the design and with the economy of scale; that is a more reasonable figure.

VM Nobile-I have no problem with your counter proposal but I am not sure that we can do that.

Attorney Reischmann-I am not sure that is possible under our bidding process. I think our options are to go back and negotiate additional change orders which will be allowed under our bidding process but that may change the nature of the product we acquire. This particular applicant was determined to be the highest qualified, so going to number 2 may necessarily require us to go out to bid again and change the bidding requirements. At this point and time under the law that applies to our bidding process, I do not know how we could simply go back and make a counter offer, short of going back and making additional change deduct orders.

Mayor Holland-So you said, per the discussion you had with this company that they did it at a lower cost elsewhere, have there been discussions as to why they are attributing a higher cost? Ans: Mr. Cote-They cited 3 particular projects in their qualification package as similar type projects. They gave us reference with some dollar figures. There is one in particular, Southpoint in Miami, that was very consistent with what we were proposing in our conceptual design. So we asked them specifically about it; it was completed about a year ago, approximately March 2016. We asked them here is some feedback and how does this match up with our particular design. He said it is very similar. Found out the differences and one of the major differences was the height. We have a lot of tall playground pieces, which require larger diameter, a bigger footing. So, that drove our costs up higher. Their project was slightly less in square footage. I ran some calculations based on the square footage amounts and we are about \$1 per square foot more, if we accept the \$8K deduct, than that particular project. And that bid is from a year ago; with construction costs going up, I think we are right about in line with that particular project.

CM Klufas-One of his questions to the contractor was why was that project able to come in at \$79K compared to what we have divided by 4, he responded he had a competitor bidding in that project and he needed to come in lower, which means he is capable of providing the same type of project at the level of quality of what we are expecting, at a lower cost. Take into account the magnitude of our project, the economy of scale, would tend to lead you in the direction that the \$1 per square foot is still actually on the wrong side of the equation, which is one of my justifications for a lower cost for the project.

Mr. Landon explained the bidding process for this item was a Request for Qualifications. Suggestion, if Council wants, they could throw out all of these bids, go

out to bid and choose the lowest bidder.

CM Klufas-Would we be able to use the design from LittleJohn? Ans: Mr. Landon-Yes, we could use the design.

CM Klufas-Why was this a design build project and not low bid? Ans: Mr. Landon-Carl tried to explain this. It is very unique. We are not just putting one big square over it. Each system has its' own post and way it is connected and a variety of things. It was a recommendation of our consultant and staff that did the research that this was a better approach.

CM Nobile-Do these shades have to be removed if there is a hurricane? Ans: Mr. Landon-Yes, which is part of the specs and also how easy is it to take them down in emergencies.

Mayor Holland-Requested a workshop on how the bidding process works. Mr. Landon-That will not be a problem. We have done that before, as well.

CM Klufas-How did this process take place-did we go to LittleJohn for design and say we have \$425K to spend? Ans: Mr. Cote-No, the price came second. We provided to Little John what we wanted to cover, what our ultimate goal was, our long term, our ease of use. They did research on multiple manufactured products and came back to us with the cost of what we wanted.

CM Klufas-After going over this today and there is an \$8K deduct, I am withdrawing my counter motion.

Mr. Landon-We can provide conceptual plans as we have in the past.

Public Comments:

Louis McCarthy-How strong is the material, do we have back-up material, and can our people take down these sails in a quick amount of time?

John Brady-read an article from the News Journal today into the record regarding niceties vs.safety.

Responses to Public Comments:

Mayor Holland-There is a 10 year warranty on this and yes, our staff will be able to take it down safely and quickly.

CM Shipley-The money for the shades are from a different fund. Mr. Landon-The money for the shades will not affect the street lighting.

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

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

Enactment No: R2017-46

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.

There were no public comments.

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Items be Considered as reported on the Consent Agenda.. They were approved by the following vote:

Approved: 5 - Mayor Holland, Vice Mayor Nobile, Council Member Cuff, Council Member Klufas, and Council Member Shipley

- 10 [17-158](#) RESOLUTION 2017-XX APPROVING ONE-YEAR PRICE AGREEMENTS WITH CENTRAL PRO AND SITEONE LANDSCAPE SUPPLY FOR THE PURCHASE OF VARIOUS IRRIGATION SUPPLIES

Attachments: [Resolution-Central Pro and SiteOne Landscape Supply](#)
 [Notice of Intent to Award](#)
 [Project Bid Overview-Executive Summary](#)

Enactment No: R2017-47

- 11 [17-132](#) RESOLUTION 2017-XX APPROVING A WORK ORDER TO CONNECT CONSULTING, INC., FOR THE EVALUATION AND REHABILITATION OF LW-21

Attachments: [Resolution - Evaluation and Repair of LW-21](#)
 [Work Oder-Connect Consulting, Inc -LW-21](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2017-48

- 12 [17-133](#) RESOLUTION 2017-XX APPROVING A WORK ORDER TO CONNECT CONSULTING, INC., FOR THE CONSTRUCTION AND TESTING OF WELL SW-8R

Attachments: [Resolution - Construction of SW-8R](#)
 [Work Oder-Connect Consulting, Inc-SW-8R](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2017-49

- 13 [17-137](#) RESOLUTION 2017-XX AUTHORIZING LOW LEVEL FLIGHTS IN CONNECTION WITH OPERATIONS OF THE EAST FLAGLER MOSQUITO CONTROL DISTRICT

Attachments: [Resolution-EFMCD Low Level Flying Authorization](#)
[Low Level Flying Authorization](#)

A motion was made by Vice Mayor Nobile, seconded by Council Member Cuff, that the Consent Agenda be Adopted on Consent. The motion was Approved unanimously.

Enactment No: R2017-50

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.

Steve Carr-provided Council with a handout on traffic issues on Florida Park Drive, which is attached to these minutes.

Louis McCarthy-Belle Terre Parkway medians are looking beautiful.

George Mayo-Median workers, strob lights vs. 4 way flashers on City trucks.

Responses to the Public:

Mayor Holland-Thank you Mr. Carr for your comments on Florida Park Drive, thank you Mr. McCarthy for the compliments on Belle Terre medians.

Medians-Mr. Landon-We are working on increasing safety for our employees. I believe the strobe lights will be taken care of.

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

CM Klufas-delinquent provider for internet services. Suggestion-offer ISP services ourselves or contract with another ISP provider to our residents, e.g. Datacom.

VM Nobile-Why is PC Internet behind? Is business good, do they have funds? Ans: Mr. Landon provided an overview to this issue.

CM Klufas-Mr. Reischmann-Is the City not allowed by law to be an independent provider? Ans: Mr. Reischmann-I do not have that answer today but will get back to you.

VM Nobile-How many customers does he have, 400? Ans: Mr. Landon-No. CM Klufas-He has 25.

VM Nobile-What is the \$2K? Ans: Mr. Landon-The \$2K is the catch up amount that he owes.

Mayor Holland-Who are their clients? Ans: Mr. Landon-Small businesses in the community. CM Klufas-Imagine School. I have their client list and it also includes the Flagler County Sheriff-the Palm Coast substation and Cue Note at City Marketplace.

Mr. Landon-If we let the customers know that we are cutting the service to PC Internet, then we will provide options for services to those customers.

VM Nobile-What type of timeframe will we give them? Ans: Mr. Landon-Usually 30 days.

Mr. Landon provided an update to previous Council's request regarding cell service. A presentation will be brought to Council next Tuesday.

Mayor Holland-Is there concurrence for a letter to be sent to the provider? Ans: All concurred.

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

Nothing at this time.

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

Food truck Tuesday-tonight 5pm to 8pm here at Central Park.

B-2 Weir-Ribbon cutting celebration with SJRWMD today at 1pm at the weir-107 Barrington Drive. Suggestion-please car pool.

H. Adjournment

The meeting was adjourned at 11:01a.m.

*Respectfully submitted,
Virginia Smith, City Clerk*

Calendar and Worksheet

[17-171](#)

MEETINGS CALENDAR AND AGENDA WORKSHEET

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

[17-174](#)

ATTACHMENTS TO MINUTES

Attachments: [Item 6-FC Health Dept](#)
[Item 7-Ordinance Cross Connection](#)
[Item 9-Shade Sail](#)