

CITY OF PALM COAST
COUNCIL WORKSHOP MEETING
VIRTUAL/HYBRID MEETING
PALM COAST, FL 32164
TUESDAY, MARCH 16, 2021
9:00 a.m.

Mayor Milissa Holland
Vice Mayor Eddie Branquinho
Council Member Victor Barbosa
Council Member Ed Danko
Council Member Nick Klufas

MINUTES

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.

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

A. CALL TO ORDER

Vice Mayor Branquinho called the meeting to order at 9:00 am

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Virginia Smith called the roll. Mayor Holland was absent.

D. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. And pursuant to the City Council's Meeting Policies and Procedures:

(1) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.

(2) The Public may provide comments to the City Council relative to matters not on the agenda at the times indicated in this Agenda. Following any comments from the public, there may be discussion by the City Council.

(3) When addressing the City Council on specific, enumerated Agenda items, speakers shall:

(a) direct all comments to the Mayor;

(b) make their comments concise and to the point;

(c) not speak more than once on the same subject;

(d) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;

(e) obey the orders of the Mayor or the City Council; and

(f) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.

(4) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit.

Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting.

Robert MacDonald shared that within the past year, 34 new concrete slabs between Rymfire to Rolling Sands were put down. Mr. MacDonald requested to know how much each slab cost the tax payers, what the life expectancy of the work is, and who will be completing the work. Mr. MacDonald suggested potential causes to include that the concrete is poor quality or not being installed correctly and the possibility that city vehicles, namely golf carts, are riding on the sidewalks and causing damage.

Janie Holley discussed the Slow Way ordinance and completed her own traffic counts for that area. The average was 500 vehicles in a 12 hour span. Ms. Holley requested council reconsider the tabled item.

Steve Carr discussed harmful traffic on Florida Park Drive. Mr. Carr submitted information to Council on traffic exposures, which is attached to these minutes.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL FOR:

MARCH 2, 2021 BUSINESS MEETING

MARCH 9, 2021 WORKSHOP

Motion by Council Member Klufas, seconded by Council Member Barbosa to accept the minutes as presented. The motion carried unanimously.

F. PROCLAMATIONS

2. PROCLAMATION - PROCLAIMING MARCH 24, 2021 AS EQUAL PAY DAY

Council Member Klufas presented this Proclamation.

Vice Mayor Branquinho apologized to the public speakers and requested they work with Mr. Morton on their questions.

3. PROCLAMATION - MARCH AS "MULTIPLE MYELOMA AWARENESS" MONTH
Council Member Barbosa presented this Proclamation.

G. RESOLUTIONS

4. RESOLUTION 2021-31 APPROVING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020 AS PRESENTED BY JAMES MOORE & CO., P.L.

Mr. Morton provided a brief overview to this item.

Mr. James Halleran and Mr. Webb Sheppard presented to Council the 2020 Annual Audit CAFR.

Council held a discussion on the CAFR.

Council Member Barbosa asked how the city finance team is doing.

Mr. Halleran responded to Council Member Barbosa to explain that the city finance team is doing a great job.

Council Member Barbosa requested details regarding zero percent debt free.

Mr. Halleran explained that currently there is no general obligation debt; Utility and CRA have debt. Mr. Halleran also explained that it is very unusual to have a city build a City Hall without having to issue debt.

Vice Mayor Branquinho asked how many cities the company audits in Florida.

Mr. Halleran stated approximately 75.

Vice Mayor Branquinho requested to know the course of action should the analysts find evidence of fraud.

Mr. Halleran described the process to council to include parties notified.

Vice Mayor Branquinho asked if there was any evidence of fraud for the City of Palm Coast.

Mr. Halleran responded that there was no evidence of fraud.

Motion by Council Member Klufas, seconded by Council Member Barbosa, to adopt resolution 2021-31. The motion carried unanimously.

5. RESOLUTION 2021-32 APPROVING THE COLBERT LANDINGS PUD TERMINATION

Ray Tyner, Deputy Chief Development Officer, provided Council with an overview to items 5, 6, and 7.

Motion by Council Member Klufas, seconded by Council Member Barbosa, to adopt resolution 2021-32. The motion carried unanimously.

H. ORDINANCES SECOND READ

6. ORDINANCE 2021-03 COLBERT LANDINGS NORTH PARCEL REZONING - APPLICATION # 4610

City Attorney Reischmann read the title into the record. Attorney Reischmann called for any ex-parte communications on this quasi-judicial item. There were none.

Public Comment

Chris Martin stated that there seems to be a lot of houses being constructed and requested to know if any provisions have been made for flooding. Additionally, Mr. Martin requested to know if there were any concerns about the municipalities not having definitive separations and blending like Daytona and Ormond.

Mr. Tyner provided a response to Mr. Martin's concerns. Mr. Tyner explained that such provisions have been made.

Motion by Council Member Klufas, seconded by Council Member Danko to adopt resolution 2021-03. The motion carried unanimously.

7. ORDINANCE 2021-04 COLBERT LANDINGS SOUTH PARCEL REZONING - APPLICATION # 4610

City Attorney Reischmann read the title into the record.

Attorney Reischmann reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none.

Public Comment

There were none.

Motion by Council Member Klufas, seconded by Vice Mayor Danko to adopt resolution 2021-04. The motion carried unanimously.

I. CONSENT

Public Comments:

There were none.

8. RESOLUTION 2021-33 APPROVING A WORK ORDER WITH DRMP, INC. AND APPROVAL OF A 5% CONTINGENCY TO PROVIDE ENGINEERING SERVICES FOR THE LONDON WATERWAY EXPANSION FINAL DESIGN
9. RESOLUTION 2021-34 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
10. RESOLUTION 2021-35 APPROVING THE SYSTEM MAINTENANCE AND SUPPORT AGREEMENT WITH CUBIC TRAFFICWARE
11. RESOLUTION 2021-36 APPROVING THE PURCHASE OF MATERIALS, EQUIPMENT, CONSULTING SERVICES AND RELATED EXPENSES FOR SCADA NETWORK SECURITY
12. RESOLUTION 2021-37 APPROVING A MASTER SERVICES AGREEMENT WITH QUANTUM ELECTRICAL FOR UTILITY POWER DISTRIBUTION POLE REPAIR AND REPLACEMENT
13. RESOLUTION 2021-38 ESTABLISHING AN ADMINISTRATIVE PROCEDURE FOR REVIEW OF REASONABLE ACCOMMODATION REQUESTS AS REQUIRED BY THE FEDERAL FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT

Motion by Council Member Danko, seconded by Council Member Klufas to adopt the consent agenda. The motion carried unanimously.

J. PUBLIC PARTICIPATION

Remainder of Public Comments is limited to three (3) minutes each.

Carol Bradfield discussed using money for pickleball and suggested that it should be brought to a vote for all residents to decide if this is a good use of taxpayer dollars. Ms. Bradfield also recommended recruiting corporate donors for funding of this project.

Chris Martin discussed the pickleball courts and stated that he heard the project cost is \$17 million. Mr. Martin suggested a few small pickleball courts spread throughout town rather than one large complex.

Council Responded to comments:

Vice Mayor Branquinho requested to know if the price of \$17 million is correct.

Mr. Morton responded no, it is not \$17 million. Mr. Morton stated that the project cost is estimated around \$5 million.

Council Member Danko requested clarification on the cost- that the \$5 million is for phase 1.

Mr. Morton responded to state that there is a potential for more phasing.

Council held a further discussion on the funding and usage of dollars relating to capital projects and impact fees.

Attorney Reischmann clarified details to state that impact fees can only be used for new projects, they cannot be used to maintain existing facilities.

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

Council Member Barbosa requested a synopsis from the City Attorney regarding when a developer brings in a project, that if all is okay, what if Council would not vote for it, what would happen?

Attorney Reischmann responded to provide an explanation of the Land Development Code and property rights.

Council Member Danko asked Attorney Reischmann to explain the Developer's Rights a little further.

Attorney Reischmann provided further information on property rights.

Council Member Barbosa requested additional information regarding vested property rights.

Attorney Reischmann provided further information on vested property rights.

Vice Mayor Branquinho discussed elected officials and fairness and transparency. Mr. Branquinho discussed having received a few emails last week regarding properties in disarray and some of them have appeared on social media. Vice Mayor Branquinho discussed how he would handle this situation, to include contacting the city manager and code enforcement. Vice Mayor Branquinho asked that Council Members do the same.

Attorney Reischmann provided an overview to the eviction process for tenants and the rights of property owners, bank rights-if there is a mortgage on the property, etc.

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

Nothing at this time.

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

Mr. Morton thanked Mr. Martin for his questions.

Council Member Danko asked when the Slow Way Ordinance will come back.

Mr. Morton responded that he is working with our Traffic Engineer but it should not be too long.

14. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR FEBRUARY 2021

N. ADJORNMENT

The meeting was adjourned at 10:16 a.m.

Respectfully submitted by: Virginia A. Smith, MMC
City Clerk