

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, NOVEMBER 19, 2009
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., Willie Head, Jr., Robert Yost, and James Wright. Councilman John Eunice arrived at 5:40 p.m. The invocation was given by Councilman Willie Head, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

The minutes of the November 5, 2009 Regular Meeting were approved by unanimous consent (7-0) of the Council.

CITIZENS TO BE HEARD

Mattie Smith, 713 West Everson Circle, Ft. Lauderdale, Florida, stated that she owned property in Valdosta at 526 Smith Street and 812 Devine Street. The house was built in 1964 and they had a septic tank. In 1977 they added a new bath, den, and bedroom. The sewer was fine until the third addition in 1987. There were blockage problems and Roto-Rooter told her that it was due to tree roots. Ms. Smith stated that the City workers came out and measured to determine if the tree was on her property or the City's property. Ms. Smith found out that the Oak tree was historic and it was not her tree. The City workers told her they would take the tree down in two weeks. Ms. Smith was in Florida so she called her relatives at that time to see if the tree had been cut down but it had not. She had to call the plumber again and he dug in the area where he thought there was blockage. Roto-Rooter told Ms. Smith that there was other blockage and if she wanted them to look for it the cost would be \$150 but if the City did it then there would be no cost. Ms. Smith decided to wait for the City to come out and look at it. They told her that the blockage was outside of the garage and if that was unstopped her problem should be fixed. Two months later her husband and son dug out by the shed and recapped it and she thought the problem was resolved; however, when she was washing clothes raw sewage came running out. Ms. Smith called the City and they showed her where the blockage was at which was right outside the garage door. Her husband and another guy dug and removed another big root. Once again she thought the problem was resolved but when she came back several months later that is when it exploded. The City told her that she would have to have the sewer removed. If the tree was on her property then the City would not remove it. The Engineering people came out and confirmed that the Oak tree was on City property and they told her that the plumber had installed the wrong type of pipe. When you tie into the City sewer you have to have a permit and they approved the tie in so it was not like she was using just anyone to do it. Ms. Smith stated that if the tree could not be removed she wanted something to be done about the roots. If it is not her tree then she should not have to keep spending money out of her pocket. The City ran the camera into the sewer and it showed that the blockage was on the City side where it tied into to her area and they would have to tear up the road. Ms. Smith was told by the plumber that there was nothing wrong with the pipe that he had installed. Mayor Fretti stated that Council does not act as a judicial branch to hear appeals from a ruling of the City Manager and the Human Resources Director and asked the City Attorney what their next step should be. George Talley, City Attorney, stated that this was taken to the Accident Review Board which consists of the City Manager, City Attorney, and Human Resources Director. They determined from the evidence and investigation by the City that there was a collapse of the pipeline on Ms. Smith's side and it needed to be replaced. The pipe was replaced and Ms. Smith was told that it was her responsibility and they denied the claim. There is no appeal for the Accident Review and if Ms. Smith feels that she is entitled to something else then she would need to hire an attorney. Larry Hanson, City Manager, stated that Ms. Smith had asked the City to use a camera in the sewer line and it showed that the line was collapsed on her property and she had the line replaced on her property. This was not the City's responsibility and they do not have anything to do with the plumber and what material they use on private property or the installation. Since it has been replaced the sewer is working.

Timothy Smith, husband of Ms. Smith, stated that the pipe had roots from the Oak tree that belonged to the City. He wanted to get rid of the tree a long time ago because it tore the driveway up. The roots from this tree

were in the pipe. The plumber did his job and then they called the City who came out and put some dye into the toilet and found out that the water was not going through. The terra cotta pipes were collapsed because of the tree and the City thought they were going to have to tear up the street. Mr. Smith did not want the tree near his house but he was told this was a special tree. The tree still has roots that are tearing up the garage floor. Mayor Fretti stated that they were trying their case before City Council and they cannot take a vote or act as a judicial branch. Mayor Fretti asked that the Smith's meet with the City Manager and the Human Resources Director. If they still want to appeal this then they would need to get an attorney. Larry Hanson, City Manager, stated that he would be glad to meet with Mr. and Mrs. Smith.

Tammy Caldwell, 6112 Old Lake Park Road, Lake Park, stated that she wanted to discuss the Agenda Item related to the purchase of a backhoe for the Water and Sewer Department. She did not have a complaint about the specifications or the bid process but it was the inclusion of a buyback provision that was written into the bid specification. The purpose of any government agency when submitting items for bid is to obtain the best goods, products, or services at the lowest price for the citizens that it is purchasing for. When a buyback provision is included it gives the vendor the control over the buyback because you are asking the vendor to guarantee a buyback in five years time. Historically, on average the repurchase price of these items was 50-60%. When you take 50-60% of a guaranteed price and deduct that from the bid that no longer makes the person winning the bid the lowest bidder. Ms. Caldwell submitted an Open Records Request and Greg Brown, Purchasing Agent, called her back and told her that he did not have anything because the City was in the middle of doing a repurchase right now where the machine is being purchased back by the vendor that submitted the bid. Ms. Caldwell stated that the problem with buybacks is that it skews the bid. There were five vendors that submitted pricing on the backhoe and the average of those buybacks was \$30,500. The expected low bidder was \$12,500 higher than the average of anyone else. If that vendor is not held accountable for 100% of the repurchase price it skews the bid. The vendor has to be given an opportunity to say that a windshield was smashed or a tire was damaged but normal wear and tear should be considered in that. Any City or County is typically known for maintaining their equipment. There are some other avenues that the City or County could look at when disposing of their assets. The buybacks are a way for the City to get rid of their equipment at the end of its depreciated life. Ms. Caldwell asked that Council postpone an award on that particular bid until the repurchase of the machine that is pending which should happen within two weeks. If they vary 5-10% that would totally change who should have won that bid five years ago. Ms. Caldwell asked that Council look at the buyback guarantee which is a great idea and works in theory but if you are averaging 50-60% of the purchase price that is guaranteed then it definitely skews the winning bid or who should have been the lowest bid.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Mayor Fretti asked Council to consider Agenda Items 4(a) through 4(i) under a Consent Agenda. Councilman Head asked that Agenda Item 4(f) be pulled out and for Council to deal with that one separately. Greg Brown, Purchasing Agent, informed Council that all of the items up for bid were approved by Council in the current year budget and asked Council's consideration in following the recommendation of the Purchasing Agent if all of the following bids are accepted at one time:

(1) Item 4(a) - Consideration of bids for dumpsters for the Public Works Department (Bid No. 11-09-10) – This is an annual contract for four, six, and eight yard dumpsters that the City placed at commercial site. The low bid was submitted by Lewis Steel in the amount of \$1,705 per dumpster. Greg Brown recommended that Council approve the low bid for the specified time period.

(2) Item 4(b) - Consideration of bids for 16 Crown Victoria pursuit vehicles for the Police Department (Bid No. 05-09-10) – These vehicles need to be replaced as maintenance costs and mileage has risen. The low bid was submitted by Langdale Ford in the amount of \$344,624. Greg Brown recommended that Council approve the low bid.

(3) Item 4(c) - Consideration of bids for two Ford Mustangs for the Police Department (Bid No. 12-09-10) – The low bid was submitted by Langdale Ford in the amount of \$49,036 and Greg Brown recommended that Council approve the low bid. Councilman Vickers inquired as to why they were purchasing Mustangs. Commander Brian Childress of the Police Department stated that they were looking at Mustangs for patrol and

traffic enforcement. Also, Steeda Corporation, which is a local business, has agreed to modify the vehicles at no cost. Larry Hanson stated that generally the Police Department has several mid-size Sedans for traffic and they are looking at Mustangs for fuel conservation. Dario Orlando, President of Steeda Corporation, has been very happy about relocating in Valdosta and he wanted to do something to give back to the community. He has offered to upgrade two Ford Mustangs for the City at no charge with a high performance package. He would like to use the Valdosta Police Department Mustangs in a national marketing campaign. He is also going to put better suspension, brakes, and handling on six of the Crown Victoria's free of charge and let the City evaluate those.

(4) Item 4(d) - Consideration of bids for four Crown Victoria Administration vehicles for the Police Department (Bid No. 07-09-10) – The low bid was submitted by Langdale Ford in the amount of \$86,556 and Greg Brown recommended that Council approve the low bid.

(5) Item 4(e) - Consideration of bids for one Dodge Charger vehicle for the Police Department (Bid No. 06-09-10) – The low bid was submitted by Cass Burch Dodge in the amount of \$21,440 and Greg Brown recommended that Council approve the low bid. Mayor Fretti inquired as to whether the City's garage was warranty certified on Ford as well as Dodge vehicles. Greg Brown stated that they would be able to work on any vehicle that is taken to them. Councilman Eunice inquired as to whether this was the first Dodge Charger that the City has purchased. Greg Brown stated that they previously purchased one for the Drug Task Force. Larry Hanson stated that it is good to have other vehicles in the undercover fleet. Commander Brian Childress stated that there have been some discussions at Ford to discontinue the Crown Victoria which is a standard Police vehicle that they have used for quite some time. Larry Hanson stated that Ford will be rolling out a new Ford Taurus Police package and possibly eliminate the Crown Victoria. The Dodge Charger has a back seat and can accommodate a cage whereas the Ford Mustang cannot.

(6) Item 4(f) - Consideration of bids for a backhoe and accessories for the Water and Sewer Department (Bid No. 14-09-10) – Greg Brown stated that the low bid was submitted by Yancey Brothers in the amount of \$84,899. It would cost the City \$698 per month to operate a backhoe and we could probably not rent one from General Rental at that price. The City will hold the vendor to the buyback amount. The vendor has already been out to look at the existing backhoe and there is not any broken glass and the tires are above 50%. This is a great program that keeps the City in a current updated piece of equipment that we can operate cheaper than we can rent. The vendors set the buyback and anything that the City has a contract on we will hold the vendor to the contract. Mayor Fretti stated that the City agreed to a buyback of \$32,000 and Ms. Caldwell wanted to see the City hold the price firm. Greg Brown stated that the City could go ahead and move forward without doing the buyback and dispose of the equipment ourselves; however, the vendor has already inspected the machine and he expects to get \$32,000 out of the machine. Larry Hanson stated that a buyback is like having a lease on a vehicle and you know what you are going to get in return unless it is damaged. You could repair the damages or turn it in and they will deduct it. If we have a broken windshield we are going to replace it and if it is damaged for one vendor it is damaged for all. If there was a 90% return on it then it would be 90% regardless of who the vendor was because they would all deduct for the damage. Councilman Head stated that he did not recall the buyback option with other equipment purchases and inquired as to whether this was only for backhoes. Greg Brown stated that it is for backhoes and other equipment typically does not have it but this is dealer backed. Councilman Head stated that it seems that we would not be sure that we would get all the money back. Greg Brown stated that he felt certain that the equipment was in good shape and we will get the buyback. Councilman Head inquired as to whether Mr. Brown could present buyback information on the other backhoes. Greg Brown stated that he was not certain as to whether the City did other buybacks prior to this one. Councilman Head stated that the vendor could look at the equipment and then decide what amount he could give on it. Larry Hanson stated that the buyback is guaranteed unless there is damage that exceeds normal wear and tear. Councilman Head stated that during the past eight years he has felt that Council is not provided with enough information about the bid process. They receive a summary of the bids submitted and they are posted on the web site. Councilman Head suggested that Council be provided with the Request for Proposed and information on what is asked for in the specification. Councilman Yost inquired as to why there were two bids from Wallace Truck. Greg Brown stated that the bids were for two different brands. Mayor Fretti stated that Ms. Caldwell has asked that Council postpone the bid for two weeks until the buyback is completed and it is at Council's discretion to pull the bid out or proceed.

(7) Item 4(g) - Consideration of bids to purchase vehicle accessories for the Police Department (Bid No. 15-09-10) – The low bid was submitted by West Chatham Warning in the amount of \$32,378.14 and Greg Brown recommended that Council approve the low bid.

(8) Item 4(h) - Consideration of bids for a cab and chassis for a new combination sewer vacuum truck for the Water and Sewer Department (Bid No. 17-09-10) – The bids for the sewer vacuum truck will be opened in December to get the 2009 superior engine package. The low bid for the cab and chassis was submitted by Beck Motor Company in the amount of \$110,719 and Greg Brown recommended that Council approve the low bid.

(9) Item 4(i) - Consideration of bids for one Ford Expedition vehicle for the Police Department (Bid No. 13-09-10) – The low bid was submitted by Peach County Ford in the amount of \$20,984 and Greg Brown recommended that Council approve the low bid.

Mayor Fretti inquired as to whether Councilman Head still wanted to pull out Agenda Item 4(f). Councilman Head stated that there had been sufficient discussion and he did not want to pull the Agenda Item out.

A MOTION by Councilman Eunice, seconded by Councilman Yost, was unanimously adopted (7-0) to approve the low bids recommended by the Purchasing Agent under a Consent Agenda for Agenda Items 4(a) through 4(i).

Consideration of a request to approve a Change Order for the Valdosta-Lowndes County Regional Airport/Madison Highway Utility Extension.

Von Shipman, City Engineer, stated that Council approved a contract with Southern Allied Contractors to install water and sewer improvements along Madison Highway for the Airport Authority in the amount of \$343,004.30 plus a 10% contingency of \$34,300.43 for a total of \$377,304.73. After construction began, the City asked the contractor to order additional 12 inch ductile iron pipe to allow water to be extended to the Carroll property south of the Airport. The City also authorized the contractor to extend the 12 inch water and install a 4 inch sewer force main to the City Limit line. The plan and decision to extend the water to the Carroll property has yet to be finalized; however, ultimately, extension of water and sewer to the property south of the Airport will result in a contribution of \$150,000. A Change Order in the amount of \$254,906.90 is needed to cover the cost of the pipe and the extra work that was requested. Von Shipman recommended that Council approve the Change Order in the amount of \$254,906.90 plus a 10% contingency to handle any unforeseen circumstances.

A MOTION by Councilman Head, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve the Change Order in the amount of \$254,906.90 plus a 10% contingency to handle any unforeseen circumstances for the Valdosta-Lowndes County Regional Airport/Madison Highway Utility Extension.

LOCAL FUNDING AND REQUESTS

Consideration of a request to purchase 20 tickets for the 2010 Martin Luther King, Jr. Commemoration Association Founder’s Banquet.

Larry Hanson each year the Valdosta-Lowndes County Martin Luther King, Jr. Commemoration Association celebrates the Martin Luther King, Jr. Holiday by sponsoring many activities in our community. The 2010 celebration will mark the 25th year of organizing this event which will be held January 16-18, 2010. The Founder’s Banquet is one of the highlights of the Martin Luther King, Jr. Holiday festivities. This year the event will be held on January 9, 2010 at 6:30 p.m. at the James H. Rainwater Conference Center. The City of Valdosta has been a sponsor of this event for several years and they are requesting the City’s participation again this year with the purchase of 20 tickets at \$20.00 each. Larry Hanson recommended that Council approve the purchase of 20 tickets for the 2010 Martin Luther King, Jr. Commemoration Association Founder’s Banquet.

A MOTION by Councilman Head, seconded by Councilman Wright, was unanimously adopted (7-0) to approve a request to purchase 20 tickets for the 2010 Martin Luther King, Jr. Commemoration Association Founder’s Banquet.

Consideration of a request to create a Community Task Force on Violence.

Larry Hanson, City Manager, stated that we have all been affected by the recent violence in our community and it is appropriate for the City to approach a concept of having a Community Task Force on Violence. The Task Force would consist of a cross-section of community leaders and interested persons to form sub-committees, to give specific tasks, to give a timeframe of 90 days to keep focused, and then have the committees make recommendations to the entire 14-person Task Force. Once agreement has been reached on the recommendations then it will be disseminated to the community. This is a very appropriate way to hear from various segments of the community to offer what they see as the issues and solutions and reaching out to some groups who would not have input. Larry Hanson asked Council's consideration in moving forward with a Community Task Force on Violence. Mayor Fretti stated that this is before Council for their support and guidance and the City Manager has graciously offered to provide Staff resources to assist the Task Force. The Task Force will embrace the entire community for input. Mayor Fretti stated that two Councilmen will need to be appointed to the Task Force. Councilman Wright stated that he was truly sorry for this occurrence and the victims and their families were in his prayers. He commended the Police Officers for their quick response to this crime and encouraged everyone to set aside their differences and come together in a united front to help address this problem. Councilman Wright stated that he would like to serve on the Task Force.

Councilman Wright left the meeting at 6:43 p.m.

Councilman Head stated that he would offer Councilman Wright's name to serve on the Task Force. There are several events going on surrounding the shooting in Hudson Docket and he hoped that wires would not get crossed. As people are considered for the Task Force, he hoped that they would serve from the heart and not because of visibility. Councilman Head asked that they also include people from Hudson Docket and Ora Lee West to serve on the Task Force. Councilman Yost stated that Council should not let the Task Force hinder them from making decisions that they need to make immediately or outside the scope of the Task Force. For example, the problems that have occurred at Andy's Wings and Things were presented to Council and it was decided to allow them to continue with more interaction from the Police Department. Council may have to go ahead and do some things that people do not like and shut down some establishments because of what they are doing to the community, the young people, and the lives they are destroying. Councilman Carroll stated that after the Crime Forum he took it upon himself to meet with some people he thought would be great at carrying forward the work that had begun. After meeting with these people one thing became very clear and that is that this Task Force is exactly what we need to be doing to move forward on this issue. We need to include representatives from the most affected areas in the community where the crimes are being committed. Councilman Carroll stated that he supported the Task Force and Councilman Wright's selection to the Task Force. Councilman Payton stated that he and Councilman Wright had discussed the possibility of having a television station record an event that will be held at the Serenity Church on November 22, 2009 and it could then be broadcast on Channel 17 like the Community Forum.

A MOTION by Councilman Head, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the proposal as submitted by the City Manager for a Community Task Force on Violence.

Mayor Fretti stated that there will be two City Council members to serve on the Community Task Force on Violence in an At-Large position. Councilman Wright has been nominated for one of those positions. Mayor Fretti stated that the Task Force will be active for at least 120 days or longer and asked for nominations for the second position. Councilman Head nominated Councilman Tim Carroll. Councilman Carroll nominated Councilman John Eunice.

Councilman James Wright received six votes to serve on the Community Task Force on Violence. Councilman Tim Carroll received four votes with Councilman Eunice abstaining.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, thanked the Valdosta Police Department for their tireless efforts during the Recent violence that occurred in our community. Larry Hanson also thanked the Mayor and Council for their

attendance at the City's annual Thanksgiving luncheon. Also, the City Manager has been sending pictures to Council of some of the City's projects as they are progressing such as the Martin Luther King, Jr. Memorial and the new Utility Building.

COUNCIL COMMENTS

Councilman Head requested that the Departmental Monthly Reports be transmitted electronically. Also, Councilman Head had requested some expenditure data on Freedom Park and inquired about the status. Larry Hanson stated that this was a very complicated project because part of it was when the City sold Sunset Park and was required by the Department of Natural Resources to invest that money in Freedom Park. Von Shipman, City Engineer, stated that they were also looking at the last ten years where money has been spent on all park improvements throughout the community. They have been working with the Finance Department and he will provide that information to Councilman Head tomorrow.

Mayor Fretti stated that there will be an Executive Session tonight. He would also like for the City Attorney to investigate the purposes of Executive Session which are real estate, personnel, and litigation. It seems a little silly for the City to say in public that we are purchasing a Dodge Charger to use for undercover work and we do not want anyone to know. This is a normally purchased vehicle and it is in the approved budget. Secondly, there needs to be some security efforts for Council Chambers and City Hall and it seems a little silly to have Chief Simons discuss that in public. There should be a reason under security that Council could go into Executive Session to discuss something of that nature.

Mayor Fretti thanked the City employees for their work on the Thanksgiving luncheon. They did an outstanding job and it was a wonderful day for networking, fellowship, food, and longevity bonuses.

ADJOURNMENT

Mayor Fretti entertained a motion to adjourn the Council meeting and enter into an Executive Session for the purpose of discussing real estate.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the November 19, 2009 meeting of the Valdosta City Council at 6:59 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:35 p.m. and stated that there was discussion of real estate in the Executive Session and no action was taken.

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Head, seconded by Councilman Payton, was unanimously adopted (6-0) to adjourn the November 19, 2009 meeting of the Valdosta City Council at 7:35 p.m. to meet again in regular session on Thursday, December 10, 2009.

City Clerk, City of Valdosta

Mayor, City of Valdosta