



**City of Palm Coast
Minutes
COUNCIL BUSINESS
MEETING IMMEDIATELY
FOLLOWING THE
WORKSHOP**

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

*Mayor David Alfin
Vice Mayor Ed Danko
Council Member Theresa Carli Pontieri
Council Member Cathy Heighter
Council Member Nick Klufas*

Tuesday, December 13, 2022

9:00 AM

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 <https://www.youtube.com/user/PalmCoastGovTV/live>.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while meeting 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

Mayor Alfin called the meeting to order at 10:33 A.M.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Virginia Smith called the roll. CM Klufas 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.

Denise Calderwood-thank you for going over the rules. Staff doesn't seem to have the same rules of decorum. At this past event, I was not allowed to park my vehicle in the event. You should hold staff accountable and hold them to the budget.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL DECEMBER 6, 2022 BUSINESS MEETING

Pass

Motion made to approve as amended by Vice Mayor Danko and seconded by Council Member Carli Pontieri

Approved - 4 - Council Member Cathy Heighter, Council Member Theresa Carli Pontieri, Mayor David Alfin, Vice Mayor Ed Danko

Motion made by CM Danko to approve. CM Carli Pontieri requested the minutes be amended to include her motion(s) made last week. City Clerk explained the process to amend the minutes. CM Danko revised his motion to be approve minutes as amended, which was seconded by CM Carli Pontieri. Motion passed unanimously.

F. RESOLUTIONS

2. RESOLUTION 2022-XX APPROVING A MASTER SERVICES AGREEMENT WITH BERRYDUNN FOR THE DEVELOPMENT OF A COMPREHENSIVE PARKS & RECREATION MASTER PLAN

R20220161

Public Comments:

Denise Calderwood-Palm Coast has plans and the plans are beautiful. I cannot say enough how many times I have sat on the sidelines and watched the plans being written but the City has not followed through on the plans. What happens is a group of people come before Council and request this be done or that be done, and no consideration is giving to these plans.

CM Carli Pontieri-one comment to Brittany McDermott, I understand there will be public involvement with this process., so to address this last person at the podium, in what manner have you addressed how to get the public involved with the vendor? Ans: Ms. McDermott stated part of this will be from the needs assessment questionnaires, we will work with focus groups, stakeholders, and community partners to put those questions together. The surveys will be direct mailed to select households, but also available on a website for the general community to provide their input.

CM Carli Pontieri-where can residents go to keep an eye on when that survey will be available? Ans: Ms. McDermott-we will provide that on the City website.

CM Carli Pontieri-my other question is in this assessment, will there be, or can there be, if it hasn't been contemplated yet, a section we can look at other facilities that generate revenue to assess our ROI long term? Ans: Ms. McDermott-Yes, that will go back to the scope of work with that cost benefit analysis and level of service, so they will be analyzing current facilities at the same time as they are doing the other and future facilities. We will ensure there will be a robust campaign that goes out.

Pass

Motion made to approve by Vice Mayor Danko and seconded by Council Member Carli Pontieri

Approved - 4 - Council Member Cathy Heighter, Council Member Theresa Carli Pontieri, Mayor David Alfin, Vice Mayor Ed Danko

3. RESOLUTION 2022-XX APPROVING A CONCESSION LEASE AGREEMENT WITH LOOPERS AT PALM HARBOR GOLF CLUB, LLC, FOR FOOD AND BEVERAGE CONCESSIONS AT PALM HARBOR GOLF COURSE

R20220159

Mr. DeLorenzo provided Council with the utility costs update requested at the workshop for the shared facility. The City is not responsible for the electric or propane in this lease agreement and the water will be paid at 50% of the monthly amounts.

Mr. Hirst presented to Council on this item.

CM Carli Pontieri-Lease terms. It doesn't appear to have terms for late fees and repairs to HVAC. Section 1B of the lease has a generalization of the maintenance and repair and replacement of the equipment at the leased premises. Replacing with own equipment and will be responsible for maintenance.

CM Carli Pontieri is requesting an addendum to spell out the mechanical equipment and who is responsible for maintenance as well.

Mayor Alfin requested the motion be amended to approve the contract with the addition of a late fee, a detailed inventory list of tenants' equipment and responsibility, and the ability for staff to finalize and execute.

After the vote, Mr. James Hirst provided Council an overview of the transition plans.

CM Heighter-My feelings are we have a good solution that will work for the City at this time.

Pass

Motion made to approve as amended by Vice Mayor Danko and seconded by Council Member Carli Pontieri

Approved - 4 - Council Member Cathy Heighter, Council Member Theresa Carli Pontieri, Mayor David Alfin, Vice Mayor Ed Danko

G. CONSENT

4. RESOLUTION 2022-XX APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FFY 2021 (FY 2021/22) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

R20220160

Pass

Motion made to to be adopted on consent by Vice Mayor Danko and seconded by Council Member Carli Pontieri

Approved - 4 - Council Member Cathy Heighter, Council Member Theresa Carli Pontieri, Mayor David Alfin, Vice Mayor Ed Danko

CM Carli Pontieri-CDBG item approval will it include a further breakdown of the dollars spent? Ans: Mr. Papa will provide a breakdown.

Public Comments:

Gene Dowd-thanked Jose Papa for his work, how much in grant money did we receive over the 10 years? Thank you for worrying about our water in the future. Thanked staff for the budget at a glance pamphlet. Hot debate on the budget in

August but in fact, our budget starts earlier. In May our Property Appraiser came.

5. **RESOLUTION 2022-XX APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE NEW SLUDGE THICKENER AT WATER TREATMENT PLANT NO. 2**

R20220158

Pass

Motion made to to be adopted on consent by Vice Mayor Danko and seconded by Council Member Carli Pontieri

Approved - 4 - Council Member Cathy Heighter, Council Member Theresa Carli Pontieri, Mayor David Alfin, Vice Mayor Ed Danko

CM Carli Pontieri-there seems not be any type of mechanism for oversight on making sure whatever contractor is hired is monitored as far as making sure the engineers designs are followed through with. I think one of the things we are seeing with City contracts are that designs are not being followed or monitored during the process and then we are paying more on the back end to address these issues. So, if there could be some type of mechanism in the scope of work where the contractor is, rather the engineer is responsible to not monitor the contractors themselves, that is not their job but to make sure that their designs are being followed by whoever is hired as the contractor. Mayor Alfin clarified the request, does it relate to final inspection? CM Carli Pontieri clarified further to add certain items into the scope of work to make sure certain things are followed. Ans: Alex Blake-Yes, there are daily inspections performed. I am frequently on site; there is a staff project member on site performing inspections and writes reports. There are also building inspections done on projects.

6. **RESOLUTION 2022-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC., FOR THE DESIGN, PERMITTING, DRILLING, CONSTRUCTION, AND TESTING OF THREE PUBLIC WATER SUPPLY WELLS FOR WATER TREATMENT PLANT 1**

R20220157

Pass

Motion made to to be adopted on consent by Vice Mayor Danko and seconded by Council Member Carli Pontieri

Approved - 4 - Council Member Cathy Heighter, Council Member Theresa Carli Pontieri, Mayor David Alfin, Vice Mayor Ed Danko

H. PUBLIC PARTICIPATION

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

There were no public comments.

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

VM Mayor-we have begun the scheduling of our next budget hearings; I know we discussed going much deeper into the budget by department line by line. Just want to make sure this is what we are doing. Happy Holidays.

CM Carli Pontieri-budget comments echoed. Shout out to Fire, Public Works and the Sheriff's office.

CM Heigher-wished all a Happy Holiday. Thanked the Mayor for going to the constituents' homes for input.

Mayor Alfin- bright new year full of opportunity.

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

Happy Holidays and a great New Year.

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

7. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR NOVEMBER 2022

Ms. Bevan presented this item to Council and was available for any questions they may have.

L. ADJOURNMENT

The meeting was adjourned at 11:22 a.m.

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