

# City of Palm Coast Agenda COUNCIL BUSINESS MEETING

City Hall 160 Lake Avenue Palm Coast, FL 32164 www.palmcoastgov.com

Mayor David Alfin Vice Mayor Eddie Branquinho Council Member Ed Danko Council Member John Fanelli III Council Member Nick Klufas

Tuesday, November 1, 2022

6:00 PM

**COMMUNITY WING** 

City Staff
Denise Bevan, City Manager
Neysa Borkert, 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 and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting 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 at <a href="https://www.youtube.com/user/PalmCoastGovTV/live">https://www.youtube.com/user/PalmCoastGovTV/live</a>.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while Council is in session.
- Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will
  need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of
  the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- 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. 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.

City of Palm Coast Created on 10/28/22

- (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.

#### E. MINUTES

1. MINUTES OF THE CITY COUNCIL: OCTOBER 18, 2022 BUSINESS MEETING

#### F. PRESENTATIONS AND PROCLAMATIONS

- 2. PRESENTATION FLORIDA URBAN FORESTRY COUNCIL AWARD
- 3. PROCLAMATION NOVEMBER AS SHIRLEY CHISHOLM MONTH
- 4. PROCLAMATION NOVEMBER 14, 2022 AS WORLD DIABETES DAY AND THE MONTH OF NOVEMBER DIABETES AWARENESS MONTH
- 5. PROCLAMATION NOVEMBER AS VETERAN APPRECIATION MONTH
- 6. PROCLAMATION NOVEMBER AS SISTER CITIES PARTNERSHIP MONTH BETWEEN PALM COAST AND THE USS GERALD R. FORD

### G. ORDINANCES FIRST READ

- 7. ORDINANCE 2022-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 30+/- ACRES OF PROPERTY FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE & TIMBERLANDS AND CONSERVATION TO CITY OF PALM COAST DESIGNATION OF MIXED USE AND CONSERVATION US 1 AND WHITEVIEW
- 8. ORDINANCE 2022-XX AMENDING THE ZONING MAP DESIGNATION FOR A 30+/- ACRE

City of Palm Coast Created on 10/28/22

PARCEL FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE TO CITY OF PALM COAST DESIGNATION OF HIGH INTENSITY COMMERCIAL (COM-3) AND PRESERVATION (PRS) - US 1 AND WHITEVIEW

### H. RESOLUTIONS

9. RESOLUTION 2022-XX APPROVING THE EXECUTION OF AN FDOT LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 1 FOR THE CONSTRUCTION OF THE LEHIGH TRAILHEAD PROJECT

### I. CONSENT

10. RESOLUTION 2022-XX APPROVING A MASTER SERVICE AGREEMENT WITH ADVANCED ENVIRONMENTAL LABORATORIES, INC., FOR LABORATORY ANALYSIS SERVICES

#### J. OTHER BUSINESS

- 11. PRESENTATION CERTIFICATES TO GRADUATING STUDENTS OF THE CITY OF PALM COASTS CITIZENS ACADEMY CLASS
- K. PUBLIC PARTICIPATION

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

- L. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA
- M. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA
- N. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA
- O. ADJOURNMENT
  - 12. AGENDA WORKSHEET AND CALENDAR

City of Palm Coast Created on 10/28/22

Agenda Date : November 1, 2022

Departm Division	ent CITY ADMINISTRATION	Amount Account #		
Subject	MINUTES OF THE CITY COUNCIL: OCTOBER 18, 2022 BUSINESS ME			
Presenter : Virginia Smith, City Clerk				
Background :				
Recommended Action : ADOPT THE MINUTES OF THE CITY COUNCIL: OCTOBER 18, 2022 BUSINESS MEETING				

Agenda Date: November 1, 2022

DepartmentCITY ADMINISTRATIONAmountDivisionAccount

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Subject PRESENTATION - FLORIDA URBAN FORESTRY COUNCIL AWARD

Presenter: Brittany Kershaw, Communications & Marketing Director

### Background:

The Florida Urban Forestry Council's Friends of Our Urban Forest awards recognize achievements, organizations, and individuals advocating and promoting community and urban forests in their communities.

The Outstanding Tree Advocate Award recognizes an individual or organization in organizing, motivating, and/or stimulating urban forestry activities, landscape beautification, tree plantings, tree maintenance, tree preservation, and/or public tree education programs within the community. Examples of past nominees include community leaders, elected officials, exceptional volunteers, local nonprofit organizers, tree boards, beautification committees, tree advocate groups, garden clubs, youth groups, and homeowner associations.

The winner of the 2021 Outstanding Tree Advocate Award is Carol Mini, City of Palm Coast Urban Forester in the Community Development Department. The Florida Urban Forestry Council will be in attendance to present the award to Carol.

The Florida Urban Forestry Council (FUFC) is a statewide, non-profit organization with a diverse membership of municipalities, arborists, utility foresters, community tree board members, tree advocates, volunteers, horticulturists, landscape professionals, and interested citizens who care about trees in their communities.

Well-managed trees are a vital part of the urban environment and enhance the quality of life in our cities, towns, and communities. The Florida Urban Forestry Council strives to educate the citizens of Florida on the importance of trees, including their benefits, as well as the best methods to plant, maintain, manage, preserve, and sustain the urban forest.

Recommended Action : FOR PRESENTATION ONLY

Agenda Date: November 1, 2022

Department CITY ADMINISTRATION Amount Division Account

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Subject PROCLAMATION - NOVEMBER AS SHIRLEY CHISHOLM MONTH

**Presenter: Mayor and City Council** 

Background:

The City of Palm Coast would like to proclaim November as Shirley Chisholm Month.

**Recommended Action:** 

PROCLAIM NOVEMBER AS "SHIRLEY CHISHOLM" MONTH

Agenda Date: November 1, 2022

DepartmentCITY ADMINISTRATIONAmountDivisionAccount

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Subject PROCLAMATION – NOVEMBER 14, 2022 AS WORLD DIABETES DAY AND THE

MONTH OF NOVEMBER AS DIABETES AWARENESS MONTH

**Presenter: Mayor and City Council** 

Background:

Advent Hospital-Palm Coast has requested the City proclaim November 14, 2022 as World Diabetes Day and the month of November 2022 as Diabetes Awareness month.

**Recommended Action:** 

PROCLAIM NOVEMBER 14, 2022 AS WORLD DIABETES DAYS AND THE MONTH OF NOVEMBER AS DIABETES AWARENESS MONTH

Agenda Date: November 1, 2022

Department CITY ADMINISTRATION Amount Division Account

#

Subject PROCLAMATION - NOVEMBER AS VETERAN APPRECIATION MONTH

**Presenter: Mayor and City Council** 

Background:

The City of Palm Coast would like to proclaim November as Veteran Appreciation Month.

**Recommended Action:** 

PROCLAIM NOVEMBER AS "VETERAN APPRECIATION" MONTH

Agenda Date: November 1, 2022

DepartmentCITY ADMINISTRATIONAmountDivisionAccount

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**Subject** PROCLAMATION - NOVEMBER AS SISTER CITIES PARTNERSHIP MONTH BETWEEN PALM COAST AND THE USS GERALD R. FORD

Presenter : Mayor and City Council

Background:

The City of Palm Coast would like to proclaim November as Sister Cities Partnership Month between Palm Coast and the USS Gerald R. Ford.

**Recommended Action:** 

PROCLAIM NOVEMBER AS SISTER CITIES PARTNERSHIP MONTH BETWEEN PALM COAST AND THE USS GERALD R. FORD

Agenda Date: November 1, 2022

Department COMMUNITY Amount

DEVELOPMENT

Division Account

#

Subject ORDINANCE 2022-XX AMENDING THE FUTURE LAND USE MAP

DESIGNATION FOR 30+/- ACRES OF PROPERTY FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE & TIMBERLANDS AND CONSERVATION TO CITY OF PALM COAST DESIGNATION OF MIXED USE AND CONSERVATION –

US 1 AND WHITEVIEW

Presenter: Jose Papa, AICP, Senior Planner

### Background:

The subject area is an approximately 30-acre site located on the westside of US-1 at the terminus of Whiteview Pkwy. The application is a proposed FLUM amendment to change the current Flagler County designation of Agriculture & Timberlands and Conservation to City of Palm Coast designation of Mixed Use and Conservation. There is a companion zoning map amendment for the subject parcel to change the current zoning designation from Flagler County Agriculture to City of Palm Coast High Intensity Commercial (COM-3) and Preservation (PRS).

The proposed amendment was reviewed for the following:

- Analysis of the proposed amendment's impacts on public facilities and infrastructure. Consistent with the required analysis to compare the proposed land use designation with the existing land use designation, staff conducted a maximum potential development analysis for public facilities and infrastructure. The proposed amendment will result in higher demand on water and sewer facilities but should have a lower impact on transportation facilities.
- Impacts on the environmental/cultural resources. There are no significant impact on the environmental attributes on the subject parcel since the parcel is mainly composed of planted pine. The amendment does propose to protect a 5.4 acre wetland area which is interconnected to a larger wetland system.
- Compatibility with surrounding land uses. The proposed FLUM designations are generally consistent with the surrounding properties.

Finally, the proposed amendment is consistent with comprehensive plan policies regarding:

Directing development where existing infrastructure is available.

#### **Public Process**

### **Neighborhood Meeting**

As required by the Land Development Code, a neighborhood meeting was hosted by the applicant on October 4, 2022. Other than the applicants and City staff, there were no attendees from the surrounding community.

### Planning and Land Development Regulation Board (PLDRB) Public Hearing

The PLDRB held a public hearing on October 19, 2022 to review and hear public comments on the proposed amendment. There were no public comments and the Board voted 6-1 to recommend approval.

#### **Recommended Action:**

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) FINDS APPLICATION #5190 CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMENDS THAT CITY COUNCIL APPROVE THE FLUM AMENDMENT FROM AGRICULTURE & TIMBERLANDS, AND CONSERVATION (FLAGLER COUNTY DESIGNATIONS) TO MIXED USE AND CONSERVATION (CITY OF PALM COAST DESIGNATION) – US 1 AND WHITEVIEW

Agenda Date: November 1, 2022

Department COMMUNITY Amount

DEVELOPMENT

**Division** PLANNING **Account** 

#

Subject ORDINANCE 2022-XX AMENDING THE ZONING MAP DESIGNATION FOR A

30+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATION OF

AGRICULTURE TO CITY OF PALM COAST DESIGNATION OF HIGH INTENSITY COMMERCIAL (COM-3) AND PRESERVATION (PRS) - US 1 AND WHITEVIEW

Presenter: Jose Papa, AICP, Senior Planner

### Background:

### THIS IS A QUASI-JUDICIAL ITEM. PLEASE REMEMBER TO DISCLOSE ANY EX-PARTE COMMUNICATION.

The subject area is an approximately 30 acre site located on the westside of US-1 at the terminus of Whiteview Pkwy. The zoning map amendment application proposes to change the current designation from Flagler County designation of Agriculture to City of Palm Coast designation of High Intensity Commercial (COM-3) and Preservation. There is a companion Future Land Use Map (FLUM) amendment to change the current designation from the Flagler County designations of Agriculture & Timberlands, and Conservation to City of Palm Coast designation of Mixed Use and Conservation.

The proposed High Intensity Commercial (COM-3) zoning mainly permits a variety of commercial/retail uses along with office uses related to the building industry, as well as warehouse and distribution facilities.

Staff analyzed the proposed rezoning based on the criteria in the City of Palm Coast Land Development Code. In summary, staff makes the following findings:

- the proposed rezoning is consistent with the Comprehensive Plan including a policy to protect large, interconnected wetlands,
- the proposed rezoning is consistent with the surrounding land uses and does not cause a nuisance or threat to the general welfare and safety of the public. The proposed COM-3 zoning is generally consistent with the development pattern found to the north (light industrial, storage, and building industry uses),
- the proposed amendment will not cause undue hardship or liability to the City since public infrastructure (water, sewer, roadways) are adjacent to the site and any extension will be the responsibility of the property owner.

### **Public Process**

### **Neighborhood Meeting**

As required by the Land Development Code, a neighborhood meeting was hosted by the applicant on October 4, 2022. Other than the applicants and City staff, there were no attendees from the surrounding community.

### Planning and Land Development Regulation Board (PLDRB) Public Hearing

The PLDRB held a public hearing on October 19, 2022 to review and hear public comments on the proposed amendment. There were no public comments and the Board voted 7-0 to recommend approval.

#### **Recommended Action:**

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) FINDS APPLICATION #5192 CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMENDS THAT CITY COUNCIL APPROVE THE ZONING MAP AMENDMENT FROM AGRICULTURE (FLAGLER COUNTY DESIGNATION) TO HIGH INTENSITY COMMERCIAL (COM-3) AND PRESERVATION (PRS) (CITY OF PALM COAST DESIGNATION) – US 1 AND WHITEVIEW

Agenda Date: November 1, 2022

Department CONSTRUCTION

MANAGEMENT &

**ENGINEERING** 

**Division Account** 21060000 331700 61010

Subject RESOLUTION 2022-XX APPROVING THE EXECUTION OF A FDOT LOCAL

AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 1 FOR THE

Amount

CONSTRUCTION OF THE LEHIGH TRAILHEAD PROJECT

Presenter: Carl Cote, Director of Stormwater & Engineering

### Background:

### This item is for standard operations.

On October 30, 2018, City Staff requested the approval of a work order with CPH for the Lehigh Trailhead project. This proposed project was for the design of additional parking areas to replace the ad hoc parking. The original design was to include a parking lot, signing, pavement markings, sidewalks, drainage improvements, a wet retention pond, a water fountain, bike rack, restrooms, and basic landscaping. This City owned land was identified as a site to be utilized to serve the central area of the community and the Master Plan efforts should include community functions associated with proposed development. City Council directed staff to include additional design services for a dog park & community garden; those changes were made and approved during the November 6, 2018, City Council meeting.

On November 6, 2018, City Council approved a Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agreement, for FDOT grant funding in the amount of \$90,000.00 to assist in the funding of the design services for the project.

On April 7, 2020, City Council approved a sublease agreement to utilize a portion of the Stateowned lands. This sublease agreement was necessary due to the limitations on vertical development, it was necessary to locate the restroom building on property owned by the State of Florida. The State has delegated Flagler County the authority to control the property including granting easements and leases on behalf of the State.

On July 14, 2020, City Council approved a right-of-way consent agreement with Florida Power &Light for the Lehigh Trailhead Project. City staff requested the use of land, by approval of a Right-of-Way Consent Agreement, for the sole purpose of the Lehigh Trailhead additional parking, lighting, community gardens and a dog park.

On April 20, 2021, City Council approved a FDOT LAP Agreement (#436473-1-58/68-07) for grant funding in the amount of \$1,583,738.00 for the construction phase of this project. This amount is to cover the FDOT eligible items (trailhead) portion of the project. The city will provide the required 10% match by funding the construction engineering and inspection services (CEI). The bid package included alternates for the community gardens and dog park.

The construction project, ITB-SWE-21-13, was advertised on July 14, 2021, and the city received one (1) bid on September 10, 2021. There were 6 Bidders that completed the intent to Bid however the city only received 1 Bid. The other Bidders indicated that they had too much workload to take on additional work. The city extended the Bid Due date twice to seek additional Bidders. The city sent out 261 invitations to General Contractors that have a Business Tax receipt with the City or General Contractors that have pulled permits with the city. Due to discrepancies with the Bid and upon review with FDOT it was determined that the Bid should be canceled and the project rebid. On May 18, 2022, the city rebid the project ITB-SWE-22-48 and 2 bids were received. The City has sought and received FDOT concurrence to award the contract by the City.

On July 12, 2022, City Council approved a contract with the low bidder, Paul Culver Construction for the Base Bid and all Alternates in the amount of \$1,880,000, a contract with DRMP, inc., in the amount of \$307,436.61 for construction engineering & inspection, a work order with CPH engineers in the amount of \$80,463 for post-design services and a project contingency.

This item is to approve FDOT LAP Supplemental Agreement No. 1(#436473-1-58/68-01) to reduce grant funding by \$343,738.00 for a total award amount of \$1,240,000.00 for the construction phase of this project. This is to cover the FDOT eligible items (trailhead) based on the contract award of \$1,880,000.00.

This project is in the Recreation Impact Fee Fund 5-Year Capital Improvement Plan. The project's construction is budgeted for Fiscal Year 2023.

#### **Recommended Action:**

RESOLUTION 2022-XX APPROVING THE EXECUTION OF A FDOT LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 1 FOR THE CONSTRUCTION OF THE LEHIGH TRAILHEAD PROJECT

Agenda Date: November 1, 2022

**Department** UTILITY Amount \$101,050.00

**Division** WATER AND WASTEWATER **Account** # 54019085 034000

# 54019086 034000 # 54019087 034000 # 54019088 034000 # 54019083 034000 # 54019084 034000

Subject RESOLUTION 2022-XX APPROVING A MASTER SERVICE AGREEMENT WITH

ADVANCED ENVIRONMENTAL LABORATORIES, INC., FOR LABORATORY

ANALYSIS SERVICES

Presenter: Peter Roussell, Utility Deputy Director

### Background:

### This item is for standard operations.

The City of Palm Coast Utility Department operates three water treatment plants and two wastewater treatment plants. All five plants have regulatory permit conditions requiring laboratory analysis services from a certified laboratory for compliance purposes, as required by the State of Florida. In addition, the Utility Water Quality Division is responsible for monitoring bacteriological sampling for compliance purposes.

In accordance with the City's Purchasing Policy, City staff advertised and solicited bids for laboratory analysis under bid ITB-UT-22-70. The project bid overview and Notice of Intent to Award are attached. Staff recommends City Council approve a master service agreement with Advanced Environmental Laboratories, Inc., for laboratory analysis services. City staff will purchase services on an as-needed basis using budgeted funds appropriated by City Council. The Fiscal Year 2023 Budget includes funds within the Utility budget to purchase these services.

#### **SOURCE OF FUNDS WORKSHEET FY 2023**

Utility Other Contractual SVCS WTP#3 54019085 034000	\$129.000.00
Total Expended/Encumbered to Date	33,998.00
Pending Work Orders/Contracts	0.00
Current (WO/Contract)	
Balance	

### **SOURCE OF FUNDS WORKSHEET FY 2023**

Utility Other Contractual SVCS WTP#1 54019086 4000\$	1,038,015.00
Total Expended/Encumbered to Date	, ,
Pending Work Orders/Contracts	•
Current (WO/Contract)	
Balance\$	

SOURCE OF FUNDS WORKSHEET FY 2023			
Utility Other Contractual SVCS WTP#2 54019087 034000	\$ 355,750.00		
Total Expended/Encumbered to Date	243,165.00		
Pending Work Orders/Contracts			
Current (WO/Contract)			
Balance	\$ 103,085.00		
COURCE OF FUNDS WORKSHIEFT FV 2000			
SOURCE OF FUNDS WORKSHEET FY 2023	ф <u>20 000 00</u>		
Utility Other Contractual SVCS WTR Quality 54019088 034000			
Total Expended/Encumbered to Date			
Pending Work Orders/Contracts			
Current (WO/Contract)			
Dalatice	φ 13,000.00		
SOURCE OF FUNDS WORKSHEET FY 2023			
Utility Other Contractual SVCS WWTP#1 54019083 034000	\$565.805.00		
Total Expended/Encumbered to Date			
Pending Work Orders/Contracts			
Current (WO /Contract)	30,000.00		
Balance	\$535,805.00		
SOURCE OF FUNDS WORKSHEET FY 2023			
Utility Other Contractual SVCS WWTP#2 54019084 034000			
Total Expended/Encumbered to Date			
Pending Work Orders/Contracts			
Current (WO/Contract)			
Balance	\$186,850.00		
Recommended Action:			
ADOPT RESOLUTION 2022-XX APPROVING A MASTER SERVICE AGREEMENT WITH			
ADVANCED ENVIRONMENTAL LABORATORIES, INC., FOR			

**ANALYSIS SERVICES** 

Agenda Date: November 1, 2022

Department CITY ADMINISTRATION Amount Account

Subject PRESENTATION - PRESENT CERTIFICATES TO GRADUATING STUDENTS OF

THE CITY OF PALM COAST'S CITIZENS ACADEMY CLASS

Presenter: Brittany Kershaw, Director of Communications & Marketing

### Background:

The members of the 52nd Citizens Academy Class are graduating today. Citizens Academy was created to educate residents about the operation of our city government.

During the last six Monday afternoons, from 1:00 to 4:00 p.m., Academy students attended classes at which City directors discussed operations relating to their departments. In order to fully understand the function of each department as it relates to the City, students were encouraged to ask questions during these sessions. Students are required to attend all classes to graduate and receive a certificate.

**Recommended Action:** 

PRESENT CERTIFICATES TO GRADUATES