

KARL N. FLAGG  
MAYOR - COMMISSIONER

MARY LAWSON BROWN  
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS  
COMMISSIONER

VERNON MYERS  
COMMISSIONER

JAMES NORWOOD, JR.  
COMMISSIONER



*Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.*

ELWIN C. "WOODY" BOYNTON, JR.  
CITY MANAGER

BETSY JORDAN DRIGGERS  
CITY CLERK

RUBY M. WILLIAMS  
FINANCE DIRECTOR

GARY S. GETCHELL  
CHIEF OF POLICE

MICHAEL LAMBERT  
CHIEF FIRE DEPT.

DONALD E. HOLMES  
CITY ATTORNEY

## MINUTES CITY OF PALATKA July 9, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 9<sup>th</sup> day of July, 2009

PRESENT: Mayor Karl N. Flagg  
Commissioner Mary Lawson Brown  
Commissioner Allegra Kitchens  
Commissioner Vernon Myers  
Commissioner James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr., City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Jim Lee; Airport Manager John Youell; Assistant Planning Director Debbie Banks

**CALL TO ORDER:** Mayor Flagg called the meeting to order at 6:00 p.m.

**INVOCATION** – Mrs. Ruth Burke

**PLEDGE OF ALLEGIANCE** - As a group

**APPROVAL OF MINUTES** – 6-11-09 – Commissioner Myers moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION**

**MDA 2008 Boot Drive Award** – Palatka Fire Department – Mayor Flagg noted this item has been postponed to a future date.

2. **PUBLIC COMMENTS** –

Ruth Burk, 510 Mulholland Park, said she had read the CRA Task Force draft document prepared by Kimley Horn & Associates, and believes they need another CRA task force meeting. The finished draft document has lost its perspective on restoring downtown. The grant program needs a total overhaul; it is unfair and discriminating. This is sloppy work at best. She provided her comments in writing regarding this document. This is hard to read. The focus went off into another direction; it should be what brings people to downtown. It is important for them to understand this document. She offered to meet with the Commission members individually.

Askew Vickers, 207 N. 18<sup>th</sup> Street, Palatka, distributed a copy of a letter regarding the use of surveillance cameras, and asked Commissioner Kitchens to read it aloud, which she did. The letter urges the Commission to consider implementation of alternative measures to encourage safety at intersections, and named some alternatives. Mr. Vickers said on US Hwy 17 between the bridge and the "Y" there are 9 traffic lights, and two more before the intersection of Hwy 19. They can save money by turning off the traffic lights on St. Johns Avenue at night. They don't have enough traffic lights upon which to put cameras. The cameras are a source to bring the City income. If you are behind a tractor/trailer you don't know he's run the light, and then you run the light behind him. They are in a recession now and it is irresponsible to take money from people for running red lights. There are only about 30 traffic lights in the whole city. Someone didn't take time to look at the alternatives.

Commissioner Kitchens said the City isn't spending money on these cameras. The City will only receive money if someone runs a red light. In answer to Mr. Vickers' question, Commissioner Kitchens said she does not know how many accidents are attributable to running red lights per year. They did do their homework on this issue. If people don't obey the law, they are penalized for that. Right now the police can write a ticket for running a red light. Mr. Vickers said this is nothing but a means of raising money.

Mayor Flagg said studies have been done on major intersections where there is a predominance of traffic accidents. This is a public safety issue. Every traffic signal in the City is not being monitored, only the high-accident intersections. Mr. Vickers asked if the camera will make it safer. Mayor Flagg said the intent and hope is voluntary compliance; it will help to change people's habits and make them more safety conscious.

Mr. Vickers asked Commissioner Norwood, if he comes to him with a complaint about his church's pond, if that is not his job to address it. Commissioner Norwood said it is not his job as a City commissioner to defend his church's pond, which is in compliance with city ordinances. Mr. Vickers said this is selective treatment.

Jim Lee, Planning Director, said the City is not the permitting agency for retention ponds. Mayor Flagg asked him to get that information to Mr. Vickers especially concerning ponds on private property.

3. **CONSENT AGENDA:**

- a. **Authorize execution of Change Order #8 in the amount of \$181,508.87** to WPC Industrial, Inc. contract for RC Willis Water Treatment Plant Improvements, per recommendation of WTP Superintendent and Hoyle Tanner & Associates, Project Administrators.
- b. **Authorize acceptance of FAA Grant Offer for \$120,687.00 for Kay Larkin Airport for Drainage & Apron Rehabilitation (Design Only) project at Palatka Municipal Airport**
- c. **Authorize acceptance of Historic Preservation Grant in the amount of \$50,000.00** from Florida Dept. of State for the Larimer Arts Center Handicapped Restroom Project.
- d. **Authorize execution of contract in the amount of \$7,550.00 with Robert E. Taylor, AIA Architect PA** for architectural services on proposed handicapped access for the Larimer Arts Center project, per City Manager's recommendation
- e. **Award bid in the amount of \$52,000.00 to Fred Fox Enterprises, Inc.** for Administrative Services of CDBG 09DB-4N-04-64-02-N14, Madison St./North Side Water Line, per results of RFP and recommendation of Staff committee
- f. **Authorize execution of Contract with Ayres Associates in the amount of \$22,020.00** for bidding assistance & construction administration for Dunham St. Water Main Project, CDBG N14

- g. **PULLED**
- h. **Deny American Legion Post 45 Request for roof repairs to Post 45 Building** as the building is not owned by the City of Palatka
- i. **Reappoint Betty Willis to the Board of Zoning Appeals** for a five-year term to expire July, 2014 (incumbent – sole applicant).
- j. **Accept Ronald Becker’s resignation from the Code Enforcement Board** eff. 6-24-09.
- k. **Declare as surplus for disposition per department requests:**
  - 1. 1994 Buick Century – Golf Course
  - 2. 1999 Ford Explorer – Golf Course
  - 3. 2000 Chevy Impala – Fire Dept.
  - 4. HP Laser Printer – Building & Zoning

Commissioner Brown moved to approve all items on the consent agenda with the exception of Item (h). Commissioner Kitchens seconded the motion, which passed unopposed.

**Consent Agenda Item (h) - Deny American Legion Post 45 Request for roof repairs to Post 45 Building** as the building is not owned by the City of Palatka

Daniel Ziem, Sr., 401 Olive Street, said regarding the American Legion building, the deed states the City is the owner and party of the first part, and the Bert Hodge Post is the party of the second part, and it states there is \$1.00/year lease payment due. Mayor Flagg read Mr. Holmes’ memo into the record, noting the deed recorded in the official records of Putnam County, Florida shows the property and building is owned by Bert Hodge Post #45. Mr. Holmes said that is accurate. He caused the record to be researched. This is the last deed of record and in 1956 it vested legal ownership of the property to Burt Hodge Pose #45. The deed contains a “reverter” clause that says if it ceases to be used by Bert Hodge Post, it reverts to the City. There is no requirement for a \$1.00/year payment. Mr. Ziem said it also states they can remove any improvements they make, and also states they get the building for \$1.00 per year. Mr. Holmes said that is “the sum of \$1.00” which is a legal term intended to evidence that the exchange was made with some benefit being paid by the grantee and a benefit being received by the grantor. It is not a yearly fee. There is no lease in place. Bert Hodge Post owns the property. Mayor Flagg said lawfully and legally, the property belongs to the American Legion. He hopes the public will be able to come up with donations to repair the property. Mr. Ziem asked if the City can help with taking down a tree on the corner. Mayor Flagg said the City can’t if the City doesn’t own it.

Commissioner Myers moved to pass consent agenda Item 3(h). Commissioner Kitchens seconded the motion, which passed unopposed.

- \* 4. **RESOLUTION 8-57** authorizing the Renewal of the FDOT Local Maintenance Agreement FIN Project No. 41021417297 for maintenance of the Right-of-Ways along SR 15, SR 20 and SR 100 – Adopt. – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST TO AN AGREEMENT FOR MAINTENANCE OF PORTIONS OF RIGHT OF WAY ALONG SR15, SR20 AND SR100 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION. Commissioner Kitchens moved to adopt the resolution as read. Commissioner Brown seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The resolution was declared adopted.

- \* 5. **ORDINANCE** amending the Code of Ordinances by revising Section 54-76(c), adding a preference given to property owners within the designated historic districts for appointment to the Historic Preservation Board – 1<sup>st</sup> Reading –The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 54-67(c), ADDING A PREFERENCE GIVEN TO PROPERTY OWNERS WITHIN THE DESIGNATED HISTORIC DISTRICTS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The resolution was declared passed on first reading.
  
- \* 6. **RIVERFRONT PARK PLANNING AND ENGINEERING CONTRACT PROPOSAL** with Michael Redd & Associates - Mr. Boynton said this is the 2<sup>nd</sup> version of this contract; the Commission considered the first version at the 6/25/09 commission meeting. Mr. Redd had proposed a phased approach, doing charrettes initially and then coming back with a price for the rest of the work. He was directed to negotiate a contract for all services. The contract amount is \$256,000; the grant amount is \$193,000. Mr. Redd is providing additional services above and beyond the original scope of the grant. He believes the contract price is reasonable for the amount of work involved. The money can and should be appropriated from the CRA or Better Place Plan as it is a capital improvement project. It cannot be appropriated from the General Fund.

Mr. Holmes said he and Mr. Boynton met with representatives of Michael Redd & Associates to discuss a number of concerns about the original contract language. Redd representatives agreed to every one of the changes he suggested, which were made in the interest of making the contract clearer as to the City's exposure to cost and payments. He will be provided with an electronic "Word" version of the contract tomorrow and will make a clean copy of the document. That version, once signed by Mr. Redd, will be one he can endorse. The policy decision about whether to enter into the contract is the Commission's to make.

Mr. Holmes said he made no changes to pages 1, 2, 3, 4, 5, 6, & 7. There was a change on page 8, which is typical of the type of changes he made. In paragraph 1.8.4, beginning five lines from the bottom, changes were made due to its ambiguity. They added "geotechnical services other than those described in exhibit "A". There were a number of changes on page 9, all of which were favorable. In paragraph 1.8.9, the last two lines of the paragraph are struck in their entirety. Under Article 2, Additional Services, 2.1.1, in the 2<sup>nd</sup> line there is now a period after the word "project" instead of a semicolon, and the last 4 lines of that paragraph were struck. Paragraph 2.1.2 was struck entirely. The desire and intent was to make this truly a lump sum contract, without having so many add-ons and potential additional cost points. As to Paragraph 2.1.4, this was changed to read "providing scale models." Scale models are not necessary for the design and concept and are very expensive. There are no more changes on page 9 of 20. On page 10, paragraph 2.1.7 was deleted in its entirety, as it was a little confusing. In paragraph 2.1.8, after the word "real property" in the 2<sup>nd</sup> line, the rest of the paragraph was struck. Regarding Article 3, paragraph 3.4, in the prior version it was unclear as to the content whether the city would be required to furnish the items listed, so they've added the phrase "to the extent that they exist and are available, will furnish to the consultant. . ." Paragraphs 3.4.6, 3.7 and 3.8 and 3.11 are stricken in their entirety.

Mr. Holmes said he is comfortable with 3.12 as they are the City's responsibilities. Commissioner Kitchens said she is happy with these changes so far, up through page

11. Mr. Holmes said, as to page 12, paragraph 4.1, beginning with the 4<sup>th</sup> line, 3<sup>rd</sup> word in, (“If specific periods. . .”) is being struck. In Paragraph 4.4 they are adding the following at the beginning: “For work in progress payment purposes,” and the rest of that paragraph remains as is. Paragraph 4.6 is deleted. Much of paragraph 4.7 was deleted and now reads “Owner agrees to hold consultant harmless for any delays caused by unpredictable occurrences including, without limitation, terrorism, floods, riots, strikes, etc. Before, it required the City to indemnify them for delays; now it states the City won’t hold them responsible for them. On page 13, paragraph 5.2.1, striking words in parentheses beginning with line 2. Regarding Section 5.3, they are striking paragraphs 5.3.1 and 5.3.2. Article 5.5, Annual Adjustments was deleted entirely. In Paragraph 5.6.1, Charges for Consultants, was deleted. In paragraph 5.6.2, they will strike the words “external reimbursable expenses” and strike that phrase. In paragraph 5.7.1, 2<sup>nd</sup> line, 4<sup>th</sup> word in, strike the line “and for reimbursable expenses incurred.” On page 15, paragraph 5.7.4, taxes on services, this has been struck. Paragraph 5.8.1 has been stricken. 5.8.2, reimbursable expenses, was stricken. There were no changes on pages 16. On page 17, Paragraph 7.6 was changed to read as follows: “This agreement is to be governed by the laws of the State of Florida, with venue of any proceeding arising hereunder be established within the courts of Putnam County, Florida.” Mr. Holmes stated that is the extent of the changes that were made.

Fred Fox, Fred Fox Enterprises, 26 Spanish Street, St. Augustine, asked if this contract takes the City through permitting. Mr. Boynton said it does.

Michael Redd, Michael Redd & Associates, said the City Attorney has stated the changes verbatim and he has a copy marked up in similar fashion. He concurred with all changes. Commissioner Kitchens stated this addressed all of her concerns.

Commissioner Myers moved to approve execution of the revised contract with Michael Redd & Associates with changes as noted by the City Attorney, such revised copy to be provided by the City Attorney. Commissioner Norwood seconded the motion. A roll-call vote was requested and taken, with all members of the City Commission voting in the affirmative. The motion was declared passed. Mr. Boynton said the next step is to get started with surveys once the Agreement has been executed. At the next CRA meeting he will ask for additional funds to complete the contract cost. If that request is not approved, he will add the required funds into the budget under Better Place Funds. Mayor Flagg asked him to provide CRA/City Commission with both proposals at the budget hearings, and give them a recommendation of one over the other and the reasons for his recommendation.

Commissioner Kitchens thanked Mr. Holmes for his hard work on this contract and for listening to her concerns. Mayor Flagg thanked the City Attorney, City Manager and Michael Redd & Associates, noting progression requires partnerships, and said they are grateful for all the concessions. Mr. Holmes said he doesn’t know that he’s ever had a session with a vendor or contractor that was as cooperative as this one. They are all happy with each other at this time.

Commissioner Brown said they will probably be able to leverage off some other things for docking facilities. She has placed a final copy of the Riverboat Business Plan in all their boxes; they should make note of page 18 for money for other improvements. This will provide a finished project that will attract visitors to the area.

## 7. **ADMINISTRATIVE REPORTS**

Debbie Banks, Code Enforcement Supervisor, said they will be demolishing the house at 615 N. 11<sup>th</sup> Street next week. This is a team effort between the City and Putnam County. She will be notifying them of the date and time; they are planning this for

Tuesday. Mr. Holmes said the City is doing this by benefit of a court order to abate the nuisance.

John Youell, Airport Manager, said the ribbon cutting ceremony for the new terminal building is scheduled for Monday, July 13 at 9:00 a.m. He thanked public works supervisor Ed Chandler and Parks superintendent Jeff Norton for their cooperation. The building looks very good. David Larkin, who is Kay Larkin's nephew, may be flying his airplane in from Tampa to help unveil the Kay Larkin Field dedication plaque.

Mr. Boynton said the Main Street Manager selection process is ongoing. They will complete interviews on Tuesday. A reception will follow at the Chamber at 6 pm. They are hoping to have a manager selected by the end of the week.

#### 8. **COMMISSIONER COMMENTS**

Commissioner Myers said he and Debbie Banks attended a meeting in Jacksonville regarding the Regional Transit Authority being developed throughout 7 counties. This is a legislative initiative; several of these are being created throughout the State. Charles Baldwin, FDOT secretary, chaired the meeting. Palatka and Putnam County were represented. There will be six meetings held around the area before the report is due Feb. 1, 2010. JEA has been charged with developing the process and report. The City is at the table on this.

Commissioner Brown said they have held several steering committee meetings on the community gardens project. The next meeting is on July 27 at City Hall, as August is planting time. She invited anyone who wants to attend to be there. She and the director of Keep Putnam Beautiful were on the radio promoting this today.

Commissioner Brown said Pride of Palatka and staff have worked to come up with a final business plan. They've made all the corrections and adjustments they've been asked to make. They've asked Congressman Mica to meet with them on this, possibly at or following the Airport ribbon cutting ceremony. She'd like the entire commission to express to him how important this is. Their boats have been kept and stored for 8 months; the person storing them is getting impatient. Time is running out. They need to get this project going. It will benefit everyone. She'd like them all to impress the importance of this to the Congressman. Mayor Flagg said he can't meet with all of them at the same time on this unless it is an advertised meeting. Commissioner Brown said he needs to know how urgent this is. They've done much work on this; there is no more tweaking to be done. Commissioner Kitchens noted they can speak to him individually and separately, just not as a group. Commissioner Brown said this is important. The money is there and secure, they just need to get it released.

9. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:00 p.m. upon a motion by Commissioner Brown.