CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA ● MAY 10, 2016

City Commission Chamber	Regular City Commission Meeting	7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
John Penny

District 1 - Commissioner
Arthur J. Byrnes

District 2 - Commissioner
Penny Currie

District 3 - Commissioner
John F. Capers

District 4 - Commissioner
Elizabeth Albert

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. **CALL TO ORDER**

   A. Roll Call
   B. Invocation
   C. Pledge of Allegiance to the Flag

2. **PRESENTATION - NONE**

3. **RECESS THE REGULAR CC MEETING & CONVENE AS THE CRA**

4. **PUBLIC COMMENTS**

5. **CRA AGENDA ITEM**

   1. Overhead to Underground - Purchase of Materials

      1. Overhead to Underground - Purchase of Materials from FPL, East Side (13ST03)

         (Requested by Mark Juliano, Public Works)

6. **ADJOURN AS THE CRA & RECONVENE THE REGULAR CC MTG**

7. **APPROVAL OF MINUTES**

   1. Minutes - April 26, 2016 - Regular City Commission Meeting

      (Requested by Valerie Manning, City Clerk)

8. **CONSENT AGENDA - ITEMS (1 - 4)**

   The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items. Is there anyone in the audience who wishes to speak on any item on the Consent Agenda?

   1. Resolution Recommendation for Award for the Rehabilitation of Lift Station 16 and Lift Station 14 Force Main - Resolution 2016-R-17

      (Requested by Mark Juliano, Public Works)

   2. Resolution Recommendation for Award for Lift Station #12 Rehabilitation - Resolution 2016-R-18

      (Requested by Mark Juliano, Public Works)

   3. Resolution FY 2016/2017 CDBG Project - Resolution 2016-R-20

      (Requested by Mark Juliano, Public Works)

   4. WM Pricing

      (Requested by Kurt Swartzlander, Finance)

9. **REGULAR AGENDA**

1. Resolution Accepting Public Improvements in Ray Beltrami Avenue - Resolution 2016-R-19

   (Requested by Thomas Harowski, Board of Planning and Appeals)

2. **Motion:** Item #1324 - Overhead to Underground - Purchase of Materials from FPL, East Side

10. PUBLIC HEARINGS

Please silence any cell phone, pager or noise making device as not to interrupt the meeting. Staff will introduce each item for consideration, with comments and recommendations. The applicant or appellant and supporters will be heard first. Those in opposition to the request will be heard next. Comments should be restricted to pertinent information regarding the agenda item under discussion. Out of courtesy to others, we ask that speakers keep their comments brief and try to limit these comments to information not previously discussed. Speakers should state their name and address clearly for the record. The City Clerk's office is required to retain any documents, photographs, drawings, etc. that are shown to the City Commissioners in support of a position. The City Commission may ask questions of speakers or of staff members. The Mayor will then ask the City Commission to make a recommendation or motion. Once a motion has been made and seconded, discussion will be closed to the floor. Following City Commission discussion, a vote will be taken. During voting, Commissioners who do not cast objecting votes are considered to have voted in support of the motion.

11. COMMUNICATIONS

a. City Manager & Staff Comments
b. City Attorney Comments
c. Mayor's Comments
d. District Commissioners Comments

12. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **May 10, 2016**
FROM: **Mark Juliano**
SUBJECT: **Overhead to Underground - Purchase of Materials from FPL, East Side (13ST03)**
NUMBER: **(ID # 1324)**
APPLICANT:
PLANNER:

DISCUSSION:

The City of Holly Hill, Florida is currently constructing the US-1 Utility Under Grounding Secondaries Conversion (5th Street to LPGA Blvd). As part of this project the City is required to purchase materials for the service conversions from FPL (INVOICE #: 1800108309). This purchase just covers the east side of US-1 from 5th Street through LPGA Blvd.. A separate request will be submitted for the west side.

In addition a request is being made to approve after hours (overtime) payments for final connection of services by FPL not to exceed $20,000 to handle turn on requests as needed during the construction.

FISCAL ANALYSIS:

Monies for this item are available in 139-5590-552.65-00. The invoice from FPL is $25,893.29.

STAFF RECOMMENDATION:

It is recommended to approve the purchase of service connection materials from FPL for the east side of the US-1 project.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #2: Enhance City aesthetics through beautification and maintenance of city property and public rights of way, consistent enforcement of zoning and property maintenance codes, and development of reasonable design standards and a corresponding process which is applicable to all new developments and business improvements in the city.

Goal #3: Implement the CRA master plan with a focus on the best utilization of vacant properties and blighted properties in the city. Attention should also focus on infrastructure improvements within the district and strategies to encourage private investment and business retention.

MOTION:

Approve the purchase of service connection materials from FPL for the east side of the US-1 project for $25,893.29 and an additional $20,000.00 set aside for turn on requests as needed.

- FPL East Side Materials (PDF)

PAYMENT COUPON

/41150065009168000166361800108309000002589329

4,1,1500,650091,6800016636,1800108309,0,0002589329
Please mail this portion with your check

1800108309 1 of 1

Cust. No.:**6800016636**	Inv. No.:**1800108309**
Payment Due Upon Receipt	Amount Due This Invoice $ 25,893.29
Reference# D00006857648	

CITY OF HOLLY HILL
1065 RIDGEWOOD AVE.
HOLLY HILL FL 32117

Make check payable to FPL in USD and mail payments to address below

FPL
General Mail Facility
Miami FL 33188-0001

Florida Power & Light Company

Invoice

Customer Name and Address

CITY OF HOLLY HILL
1065 RIDGEWOOD AVE.
HOLLY HILL FL 32117

Federal Tax Id.#: 59-0247775

Customer Number: **6800016636**

Invoice Number: **1800108309**

Invoice Date: **04/21/2016**

4,1,1500,650091,6800016636,1800108309,0,0002589329
Please retain this portion for your records

CURRENT CHARGES AND CREDITS
Customer No: 6800016636 Invoice No: 1800108309

Description	Amount
SVC CONV/521 RIDGEWOOD EAST SIDE Reference# D00006857648	25,893.29
For Inquiries Contact: SHAWN MCMICHAEL 386-322-3412	**Total Amount Due** **$25,893.29** Payment Due Upon Receipt

Message
WALT SMYSER

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **May 10, 2016**
FROM: **Valerie Manning**
SUBJECT: **Minutes - April 26, 2016 - Regular City Commission Meeting**
NUMBER: **(ID # 1330)**
APPLICANT:
PLANNER:

DISCUSSION:

Approve the April 26th minutes.

FISCAL ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve minutes as presented.

COMMISSION GOAL:

N/A

MOTION:

AS DETERMINED BY THE CITY COMMISSION.

- Minutes - April 26, 2016 - Regular City Commission meeting (PDF)

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES ● APRIL 26, 2016

City Commission Chamber	Regular City Commission Meeting	7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

A. Roll Call

Commissioner Albert made a motion to ***EXCUSE*** Commissioner Capers from the City Commission meeting, seconded by Commissioner Currie.
PASSED, 4-0.

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John F. Capers	District 3 - Commissioner	Absent	
Elizabeth Albert	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

B. Invocation

Mayor Penny led the invocation.

C. Pledge of Allegiance to the Flag

Mayor Penny led the pledge of allegiance to the flag.

2. PRESENTATIONS

1. -DOC-2016-8

1321 : Presentation - Woodrow "Woody" Shropshire

(Requested by Valerie Manning, City Clerk)
Mayor Penny read the following proclamation into the record in recognition of Woodrow "Woody" Shropshire for his 35 years of service to the City of Holly Hill and its community.

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, RECOGNIZING WOODROW "WOODY" SHROPSHIRE FOR HIS 35 YEARS OF SERVICE TO THE CITY OF HOLLY HILL AND ITS CITIZENS.

WHEREAS, Woody Shropshire started his career with the City of Holly Hill on April 27, 1981 as a refuse collector in the Solid Waste Division; and

WHEREAS, Woody started each day by arriving to work an hour early to read his Bible in preparation for the day's activities; and

WHEREAS, after the privatization of the Solid Waste Division, Woody was temporarily reassigned as an equipment operator in the Streets and Drainage Division on April 1, 1998; and

WHEREAS, Woody continued his career in the Streets & Drainage Division for the next 18 years as he selflessly served the City of Holly Hill and its citizens with a high level of integrity, professionalism and commitment; and

WHEREAS, Woody's pledge to working with staff at every level in the organization, helped to foster an environment of dedicated public servants; and

WHEREAS, Woody is respected by the City of Holly Hill staff and its citizens for his belief that every person is important and has something to offer for the good of all; and

WHEREAS, Woody has proven to be a dependable employee, dedicated worker and a friend to many.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, HEREBY ACKNOWLEDGES ITS GRATEFUL APPRECIATION OF WOODROW "WOODY" SHROPSHIRE FOR HIS 35 YEARS OF OUTSTANDING SERVICE AND DEDICATION TO THE CITY OF HOLLY HILL AND WISH HIM WELL IN HIS RETIREMENT AND THROUGH HIS FUTURE ENDEAVORS.

BE IT RESOLVED BY THE CITY COMMISSION, ADOPTED THIS 26TH DAY OF APRIL, 2016.

RESULT:	**PRESENTATION**

Enacted and approved this 26th day of April, 2016, in Holly Hill

2.

2015 CAFR Presentation BMC, Inc., the City's Auditor, is Here to Present the Comprehensive Annual Financial Report for the Fiscal Year 2014-2015

(Requested by Kurt Swartzlander, Finance)

Alex Kish, BMC CPAs Auditor showed the Mayor and Commissioners the PowerPoint CAFR presentation as follows:

Overview of CAFR contents

Introductory Section

Certificate of Achievement for 37 years

- Letter of Transmittal

- Financial Section
  - Independent Auditors' Report
  - Management's Discussion and Analysis (MD&A)
  - Basic Financial Statements/Budget Comparisons
  - Required Supplementary Information
  - Combining (non-major funds) Statements
- Statistical Section (10 year trends)
- Supplemental Audit/Attestation Reports

Independent Auditor's Report:

We have audited the City's Financial Statements

- Management is Responsible for:

Preparation/fair presentation of financial statements

Design, implementation, maintenance of internal control relevant to presentation free from material misstatement due to fraud or error

Auditor is Responsible for:

Expressing an opinion on the financial statements

Conducting audit in accordance with auditing standards and government auditing standards

Obtain evidence sufficient to provide basis for opinion

- In our opinion, F/S are presented fairly at 9/30/15

Emphasis of Matter - GASB 68 Implemented

- Required Supplementary Information (RSI):

Applied limited procedures - no opinion

- Other Supplementary Information:

Subjected to auditing procedures - in respect to FS opinion

- Statistical Section: No opinion

Other GAGAS Reporting:

Reference to report in internal control and compliance

Management Letter (AG requirement)

Attestation Report on Investments (AG requirement)

Assets:	2015	2014	Change	Percent
Cash and investments	$ 23,031	21,624	1,407	6.51%
Cash and investments-restricted	4,018	4,035	(17)	-0.42%
Receivables/other assets	2,057	1,893	164	8.66%
Fixed assets/utility plant	48,993	50,002	(1,009)	-2.02%
Total assets	**78,099**	**77,554**	**545**	**0.70%**
Deferred outflows of resources	**1,543**	**304**	**1,239**	**407.57%**
Liabilities:				
Current liabilities	4,533	4,155	378	9.10%
Other noncurrent liabilities	1,590	1,338	252	18.83%
Net pension and OPEB obligations	7,186	1,092	6,094	558.06%
Long-term debt, net	26,615	29,220	(2,605)	-8.92%
Total liabilities	**39,924**	**35,805**	**4,119**	**11.50%**
Deferred inflows of resources	**356**	**-**	**356**	**100.00%**
Net Position:				
Invested in capital assets, net of debt	24,101	22,669	1,432	6.32%
Restricted for other purposes	7,506	7,187	319	4.44%
Unrestricted net assets	7,755	12,197	(4,442)	-36.42%
Total net position	**$ 39,362**	**42,053**	**(2,691)**	**-6.40%**

Implementation of GASB 68 ($000s)

	2015	2014	Change
Deferred outflows of resources:			
FRS/HIS	$ 368	161	$207
Police Officers' Retirement	691	-	691
Firefighters' Pension	242	-	242
	1,301	**161**	**1,140**
Net pension liability:			
FRS/HIS	(1,699)	(1,139)	(560)
Police Officers' Retirement	(2,762)	(2,334)	(428)
Firefighters' Pension	(1,440)	(1,173)	(267)
	(5,901)	**(4,646)**	**(1,255)**
Deferred inflows of resources:			-
FRS/HIS	(220)	(626)	406
Police Officers' Retirement	(102)	-	(102)
Firefighters' Pension	(34)	-	(34)
	(356)	**(626)**	**270**
Decrease in net position	**$ (4,956)**	**(5,111)**	**155**

Statement of Activities ($000s)

	2015	2014	Change	Percent
Revenue:				
Program revenues	$ 12,455	11,993	462	3.85%
General revenues (including taxes)	6,232	6,061	171	2.82%
Total revenues	**18,687**	**18,054**	**633**	**3.51%**
Expenses:				
General government	2,294	2,138	156	7.30%
Public safety	4,544	4,532	12	0.26%
Transportation	686	658	28	4.26%
Economic/physical environment	563	688	(125)	-18.17%
Recreation	946	966	(20)	-2.07%
Interest on general long-term debt	185	200	(15)	-7.50%
Water and sewer utilities	4,548	4,245	303	7.14%
Stormwater and solid waste	2,501	2,408	93	3.86%
Total expenses	**16,267**	**15,835**	**432**	**2.73%**
Increase in net position	**$ 2,420**	**2,219**	**201**	**9.06%**

Mr. Kish discussed the following for the remaining portion of the presentation: Per Capita Revenue (Governmental Funds), Governmental Fund Revenues by source, Governmental Fund Revenue, Per Capita Expenses (Governmental Funds), Governmental Fund Expenses by function and year, Utility System Activities ($000s) for water/sewer, storm water and solid waste, Unassigned Net Assets for the General Fund - number of days fund balance meets total expenditures for 2015 the city is at 176, Ad Valorem Millage Rates (2015 Levy) which the city is at 7.1304 for 2015, Comparable Millage Rates (2015 Levy) from cities D.B. Shores, South Daytona, Daytona Beach, Holly Hill, Port Orange, and NSB, and Total Just Value ($Millions - 2015 Levy) for 2015 the city is at 708 just value and 512 for taxable. Mr. Kish went over a few schedule pages from the CAFR booklet that was handed to the Mayor and Commissioners and briefly went over the FRS defined benefit pension plan, FRS Health Insurance Subsidy defined benefit pension plan, Schedule of Changes in NET pension liability and related ratios for the last ten fiscal years for Police Officers Retirement Trust Fund and for the Firefighters Retirement System, Independent Auditor's Report, Management Letter, Independent Accountants' Report. Mr. Kish informed the Mayor and Commissioners that the City's net assets are very strong in percentage overall.

Commissioner Currie made a motion to ***ACCEPT the AUDITOR'S REPORT - CAFR AS PRESENTED***, seconded by Commissioner Albert.

Mayor Penny opened public participation. No one spoke.

PASSED, 4-0.

3. **PUBLIC COMMENTS**

The following individuals spoke to the Mayor and City Commissioners:

Jim Schultz, 117 Harvard Drive, Ormond Beach, stated something a little bit different but still in the same concept of government regulatory agencies, its something they might not have seen but is actually major and the fact is its from the 60's, it was a study that was totally hidden and destroyed, they thought, one copy just came up at the National Institute of Health Scientists found it. It was the mother of huge gold standard studies for saturated fats and oils. The fact is it was a mama study that got one nursing home and six mental institutions to totally control the diet of 9,300 people for five years, which is no easy thing to do. Most studies like that are done on a few people like 30 or 100, 300 is a huge one. What they found was the theory that was done in the study was that the saturated fats were killing people and if you could switch people to corn oils and different things like that cholesterol would go down and people would be dramatically saved, less heart-attacks, less death. This study showed the exact opposite. They decided they could not release it because it would violate their policy that they were trying to enforce in the United States so they ditched it but a copy came out. When other scientists got a hold of the original data from the seven country studies, they also found a peculiar thing that he had actually looked at 22 studies and the majority of the data showed that his theory on saturated fats was dead wrong and that there was a French paradox that had far fewer heart-attacks and far more saturated fats, same as in west Germany. He looked for the exception and cooked the books and the people that looked at his data actually determined it was the sugar issue. In 1972 the US Government was looking at this data and they had to switch from saturated fats and save lives. In 1972 there was a book that came out called *Pure White and Deadly* about the hazards of sugars. Almost an exact copy of all the data that they know now was true and the guy was mocked at the committee meeting because after he testified the guy said it was the exact opposite of what his doctors told him. The guy lost all of his endorsements, all of his funding and the fact is he got there first and was dead on and right. Vegetable oils could lower cholesterol, in one year about 14%. The cure should never be worse than the disease and the reality is that's the direction our government has gone in on the issues well knowing they were headed in the wrong direction.

Jim Legary, 342 Burleigh Avenue, Holly Hill, spoke about the *Coffee with a Cop* that was held last week at Java Junction. Mr. Legary stated if the cops can get people to come out in the morning for breakfast, maybe we can get the Commission, individually, go to Sica Hall or Sorrento's or something, one at a time, and meet with people. Mr. Legary stated he wanted to bring that to the Commission for a number of reasons. He thinks a majority of outreach is done as soon as the elections are over, there are occasions, there is the Kids on the Hill but there are very few. They haven't been able to do the Music in the Park which he has been belaboring since he met Mayor Penny. Mr. Legary stated he thinks it is a great idea if they can meet somewhere outside of the government building, if we can go without uniforms and meet as citizens one-on-one. Mr. Legary stated he thinks it would be very beneficial. He also thinks, very frequently, when people come to the podium, he knows himself in particular because he's so sensitive, he feels people are talking to him after he has sat down and he can't respond. Mr. Legary stated he welcomes that opportunity and he would be willing to contribute a pizza or something. He would be willing to finance part of this because he is such a great citizen.

Mayor Penny closed Public Comments.

4. APPROVAL OF MINUTES

1.

Minutes - April 12, 2016 - Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 26th day of April, 2016, in Holly Hill

5. CONSENT AGENDA - ITEM (1)

Mayor Penny asked if anyone from the audience or a member from the Commission would like to pull the item for discussion. No one pulled the item or discussed it.

1. Resolution

Sica Hall Flooring Replacement - Resolution 2016-R-16

(Requested by Mark Juliano, Public Works)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

RESOLUTION

Enacted and approved this 26th day of April, 2016, in Holly Hill

6. REGULAR AGENDA

1.

Attachment: Minutes - April 26, 2016 - Regular City Commission meeting (1330 : Minutes)

Throw Out All Bids Associated with the Wrecker Service Agreement from the January 26, 2016 City Commission Meeting

(Requested by Joseph Forte, City Manager)
Commissioner Albert made a motion to ***TAKE IT OFF THE TABLE FOR DISCUSSION***, seconded by Commissioner Byrnes. **PASSED, 4-0.**

Mr. Forte stated this is the Wrecker Service Agreement item that staff brought in front of the Commission on January 26, 2016 and at that time he had asked that this item be tabled because he had a bit of concern with the submittal of the top bidder, he had asked the Commission to table it at that time and allow him to go ahead and rotate the wrecker services for the city with the two remaining wrecker service companies and the city did that. In February the first service provider that the city issued it to and then staff did a quick review of the bills they found some problems and he decided that he was going to disqualify that vendor and then it went to the third vendor. The third vendor has been providing the services since February and doing quite well. He has no objections to the work they have been doing, they've been very cooperative, very responsive. The city has been doing this for a couple of months now and he is at the point where direction has to be given. When he goes back and looks at how they got to this point, the reason he is in this dilemma is one, the high bidder the last time made some modifications to a contract that staff wasn't aware of that disqualified them and two, more importantly, is the numbers that staff received for the bids were based on an estimated number of tows for the year and that number was about 100 tows plus or minus. Staff went back and reviewed the year 2015, the number of tows for the year, in reality its closer to 200 tows plus or minus that the Police Department would issue to any wrecker service company. Mr. Forte stated his request for the Commission tonight is to throw out the bids that they brought in back in January 2016, put this back out on the street, solicit new bids based on the numbers that the city now know are roughly 200 tows per year. When staff reviewed the bid documents and after conversations that he had with some people in the State Attorneys office, staff made a lot of corrections in our contracts to avoid any ingenuity or any problems with how staff does billing or the amount of monies that any tow company can charge to any resident. The contract has been reviewed by Jeff Miller who has been putting this together and Kurt Swartzlander who worked on the team to put the RFP together. Its been reviewed by the City Attorney and Mr. Forte stated at this point, he thinks the only fair thing to do is put it back out on the street to solicit bids based on the number of tows that the city anticipates they would be giving in the future. Keeping that in mind, the balance of the contract is about 28 months if the Commission makes a decision tonight. It would be 28 months starting June 1st. To try to accommodate local vendors, he has the bid set up so that it would be a 28 month bid total broken down into one month increment payments to the city. That would allow him the ability to use that 5% local vendor rule that if there is anyone within the city, he can use that 5% rule to sway the bid one way or the other to give preference to a local vendor rather than an outside city vendor. Mr. Forte stated, with that he is going to seek the Commissions direction. He will tell them that he heard from the wrecker company that is currently providing the service to the city and their attorney, they are here in the audience and he is sure they are going to want to address the Commission before the Commission makes a decision. Mr. Forte stated he doesn't know if the Mayor wants to open that up for discussion and take action afterward, he thinks it would be fair.

Mayor Penny stated since they are in purely discussion mode right now, they have no motion to accept or deny this item on the agenda.

Mayor Penny opened it for audience discussion. Commissioner Albert wanted to ask a question first.

Commissioner Albert stated her understanding of what Mr. Forte said for one reason or another, the city actually ends up with the third party in the sense of the hierarchy of what the city had intended too when the city started out so the third business is the one who is actually providing services for the city, currently?

Mr. Forte stated, correct.

Commissioner Albert stated with that being said, the city has been able to depend on this provider, they have been meeting the city's needs as the city has asked them to do so her question is, what happens to the party, that business, who has stepped up and done what they were supposed to do during this rebid time if the city has tows, would it be continued with that business?

Mr. Forte stated right now, the city hasn't awarded the contract to that company. The city has only asked them to comply with billing requirements that's within the contract, the city isn't receiving any royalties for that service. Mr. Forte stated he will remind them that and their attorney here tonight may address this as well tonight, the city was informed at the time the city went out to bid that the tows were about 100 tows per year so the three tow companies provided their royalty to the city based on that 100 tows. The high bid, which is the company that provided the city with those estimates gave the city a quote of more than double what the other companies did and its his opinion its because they knew what the tows were. They knew that the tows were double, the estimate they provided to the city and he thinks that was unfair. For him to read into what he thinks Commissioner Albert is saying why not just award it to the third company....

Commissioner Albert stated no, she thought that but her question is in the interim period the city has to have vehicles towed, is the city going to maintain with the same company even if perhaps they don't win in the bid process?

Mr. Forte stated right now until he gets the direction from the Commission, the city is sticking with this company, nothings changed.

Commissioner Albert stated okay, that's what she wanted to know.

Mayor Penny stated and they're getting 100% of the revenue because they are not paying any royalties to the city.

Mr. Forte stated, that's correct.

Commissioner Byrnes stated the City Manager said it was unfair that the other company bid double, is he saying it was unfair to the other bidders or to that company that bid?

Mr. Forte stated he thinks its was unfair to the city, he thinks it was unfair in many ways. What they have is somebody with basically, for the lack of a better term, somewhat of an insider trader information they knew the number of tows that were historically being done because they were doing the contract but they provided the city with inaccurate information in anticipation that a tow company would look at these tows and go well, realistically I can only provide a royalty of x dollars per tow and if there's 100 per year, this is my number. The other company realizing its double that, doubled the bid. It was unfair that they were able to provide a higher bid and this is a hard bid, so the city awarded only on the bid number not on any of the other details. The contract is fixed. Its not to be adjusted. Its simply, what's the dollar amount that they're submitting for the bid.

Commissioner Byrnes stated so not talking about any of the companies that are involved here but the business seems to be filled with thieves and folks who just run up the bills whenever they can, yet the company that's doing it now seems to be doing a fine job. He has had less phone calls than he has had in the past with other companies. Is this something that the city is required to bid or that the city bid only because we wanted to? Because if its something we're not required to bid, can the city not just make a contract with the existing company?

Mr. Forte stated from his administrative position, he will tell them that budgetarily the city anticipated a $40,000 revenue source as a result of this contract. Right now the city is receiving zero dollars and if this bid is left the way that it exists today, the city will be about 1/3 of that in the city's revenue. His point is the city can potentially receive a greater revenue stream for the service providing a locked in service to the folks within the city that utilize the service and a more equal opportunity for all of the vendors to bid on this.

Commissioner Byrnes stated but there were other problems involved. The paper was talking about some issues with the other companies that bid.

Mr. Forte stated he can't prohibit those vendors from submitting a bid. He can deny their bid based on past issues. He can't stop anyone from submitting a bid but within in the contract language due to past practice with some of those vendors, he can find them irresponsible in the bid process.

Attorney Simpson stated he doesn't think there is anything in the law that says they have to go and competitively bid the towing contract. It comes under the city's ordinances and under the ordinances the Commission has the authority, whether its a sole source or a couple of other ones, but there's one that says if its in the best interest of the city for the Commission to waive formal bidding and direct negotiation with a contractor. His advice would be, if they want to go that route, he would still reject the bids but if they want the city to go and negotiate a contract with Arrow Service instead of bidding and see if the city can negotiate a contract that would also compensate the city for the months they've been providing service that they haven't paid the city and based on the fact that they bid a lower dollar amount, as staff perceives based on what the city told them was a lower number of tows, see if the city can negotiate their compensation up higher to what the city was anticipating, he thinks that's the discretion that the Commission can do but he would not accept their bid. Their bid was based on faulty data.

Commissioner Byrnes stated he is surprised that the city has allowed them to operate without even enforcing part of the contract that they bid and say this is what they are going to pay the city.

Attorney Simpson stated they didn't award the contract.

Commissioner Byrnes stated but the city has made them their sole source.

Attorney Simpson stated, no...they started out that the city was going to do a rotation basis while the City Manager looked into the issues that occurred. There were discrepancies in the numbers that were put in the bid documents as Mr. Forte went over and then there were issues when Mr. Forte looked at the contract as opposed to what the city gave them and what was submitted. Mr. Forte went through all those things and in the interim said, the city needs to have a rotation basis for the city's wrecker services and the city would use the other two bidders and just do a rotation basis, didn't do a contract with them, didn't accept any of their bids. They were just going on a rotation basis; the first month the city had an issue with one of them and Mr. Forte took them off the rotation basis, Mr. Forte has the authority to do that, so the city was down to using Arrow Wrecker Services and Mr. Forte stated the city has been happy with Arrow. Attorney Simpson stated at this point he thinks, the Commission's options are they can, as Mr. Forte said, they have the choice of rejecting all the bids and start the bid process over and continue using Arrow Wrecker under the current relationship, they have the right to submit a bid if they so choose or under the circumstances if the Commission would like for the city to say they waive the bidding and they direct staff to negotiate a contract with Arrow based on these circumstances and bring that back to the Commission for consideration, he believes the Commission has the authority to do that under these circumstances.

Mr. Forte stated however, if that's the direction the Commission chooses to go, the new contract is somewhat different than the last bid contract. There was some clarifications and language changes that were made.

Attorney Simpson stated they're still rejecting the bids; he thinks they are going to reject the bids no matter what....his recommendation would be to reject the bids no matter what and the question is do they rebid or does the Commission direct staff to go negotiate a contract with Arrow and then the Commission waives from all bidding and award that tow contract.

Commissioner Byrnes asked how long did it take from the time staff wrote up the bid documents to the time staff received all the bids and were opened and read? How long is that? Ninety days?

Mr. Forte stated, no.

Commissioner Byrnes asked, sixty days?

Mr. Forte stated right now the new contract is written. If the Commission gives him direction to put the bid back out on the streets it will be out tomorrow, it will be opened up in time for....May 7th the bids would come back in, the second meeting in May the Commission would award a contract and June 1st the contract would start.

Commissioner Byrnes stated okay, because he was thinking of months of lost revenue.

Mr. Forte stated as far as the labor and the time associated with the new contract, the contract is complete. The city is four months without that revenue stream and potentially one more month. But the trade-off to that is the Commission may get a bid that comes back and makes up the difference in that loss in a new bid price for the remaining 28 months.

Commissioner Currie stated first question she has is, is its her understanding that the tow numbers were for 2015.

Mr. Forte stated staff did a review of the entire year of 2015 which is where they came up with the roughly 200 plus or minus tows for that year and that's been standing based on what the city evaluated this year on an average.

Commissioner Currie stated, okay. That's what she was going to ask if a current count for the four months.

Mr. Forte stated for the last couple of months, yes.

Commissioner Currie stated, okay and it is current with the number of vehicles that the city towed last year?

Mr. Forte stated yes, on average.

Commissioner Currie stated what really concerns her is she thinks they are sort of bouncing around and maybe not wanting to say it but she is going to say it, the issue was billing. There was faulty billing that was the problem and she has a problem with that. If the city is going to go back out to bid, she knows, without a doubt, that the city is going to get those two companies right back in here and Mr. Forte said because of the new contract, he can deny them, but because of their faulty billing, she has to ensure and every one of us sitting up here feels the same way, that their citizens are confident that whoever it is, whether it be Arrow, whether its Joe Smith's Towing, whoever it is, they are treating them properly as far as service is concerned and as far as their billing is concerned. If she cannot feel confident in that fact as a Commissioner then she does not like the fact of going back out for another bid because she has already been told that Arrow Wrecker has not had a problem since they had this rotation, they've been clean as a whistle.

Mr. Forte stated what he can tell Commissioner Currie is the last contract period was not managed. The last contract period, the three years prior.

Commissioner Currie stated, okay.

Mr. Forte stated it was not managed. What he means by that is no one went out and audited those monthly records.

Commissioner Currie stated they shouldn't have too.

Mr. Forte stated yes they should, its in the contract.

Commissioner Currie stated she understands they should have been but honesty is honesty. She's sorry. If you're going to do business, you need to be honest.

Mr. Forte stated the city needs to contract manage every one of the city's contracts because as she is also aware, the city found conflicts in its Waste Management contract. Project management and contract management are very, very important and the city doesn't do a good job at it and we need too.

Commissioner Currie stated she understand what Mr. Forte is saying and she agrees with him on that. Her point to that was, the city should be able to count on a business that is doing business with the city and its consumers that they're going to be honest and that was her point. Commissioner Currie stated the city didn't get paid for any cars that they towed during this period of month to month but did the city receive services as the city normally does for the police cars and other city vehicles, did the city receive that?

Mr. Forte stated, yes. They complied with the terms of the contract not the royalties portion.

Commissioner Curries stated okay, so the city did receive that portion of it.

Mr. Forte stated if they were applicable, yes. They honored that.

Commissioner Currie stated, okay. As far as the bidding, what Attorney Simpson was talking about, its already been completed. The city doesn't really have to go back out but he was saying the Commission can choose not too anyway.

Attorney Simpson stated the problem is, the information that was put out to everybody was based on false data that the city gave them.

Commissioner Currie stated so it was a different contract.

Attorney Simpson stated the bid documents that went out said we project that there are 100 tows per year, offer us how much your willing to pay us to tow 100 vehicles a year based on that projection and he assumes that's how they came up with their projection.

Mayor Penny stated so everyone's bid should be double except for the guy that doubled it because he had insider information.

Mr. Forte stated, theoretically.

Commissioner Currie stated not that he had insider information, its easier if your not going to bill correctly and you know you're not going to do the bill correctly, its easy to bump up what you say you're going to pay us. No matter how many vehicles you say you're going to tow, if you're going to pad the bill of course I'm going to not pay you more money.

Attorney Simpson stated there may be a tow company that said I would have bid if I had known it was going to be 200 tows per year not 100. If the city is going to do a bid and everybody has to play on equal footing and the city needs to make sure that the city is getting the maximum compensation to the city, to the taxpayers for the services we are contracting someone.... basically giving someone an exclusive right for.

Commissioner Currie stated yes the do but the city also needs to make sure, for the citizens, that the city has the most honest company that the city can provide for them.

Attorney Simpson stated he agrees and that's why he brought up the discussion if the Commission wants staff to negotiate with Arrow Wrecker, they can do that. Attorney Simpson stated he would not advise them to do is award the contract to Arrow based on their bid which was based on false data that was put out to the public. That's why he thinks they need to reject the bids.

Commissioner Currie stated she has no problem with two out of three companies that duked the city.

Attorney Simpson stated and that's why they can sit down and negotiate a contract and bring it back to the Commission and then at that point in time, the Commission can say, alright we're going to waive the bidding and enter into a contract with them or we're not happy with this contract let's go out to bid.

Mayor Penny stated he thinks there is a representative from Arrow Wrecker Services that might want to come and address the Commission.

Attorney Chobee Ebbets, 138 Live Oak Avenue, Daytona Beach, stated its a pleasure to be here on behalf of a company that's been in business in the city for 30 years and it has served the citizens of this community and all of Volusia County for all of those years with a lot of honesty and a lot of integrity and the Commission doesn't have to go further than the Police Department to ask those questions and he thinks and believes the Chief would say, the Police Officers working with...because that's where the rubber meets the road, is the Police Department working with the citizens on these tow issues. They have no complaints. Commissioner Currie really hit the nail on the head and his esteem friend and college, Mr. Simpson addressed the issue that he was going to come up and discuss with the Commission tonight on the legalities. Attorney Ebbets stated the wrecker business, and he has been involved with it because he helped create Arrow Wrecker 30 years ago when they came to him for representation, is a dirty business. It is a dirty business all over the State and its not regulated by State as it needs to be. So many municipalities wrestle with these problems all the time. If any of the Commissioners have ever been towed, you faced, in the old days, the problem of "we only take cash". When he was a young father with a wife in labor stuck in Orlando with a car one time that was towed from the courthouse, he didn't have any cash and they told him to get a cab and go to a cash machine because those were the old days before they had, at least some regulations about some of the issues involving wrecker companies. They're still not all fixed and you all experienced that with what happened with Universal Towing and what happens is they make bids that they cannot make money on. They just can't so they then pad their bills and they hope they don't get audited and that is a current and every present problem in this industry. Arrow Wrecker did not do that, they do not do that and that's why it has been working for these last two months so effectively and has worked with other communities. Arrow Wrecker has contracts with Ormond Beach and Florida Highway Patrol and he is proud to tell them that Arrow Wrecker is the only company around that has its two principles who are hazmat certified so that if there is a problem in the community with a chemical spill, they're the company that will be there regardless of who is on rotation because they are the only certified people to deal with such an emergency. The City not only has right people but they have honest people working in the community as a local company. Arrow Wrecker would like to continue to do that. So as Mr. Simpson has suggested to the Commission...and the other thing is Arrow would love to sit down and show staff how numbers work. Show them how they would bid and how they reach a bid and it is based on a number of variables. They're not trying to make a lot of money. They're trying to make a fair profit per vehicle, that's it. Honestly, the way the city was bidding it at $125 per vehicle, these companies can't make money that. Arrow would make a very little bit of money based on the contract and honestly, that's why the bid was where it was. They didn't need the contract. They've always wanted to serve the citizens of Holly Hill because they work and live here and its a business and they are proud to make the bid. On behalf of his company and client, request that if it would be in the Commissions consideration to negotiate with them and sit down and talk to them as their City Attorney has said they can. They will supply the numbers. With all honesty, the city's numbers that were in the original bid specifications, he thinks, was three years and 395 cars which is 131 cars a year but it was 70 cars off. That's not so much the issue. The issue is really what the tow is per car and that's why companies then come back and play games with the bill that they give to the people to make that number higher hoping you won't catch it and its a common industry problem. Arrow does not play it but many, many companies do. Arrow would love the opportunity to be the City of Holly Hill's company. They would love the opportunity to sit down with Mr. Forte or whomever would be involved to work through a negotiation process. They would welcome that and he thinks they have earned that, honestly. Because when the city's other company was cheating and the other company was ineligible, Arrow stepped up to the plate and did all they could to help the city with its needs and its not that they didn't want to pay the $1250 they agreed to but they couldn't because there wasn't a contract so it was a Catch 22. They would have gladly honored what they submitted as a bid had that been the situation. They are here to serve the city, would like to serve the city, would like to continue to do the city's wrecker services and towing services if the city would like to work with them. They think that's a fair thing to do because as he addressed his letter to the Deputy Police Chief its kind of....when you say you're scratching all the bids, well in a bidding process which happens every two or three years, and everybody sees everybody else's bids it kinds of screws the deal for the second go around because everybody then knows what other people are doing and it becomes an unfair game and that's where he thought, don't do that, let's go the legal route of negotiating the contract and then its fair for everybody, in particular with Arrow.

Commissioner Byrnes wanted to ask Mr. Forte a question. In your talk you mentioned $40,000 a year revenue source, what have we made in the past from these contracts? Is it projected revenue or is this how much we've made over the last contract?

Mr. Forte stated this current year's bid from the high bidder was $40,500. It was about the same per year for the previous three years from that same vendor. So the city had relied upon $40,000 as a revenue source for this service.

Mayor Penny asked $40,000 was for the year or the length of the contract?

Mr. Forte stated per year.

Commissioner Byrnes stated but if they were cheating and doing things on their billing and bringing in extra money that way, how can an honest business come to that level?

Mr. Forte stated he can't tell them he knows that the first company was cheating on their bills because he didn't look. What he can tell them is the second company cheated on the first two weeks on their bills and he disqualified them. He can't tell the Commission that he reviewed the bills of the first company because he did not. They were disqualified for other reasons.

Mayor Penny stated he's just doing simple math and we're estimating this on 200 cars per year, $125 per car that's $25,000.

Mr. Forte stated there are other charges than the flat $125 rate and that's what is contained in the contract. There's a lot of details in the contract, everything from storage time to a number of different tows so its not a flat $125 per tow.

Mayor Penny stated, okay.

Commissioner Currie stated they receive storage fees per day if people don't pick up their vehicle but the city can't expect that we're going to get every dollar they bring in. She did 200 cars at $125 and its only $25,000 and you can't even come close to $40,000.

Mr. Forte stated its not that simple of a math equation than everybody is making it.

Commissioner Currie stated she understands its not that simple but there is no way he can convince her sitting here knowing....because her daughter's car got towed four months ago and she knows her daughter got ripped off by another company in Daytona.

Attorney Simpson stated part of this, how this all came up, is Mr. Forte did what you all just did. Mr. Forte asked him how are they paying us all this money and that's when he went and looked at it and said on a 100 cars and that's when he realized there's not 100 cars there.

Mr. Forte stated it was the second bidder who said they couldn't possibly afford to pay the city based on those numbers which prompted staff to do research.

Mayor Penny stated procedurally, Scott, I am assuming that someone should make a motion to reject all bids, if that's the pleasure of this Commission to do, and then a second motion would be to give Mr. Forte direction to negotiate a contract.

Attorney Simpson stated, yes.

Commissioner Byrnes stated or write up an RFP.

Attorney Simpson stated that's in the agenda, the RFP.

Mr. Forte stated to clarify, the motion is to throw out the bids and direct the City Manager to rebid if the Commission desires to go in that direction or they can throw out the bids and direct the City Manager to negotiate.

Mayor Penny stated, okay. Then they will do it in one motion. He thinks its a given that they are going to throw out the bids. Its procedural whoever makes the motion, tag on either to put it out to bid or tag on negotiate with Arrow.

Attorney Simpson stated and they don't have to waive the formal bidding they will do that when staff brings the contract back.

Mayor Penny stated he appreciates Arrow stepping up, he appreciates that they are a local company but also doing simple math, over the last two months Arrow made an additional $4,000 in revenue. Arrow did this as a business decision because if you take 200 tows and divide it by 12 months times $125 times two months, its about $4200.00 that they didn't have to pay the city. Mayor Penny stated his position is that if he was sitting at the Allstate office or he was sitting at home making a decision with his heart, he would say, let's give it to Arrow. They did a great job. But he is not sitting here making a decision with his own money. He's making a decision with the taxpayers money. Although Arrow says they will negotiate with the city in good faith and he trusts that they would and he trust Mr. Forte, he thinks Arrow would negotiate a little harder if they had some competition. That's his position. He believes the Commission should reject all bids and put it out to bid in the community.

Commissioner Byrnes asked how much is the customer charged?

Mayor Penny stated the tow is $125.

Commissioner Currie stated plus whatever might be added onto it.

Commissioner Byrnes asked what's fair for the city to take? 10%, 50%?

Mayor Penny stated that's not the debate. The debate is the city should charge as much as they are willing to give us and we should take the highest bid that someone is willing to give us. That's the position that the city needs to take as the custodians of the taxpayers money.

Commissioner Byrnes stated except, as the custodians of the taxpayers and their money, if they...who ever it is, whatever company comes in does what the last company did and gives the city the whole $125 from each tow, they hide the other ones.

Mayor Penny stated will all due respect Commissioner Byrnes, the difference is now the elephant has been exposed in the room and we are going to facilitate this contract on a monthly basis and audit it. That's what he believes Deputy Chief Miller's assignment is so the city will not get in this position again.

Commissioner Byrnes stated if somebody towed under the city's contract and the tower added on charges for things....

Mr. Forte stated there are certain allowable additional charges within the contract the tow company can charge. The difference is when staff does the monthly audits they will see what those are and make sure that they were appropriate.

Commissioner Byrnes stated and staff will contact the owner to see if they actually had that problem or "oh, your car is in the ditch and it was a foot over", something like that. That's his concern is that if the revenue they make because they have to pay the city so much money causes them to bill the person being towed more money then we've done a disservice to our citizens.

Mr. Forte stated, no. In fact, we're correcting that disservice because we clarified the language in the contract, we itemized exactly what they can or cannot be charged and we put in an audit process that was never managed before.

Commissioner Byrnes stated, okay.

Mr. Forte stated for three plus years it was not managed.

Commissioner Byrnes stated its a dirty business.

Mayor Penny stated that's what Arrow's attorney said.

Commissioner Currie stated the fees are actually set by County ordinance.

Mr. Forte stated the city mirror's the fees in the County ordinance.

Commissioner Currie stated, yes but that's how they're set.

Commissioner Albert made a motion to ***THROW OUT ALL THE BIDS AND DIRECT THE CITY MANAGER TO RE-BID THE TOWING SERVICE AGREEMENT.*** *The motion* ***DIED FOR LACK OF A SECOND.***

Commissioner Currie made a motion to ***THROW OUT THE BIDS FROM THIS PROCESS THAT THEY ARE DISCUSSING AND ALLOW THE CITY MANAGER TO RENEGOTIATE WITH ARROW WRECKER WHO HAS BEEN PROVIDING***

THE SERVICE FOR THE PAST COUPLE OF MONTHS. *The motion* ***DIED FOR LACK OF A SECOND.***

Commissioner Albert stated the reason she made her motion to rebid is because something they are failing to recognize that they have in place and they put in place, she thinks it was actually put in place before her and Commissioner Currie took office in 2012 and that's the local bidders preference and because Arrow is in fact a local company they will receive that 5% local bidder preference because they are seeming to be an honorable, fair and equitable company, she is sure that they are going to propose a very qualified bid if you will. She thinks the 5% will, in effect, be what they need in order to win that bidding process. She does wants to open it up. She is just curious and she has full faith and confidence in our City Manager and our staff to make an informed and intellectual decision about who qualifies and who doesn't so that's why she made her motion with the rebid.

Mayor Penny stated, Mr. Simpson, would it be allowable, legal if the motion were to be reject all bids, open it up to the formal bidding process but to, I believe the City Manager in his own discretion, would disqualify the top two from the last bidding process. Can we put that in a motion?

Attorney Simpson stated, no.

Mr. Forte stated he can't prevent....

Mayor Penny stated they can bid but can we tell them we're going to reject their bid?

Mr. Forte stated, no. Not on the face of the bid, no.

Commissioner Currie stated something is going to come up that's going to say they have to accept it.

Commissioner Albert stated she thinks the city doesn't have crystal balls and they don't know what the future holds but there's an old saying, "Fool me once, shame on you. Fool me twice, shame on me." Even when they were looking at the financials a minute ago, in a very short period of time we have come quite a long way in this city. She trusts the people who are at the helm, she trust our staff, she trust us as the legislative body to do the right thing and so she thinks they are learning by doing but I think we're smart enough to recognize what's coming at us and I think its a risk that's viable.

Commissioner Currie stated she trusts them as well but she doesn't trust the legal system.

Commissioner Byrnes stated he agrees with Commissioner Albert in that he thinks we do give an advantage to local businesses but when one of the bidders was double that five cent, you can't even take it and buy a cup of coffee. The concern that he has is, if they come, they play that same game again, their attorney comes with them and says the Commission can't just reject these bids because there's State law and such that the city missed that the city has to accept their bid.

Mr. Forte stated the city can file a protest.

Mayor Penny asked can't they reject their bid on past performances? He's talking about the top two that the city is not doing business with right now.

Attorney Simpson stated its part of the review criteria but the fact that somebody, a fourth towing company comes out and bids $4500.00 and the Commission and staff all believe there's no way that they can do that but he doesn't know that the city has the ability to deny that bid. The city won't know that their doing something improper until the city catches them.

Commissioner Byrnes stated and that's his concern is that, if they can see the future they could decide a little bit better but he sees what happened in the past. He sees that the company that the city has now is loved by the Police Department, at least that's the feedback that he's getting, that citizens have had very few complaints and it almost makes him want to take the third option and this is not a motion but its a motion that he could make if he thought about it which is don't throw out all the bids and accept Arrow's bid because the other two bidders are out.

Mayor Penny stated the problem he has with that is their bid is based on 100 tows which is the information that the city provided to them and the city knows that's not factual so the city would be doing a disservice to the citizens basing it on half of the tows.

Mr. Forte stated plus staff has also made some corrections to the contract which will better help them manage it.

Mayor Penny stated its a whole new contract.

Commissioner Albert asked what about the term limit of the contract?

Attorney Simpson stated if she is talking perspectively, its open for negotiation. If the city goes out to bid there is no way to recoup for services in the previous months but through negotiations they could.

Mayor Penny stated the contract that Arrow bid on has faults.

Commissioner Currie stated its a new contract.

Commissioner Albert stated so they have a new contract, perhaps with the same provider, potentially recouping some of the money that the city has not received in this time and their still a Holly Hill business.

Attorney Simpson stated and the city is not doing a lifetime commitment.

Commissioner Albert stated if they decide to negotiate the City could then modify the time of the contract.

Attorney Simpson stated yes, everything is up for negotiation.

Commissioner Albert stated, okay.

Mr. Forte stated by saying everything's up for negotiation, you're also opening the door up to negotiating the prices that are in the contract.

Attorney Simpson stated technically, they are but you may say that's not negotiable.

Mr. Forte stated he doesn't want to negotiate the terms of the contract. Staff spent a lot of time working on the terms of the contract, he doesn't...with all due respect, another attorney coming in and nick-picking every sentence of the contract.

Attorney Simpson stated he understands. It would be an opportunity for Arrow to explain their process in how they get their numbers.

Mayor Penny stated every time he has sat here and made a decision in a rush, most of the time he makes a mistake. He thinks putting it out to bid only cost the city 30 more days, it would come back to the Commission the second meeting in May. If its out on the streets tomorrow, they're only talking about 30 more days and if Arrow will continue to provide the services for the next 30 days and bid, the city will make sure that its getting the most revenue for the taxpayers. Its not like they will be waiting another six months to replace this revenue.

Commissioner Currie asked if she could restate her motion?

Mr. Forte stated you can make a new motion.

Commissioner Currie made a motion to ***THROW OUT ALL BIDS ASSOCIATED WITH THE WRECKER SERVICE AGREEMENT FROM THE JANUARY 26, 2016 COMMISSION MEETING AND HAVE THE CITY MANAGER ENTER INTO NEGOTIATIONS WITH ARROW WRECKER SERVICE OF HOLLY HILL FOR THE CITY'S NEW WRECKER SERVICE***. The motion ***DIED FOR LACK OF A SECOND***.

Commissioner Albert stated here's where she's stuck because what could potentially be out there to generate more revenue for the city but her fear is also what the city could lose if the city doesn't look. Its about taking risks. Is she willing to take the risk and lose money...perhaps there is another honest towing company out there that would be willing to pay just a little bit more money to get the contract, to get their foot in the door. She doesn't know. She is not going to say anything negative about an industry because no mater what their reputation is, its just not her place. There's good and bad in every industry and apparently the city has some good here which is why she's a little conflicted.

Commissioner Currie stated the one good thing for allowing Mr. Forte to negotiate it is the Commission can attempt to recuperate some of the revenue from the past couple of months in that contract.

Mayor Penny stated the only thing is, when it goes to the street, the street knows...this is a small community. There's only a handful that is going to bid on this thing. He would imaging that the two towing companies that got caught are probably smart enough not to bid so they may only have one bid come in. The community knowing the city lost revenue, maybe that entices them to bump up their per tow cost so that they do get it. If the Commission tells the City Manager to enter into negotiations with Arrow, they're doing great. The Police love them, the citizens love them but you know, business is business. Arrow can be strong negotiators and say the Commission told you to negotiate with us so we're going to negotiate strong, we're not paying you anything back for the past two months. The Commission can't believe that they will.

Attorney Simpson stated he would add, just because they direct the City Manager to go negotiate, at the next meeting he may come back and it could be what the Mayor said, we're not waiving the bid, go out to bid at the next meeting.

Mayor Penny stated, right and it would cost them another two weeks.

Commissioner Byrnes made a motion to ***THROW OUT THE BIDS WITH THE PREVIOUS CONTRACT TO GIVE THE CITY MANAGER AUTHORITY TO NEGOTIATE WITH ARROW WRECKER WITH NEGOTIATIONS TO END BEFORE FRIDAY, MAY 6 SO AT THE NEXT MEETING THE CITY MANAGER CAN TELL THE COMMISSION WHETHER HE IS ABLE TO GET A VIABLE FUND BALANCE OUT OF ARROW WRECKER AND IF NOT THEN ON THAT NIGHT THE COMMISSION CAN SEND IT OUT FOR BIDS.*** *The motion* ***DIED FOR LACK OF A SECOND.***

Mr. Forte stated the Mayor could always state a motion and ask one of the Commissioners to make that a so-moved motion.

Mayor Penny stated he will state the motion that he would support is to ***REJECT ALL BIDS AND OPEN UP THE REBIDDING PROCESS EFFECTIVE TOMORROW***. **Commissioner Byrnes stated that he will make the motion that the Mayor has presented, seconded by Commissioner Albert.**

Mayor Penny opened public participation. No one spoke.

PASSED, 3-1. Commissioner Currie opposing.

RESULT:	**APPROVED [3 TO 1]**
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Albert, Penny
NAYS:	Currie

Enacted and approved this 26th day of April, 2016, in Holly Hill

2.

310 Ridgewood Zoning Approval Grant an Extension of the Non-Conforming Use Approval to Allow an Automotive Repair Business to be Established at This Location.

(Requested by Thomas Harowski, Board of Planning and Appeals)
Attorney Simpson stated in 2009 the Planning Board, at that time the city had a provision in the city's code that allowed for the re-establishment of a non-conforming use that had been abandoned under certain conditions and that determination was made by the Planning Board. In 2009 the Planning Board approved the re-establishment for 310 Ridgewood Avenue as an auto repair because under the overlay district, auto repair was not a permitted use. The code, at the time, did not say anything about how quickly you needed to re-establish after it was approved so it sat there for a long time and he believes because there is a provision that says if its six months its deemed abandoned. During the interim back in 2009 after that approval in 2014 when it came to the Commission the Commission repealed the right, the provision in the code, that allowed for the re-establishment of a non-conforming use. In 2014 it came back to the Commission with a unique circumstance saying it was approved in 2009, they weren't specifically told they had to re-establish within a certain period of time and technically the code didn't specifically say they had to but under the city's general non-conforming provisions there's a six month period of time that its deemed abandoned. In 2014 the Commission approved them to continue with the re-establishment. Now the applicant wants to establish, they finally have somebody, and there is concern about whether or not this re-establishment approval is still valid or not valid. Especially, on the fact that the Commission repealed it before and so its being brought back to the Commission for their blessing again.

Mr. Forte stated to reaffirm that non-conforming use can be re-established.

Attorney Simpson stated its his understanding that there are things in the reports that this is a very specific built building. To do something else with it would be very expensive to remove to fit it for some other purpose. Its a very unique circumstance. If the city wants to go through the process of re-establishing non-conforming uses, they will need to put it back in the code. This is a unique circumstance. He does not want this Commission to think this is now a process every time a non-conforming use wants to start up again staff is going to bring it back to you because we will not. This is a very, very unique circumstance and he's very limited to be comfortable with doing this because of the fact that it was already pre-approved by the Planning Board.

Mayor Penny stated it was pre-approved and as he understands it, the tenant fell through, its a single-use building, its not going to be a doctors office. If the landlord had purchased a business tax receipt for the last two years in the name of an automotive business, whatever that cost would have been, this wouldn't even be before the Commission tonight, even if it was vacant, correct?

Attorney Simpson stated that's one criteria they look at.

Mr. Forte stated there's a number of criteria that determines if a business has been abandoned.

Commissioner Albert made a motion to GRANT ONE MORE CONTINUATION OF THE APPROVAL FOR THE NON-CONFORMING USE ON THIS SITE.....

Attorney Simpson asked for how long? How long do they have to put a business in there? That's the issue the city has.

Mr. Forte stated its six months but he will tell them this is a single purpose building that has five bay doors for garage or automotive repairs. He thinks the Commission should lift the restriction and let them fill the business with an automotive repair business.

Commissioner Currie stated that building is never going to be anything else.

Commissioner Albert made a motion to ***REAFFIRM THE RE-ESTABLISHMENT OF THE NON-CONFORMING USE OF AN AUTOMOTIVE REPAIR SHOP AT 310 RIDGEWOOD AVENUE AND THIS APPROVAL HAS AN INDEFINITE TIME PERIOD***, seconded by Commissioner Currie.

Mayor Penny opened up public participation.

The following individual spoke to the Mayor and City Commissioners:
Charles Zaccahrias, represents the owner stated they purchased the building March 31, 2016, they have a tenant, a national automotive repair tenant based in Texas looking to expand in the area. They would employ six to ten people and they will be cleaning up the facility, paint job, restripe and reseal the lot and it will be a very well appointed facility on the city's main street in town.

Mayor Penny closed public participation.

PASSED, 4-0.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 26th day of April, 2016, in Holly Hill

7. PUBLIC HEARINGS - NONE

None.

8. COMMUNICATIONS

a. City Manager & Staff Comments

Mr. Forte stated he didn't speak to any of the Commissioners prior to the meeting but in regards to this very scenario, back in 2005 the overlay district was created, they had the CC1 zoning on US1 and they created an overlay district because at the time there was a lot of used car lots and automotive repairs and car sales that were coming onto US1 and there was a focus to push those types of businesses onto Nova Road. The development market was booming. It was 2005 going into 2006 and the city was expecting great things on US1, it hasn't happened. Mr. Forte stated he is looking for direction from the Commission to see if they would like him to go ahead and send that overlay district criteria back to the Board of Planning and Appeals to have them review it and have them see that its so a level of restriction that the city wants to maintain on LPGA Blvd., and US1 or if it needs some modifications. He thinks that there are some restrictions in there that are holding back the city's ability to get US1 developed. It hasn't happened over the last eight years, maybe those restrictions are a little bit too tight.

Commissioner Albert asked if Mr. Forte had a specific example that he is referencing.

Mr. Forte stated the overlay district does not allow automotive sales and repair services. If Robin Hanger wanted to open up a new business across the street, he couldn't. He's a very successful business that doesn't allow for automotive repairs and services. Mr. Forte stated there's a number of restrictions that are placed on there specifically on US1. The city has a lot of vacant properties on US1 and a lot of abandoned buildings on US1 and it may be that overlay district is restricting the ability to get those properties developed. Maybe, he doesn't know for sure.

Mayor Penny stated he agrees with Mr. Forte. The one that he has seen that the overlay district has improved, in his opinion, the city was getting a lot of used car lots. The problem that he saw back in that time was they were getting a used car lot that were 100 square feet and they put four cars on it. They were squeezing too many cars into a small space so when the Planning Board reviews that, hopefully they can recognize that it needs to be a car lot, it doesn't need to be an office space with four cars in front of it.

Mr. Forte stated what he would like to do is if they can send it back to the BOPA, get a recommendation, hold a workshop and then discuss their ideas of limiting the number of used cars or any cars that are sold in any lot to a certain number of cars per square foot of the property plus the building. They can maybe put those types of restrictions in but not necessarily eliminate the use.

Mayor Penny stated he thinks its a great idea because his recollection is since the overlay district has been in place, the city set the bar high in 2005 and it didn't happen and then the city relaxed a little bit and they employ use of special exceptions. The special exception process is lengthy and its expensive for the applicant and he cannot remember rejecting a special exception when a car lot expanded or something like that. He thinks its a good idea, he supports it.

Commissioner Currie stated she thinks they should send it back to the Board of Planning and Appeals and let them review it and come back with suggestions.

Commissioner Byrnes agreed. ***There was consensus from the Commission to send it back to the Planning and Appeals Board.***

b. City Attorney Comments
None.

c. Mayor's Comments

Mayor Penny reminded the Commission that he will not be at the next City Commission meeting on May 10. He will be at his annual AllState Convention, Commissioner Currie will be acting Mayor that night and food trucks should be here as well. Mayor Penny asked the Commission if they have seen "zombie houses"....they had talked about it months ago where the house is in disrepair and the owner quit paying on it, there's no one living there and the bank has repossessed it yet, there's a couple around town and he will bring them to Mr. Forte's attention when he meets with him. Mayor Penny asked the Commission to direct Mr. Forte to remove the Mayor Only parking sign so there are more spots available to the public. He received a letter from the County "Feed the Need" on November 3 - 13, 2016.

d. District Commissioners Comments

Commissioner Byrnes shared his frustration about the graffiti on the political campaign signs.

Commissioner Currie stated it was a good respectful debate tonight.

9. ADJOURNMENT

The meeting adjourned at approximately 9:00 pm.

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: **May 10, 2016**
FROM: **Mark Juliano**
SUBJECT: **Recommendation for Award for the Rehabilitation of Lift Station 16 and Lift Station 14 Force Main - Resolution 2016-R-17**
NUMBER: **(ID # 1331)**
APPLICANT:
PLANNER:

DISCUSSION:

During an evaluation of the City's lift stations it was determined that Lift Station #16, located at 834 8th Street, is in need of refurbishment and the force main from Lift Station #14, located at 660 6th Street, shall be abandoned and a new force main shall be installed from Lift Station #14 to Lift Station #16.

The rehabilitation of Lift Station #16 is required due to its age and condition. Upgrades will include the installation of a new submersible pump station. This project also includes installation of approximately 1,400 LF of 6" force main from Lift Station #14. The existing Lift Station #14 force main goes down 6th Street to Center Avenue and will be abandoned. The proposed refurbishment is consistent with the need to upgrade facilities to reach full compliance with Department of Environmental Protection standards and protect health, safety and welfare of our citizens.

The City received four (4) bids for this project and the low responsive/responsible bidder is Danus Utilities, Inc., of Port Orange, FL. The bid amount is $236,640.00.

FISCAL ANALYSIS:

The current City Commission approved budgeted amount for this project is $380,000.00 for lift station #16 and $48,000.00 for line extension of lift station #14 for a total of $428,000.00.

This project is fully funded in the Wastewater Infrastructure Fund, 480-3020-535-6500.

STAFF RECOMMENDATION:

Authorize the City Manager award and execute a contract to Danus Utilities, Inc. For the rehabilitation of Lift Station #16 and the construction of a new force main from Lift Station #14 to Lift Station #16 for the bid price of $236,640.00.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

APPROVE RESOLUTION 2016-R-17, AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE A CONTRACT WITH DANUS UTILITIES, INC., FOR THE REHABILITATION OF LIFT STATION #16 AND THE CONSTRUCTION OF A NEW FORCE MAIN FROM LIFT STATION #14 TO LIFT STATION #16 FOR THE BID PRICE OF $236,640.00.

ATTACHMENTS:

- HH116_LS_16_Award_Recommendation_&_Bid_Tab (PDF)

Resolution No. (ID # 1331)

RECOMMENDATION FOR AWARD FOR THE REHABILITATION OF LIFT STATION 16 AND LIFT STATION 14 FORCE MAIN - RESOLUTION 2016-R-17

RESOLUTION NO. 2016-R-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DANUS UTILITIES, INC., FOR THE REHABILITATION OF LIFT STATION #16 AND INSTALLATION OF NEW FORCE MAIN FROM LIFT STATION #14 TO LIFT STATION #16; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during an evaluation of the City's lift stations it was determined that Lift Station #16 is in need of being refurbished and the force main from Lift Station #14 is in need of being abandoned and a new force main needs to be installed from Lift Station #14 to Lift Station #16; and

WHEREAS, the rehabilitation of Lift Station #16 is required due to its age and condition, and the installation of approximately 1,400 LF of 6" force main from Lift Station #14 is included; and

WHEREAS, as low bidder, Danus Utilities, Inc. Has submitted a bid for $236,640.00 to the City of Holly Hill to rehabilitate Lift Station #16 and replace the force main from Lift Station #14; and

WHEREAS, the City's consultant and City staff have evaluated and find the proposal to rehabilitate Lift Station #16 and replace the force main from Lift Station #14 to be acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Approve the City Manager to award and execute a contract with Danus Utilities, Inc., for $236,640.00 for the project Lift Station #16 Rehabilitation and Force Main Replacement from Lift Station #14.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Commission.

APPROVED AND AUTHENTICATED this 10th day of MAY, 2016.

BRAD T. BLAIS, P.E.
DAVID A. KING, P.E.
ANDREW M. GIANNINI, P.E.
KEVIN A. LEE, P.E.

Quentin L. Hampton Associates, Inc.
Consulting Engineers
P.O. DRAWER 290247
PORT ORANGE, FLORIDA 32129-0247

TELEPHONE: (386) 761-6810
FAX: (386) 761-3977
EMAIL: qlha@qlha.com

April 28, 2016

Walt Smyser
Public Works Deputy Director
Public Works
City of Holly Hill
453 LPGA Boulevard
Holly Hill, FL 32117

CITY OF HOLLY HILL
LIFT STATIONS #16 REHABILITATION
BID # 16WW02
AWARD RECOMMENDATION

Dear Walt,

As you are aware, the City received bids for the above referenced project on April 26, 2016. Four (4) contractors submitted bids of which Danus Utilities, Inc., of New Smyrna Beach, submitted the lowest with a base bid of $236,640.00.

We have reviewed Danus Utilities, Inc's bid package and have found it in order and responsive. Our firm has worked with Danus Utilities, Inc on several projects in the past and know them as a competent contractor. We, therefore, recommend award of this project to Danus Utilities, Inc for the base bid amount of $236,640.00.

Please contact our office if there are any questions.

Sincerely,
QUENTIN L. HAMPTON ASSOCIATES, INC.

Kevin A. Lee, P.E.
Project Manager

KAL:ah
Enclosure: Bid Tabulation

cc: QLH files

BID TAB
CITY OF HOLLY HILL
LIFT STATIONS #16 REHABILITATION
4/26/2016

ITEM NO.	DESCRIPTION	QTY	UNIT	Danus Utilities, Inc. UNIT COST	TOTAL	McMahan UNIT COST	TOTAL	J & H Waterstop Utilities UNIT COST	TOTAL	SanPik, Inc. UNIT COST	TOTAL
	LIFT STATION #16										
1	Preconstruction Video	1	LS	$1,200.00	$1,200.00	$1,000.00	$1,000.00	$2,500.00	$2,500.00	$300.00	$300.00
2	Demolition	1	LS	$5,500.00	$5,500.00	$7,500.00	$7,500.00	$12,000.00	$12,000.00	$20,000.00	$20,000.00
3	Bypass Pumping	1	LS	$4,500.00	$4,500.00	$25,000.00	$25,000.00	$15,000.00	$15,000.00	$9,000.00	$9,000.00
4	Complete Lift Station	1	LS	$119,455.00	$119,455.00	$148,000.00	$148,000.00	$182,000.00	$182,000.00	$258,000.00	$258,000.00
5	Swab by Pigging (1,450 LF Shown)	1500	LF	$4.75	$7,125.00	$1.00	$1,500.00	$3.00	$4,500.00	$4.00	$6,000.00
6	Electrical	1	LS	$24,510.00	$24,510.00	$16,000.00	$16,000.00	$25,000.00	$25,000.00	$36,000.00	$36,000.00
7	Directional Drill HDPE Force Main										
	a) 6" (150' Shown)	160	LF	$50.00	$8,000.00	$55.00	$8,800.00	$60.00	$9,600.00	$58.00	$9,280.00
8	C900 PVC Force Main										
	a) 6" (587' Shown)	600	LF	$55.00	$33,000.00	$25.00	$15,000.00	$83.50	$50,100.00	$35.00	$21,000.00
9	Tie-Ins										
	a) Tie-In to Existing Lift Station # 14	1	LS	$1,750.00	$1,750.00	$1,000.00	$1,000.00	$4,500.00	$4,500.00	$5,500.00	$5,500.00
	b) Tie-In to Existing Manhole on Acirema Avenue	1	LS	$2,700.00	$2,700.00	$500.00	$500.00	$4,500.00	$4,500.00	$5,500.00	$5,500.00
10	Air Release Valve Assembly (1 Shown)	1	EA	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$4,500.00	$4,500.00	$5,000.00	$5,000.00
11	DIP Fittings Add or Delete	100	LBS	$30.00	$3,000.00	$5.00	$500.00	$14.65	$1,465.00	$13.00	$1,300.00
12	Abandon Existing Force Main	1	LS	$4,500.00	$4,500.00	$1,500.00	$1,500.00	$5,000.00	$5,000.00	$9,000.00	$9,000.00
13	Permit Allowance	1	LS	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00
14	As-Built Plans	1	LS	$3,450.00	$3,450.00	$2,500.00	$2,500.00	$1,800.00	$1,800.00	$3,000.00	$3,000.00
15	MOT	1	LS	$2,000.00	$2,000.00	$5,000.00	$5,000.00	$5,000.00	$5,000.00	$5,400.00	$5,400.00
16	Restoration	1	LS	$10,450.00	$10,450.00	$10,000.00	$10,000.00	$20,000.00	$20,000.00	$5,000.00	$5,000.00
				TOTAL	**$236,640.00**		**$249,300.00**		**$349,965.00**		**$401,780.00**

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: **May 10, 2016**
FROM: **Mark Juliano**
SUBJECT: **Recommendation for Award for Lift Station #12 Rehabilitation - Resolution 2016-R-18**
NUMBER: **(ID # 1329)**
APPLICANT:
PLANNER:

DISCUSSION:

During an evaluation of the City's lift stations it was determined that Lift Station #12, located at 620 Center Lane, is in need of refurbishment. This lift station is 50 years old and has not had any significant upgrades or improvements in that time. This lift station is located within the eligible improvement area of the Community Development Block Grant (CDBG) and was approved by the City Commission on June 9, 2015, as the City's FY 2015-2016 project.

The proposed refurbishment will include removal and replacement of structural, mechanical, electrical, and control components. The proposed refurbishment is consistent with the need to upgrade facilities to reach full compliance with Department of Environmental Protection standards and protect health, safety and welfare of our citizens.

The City received four (4) bids for this project and the low bidder is McMahan Construction of DeLand, FL. The bid amount is $208,500.00.

FISCAL ANALYSIS:

$380,000.00 was budgeted under Wastewater Renewal and Replacement Fund, 480-3020-535-6500, and $57,300.00 under the CDBG Fund, 140-3020-535-6300.

STAFF RECOMMENDATION:

Authorize the City Manager to award and execute a contract with McMahan Construction for the bid amount of $208,500.00 plus 10% contingency, for the improvements to Lift Station #12 Rehabilitation.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

APPROVE RESOLUTION 2016-R-18, APPROVING THE AGREEMENT WITH MCMAHAN CONSTRUCTION. TO PERFORM THE PROJECT "LIFT STATION 12 REHABILITATION " AND AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE THE AGREEMENT WITH MCMAHAN CONSTRUCTION.

ATTACHMENTS:

- HH115_LS_12_Award_Recommendation_&_Bid_Tab (PDF)

Resolution No. (ID # 1329)

RECOMMENDATION FOR AWARD FOR LIFT STATION #12 REHABILITATION - RESOLUTION 2016-R-18

RESOLUTION 2016-R-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, AUTHORIZING THE AGREEMENT WITH MCMAHAN CONSTRUCTION TO PERFORM THE PROJECT "LIFT STATION 12 REHABILITATION (CDBG)"; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, During an evaluation of the City's lift stations it was determined that Lift Station #12, located at 620 Center Lane, is in need of refurbishment; and

WHEREAS, This lift station is 50 years old and has not had any significant upgrades or improvements in that time; and

WHEREAS, This lift station is located within the eligible improvement area of the Community Development Block Grant (CDBG); and

WHEREAS, This lift station was approved by the City Commission June 9, 2015, as the City's FY 2015-2016 CDBG Project; and

WHEREAS, as low responsive/responsible bidder, McMahan Construction has submitted a bid for $208,500.00 to the City of Holly Hill to rehabilitate Lift Station #12: and

WHEREAS, the City's consultant and City staff have evaluated and find the proposal to rehabilitate Lift Station #12 to be acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Authorize the City Manager to award and execute a contract with McMahan Construction for $208,500.00 to rehabilitate Lift Station #12.

SECTION 2. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Commission.

APPROVED AND AUTHENTICATED this 10th day of MAY, 2016.

BRAD T. BLAIS, P.E.
DAVID A. KING, P.E.
ANDREW M. GIANNINI, P.E.
KEVIN A. LEE, P.E.

Quentin L. Hampton Associates, Inc.
Consulting Engineers
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PORT ORANGE, FLORIDA 32129-0247

TELEPHONE: (386) 761-6810
FAX: (386) 761-3977
EMAIL: qlha@qlha.com

April 28, 2016

Walt Smyser
Public Works Deputy Director
Public Works
City of Holly Hill
453 LPGA Boulevard
Holly Hill, FL 32117

CITY OF HOLLY HILL
LIFT STATIONS #12 REHABILITATION
BID # 16WW01
AWARD RECOMMENDATION

Dear Walt,

As you are aware, the City received bids for the above referenced project on April 26, 2016. Four (4) contractors submitted bids of which McMahan Construction, of DeLand, submitted the lowest with a base bid of $208,500.00.

We have reviewed McMahan Construction's bid package and have found it in order and responsive. Our firm has worked with McMahan Construction on several projects in the past and know them as a competent contractor. We, therefore, recommend award of this project to McMahan Construction for the base bid amount of $208,500.00.

Please contact our office if there are any questions.

Sincerely,
QUENTIN L. HAMPTON ASSOCIATES, INC.

Kevin A. Lee, P.E.
Project Manager

KAL:ah
Enclosure: Bid Tabulation

cc: QLH files

BID TAB
CITY OF HOLLY HILL
LIFT STATIONS #12 REHABILITATION
BID# 16WW01
4/26/16

				McMahan Construction		Danus Utilities		J & H Waterstop Utilities		SanPik, Inc.	
ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
	LIFT STATION #12										
1	Demolition	1	LS	$10,000.00	$10,000.00	$9,250.00	$9,250.00	$12,000.00	$12,000.00	$20,000.00	$20,000.00
2	Bypass Pumping	1	LS	$20,000.00	$20,000.00	$4,500.00	$4,500.00	$10,000.00	$10,000.00	$8,000.00	$8,000.00
3	Complete Lift Station	1	LS	$140,000.00	$140,000.00	$150,300.00	$150,300.00	$138,800.00	$138,800.00	$258,000.00	$258,000.00
4	Swab by Pigging (1,450 LF Shown)	1,500	LF	$1.00	$1,500.00	$4.75	$7,125.00	$3.00	$4,500.00	$4.00	$6,000.00
5	Electrical	1	LS	$15,000.00	$15,000.00	$22,100.00	$22,100.00	$30,000.00	$30,000.00	$36,000.00	$36,000.00
6	Permit Allowance	1	LS	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00
7	As-Built Plans	1	LS	$2,500.00	$2,500.00	$2,750.00	$2,750.00	$1,500.00	$1,500.00	$3,000.00	$3,000.00
8	MOT	1	LS	$5,000.00	$5,000.00	$1,750.00	$1,750.00	$5,000.00	$5,000.00	$2,400.00	$2,400.00
9	Restoration	1	LS	$12,000.00	$12,000.00	$16,530.00	$16,530.00	$18,000.00	$18,000.00	$18,000.00	$18,000.00
				TOTAL	$208,500.00		$216,805.00		$222,300.00		$353,900.00

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE:	**May 10, 2016**
FROM:	**Mark Juliano**
SUBJECT:	**FY 2016/2017 CDBG Project - Resolution 2016-R-20**
NUMBER:	**(ID # 1325)**
APPLICANT:	
PLANNER:	

DISCUSSION:

The U.S. Department of Housing and Urban Development's (HUD) Community Block Grant (CDBG) program provides annual grants on a formula basis to states, counties and cities that achieve entitlement status. Volusia County qualifies as an urban county entitlement community and receives funds directly from HUD. Volusia County then distributes these funds to participating cities. For the FY 2016-2017 period, the City of Holly Hill has received an allocation of $92,349.

CDBG projects are selected based on meeting qualifying criteria which include the location and demographics of residents served as well as a requirement to meet national objectives of the program.

For the FY 2016-2017 allocation, staff have selected two projects to distribute these funds to. These projects include:

- Lift Station Improvements for Lift Station #1 - $78,496.65

- Volusia County homeless initiative - $13,852.35

Lift Station #1

Lift Station #1 is located at 475 Carswell Avenue and serves an area which has been designated as having the greatest percentage (85.19%) of low to moderate income residents within Volusia County. The current lift station was installed in 1964 . Due to its age and condition, the possibility of a failure of this lift station is significantly increased.

The proposed refurbishment will include the replacement of existing hardware, installation of new submersible pumps, rails and pipe. Additional construction tasks include electrical work, the provision of As-Built plans, bypass pumping, maintenance of traffic and site restoration.

The overall cost of this project is anticipated to be $453,440.

Contribution to the Volusia County homeless initiative

The County of Volusia and Halifax Urban Ministries have formed a partnership to transition the former Hurst Elementary School, located at 1340 Wright Street in Daytona Beach to Hope Place - a place which offers assistance to the transitional efforts of the homeless. The City's contribution will assist in the improvements of the buildings in preparation of service.

The overall cost of this project is not yet determined.

FISCAL ANALYSIS:

Anticipated revenue of $92,349 and expenditures of $453,440 will need to be budgeted accordingly according during the FY 2016/2017 budget process.

STAFF RECOMMENDATION:

Approve the proposed FY 2016/2017 CDBG Annual Plan.

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the City that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION:

APPROVE RESOLUTION 2016-R-20, THE PROPOSED FY 2016/2017 CDBG ANNUAL PLAN.

ATTACHMENTS:

- CDBG Application 2016-2017 City of Holly Hill
- CDBG Contribution to Hope House Letter (PDF)

- City Commission Contingency Letter (PDF)

Resolution No. (ID # 1325)

FY 2016/2017 CDBG PROJECT - RESOLUTION 2016-R-20

RESOLUTION NO. 2016-R-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, APPROVING THE CONTRIBUTION OF FUNDS TO IMPROVEMENTS AT HOPE PLACE, APPROVING THE SUBMITTAL OF "LIFT STATION #1 REHABILITATION" AS THE 2016-2017 COMMUNITY DEVELOPMENT GRANT ANNUAL PLAN PROPOSAL AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the US Department of Housing and Urban Development's Community Development Block Grant Program; through Volusia County Community Assistance, has notified the City of Holly Hill of an anticipated award of $92,349; and

WHEREAS, the City proposes to contribute $13,852.35 of this funding to

Volusia County for improvements at Hope Place for the assistance of the transitional efforts of the homeless; and

WHEREAS, the City has identified the project "Lift Station #1 Rehabilitation" as

a proposed project for the remaining funding of $78,496.65 through this grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission approves the contribution toward the County Homeless Initiative.

SECTION 2. That the City Commission approves the selection of "Lift Station # 1 Rehabilitation" for the 2016-2017 CDBG project.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Commission.

APPROVED AND AUTHENTICATED this 10th day of MAY, 2016.

CITY OF HOLLY HILL

The City with a Heart

1065 Ridgewood Avenue ♥ Holly Hill, Florida 32117

www.hollyhillfl.org

Building, Zoning, Licensing & Inspections
386-248-9442
Fax 386-248-9498

City Clerk
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Fax 386-248-9448

City Manager
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Community Services
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Economic Development
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Fax 386-248-9499

Utility Billing
386-248-9432
Fax 386-248-9458

Community Development & Resource Center
386-248-9453
Fax 386-248-9437

April 15, 2016

Diana Phillips
Activity Project Manager
Division of Community Assistance
110 West Rich Avenue
DeLand, FL 32720

RE: Contribution of CDBG Funds 2016/2017

Dear Ms. Phillips,

In an effort to contribute to the County-Wide concern for homelessness, the City would like to contribute 15% of its allocated CDBG funds back to the County of Volusia for improvements at Hope Place for the assistance of the transitional efforts of the homeless.

The City of Holly Hill was allocated $92,349 for fiscal year 2016/2017. Therefore, the contribution which the City would like to make through its allocated CDBG funds is $13,852.35.

Sincerely,

Joseph Forte

Joseph Forte, City Manager
City of Holly Hill
1065 Ridgewood Avenue
Holly Hill, Florida 32117
(386) 248-9438
(386) 248-9448
jforte@hollyhillfl.org
www.hollyhillfl.org
stj/JAF

cc: Catherine Colwell, Assistant Finance Director, City of Holly Hill
file; Enclosures

CITY OF HOLLY HILL

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Fax 386-248-9437

April 15, 2016

Corry Brown
CDBG Coordinator
Division of Community Assistance
110 West Rich Avenue
DeLand, FL 32720

RE: FY2016-2017 CDBG Application

Dear Ms. Brown,

Enclosed is a Capital Improvement application for the FY2016-2017 CDBG cycle. For next year, the City has selected a Water/Sewer Improvements Project to refurbish our lift station #1. This lift station serves census track 081000, block 4, which has the highest percentage of LMI individuals in the entire County.

Please note that the enclosed application and project selection is contingent upon the approval of the City Commission of Holly Hill.

Sincerely,

Steven Juengst

Steven Juengst, Facilities Supervisor
City of Holly Hill
Department of Public Works
453 LPGA Blvd
Holly Hill, Florida 32117
(386) 248-9463
(386) 248-9499
sjuengst@hollyhillfl.org
www.hollyhillfl.org

cc: Catherine Colwell, Assistant Finance Director, City of Holly Hill
file; Enclosures

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Agenda Item

MEETING DATE: **May 10, 2016**
FROM: **Kurt Swartzlander**
SUBJECT: **WM Pricing**
NUMBER: **(ID # 1328)**
APPLICANT:
PLANNER:

DISCUSSION: Waste Management and The City of Holly Hill amended the Solid waste handling contract in July of 2012. In this amendment, the pricing components were to be scheduled individually for Fuel, Collection and Disposal components for each of the various types of collection. These separate pricing components were never completely integrated into the contract amendment. This Amendment III and its attached price schedule intends to remedy this situation for the remainder of the contract term.

FISCAL ANALYSIS: Staff has reviewed the historical data and WM and staff determined that a credit of $12,600.86 of was due to the City for overcharges on previous billing. Customers were all billed correctly so no credits are due to citizens.

STAFF RECOMMENDATION: Approve Amendment III to the Solid Waste Contract

COMMISSION GOAL:

Goal #1: Develop and maintain a sound and sustainable financial plan for the city that establishes sufficient reserves for all funds, ensures (whenever possible) that user fees pay for services rendered, provides a realistic capital improvement program, and encourages public/private sector partnerships and intergovernmental partnerships.

Goal #4: Provide proficient public health and safety services in terms of police and fire protection, water, storm water, waste water and solid waste management and disaster preparedness with a focus on intergovernmental collaboration, private sector partnerships, and utilization of technologies and proven innovations.

MOTION: Motion to approve Amendment III to the Solid Waste Contract for Services with Waste Management Inc. of Florida.

- WM Amendment III (PDF)

AMENDMENT III

TO

CONTRACT FOR SOLID WASTE SERVICES

THE PURPOSE OF THIS AMENDMENT III is to amend the original Municipal Solid Waste Contract dated March 3, 1998 as amended by Amendment I dated March, 9, 1999 and Amendment II, dated July 3, 2012 (collectively referred to as the "Contract") by and between the City of Holly Hill, Volusia County, Florida, hereinafter referred to as the "City" and Jennings Environmental Services, Inc. subsequently assigned to Waste Management Inc. of Florida, hereinafter referred to as the "Contractor".

WHEREAS, Contractor and the City desire to amend the Amendment II "Exhibit A" and have agreed to the following modifications to provide solid waste and recycling services to the City. Any and all portions of the original contract, Amendment I or Amendment II not modified through this Amendment III will remain in full force and effect; and

WHEREAS, Contractor and the City desire to amend the Amendment II "Exhibit A" for purposes of clarifying pricing components not clearly defined in the original contract or either subsequent amendment.

NOW THEREFORE, in consideration of the mutual covenants, agreements and considerations contained within the Contract, the City and the Contractor hereby agree to the following:

A. Exhibit A Pricing Sheets of this Amendment III replaces Amendment II, Exhibit A, Pricing Sheets

B. The pricing components shown in Exhibit A are effective as of April 1, 2016.

C. Except as modified herein, the Contract, as previously modified, remains in full force and effect.

IN WITNESS WHEREOF, the City of Holly Hill and Waste Management Inc. of Florida have caused this Amendment III to the Contract to be executed the day and year hereinafter.

THE CITY OF HOLLY HILL

____

Mayor

ATTEST:

____

City Manager

Date: ______________________

WASTE MANAGEMENT INC. OF FLORIDA

By: __________________________

Title: President

Date: 5-3-16

EXHIBIT A

Pricing Sheet

Rates Effective:		**04/01/16**				
COMMERCIAL						
CONTAINERS		**Rate/Month**	4/1/2016	4/1/2016	4/1/2016	4/1/2016
CU YD	**PU/WEEK**		COLL	DISP	Fuel	Total
2 Yard	1	$ 61.72	$ 41.28	$ 18.63	$ 1.81	$ 61.72
	2	$ 123.42	$ 82.54	$ 37.25	$ 3.63	$ 123.42
	3	$ 185.13	$ 123.81	$ 55.88	$ 5.44	$ 185.13
	4	$ 246.84	$ 165.07	$ 74.51	$ 7.26	$ 246.84
	5	$ 308.55	$ 206.34	$ 93.14	$ 9.07	$ 308.55
	6	$ 370.25	$ 247.60	$ 111.76	$ 10.89	$ 370.25
	XPU	$ 15.26	$ 10.20	$ 4.61	$ 0.45	$ 15.26
4 Yard	1	$ 109.75	$ 73.39	$ 33.13	$ 3.23	$ 109.75
	2	$ 219.48	$ 146.78	$ 66.25	$ 6.45	$ 219.48
	3	$ 329.24	$ 220.18	$ 99.38	$ 9.68	$ 329.24
	4	$ 438.98	$ 293.56	$ 132.51	$ 12.91	$ 438.98
	5	$ 549.40	$ 367.40	$ 165.84	$ 16.16	$ 549.40
	6	$ 659.83	$ 441.25	$ 199.17	$ 19.41	$ 659.83
	XPU	$ 27.11	$ 18.13	$ 8.18	$ 0.80	$ 27.11
6 Yard	1	$ 181.64	$ 121.47	$ 54.83	$ 5.34	$ 181.64
	2	$ 356.89	$ 238.67	$ 107.73	$ 10.49	$ 356.89
	3	$ 535.35	$ 358.01	$ 161.60	$ 15.74	$ 535.35
	4	$ 713.79	$ 477.34	$ 215.46	$ 20.99	$ 713.79
	5	$ 892.24	$ 596.67	$ 269.33	$ 26.24	$ 892.24
	6	$ 1,070.66	$ 715.99	$ 323.18	$ 31.49	$ 1,070.66
	XPU	$ 39.16	$ 26.19	$ 11.82	$ 1.15	$ 39.16
8 Yard	1	$ 242.07	$ 161.88	$ 73.07	$ 7.12	$ 242.07
	2	$ 484.14	$ 323.76	$ 146.14	$ 14.24	$ 484.14
	3	$ 726.18	$ 485.62	$ 219.20	$ 21.36	$ 726.18
	4	$ 968.24	$ 647.49	$ 292.27	$ 28.48	$ 968.24
	5	$ 1,210.29	$ 809.36	$ 365.33	$ 35.60	$ 1,210.29
	6	$ 1,452.35	$ 971.24	$ 438.40	$ 42.71	$ 1,452.35
	XPU	$ 57.86	$ 38.69	$ 17.47	$ 1.70	$ 57.86
T96 Carts	2	$ 26.52	$ 23.66	$ 2.52	$ 0.34	$ 26.52
VIP Compactor FEL (per cubic yard)		$ 26.19	$ 19.84	$ 5.89	$ 0.46	$ 26.19

HOLLY HILL RESIDENTIAL							
Residential Cart		$ 14.75					
Residential Additional Cart		$ 4.97					
Additional Yard collected		$ 4.97					
White Good collected		$ 4.97					
HOLLY HILL RESIDENTIAL ROLL-OFF							
(Plus Disposal)							
		Per Haul					
20YD		$ 204.50					
30YD		$ 204.50					
40YD		$ 204.50					
HOLLY HILL COMMERCIAL ROLL-OFF							
(Plus Disposal)							
		Per Haul					
20YD		$ 204.50					
30YD		$ 204.50					
40YD		$ 204.50					
RESIDENTIAL EFFECTIVE 10/01/2016:				10/1/2016	10/1/2016	10/1/2016	10/1/2016
				COLL	DISP	Fuel	Total
Refuse		$ 11.17		$ 7.40	$ 3.25	$ 0.52	$ 11.17
Yard Waste		$ 3.41		$ 2.18	$ 0.70	$ 0.53	$ 3.41
Recycling		$ 1.65		$ 1.31	$ -	$ 0.34	$ 1.65
Combined Rate		$ 16.23		$ 10.89	$ 3.95	$ 1.39	$ 16.23

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Resolution

MEETING DATE: **May 10, 2016**
FROM: **Thomas Harowski**
SUBJECT: **Accepting Public Improvements in Ray Beltrami Avenue - Resolution 2016-R-19**
NUMBER: **(ID # 1327)**
APPLICANT: **Thomas Harowski**
PLANNER:

The recent additions to the Metra site required the extension of Ray Beltrami Avenue to provide access to the new parking lot. Improvements within the right-of-way included the extension of potable water lines, installation of stormwater drainage facilities and paving. With the completion of the project, the City Commission should formally accept the public improvements for ownership and maintenance. Taking action by resolution will allow staff to more easily locate this action if the need arises in the future.

Resolution No. (ID # 1327)

ACCEPTING PUBLIC IMPROVEMENTS IN RAY BELTRAMI AVENUE - RESOLUTION 2016-R-19

RESOLUTION NO. 2016-R-19

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, ACCEPTING PUBLIC IMPROVEMENTS INSTALLED IN a PORTION OF RAY BERTRAMI AVENUE (PLATTED AS HOLLY HILL AVENUE); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Zahn Engineering, Inc., has prepared plans for the installation of paving, water system and storm drainage improvements in a portion of Ray Beltrami Avenue (platted as Holly Hill Avenue in the Canal Park Powers Subdivision); and

WHEREAS, the subject improvements have been installed within the right-of-way; and

WHEREAS, the City of Holly Hill maintains design standards for improvements constructed in City rights-of-way; and

WHEREAS, the City of Holly Hill has inspected the improvements as installed and found the installation to be in accord with the City's design standards.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City Commission of the City of Holly Hill hereby accepts for ownership and maintenance the public improvements installed within the right-of-way of Ray Beltrami Avenue as shown on the as-built plans submitted by Zahn Engineering Inc., dated march 30, 2016 subject to a one year warranty period on workmanship and materials.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 3. That all resolutions made in conflict with this Resolution are hereby repealed.

SECTION 4. That this Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 10th day of MAY, 2016.