

CITY OF PALM COAST
COUNCIL MEETING
CITY HALL
160 LAKE AVENUE
PALM COAST, FL 32164
TUESDAY, FEBRUARY 18, 2020
9:00 A.M.

Mayor Milissa Holland
Vice Mayor Nick Klufas
Council Member Eddie Branquinho
Council Member Robert G. Cuff
Council Member Jack D. Howell, II

AGENDA

City Staff

Matthew Morton, City Manager
William Reischmann, City Attorney
Virginia A. Smith, City Clerk

Public Participation shall be in accordance with Section 286.0114 Florida Statutes.

Other matters of concern may be discussed as determined by City Council.

If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.

City Council Meetings are streamed live on YouTube

All pagers and cell phones are to remain OFF while City Council is in session.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

D. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or on a previous City Council Workshop, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL FOR
FEBRUARY 4, 2020 BUSINESS MEETING

F. PRESENTATION ORDINANCES SECOND READ

2. ORDINANCE 2020-XX ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY
3. ORDINANCE 2020-XX AMENDING THE CITY OF PALM COAST CODE OF ORDINANCES ESTABLISHING A NEW SECTION BY PROVIDING FOR THE REGULATION OF VAPOR-GENERATING ELECTRONIC DEVICES AND LIQUID NICOTINE

G. RESOLUTIONS

4. RESOLUTION 2020-XX APPROVING THE FINAL PLAT FOR SAWMILL CREEK (AR #4099)
5. RESOLUTION 2020-XX AUTHORIZING THE CITY MANAGER TO EXECUTE THE EAST FLAGLER MOSQUITO CONTROL DISTRICT (EFMCD) LOW LEVEL LIGHTS AND APPOINT A COUNCIL MEMBER TO ACCOMPANY EFMCD ON AN AERIAL TOUR
6. RESOLUTION 2020-XX APPROVING AN INTERLOCAL AGREEMENT WITH FLAGLER COUNTY RELATED TO THE PUBLIC SAFETY COMMUNICATION NETWORK
7. RESOLUTION 2020-XX LOCAL MATCH FOR THE ASSISTANCE TO FIREFIGHTERS GRANT AWARD FOR THE PEER FITNESS TRAINING AND FIREFIGHTING JOB-RELATED FITNESS EQUIPMENT
8. RESOLUTION 2020-XX APPROVING A MASTER SERVICE AGREEMENT WITH CONNECT CONSULTING, INC., FOR PROFESSIONAL HYDROGEOLOGICAL SERVICES ON AN AS NEEDED BASIS

H. PUBLIC PARTICIPATION

I. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

J. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

K. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

9. DISCUSSION OF THE NOVEMBER AND DECEMBER 2019 EMERGENCY
PURCHASES

L. ADJOURNMENT

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: CITY CLERK

Subject: MINUTES OF THE CITY COUNCIL FOR
FEBRUARY 4, 2020 BUSINESS MEETING

Recommended Action: FOR COUNCIL CONSIDERATION

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: CITY CLERK

Subject: ORDINANCE 2020-XX ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY

Background:

UPDATED BACKGROUND FROM THE FEBRUARY 4, 2020 BUSINESS MEETING.

This item was heard by the City Council at the February 4, 2020 Business Meeting. There were no changes suggested to this item.

UPDATED BACKGROUND FROM THE JANUARY 28, 2020 WORKSHOP

This item was heard by the City Council at the January 28, 2020 Workshop. During the meeting, Council discussed the process and how it relates to those currently trespassed. The City Attorney has added language addressing Council's concerns, which states in Section 1-13 "This section applies retroactively."

ORIGINAL BACKGROUND FROM THE JANUARY 28, 2020 WORKSHOP

Over the past decade, there have been times the City has trespassed citizens from certain City facilities for public safety and welfare. The Flagler County Sheriff's Office, as allowed by state law, has issued "trespass warnings" to individuals on City of Palm Coast owned property who are warned that if they return to the property, they will be arrested for trespass. Such trespass warnings are given to individuals who were acting in violation of City ordinances or Florida state statutes. The practice has not been formally memorialized within the City Code previously. The presence of individuals who violate state statutes or city ordinances, rules or regulations on public property creates a threat to the public safety and welfare, therefore this Ordinance is necessary to promote public safety and public welfare. Staff recommends adoption in order to provide consistency and uniformity for the issuance of these "trespass warnings." Staff also recommends that City Council approve the process for individuals to appeal these trespass warnings.

Recommended Action: ADOPT ORDINANCE 2020-XX ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: CITY CLERK

Subject: ORDINANCE 2020-XX AMENDING THE CITY OF PALM COAST CODE OF ORDINANCES ESTABLISHING A NEW SECTION BY PROVIDING FOR THE REGULATION OF VAPOR-GENERATING ELECTRONIC DEVICES AND LIQUID NICOTINE-POSTPONED

Background:

UPDATED BACKGROUND FROM THE FEBRUARY 4, 2020 BUSINESS MEETING.

This item was heard by the City Council at the February 4, 2020 Business Meeting. This item was advertised to be heard on the February 18, 2020 business meeting for City Council's consideration. However, upon further legal review, staff and the City Attorney will bring this item back to City Council upon finalization. Staff will re-advertise the second reading of this Ordinance in accordance with state statutes.

UPDATED BACKGROUND FROM THE JANUARY 28, 2020 WORKSHOP

This item was heard by the City Council at the January 28, 2020 Workshop. There were no changes suggested to this item. Staff, however, did revise to include the section number of the Code of Ordinances to the proposed draft, as attached.

ORIGINAL BACKGROUND FROM THE JANUARY 28, 2020 WORKSHOP

At the January 21, 2020 business meeting, Council Member Howell requested Council census to direct staff to bring forth an ordinance relating to vaping. Staff and the City Attorney have researched and provide the attached draft regarding regulating vapor generating electronic devices and liquid nicotine.

The City of Palm Coast, Florida (the "City") is granted the authority, under Section 2(b), Article VII, of the State Constitution, to exercise any power for municipal purposes, except where expressly prohibited by law. A primary purpose of the Code of Ordinances of the City is to protect the health, safety and welfare of the residents, citizens and visitors of the City.

There are health dangers posed by tobacco and nicotine that are not limited to merely cigarettes or other traditional forms of smoking. Despite progress in reducing smoking, tobacco use is still the leading cause of preventable death in the United States.

Electronic cigarettes ("e-cigarettes" or "vapor-generating electronic devices") entered the marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among middle school and high school students in the United States. Electronic cigarettes companies have effectively used marketing strategies, including celebrity endorsements, slick magazine advertisements, social media campaigns, paid influencers, and music sponsorships, to reach youth and young adults. A 2016 study found that 78.2% of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9% only two years before, in 2014.

According to the Centers for Disease Control and Prevention (“CDC”), the number of middle and high school students who reported being current users of tobacco products increased 36%—from 3.6 million to 4.9 million students—between 2017 and 2018. This dramatic increase, which has erased past progress in reducing youth tobacco use, is directly attributable to a nationwide surge in e-cigarette use by adolescents. There were 1.5 million more youth e-cigarette users in 2018 than 2017, and those who were using e-cigarettes were using them more often. Frequent use of e-cigarettes increased from 20 percent in 2017 to 28 percent in 2018 among current high school e-cigarette users.

The widespread use of e-cigarettes by youth has significant public health consequences. As stated by the Surgeon General, “Most e-cigarettes contain nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products. Nicotine exposure during adolescence can harm the developing brain – which continues to develop until about age 25. Nicotine exposure during adolescence can impact learning, memory, and attention. Using nicotine in adolescence can also increase risk for future addiction to other drugs. In addition to nicotine, the aerosol that users inhale and exhale from e-cigarettes can potentially expose both themselves and bystanders to other harmful substances, including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs.”

This item is for Council consideration and requests direction be provided to staff regarding this draft Ordinance.

Recommended Action:

ADOPT ORDINANCE 2020-XX AMENDING THE CITY OF PALM COAST CODE OF ORDINANCES ESTABLISHING A NEW SECTION BY PROVIDING FOR THE REGULATION OF VAPOR-GENERATING ELECTRONIC DEVICES AND LIQUID NICOTINE-POSTPONED

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: PLANNING

Subject: RESOLUTION 2020-XX APPROVING THE FINAL PLAT FOR SAWMILL CREEK
(AR #4099)

Background:

Sawmill Creek is located on the west side of US Highway 1, about 2/3 mile north of Matanzas Woods Parkway. This plat on Tracts 6A & 6B of the Palm Coast Park DRI/MPD is the initial phase of the Sawmill Creek residential community that is planned for about 2200 homes.

The application, submitted by Dominion Engineering Group, Inc. and the owner/applicant, Palm Coast Holdings, LLC proposes to plat and subdivide approximately 110 +/- acres of land into 259 single-family residential lots and 11 tracts. About 2/3 of the lots will have a minimum width of 50 feet while the balance will have a minimum width of 60 feet. Amenities are also being provided for future residents.

This project assists the City in meeting Policy 1.1.2.1 of the Future Land Use Element, which states, "Permitted uses within a MPD shall generally follow those allowed within the corresponding zoning districts associated with the FLUM designation. Deviations from these standards may be permissible in order to promote and encourage creatively planned projects and in recognition of special geographical features, environmental conditions, economic issues, or other unique circumstances."

The Final Plat is the third step in the platting process. The first step was the Subdivision Master Plan, which was reviewed/approved by the Planning & Land Development Regulation Board, and then the Preliminary Plat and construction drawings which were reviewed and approved by City staff. The Applicant was issued a Site Development Permit in late 2018, to construct the site infrastructure in accordance with the approved construction plans filed with the preliminary plat.

A performance bond is being provided. It is for utility work in the approximate amount of about \$434,000. This guarantees the developer will complete the necessary infrastructure to serve the future residents of the property or alternatively, provides the funding necessary so the City can finish such infrastructure.

Staff Findings:

The City's professional planning staff find Application #4099 meets the minimum standards of the Unified Land Development Code and is consistent with the adopted Comprehensive Plan. Approval of this final plat allows the developer to sell lots to their preferred homebuilders who will then construct homes and sell finished homes to Palm Coast residents. The project meets all of the technical requirements of the City Code and Florida Statutes, Chapter 177 FS.

Recommended Action:

FOR COUNCIL CONSIDERATION

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: CITY CLERK

Subject: RESOLUTION 2020-XX AUTHORIZING THE CITY MANAGER TO EXECUTE THE EAST FLAGLER MOSQUITO CONTROL DISTRICT (EFMCD) LOW LEVEL FLIGHTS AND APPOINT A COUNCIL MEMBER TO ACCOMPANY EFMCD ON AN AERIAL TOUR

Background:

Each year, the East Flagler Mosquito Control District (EFMCD) requests authorization to fly over congested areas in compliance with Federal Aviation Administration requirements. The Citizens of the City of Palm Coast pay for mosquito control services through property taxes, with a portion of this payment covering aerial operations. To provide the service in a timely fashion, without contacting each local government prior to each operation, the EFMCD requires a signed authorization that is in effect for one year. This authorization has become a formality over the years.

The authorization permits the district to perform low-level flights (500 feet) for mosquito control. The primary use for the aircraft is the control of developing mosquitos away from congested areas in and around wetlands.

The EFMCD does not apply control materials over congested areas unless the need arises. The EFMCD, consulting with health officials, is solely responsible for determining need, which is driven by an extraordinary nuisance or an impending health threat. The requested authorization allows the EFMCD to take the necessary action when the need is officially determined. Public Notice will be published monthly, beginning in March, and ending in October, to provide ongoing public awareness about aerial spray operations and contact information.

Recommended Action:

ADOPT RESOLUTION 2020-XX AUTHORIZING THE CITY MANAGER TO EXECUTE THE EAST FLAGLER MOSQUITO CONTROL DISTRICT (EFMCD) LOW LEVEL FLIGHTS AND APPOINT A COUNCIL MEMBER TO ACCOMPANY EFMCD ON AN AERIAL TOUR

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: INFORMATION TECHNOLOGY

Subject: RESOLUTION 2020-XX APPROVING AN INTERLOCAL AGREEMENT WITH FLAGLER COUNTY RELATED TO THE PUBLIC SAFETY COMMUNICATION NETWORK

Background:

****THIS ITEM WAS SCHEDULED TO BE HEARD AT THE FEBRUARY 11, 2020 WORKSHOP. HOWEVER, THAT MEETING WAS CANCELLED.****

In 2009, the City of Palm Coast and Flagler County entered into an Interlocal Agreement to merge the City's existing 800MHZ radio system, built in 2005, with the County's 800MHZ system. This merger allowed the City of Palm Coast to experience better capacity and coverage than it currently had, as well as expand communications across agencies. The City made an initial investment of \$1.5 million into the county-wide 800MHZ which went into an escrow account for future expansion of the system.

On December 10, 2018, the City of Palm Coast and Flagler County again entered into an Interlocal Agreement for the upgrade and expansion of the 80MHZ system, now called the Public Safety Communication Network (PCSN). The \$1.5 million in the escrow account was used for this upgrade and expansion. This expansion was to provide better reliability, improved coverage, better clarity, additional growth capacity, as well as to move onto newer 800MHZ technology.

With the upgrade complete, staff is seeking to enter another Interlocal Agreement with Flagler County related to the Rental of Public Safety Communications Equipment and the Annual Subscriber Fee to be paid by the City to the County.

These rental payments cover the cost of the initial radios being provided for the City of Palm Coast's use. These radios will be owned by the County, but used by the City until the next subscriber radio replacement. This agreement also clarifies the cost of repair and maintenance, parts issuance, and any additional equipment additions. As part of this Agreement, it allows for an annual subscriber fee to assist with the maintenance and costs associated with the Public Safety Communications System.

A one-time rental fee of \$876,253.44 will be paid to the County as well as an annual subscriber fee of \$120.00 per Subscriber Unit issued to the City. There are currently 398 Subscriber Units for a total reoccurring annual fee of \$47,760.00. The total initial investment will be \$924,013.44, which includes the one-time rental fee (\$876,253.44) and the first year's subscriber fee (\$47,760.00), all of which has been accounted for in the current budget. The expected lifespan of the equipment is a minimum of 8 years.

As part of the City Council's goals to ensure a safe community for our citizens and visitors, the PCSN allows for the City to provide a safer community for our residents, as well as preparing for the growth of

the 800MHZ system. In respects to another Council goal, the PCSN, will also assist in the anticipation of the need for additional services and infrastructure as the City grows.

Recommended Action:

ADOPT RESOLUTION 2020-XX ADOPT RESOLUTION 2020-XX APPROVING AN
INTERLOCAL AGREEMENT WITH FLAGLER COUNTY RELATED TO PUBLIC SAFETY
COMMUNICATION NETWORK

City of Palm Coast, Florida
Agenda Item

Agenda Date: 02/18/2020

Department: FIRE

Amount: \$142,014.52

Account: 10014000-052000

Subject: RESOLUTION 2020-XX APPROVING THE LOCAL MATCH FOR THE ASSISTANCE TO FIREFIGHTERS GRANT AWARD FOR THE PEER FITNESS TRAINING AND FIREFIGHTING JOB-RELATED FITNESS EQUIPMENT

Background:

****THIS ITEM WAS SCHEDULED TO BE HEARD AT THE FEBRUARY 11, 2020 WORKSHOP. HOWEVER, THAT MEETING WAS CANCELLED****

The Fire Department applied for grant funding for enhancing the fitness and wellness levels of fire department employees. The grant funding opportunity is the Assistance to Firefighters Grant (AFG) Program, administered by the Federal Emergency Management Agency (FEMA) for the Department of Homeland Security. Through the grant funding, the department will host a Peer Fitness Training class and purchase job-related exercise equipment for each fire station.

On September 13, 2019, City of Palm Coast received notification of a grant award. The purpose of this grant program is to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated Emergency Medical Services organizations, and State Fire Training Academies. This funding is for critically needed resources to equip and train emergency personnel to recognized standards, enhance operations efficiencies, foster interoperability, and support community resilience.

This grant will assist in promoting life-long habits for health and safety for all employees and family members. The fire department continues to strive towards educating and empowering employees to make exercise, diet and prudent life choices a primary thought before actions or inactions.

The grant award is for \$156,216 of which the federal share is \$142,014.54, leaving the local match of \$14,201.46. The local matching funds are within the Fire Department's FY 2020 operating budget.

Recommended Action:

ADOPT RESOLUTION 2020-XX APPROVING THE LOCAL MATCH FOR THE ASSISTANCE TO FIREFIGHTERS GRANT AWARD FOR THE PEER FITNESS TRAINING AND FIREFIGHTING JOB-RELATED FITNESS EQUIPMENT

Agenda Date: 02/18/2020

Department: STORMWATER AND ENGINEERING

Subject: RESOLUTION 2020-XX APPROVING A MASTER SERVICE AGREEMENT WITH CONNECT CONSULTING, INC., FOR PROFESSIONAL HYDROGEOLOGICAL SERVICES ON AN AS NEEDED BASIS

Background:

****THIS ITEM WAS SCHEDULED TO BE HEARD AT THE FEBRUARY 11, 2020 WORKSHOP. HOWEVER, THAT MEETING WAS CANCELLED****

As part of the City Council goals to ensure that all infrastructure is a priority regarding maintenance and performance, City staff advertised a request for statement of qualifications (RFSQ-CD-20-31) for Professional Hydrogeological Services. These services will be used on an as-needed basis to expand our infrastructure for sustainable growth which includes water source development, water supply and monitoring, well design and construction, aquifer performance tests, raw water quality analysis and evaluation, emergency well field power.

The current continuing hydrogeological service contract expires April 2020.

In accordance with the City's Purchasing Policy and Florida Statutes, specifically the Consultants' Competitive Negotiation Act, City staff received a qualification package from (1) one firm, Connect Consulting, Inc., (CCI), of High Springs, FL. Their qualifications were reviewed by a committee consisting of three City staff. The proposal was evaluated based on their project understanding, over 40 years' experience with local utility projects, technical capability, and the project team. After reviewing the qualifications, staff recommended awarding the contract to Connect Consulting, Inc.

The proposed continuing services contract will be for a period of two years with options for three one-year renewals. City staff will present City Council with work orders for consideration as services are needed and in accordance with the City's Purchasing Policy.

Recommended Action:

ADOPT RESOLUTION 2020-XX APPROVING A MASTER SERVICE AGREEMENT WITH CONNECT CONSULTING, INC., FOR PROFESSIONAL HYDROGEOLOGICAL SERVICES ON AN AS NEEDED BASIS

Agenda Date: 02/18/2020

Department: ADMINISTRATION

Subject: REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR
JANUARY 2020

Background:

Attached is a list of emergency purchases and sole source purchases made during January
2020