

**Personnel, Operations & Procedures Committee
Volusia Growth Management Commission**

MINUTES FOR
MEETING HELD
Monday, November 5, 2012

City of Daytona Beach
Room #116
301 S. Ridgewood Avenue
Daytona Beach, FL

The meeting was called to order at 1:00 p.m. by Committee Chairman, Gerald Brandon.

The following POP Committee Members were present: Committee Chairman Gerald Brandon, James Wachtel, Robert Storke, Kenneth Kuhar, Rich Walton and Joan Spinney. Also in attendance were Merry Chris Smith, VGMC Coordinator, Andre Anderson, Planning Design Group and Barry Wilcox, formerly with VHB-MillerSellen.

Chairman Brandon extended his appreciation to all of the POP Committee members for their time and effort serving on the committee.

OLD BUSINESS

Consideration of recommendation for 2012-13 proposed contracts for VGMC consultants

- 1) GrayRobinson – Chairman Brandon summarized the revisions previously made to the proposed contract, as well as further minor changes proposed by GrayRobinson relating to the conflict of interest section. There were no objections raised by the committee to the proposed revisions.

Ms. Smith stated that VGMC Chairman, Steve Katz, previously communicated comments regarding the 90-day notice to terminate services. Mr. Katz had stated you would generally bring in a replacement law firm and then provide a 30-day notice to the firm you would be terminating. General discussion ensued regarding the time needed to bring in a new firm. Member Storke commented that 30-days would not be sufficient notice if it was the legal firm who opted to terminate services with the VGMC. There was a general consensus to leave the notice at 90-days.

Joan Spinney made a motion to recommend the VGMC approve the 2012-13 proposed contract as amended by GrayRobinson; James Wachtel seconded the motion. Motion carried unanimously.

Member Walton joined the meeting at 1:10 p.m. Mr. Walton stated he had no issues with the GrayRobinson contract.

- 2) VHB-MillerSellen – Chairman Brandon summarized the revisions previously made to the proposed contract. Ms. Smith stated the VGMC Chairman previously commented that under the section regarding termination of representation, it is not necessary to include the term “weighted” vote since all of the votes of the Commission are now weighted

under the revised Rules of Procedure. Mr. Brandon commented that leaving “weighted” in the contract adds strength. The committee concurred and agreed to leave the language as proposed.

Joan Spinney made a motion to recommend the VGMC approve the 2012-13 proposed VHB-Miller Sellen contract as previously amended; seconded by James Wachtel.

Member Walton recommended that language be added to the planning contracts which specifically identifies the designated project manager, and also that any change to the designated project manager must be approved by the VGMC. Mr. Walton stated he includes this provision in the contracts he uses at the City of Daytona Beach.

General discussion ensued regarding the need to incorporate the suggested language. Mr. Walton stated “who” is doing the work is more important than the firm, and he emphasized the VGMC should have the ability to reject an individual assigned by the firm to perform the work. Mr. Brandon asked Andre Anderson his opinion on the matter. Mr. Anderson stated that he understands why the VGMC would want the project manager to be identified in the contract, but also felt there should be some flexibility for the firm to manage their staff resources. Following further discussion, Mr. Anderson stated he could support including language as suggested by Mr. Walton.

The committee expressed general support for adding language to both planning contracts relating to identifying the project manager, as well as any changes to the designated project manager made by the firm. Mr. Brandon asked Mr. Walton to provide the language used in his contracts to the VGMC Coordinator and he agreed. Mr. Brandon asked the other committee members if they wanted to see the proposed language first or if they were comfortable with the concept in adding the language. The committee was in agreement with the concept.

Joan Spinney amended her original motion to include the new language in the contract as proposed by Richard Walton; James Wachtel amended his second to the original motion to accept the additional language. Motion carried unanimously.

- 3) Planning Design Group – Chairman Brandon summarized the revisions previously made to the proposed contract. Andre Anderson with Planning Design Group stated the changes made by the POP Committee are acceptable to him. Mr. Walton stated the contract should identify the assigned project manager and should also include the same language relating to changes in the designated project manager as proposed in the VHB-MillerSellen contract.

Ms. Spinney then commented that she did not want the changes to cause a delay in presenting the contracts for approval at the November 28, 2012 regular meeting of the commission. She then made a motion to recommend the VGMC approve the 2012-13 proposed Planning Design Group contract as amended, including new language relating to the project manager; seconded by James Wachtel. Motion carried unanimously.

Chairman Brandon asked the VGMC Coordinator to make the changes and forward to both VHB & PDG as soon as possible so they can be executed and returned by the respective firms so the POP Committee can present them to the full commission for approval at the November 28, 2012 regular meeting.

NEW BUSINESS

Approval of the minutes of the September 20, 2012 POP Committee Meeting:

Joan Spinney made a motion to approve the minutes of the September 20, 2012 POP Committee meeting as presented; seconded by Robert Storke. Motion carried unanimously.

Discuss Request for Statement of Qualifications (RSQ) process for small scale planning review services:

Chairman Brandon explained that several years ago the commission decided to look at each of the consultants every three years, which would be handled through the RSQ process on an annual and rotational basis. He stated that presently, the small scale planning review process is up for review.

Mr. Brandon explained the draft before the committee is a marked up version from the RSQ previously used for legal services which has been modified for use with planning services.

Mr. Walton suggested on page 2 of the draft RSQ, item 5) under Qualifications, the reference to a "...specific planner" be changed to "...specific project manager". The committee concurred.

Mr. Walton also raised a question concerning the scope of service being limited to small scale reviews. He stated that if the selected firm would also perform large scale reviews on occasion, the RSQ should be clear to reflect that. Mr. Wachtel commented concerning the County's purchasing guidelines and suggested the RSQ indicate the firm's review will be primarily, but not limited to, small scale amendments. Andre Anderson commented that there is no difference in the level of skill necessary to review small and large scale amendments, and he concurred the RSQ should contain the flexibility to allow for the review of both small and large scale amendments.

Brief discussion ensued regarding the wording of the RSQ. There was general agreement to eliminate all reference to "small scale" which would allow the firm to also perform large scale reviews as determined by the commission.

Chairman Brandon asked Barry Wilcox if he had any comments he would like to add. Mr. Wilcox suggested there be a better balance between the two planning contract amounts to allow more flexibility in assignment of tasks. In addition, he stated the planning reviews are not limited to small and large scale comprehensive plan amendments, but also include occasional review of DRI's (Development of Regional Impact) and PUD's (Planned Unit Developments).

With respect to the previously recommended change in language from “planner” to “project manager”, Mr. Storke pointed out that “planner” is referenced in several areas throughout the RSQ and the change should be made in those places as well. The committee concurred.

Ms. Spinney asked if there is a requirement that veterans be given preference in the selection process. Mr. Walton commented that he believes it is required in a regular employment situation, however, not in contracts.

Mr. Walton stated the RSQ should specifically request the firms submitting proposals to identify who the project manager would be. The committee agreed to add that requirement to the Submittal Requirements on page 5 of the RSQ, following 2) f).

Mr. Wachtel raised a question relating to the insurance requirements. He stated there are generally more specific requirements regarding the various insurance coverages, such as auto liability, professional liability, etc. Following further discussion, the committee directed the coordinator to contact the County’s purchasing division to obtain the insurance requirements for inclusion in the RSQ.

The committee discussed the proposed schedule and agreed the proposed start date for the firm would be October 1, 2013 (the beginning of the fiscal year). The committee also agreed that it should be clear in the RSQ that the POP Committee will be serving as the evaluation committee. There was general agreement to add the following statement under the closing date: “Proposals will be evaluated by a committee consisting of members of the VGMC Personnel, Operations & Procedures Committee.” With the addition of this language, the committee agreed the reference to “evaluation committee” used in this section can be deleted.

The committee further discussed dates for the proposed schedule. There was general agreement to schedule the award of contract by the commission at the August 28, 2013 regular meeting. There was also general agreement that the date established for oral presentations and ranking of firms be the same since the committee would rank the firms at the conclusion of the oral presentations. Ms. Smith stated in the past, once the POP Committee ranked the firms, the highest ranked firm was contacted and a proposed contract was submitted by that firm for consideration by the POP Committee and recommendation to full commission. Ms. Smith reviewed the timetable utilized during the previous legal RSQ. The committee generally agreed to establish a timeline similar to that used with the legal RSQ.

The committee then discussed advertising of the RSQ. Ms. Smith stated the RSQ would be posted on the website, and the Florida American Planning Association (FAPA) would also publish a link to our website on their website. She added that the legal RSQ was advertised in the Daytona Beach, Jacksonville and Orlando newspapers, and letters were also sent directly to a number of legal firms notifying them of the RSQ. Messrs. Anderson and Wilcox stated that Demand Star is typically the mechanism local governments utilize for putting out RSQ/RFP’s. Following discussion, there was general agreement to utilize professional advertising institutes and eliminate newspaper advertisements.

There were no additional recommended changes at this time. Chairman Brandon stated the current draft will be updated based on the discussion at today's meeting and will be brought back to the POP Committee at the next scheduled meeting.

OTHER BUSINESS

Andre Anderson thanked the committee for their recommendation of approval of the 2012-13 Planning Design Group contract.

Barry Wilcox stated that he has resigned from VHB-MillerSellen and thanked the committee for allowing him the opportunity to work as the project manager for the VGMC. Chairman Brandon thanked Mr. Wilcox for his outstanding work and wished him the best in the future.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:18 p.m.


POP Committee Chairman