



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Road and Drainage District Governing Body

Tuesday, February 27, 2018

4:00 PM

Commission Chambers

MINUTES APPROVED AT THE 05-08-2018 MEETING.

CALL TO ORDER/ROLL CALL

The Road & Drainage District Governing Body Regular Meeting was called to order at 4:07 p.m. in City Chambers by Vice-Mayor Yates.

Present: Vice-Mayor Yates; Commissioners Hanks, Luke and McDowell; City Manager Lear; City Attorney Slayton; City Clerk Adkins; Deputy City Clerk Peto and Assistant Police Chief Pelfrey.

Absent: Mayor Carusone.

A moment of silence was observed in honor of the survivors, victims and families affected by the Parkland High School shooting followed by the Pledge of Allegiance led by Commissioner McDowell.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the agenda as presented. The motion carried by the following vote with Mayor Carusone absent:

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

2. PUBLIC COMMENT:

Public Comment 4:10 p.m. - 4:15 p.m.
Joseph Kantor: traffic on Price Boulevard.
Nancy Fisher: Warm Mineral Springs.

3. GENERAL BUSINESS:

A. [18-036](#)

Amendment No. 2 to Agreement No. 2015-19 with Charlotte Engineering and Surveying, Inc., in an estimated amount of \$887,839.67 for the Price Boulevard Widening Project from Sumter Boulevard to Toledo Blade Boulevard. The new estimated total amount is \$3,308,137.98.

City Manager Lear, Public Works Director Bellia and Engineering Division Manager Traverso provided an overview of the item.

Discussion ensued and clarification was provided regarding; (1) the project from the

right-turn analysis for the three intersections to the end of construction could take up to a year, and the traffic signal installations will be done concurrently; (2) the Speed Study Analysis can be performed in-house in approximately two-to-three months to complete the process; (3) following the design, the Price Boulevard road widening project, including procurement and construction, will take slightly over two years; (4) whether or not the right-turn lane is warranted will determine if the signal light is replaced in the short term; (5) the three signal lights on Price Boulevard are not connected to each other and replacing one will not affect the other two; (6) all signal lights will be replaced when the road is widened; (7) the extra cost for Salford Boulevard right turn lanes and traffic signals includes the extra setup, plans and analysis on the intersection; (8) it will take approximately 1 year for the design and permitting for this project; (9) the timeline for public input was provided; (10) the consultant contracted hourly wages will be in place until 2019 when the design and permitting is projected to be completed; (11) a typical roadway cross section will be presented to the Commission within the next month for approval after which the actual design will take approximately 8 months; (12) the construction of the widening cannot be started until the properties for the required retention pond are acquired and if the location of the pond would need to be relocated, the Southwest Florida Water Management District (SWFWMD) will need to be notified; (13) Project Manager Ryan Forsill, American Consulting, noted that the contracted costs are in place until December 31, 2019. If there were circumstances beyond the control of the consultant which would delay the design and permitting into January or February of 2020, there would be no cost increase; (14) plans are to construct the widening within the existing right-of-way; (15) reviewing page 4, Section 4.21 (b) (1) it indicates the design speed will be 45 mph which may be a misprint as the design speed has yet to be determined, but the posted speed limit will be 35 mph; (16) on page 5 it indicated 2 sets of plans will be submitted. The 2 sets of plans are of the same 5 lane widening. If right turn lanes are determined to be necessary at any of the intersections where there are traffic signals, another 2 sets of plans for signalization will be submitted; (17) if a right turn lane at Salford Boulevard is not justified, staff is still requesting that the traffic signal be replaced; (18) Public Utilities involvement will be incorporated in this project; (19) it was noted that although not reflected, the final design will include median islands and crosswalk; (20) the locations of the median islands will take into consideration the ability of citizens to turn on side streets and in driveways and will be incorporated into the scope of work; (21) it was clarified that the timeline for the design of 1 or 3 turn lane is the same due to permitting times and other processes; (22) the cost for the design for all three intersections will be adjusted if less than 3 intersection designs are needed; (23) it was clarified that the typical roadway cross section is independent from the turn lane study and would include the number of through lanes, the width of the two-way left turn lanes, the width of the bike lanes and sidewalk and the traffic light and is the typical section that would be applied throughout the project; (24) it was clarified that there was a consensus at a former Commission meeting that another public workshop will be held for informational purposes to inform the public on the direction of this project rather than considering public input on suggested changes as those changes have already been considered. Even though the direction for the design has been established, it was suggested that it could still be beneficial to receive public input on this project. It was noted that the consultant has done what was directed regarding public workshops and that staff could schedule another workshop; (25) according to the contract for the consultant, another public meeting will be held when the design is at 60% but will not include providing a summary of the input given at the meeting; (26) it was clarified that the properties needed for the stormwater ponds have been identified and the properties cannot be purchased until the design of the road is complete and the size of the pond is determined to accommodate the runoff from the road; (27) if the City is unsuccessful at obtaining the identified properties, other properties will be considered taking in

consideration location and cost. The design of the pond will be contingent on the properties the City is able to obtain; (28) currently the City is in negotiations to obtain the properties identified for the stormwater pond. To obtain the properties through Eminent Domain would required the design to be completed; (29) it was noted that the final report regarding the warranted speed limit will take approximately 4 weeks; (30) it was further noted that a draft report regarding speed limits is a report pending Commission approval. When Commission approves the draft report it becomes a final report and at that time, the warranted speed limit as contained in the report can be changed.

Public comment was held from 5:18 p.m. to 5:21 p.m.

Nancy Fisher - The 2009 widening study and an alternative design to accommodate the residence of Price Boulevard.

Discussion ensued: (1) the feasibility of including a service lane in the design; (2) it was clarified that the typical section including a service lane which would be designated for parking only, would be a safety concern; (3) Price Boulevard is over capacity and would require more than a two lane extension with a service lane; (4) the 3 lane widening design in 2015 and the current proposed 4 lane expansion design with left turn lanes; (5) allowing expert input on the feasibility of the design; (6) the traffic on Price Boulevard not warranting a 30 million dollar road widening project; (7) services such as trash pickup and mail delivery blocking traffic even though the road has been widened by 2 lanes on each side; (8) the completion of a speed limit study; (9) the completion of a a right turn analysis; (10) septic system fields being damaged with the proposed roadway widening; (11) that this project goes back many years and are now considering a re-design from the initial design which was presented in 2015; (12) the cost of the right turn lanes is concerning but necessary at this time and that there has been a lot of public input which has been considered.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to approve Amendment No. 2 to Agreement No. 2015-19 with Charlotte Engineering and Surveying, Inc., in an estimated amount of \$887,839.67 for the Price Boulevard Widening Project from Sumter Boulevard to Toledo Blade Boulevard. The motion carried by the following vote with Mayor Carusone absent;

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

Discussion ensued: (1) request that staff make sure the consultant is aware that safety islands need to be included in the design; (2) it was noted that the proper action would be to direct staff to ensure that safety islands would be considered during the design.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke that we make sure that the staff makes sure that the safety islands are part of the approved Amendment.

After it was clarified that the motion was directing staff to add to the contract and the safety islands should be a consideration during the design and that staff ensures that the safety islands are in fact part of the design, Commissioner McDowell withdrew her motion and Commissioner Luke withdrew her second.

A motion was made by Commissioner McDowell, seconded by Commission Luke to direct staff to consider with the design process of Price Boulevard to include the safety islands. The motion carried by the following vote with Mayor Carusone absent:

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

Discussion ensued: (1) it was suggested that the closest lane to the residents be a service lane similar to Biscayne Boulevard; (2) it was noted that this concern has been addressed and includes issues which were not noted including if this lane is a service lane; (3) a service lane would allow for parking and takes it out of being designated as a service lane; (4) another concern is a service lane does not address the capacity of the road and would create a safety issue with parking.; (5) City Manager Lear agreed to create a memorandum to be provided to the Commission noting the concerns with creating a safety lane on Price Boulevard and will forward the material regarding the density of population of neighborhoods along Price Boulevard and other information previously requested by Commissioner Luke. There was no public comment.

There was a consensus to have the City Manager, during the Public Workshop that is done, have staff gather the comments and provide them to Commission.

B. [18-092](#)

Contract No. 2018-33 2018 Road Rehabilitation to Preferred Materials Incorporated in the amount of \$4,872,132.98 plus utility adjustments in the amount of \$20,000, and contingency in the amount of \$487,213.30 for an estimated total amount of \$5,379,346.28.

City Manager Lear provided an overview .

Discussion ensued: (1) it was confirmed that this item is not the road rehabilitation project but the routine road maintenance bid and that the word "rehabilitation" is being used to distinguish the work from routine road maintenance; (2) City Manager Lear clarified the language being used for road maintenance as road rehabilitation: (3) the initial Road Bond contractor was not a pavement contractor but an engineering consultant, HDR Engineering; (4) the paving contractor for the Road Bond is Preferred Materials; (5) it was noted that Ajax and Preferred Paving have been used for different phases of the Road Bond; (6) issues with Preferred Paving from the last contract have been addressed; (7) section L in the Request for Proposal (RFP) addresses the liquidation of damages if the work is not done as stipulated in the contract for Price Boulevard and would be \$763,00 per day that the work goes over the projected completion date; (8) the rehabilitation of Price Boulevard will be done from 7:00 p.m. to 6:00 a.m.; (9) a pre-construction meeting is scheduled to provide the notice to proceed; (10) the contract notes that the project is to be completed by May 31, 2018 and will take seven continuous week days to complete the project; (11) doing the work at night will require authorization for an exception to the noise variance code; (12) City Manager Lear to provide the Commission with a memorandum listing all the public education processes which will also be posted on line and on social media.

Discussion continued: (1) page 7 in the RFB (Request for Bid) regarding Contract #2018-33, is for the 2018 Road Routine Maintenance. Staff is referring to this project as Road Rehabilitation. It was clarified that Commission is approving the contract #2018-33 which is before them for approval and the language in the contract is addressing 2018-33 Road Routine Maintenance agreement in which Road Rehabilitation is part of the 2018 Road Routine Maintenance.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Contract #2018-33, 2018 Routine Road Maintenance Contract to Preferred Materials, Inc. The motion carried by the following vote with Mayor Carusone absent:

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

A motion was made by Commissioner McDowell, seconded by Commissioner Luke to authorize the City Manager to have the Price Boulevard work done for seven (7) evenings from 7:00 p.m. to 6:00 a.m. to avoid traffic problems.

After it was noted that limiting the work time to seven days (7) would not take into consideration extenuating circumstances such as rain, Commissioner McDowell withdrew her motion and Commissioner Luke withdrew her second.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the City Manager to authorize the work to be done at night from 7:00 p.m. to 6:00 a.m.

City Attorney Slayton clarified that the City Code requires approval by the City Commission for a Variance to the noise section of the City Code as noted in Section 46-42, subsection 6 relating to construction and demolition, as opposed to authorizing the City Manager to ensure the work is done between 7:00 p.m. and 6:00 a.m. Commissioner McDowell withdrew her motion and Commissioner Hanks withdrew his second.

A motion was made by Commissioner McDowell, seconded by Commission Hanks to authorize a Variance to the Noise Code 46-42 authorizing construction in the evening from 7:00 p.m. to 6:00 a.m. for Price Boulevard repaving project.

Subsequent to Vice-Mayor Yates expressing concerns that the motion was too specific to the work to be done, City Manager Lear noted that the motion should reflect the Price Boulevard portion of Contract No. 2018-33. Commissioner McDowell withdrew her motion and Commissioner Hanks withdrew his second. The motion will be reconsidered following adjournment to open the 6:00 Commission Meeting.

Recess from 6:05 p.m. to 6:22 p.m.

Upon reconvening Vice-Mayor Yates provided an overview noting that when the meeting went into recess, Commissioner McDowell was preparing to make a motion. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks to approve authorizing a Variance in Code Section 46-42 for the contract 2018-33, routine maintenance for the Price Boulevard portion of the contract. The motion carried by the following vote with Mayor Carusone absent:

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

4. CONSENT AGENDA:

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve Consent Agenda Item A. The motion carried by the following vote with Mayor Carusone absent:

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

A. [18-114](#) Approval of Minutes for the October 24, 2017 Road & Drainage District Regular Meeting; December 12, 2017 Road & Drainage Special Meeting; January 23, 2018 Road & Drainage District Regular Meeting.

B. [18-072](#) Agreement No. 2018-08 with Rightmire's Land Services, Inc. for finished

mowing and landscaping services based on unit pricing in an estimated annual amount of \$782,873.30 budgeted in Fiscal Year 2018.

Discussion ensued: (1) it was clarified that the contract with Rightmire's Land Services includes the Biscayne Boulevard median; (2) Public Works will be responsible for the median until the contract, if approved, goes into effect on March 1, 2018; (3) Public Works will not be weeding the median which will be Rightmire's first priority when they take over the maintenance; (4) it was clarified regarding any dead plants in the median are the responsibility of MRT Landscaping for 1 year after planting. There are currently 3 dead palms they will be replacing; (5) it was noted that Public Works maintained the median when the construction of the Landscaping was complete and coordinated with MRT Landscaping for the irrigation and maintenance on all the plantings to be their responsibility for 1 year; (6) Public Works staff and the City Arborist inspected the median on Biscayne Boulevard and additionally Operations & Maintenance Manager Speake receives monthly maintenance reports regarding the plantings and the work conducted by MRT which are also reviewed by the City Arborist; (7) if plants are destroyed, damaged or die in the median they will be replaced; (8) the time period and allocation for the contract was clarified noting that the contract ends in February, 2012 with a renewal clause of 2 additional 1 year terms; (9) after noting that exhibit B of the contract is reflecting a fee schedule amount and term of the contract different from the actual bid document and staff summary, the amounts reflected in exhibit B are for contract award purposes and the unit pricing as reflected in the contract is what matters; (10) in reviewing the Agreement the Commission is requested to approve, the amount reflected in attachment B of the Agreement is an estimated unit amount and the contract reflects the commitment of 36 cuts. Due to weather or other unforeseen circumstances in which the amount of cuts is reduced, the City will only pay for the actual work performed; (11) the estimated mowing amount is \$229.00 per cut but when taking \$422,632.00 and the \$356,998.00 comes to \$782,000.00 plus for the 12 month cycle. In the proposal, Rightmire's Land Services proposed pruning for 12 months and fertilizing 3 times during the cycle. The amounts shown do not reflect the actual negotiated amount; (12) the \$993,000.00 is the total for 2019; (13) the summary sheet incorrectly reflected the agreement as ending in December, 2021; (14) it was clarified that the \$993,000.00 reflects future years for a full year of 36 mows, fertilizing, mulching, pruning, etc., (15) the services which the City will receive are reflected in Attachment B - the fee schedule. During the negotiation phase, it was determined the number of times to execute services such as fertilizing; (16) delaying approval of the contract to receive more information will delay the mowing services; (17) it was clarified that the 3 year contract start and end date is not based on the Fiscal Year; (18) clarification was provided that approval of the contract reflects the approval of the unit pricing; (19) the time frame to award the contract to meet the RFP process; (20) the 36 cuts per year at \$6386 and adding the fertilizer at \$6050, the pruning at \$6050 and the mulching at \$3300 with the total cost listed incorrectly.

City Manager Lear requested a 10 minutes break for staff to address the issues with the budgeted amount and noted that if staff could not create clarity within the 10 minutes recess for Commission review, the item could be tabled to a later meeting and the start of the contract could be changed to a later date.

Recess from 6:55 p.m. to 7:08 p.m.

Upon reconvening, City Manager Lear noted that he could not provide a spreadsheet that proves the \$782,000.00 or the \$993,000.00. Ultimately for bidding purposes, the rankings are based in part on unit pricing. The \$782,000.00 that is in the staff summary and the \$983,000.000 are for estimated purposes assuming all work listed is performed. The 2

options available to Commission are: (1) approve the unit pricing without the dollar amounts; (2) table this item to be brought back at the March 27, 2018 District Meeting which will include a spread sheet reflecting a breakdown of all costs; (3) regarding the time element of approving the contract and work beginning. it was noted that temporary contract with Rightmire for mowing services is based on a month to month bases. City Manager Lear clarified the amount for each line item in the contract.

Discussion ensued: (1) Assistant Public Works Director Bramble noted that the Request for Proposal for this contract contained an Addendum which lists the price for 1 fertilizer application; (2) within the proposal for Rightmire, the cost for fertilizer application is listed for 3 applications and in the scope of services it lists 3, 12 and 36 applications of fertilizer; (3) clarification was provided that on the scope of services it is listed the number of times the City want the fertilizer applications and on the price sheet it was clarified for the proposer to reflect the cost for just 1 application; (4) it was noted that the \$779,630.00 is the amount of the contract for the rest of the current Fiscal Year; (5) the Rightmires total cost for services was less than the other submitted proposals with some line items prices higher than other proposals; (6) the cost of the contract was a factor in other considerations in ranking all proposals; (7) bringing the contract back at an emergency district meeting on March 8, 2018 with more information from staff and the recommended contractor; (8) the hourly rate as listed was clarified as miscellaneous additional work which is not included in the listed scope of services fees such as an additional request for vertical mowing.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke to table this item to bring it back at a Special Meeting as soon as possible. The motion carried as follows with Mayor Carusone absent:

Yes: 4 - Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

Discussion ensued regarding: (1) the appearance of the median on Biscayne Boulevard and staff's lack of attention to this issue; (2) from a time element of the contract with Rightmire, the median of Biscayne Boulevard will be addressed soon.

Mayor Yates stated that due to the time element of approving a contract for mowing and landscaping services, she cannot support the motion putting more work on staff. Commissioner Hanks noted he could not support the motion stating that the contract for mowing and landscaping services should be approved before the growth season. Commissioner Luke expressed that she does not feel as a Commissioner is up to the Commission to tell the City Manager what to direct his staff to do.

Discussion continued: (1) for months staff was aware the Biscayne Boulevard median were their responsibility and the expressed public concerns on the appearance of the median; (2) if the approval for the contract is delayed, without staff addressing the issues on Biscayne Boulevard, this will prolong the disruptive appearance of the median; (3) the City Manager is aware of the issues on Biscayne Boulevard. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates to direct the City Manager to have staff go out and do sprucing up, including hand weeding if necessary, of the Biscayne median as soon as possible. The motion failed with Mayor Carusone absent from the vote and Vice-Mayor Yates, Commissioner Hanks and Commissioner Luke dissenting for reasons stated.

Yes: 1 - Commissioner McDowell

No: 3 - Vice-Mayor Yates, Commissioner Hanks and Commissioner Luke

5. PUBLIC COMMENT:

Public comment was held from 7:29 p.m. to 7:32 p.m.
Nancy Fisher: traffic on Price Boulevard.

6. COMMISSION COMMUNICATIONS:

There were no Commission Communications.

7. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

8. ADJOURNMENT:

Vice-Mayor Yates adjourned the Road & Drainage District Regular Meeting at 7:33 p.m.

City of North Port, Florida
As the Road & Drainage District Governing Body

By: _____
Vanessa Carusone, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the Road & Drainage District Regular Meeting this ____ day of _____, 2018.