



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 Ed Danko
Council Member Theresa Carli Pontieri
Council Member Cathy Heigher
Council Member Nick Klufas

Tuesday, February 7, 2023

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 <https://www.youtube.com/user/PalmCoastGovTV/live>.
- 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. MOMENT OF SILENCE

D. ROLL CALL

E. MINUTES

- 1. APPROVE MINUTES OF THE CITY COUNCIL:**
JANUARY 17, 2023 BUSINESS MEETING
JANUARY 31, 2023 SPECIAL WORKSHOP MEETING

F. 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.

Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting.

G. PRESENTATIONS

2. PRESENTATION OF THE ANNUAL HEALTH AND SAFETY EMPLOYEE CALENDAR

H. ORDINANCES SECOND READ

3. ORDINANCE 2023-XX HARBORSIDE MASTER PLANNED DEVELOPMENT – APPLICATION # 5132

I. RESOLUTIONS

4. RESOLUTION 2023-XX APPROVING THE FINAL PLAT FOR THE REVERIE AT PALM COAST PARK PHASE 1 (APPLICATION AR #5120)

5. RESOLUTION 2023-XX APPROVING A PRE-ANNEXATION AGREEMENT WITH SEMINOLE WOODS INVESTMENTS, LLC AND BJ'S WHOLESALE CLUB INC.
6. RESOLUTION 2023-XX APPROVING ADDITIONAL EXPENSES RELATED TO THE BELLE TERRE PATHWAY/BRIDGE REHABILITATION PROJECT

J. OTHER BUSINESS

7. APPEAL REQUEST BY INB FUND 1, LLC, OF PLANNING AND LAND DEVELOPMENT REGULATION BOARD DECISION FOR VARIANCE FOR 54 UTICA PATH, APPLICATION NUMBER 5287

K. CONSENT

8. RESOLUTION 2023-XX APPROVING MASTER SERVICES AGREEMENTS WITH MULTIPLE FIRMS FOR CITYWIDE GRANT COMPLIANCE ASSISTANCE ON AN AS-NEEDED BASIS
9. RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT FOR PHASE 2 FOR THE TOWN CENTER CULTURAL ARTS AND RECREATION MASTER PLAN DEVELOPMENT WITH JOHNSON CONSULTING
10. RESOLUTION 2023-XX APPROVING PIGGYBACKING THE VOLUSIA COUNTY CONTRACT WITH STEVE'S FIRST CHOICE PAINTING FOR CITYWIDE PAINTING SERVICES
11. RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT WITH STRICKLAND SOD FOR SOD MATERIALS AND SOD INSTALLATION ON AN AS NEEDED BASIS
12. RESOLUTION 2023-XX APPROVING PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT WITH TRADEWINDS POWER CORP FOR THE PURCHASE OF A 125KW GENERATOR PACKAGE
13. RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR EMERGENCY REPLACEMENT PEP TANKS
14. RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR EMERGENCY REPLACEMENT PEP PUMPS

L. PUBLIC PARTICIPATION

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

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

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

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

P. ADJOURNMENT

15. AGENDA WORKSHEET AND CALENDAR

City of Palm Coast, Florida Agenda Item

Agenda Date : February 7, 2023

Department	CITY ADMINISTRATION	Amount
Division		Account
		#
Subject	JANUARY 17, 2023 BUSINESS MEETING JANUARY 31, 2023 SPECIAL WORKSHOP MEETING	
Presenter : Virginia Smith, City Clerk		
Background :		
Recommended Action : JANUARY 17, 2023 BUSINESS MEETING JANUARY 31, 2023 SPECIAL WORKSHOP MEETING		

City of Palm Coast, Florida Agenda Item

Agenda Date: February 7, 2023

Department	ADMINISTRATION	Amount
Division	WHAM TEAM	Account
		#
Subject	PRESENTATION OF THE ANNUAL HEALTH AND SAFETY EMPLOYEE CALENDAR	
Presenter: Carol Mini, Urban Forester		
Background: The City of Palm Coast WHAM TEAM is proud to present the Annual Health and Safety Employee Calendar. Relatives of City Employees, 18 years and younger, were invited to participate by submitting a drawing or painting about health, safety, and workplace safety that may affect them personally or their family members. These calendars are fun, generate excitement, and brought out the competitive spirit in our kids and employees. We will honor the winners with their own copy of the Health and Safety Calendar along with a craft related gift for all winners and an honorable mention for each age category. The winners will be announced at the City Council's business meeting.		
Recommended Action: FOR PRESENTATION ONLY		

City of Palm Coast, Florida

Agenda Item

Agenda Date: February 7, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division		Account #
Subject	ORDINANCE 2023-XX HARBORSIDE MASTER PLANNED DEVELOPMENT – APPLICATION # 5132	
Presenter: Ray Tyner, Deputy Chief Development Officer, Bill Hoover, Senior Planner, AICP		
Background : THIS IS A QUASI-JUDICIAL ITEM. PLEASE REMEMBER TO DISCLOSE ANY EX PARTE COMMUNICATIONS.		
<u>UPDATE FROM THE JANUARY 17, 2023 BUSINESS MEETING.</u> On January 17, 2023, the City Council conditionally approved the item at first reading but directed staff and the applicants to try and reach a compromise on the number of units allowed as well as the conditions in Section 10 of the Master Planned Development (MPD) Agreement. In accordance with City Council direction, the applicant and staff reanalyzed the request and allowable density and determined that 371 units and a density of 21.9 units/per acre was an acceptable compromise. This is a reduction of 61 units and a reduction in density of 3.6 units/per acre from what the applicant was proposing. This is very important in improving the project’s compatibility with neighboring properties as the 61-unit reduction will occur on Lots 3 and 4 (western half) of their MPD Master Plan and closest to Palm Harbor Parkway. The applicant and staff have generally agreed upon the conditions in Section 10 of the MPD Agreement in order to comply with Comprehensive Plan Policy 1.1.2.2 that would allow an increase in residential units to 371 and density to 21.9 units/per acre. However, staff recommends the City Council add two items to the applicant’s proposed Section 10: <ol style="list-style-type: none">1. Owner to construct a paved 5-foot-wide sidewalk accessible to the public that would connect from the existing trail located on the west side of the Intracoastal Waterway and then traveling west adjacent to the drainage canal and south of the Condominium and the Parking Garage out to the sidewalk located south of Palm Coast Resort Boulevard and east of Palm Harbor Parkway.2. The existing boat ramp shall remain and be available for official government operations during emergency events. Additional changes to the applicant’s proposed Master Planned Development Agreement are shown in track change format: underlining for additions and strikethrough for deletions. Additional emails received from residents after first reading have been attached as well. A staff report supplement has been provided reflecting the updated case analysis and the discussions between staff and the applicant. More specifically, the applicant is proposing the following:		

SECTION 10. PROJECT DENSITY.

The City Council of the City of Palm Coast has determined the Project satisfies the criteria set forth in Policy 1.1.2.2 of the Comprehensive Plan's Future Land Use Element permitting an increase in densities and/or intensities for the Project. The residential unit count within the Project shall initially be limited to 264 total units but may be increased as provided in this Section 10. Owner may elect, at any time, to increase the residential unit count to 371 total residential units by a one-time fulfillment of the following conditions ("Public Benefit Conditions") occurring prior to or concurrent with, and conditioned upon, issuance of the first Technical (or other "final") Site Plan approval allowing the Project to first exceed 264 total residential units. In this regard, Owner shall:

- (a) Provide the City with an easement co-terminus with this MPD Agreement to maintain a "Welcome to Palm Coast" type panel comprising at least 25% of Owner's sign or a minimum of 15 square feet in area on the Intracoastal Waterway, which sign shall be subject to regulatory approval and compatible in all respects with other panels on Owner's private sign in the same location. Such sign may be a freestanding sign up to 128 square feet in area and following the City's multitenant development standards for signs.
- (b) Design, construct, and fund the reasonable cost of the sign referenced above, including the City's panel.
- (c) Renovate, remodel, or construct (or submit an application for permits for same) the pavilion/gazebo along the Intracoastal Waterway, to the extent permitted by applicable regulatory agencies. Such gazebo project may be conducted and completed simultaneously with any other activity which causes the Project to exceed 264 constructed total residential units.
- (d) Renovate, remodel, or construct (or submit an application for permits for same) the Ship's Store, which may include and be combined with a restaurant. Such Ship's Store project may be conducted and completed simultaneously with any other activity which causes the Project to exceed 264 constructed total residential units. Such Ship's Store project must consist of at least material renovation work exceeding modest cosmetic upgrades.
- (e) Maintain a Clean Marina designation pursuant to the Florida Department of Environmental Protection ("FDEP") Clean Marina Program or a comparable environmental program; or maintain adherence to the substantive criteria for the FDEP's Clean Marina Program as exists as of the date of this MPD Agreement. The enforcement rights and obligations of the City and Owner as to this ongoing (as opposed to one-time) condition (e) shall be regulated exclusively by means equivalent to municipal code enforcement.
- (f) Operate a marine vessel fuel sale operation at the marina (subject to regulatory approval and commercially reasonable viability).
- (g) Provide the City of Palm Coast with a one-time right of first offer (i.e., first opportunity to negotiate in good faith) to purchase the marina, prior to Owner pursuing a sale of the marina to a third party. Such one-time right of first offer shall expire one (1) year after issuance of the first Certificate of Occupancy of any portion of the Project which causes total constructed residential units to exceed 264.
- (h) Provide a minimum of three (3) marina wet slips for restaurant patron short term daily use, but only to the extent a sit-down restaurant with at least 4,000 square feet of gross floor area and at least 75 seats for patrons is open and operating within the Project. The enforcement rights and obligations of the City and Owner as to this

ongoing (as opposed to one-time) condition (h) shall be regulated exclusively by means equivalent to municipal code enforcement.

ORIGINAL BACKGROUND FROM THE JANUARY 17, 2023 BUSINESS MEETING.

Note: This item was scheduled to be heard on November 15, 2022. However, the Applicant requested a continuance. Council continued this item. This item is now ready to be heard on first read by City Council.

JDI Palm Coast, LLC, as the applicant, is proposing to rezone 17.64 +/- acres with an existing marina, ship's store, 84 wet slips, a 72-unit residential condominium building, a 525-space parking garage, infrastructure, and vacant cleared land. The property is located on the east and northeast sides of the intersection between Palm Harbor Parkway and Clubhouse Drive, adjacent to the south side of the Clubhouse Waterway and along the west side of the Intracoastal Waterway. The proposed rezoning is from Harborside Inn & Marina PUD to Harborside Master Planned Development (MPD) for a multi-family/marina project with 432 multi-family units (360 new, 72 existing) with the potential for additional General Commercial (COM-2) uses such as a restaurant or hotel.

First Planning and Land Development Regulation Board (PLDRB) Meeting on September 20, 2022: This project was heard by the PLDRB on September 20, 2022. Planning staff recommended "denial" of the project due to the proposed very high density and compatibility issues with neighboring properties which also did not meet various goals and policies of the Comprehensive Plan and sections of the Land Development Code (LDC). After a very lengthy meeting the PLDRB voted 6-0 to continue the project "date certain" until the October 19, 2022, PLDRB meeting and requested that the applicant and Planning staff get together to see if they could minimize their differences in the MPD Development Agreement.

Updated Information Between the September 20th and October 19th Planning and Land Development Regulation Board Meetings: The applicant and staff held several meetings discussing the issues between the two parties which resulted in agreement on a majority of the outstanding items. However, the major issue that remained and remains to this time, is the maximum project density. The applicant is seeking 25.5+ units/per acre. Staff and the applicant differ on the interpretation of the Comprehensive Plan and applicable sections of the LDC that determine maximum project densities.

On October 6th, City Staff initiated and sent the applicant a proposed new Section 10 to be included within the MPD Development Agreement, which outlines the standards required for the project to obtain additional density over the allowable 15 units per acre in the Mixed-Use District. Staff in their professional planning opinion suggested that if these standards were implemented within the project, the project could obtain a maximum of 18.3 units/acre, and staff could consider the project consistent with the Comprehensive Plan and the LDC; specifically, with Comprehensive Plan Policy 1.1.2.2. Staff's proposed eight development standards are attached as Exhibit "A."

Staff opines that 18.3 units/acre would be consistent with the Comprehensive Plan and the LDC if the applicant implemented all eight items listed in Exhibit "A." At 18.3 units/per acre this would yield a maximum of either 310 units on 16.94 acres or if Lot 3 was developed for a hotel and/or restaurant then 273 units on 14.94 acres. This is an increase of 22% over the maximum 15 units/per acre allowed in the Mixed-Use District.

The 22% increase in density is consistent with the previous PUD approval which permitted a 22% increase in base intensity which increased the Floor Area Ratio from 55% to 67%. Staff believes the suggested eight standards would make the project consistent with Policy 1.1.2.2 and the previous MPD standards that were used to increase the Floor Area Ratio intensity. These eight standards, if met, would allow staff to support a 22% increase for density and is based on consistency with the Comprehensive Plan and LDC. Staff believes the eight standards listed in Exhibit "A" would make the 18.3 units/ per acre project compatible with the surrounding neighborhood. In staff's professional opinion, the applicant's proposal of 25.5+ units per acre is an increase of 70% over the base density and not close to compatible with neighboring properties, as required by several sections in the LDC.

The applicant reviewed staff's proposal for 18.3 units/acre with the eight standards, and on October 10th, the applicant provided a written response that is attached as Exhibit "B." The applicant suggested that much of staff's proposed text should be deleted and proposed seemingly more lenient standards with alternative text be included (see Exhibit "B"). The applicant proposed it only needed to meet some of staff's eight standards to be entitled to 432 units and a density of 25.5+ units/per acre.

Continued Planning and Land Development Regulation Board (PLDRB) Meeting on October 19, 2022: This project was heard again by the PLDRB on October 19, 2022. Planning staff still recommended "denial" of the project due to the proposed very high density and compatibility issues with neighboring properties which also did not meet various goals and policies of the Comprehensive Plan and sections of the LDC. After a lengthy meeting the PLDRB voted 7-0 to recommend "denial" of the project to the City Council.

Applicant's Modified MPD Proposals Since the October 19, 2022, Planning and Land Development Regulation Board Meeting: Since the PLDRB recommended "denial" to the City Council at its October 19, 2022, public hearing, staff has received three revised proposed MPD Development Agreements from the applicant dated October 28, November 11, and December 16, 2022. Staff has reviewed these draft MPD Development Agreements and discussed them with the applicant. However, staff does not find any of these proposals rectifying the issues on why the staff and the PLDRB have both recommended "denial." Staff has attached the applicant's latest MPD Development Agreement (DA) dated December 16, 2022, to the City Council agenda package.

Public Participation: A neighborhood information meeting was held at 11:00 AM on September 8, 2022, at the 3rd floor of the on-site parking garage. A letter was sent out previously to all neighbors living within 300 feet of the boundaries of the project inviting them to this meeting. By staff's count 48 persons attended this meeting including three persons representing the developer and one City staff member. The developer erected two City provided signs along Palm Harbor Parkway, notifying the general public at least 14 days prior to each of the PLDRB meetings. The City ran a news advertisement 20 days prior to the September 20, 2022, PLDRB meeting and since the project was continued ("date certain" to October 19th) by the PLDRB no additional newspaper advertisement was required. Two new signs have been erected and a newspaper advertisement ran prior to this City Council meeting.

A total of 29 persons from the public spoke at the two PLDRB meetings with 11 speaking at the first PLDRB meeting and 18 speaking at the second PLDRB meeting. Staff noticed only 2-3 persons speaking at both hearings as the City Attorney announced that those speaking at the first hearing were already on the record and there was no need to speak again. All or nearly all speakers had concerns with the project and their concerns primarily involved: project density

and number of units, building height, traffic, stormwater and flooding issues, utility issues and lack of specific development plans by the developer.

Recommended Action :

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD RECOMMENDED DENIAL TO CITY COUNCIL TO REZONE 17.64 +/- ACRES FROM HARBORSIDE INN & MARINA PUD TO HARBORSIDE MPD.

GIVEN THE RECENT CHANGES TO THE REQUEST, AS PRESENTED, FOLLOWING THE FIRST READING, PLANNING STAFF RECOMMENDS THAT THE CITY COUNCIL APPROVE THE PROPOSED MPD APPLICATION NO. 5132 AND THE HARBORSIDE MPD DEVELOPMENT AGREEMENT TO REZONE 17.64 +/- ACRES FROM HARBORSIDE INN & MARINA PUD TO HARBORSIDE MPD WITH THE ADDITIONAL FOLLOWING CONDITIONS:

- **OWNER TO CONSTRUCT A PAVED 5-FOOT-WIDE SIDEWALK ACCESSIBLE TO THE PUBLIC THAT WOULD CONNECT FROM THE EXISTING TRAIL LOCATED ON THE WEST SIDE OF THE INTRACOASTAL WATERWAY AND THEN TRAVELING WEST ADJACENT TO THE DRAINAGE CANAL AND SOUTH OF THE CONDOMINIUM AND THE PARKING GARAGE OUT TO THE SIDEWALK LOCATED SOUTH OF PALM COAST RESORT BOULEVARD AND EAST OF PALM HARBOR PARKWAY.**
- **THE EXISTING BOAT RAMP SHALL REMAIN AND BE AVAILABLE FOR OFFICIAL GOVERNMENT OPERATIONS DURING EMERGENCY EVENTS.**
- **AS CONDITIONED IN THE MPD DA, THE PROJECT MEETS THE FOLLOWING REQUIREMENTS OF THE COMPREHENSIVE PLAN'S GOAL 1.1 AND POLICIES 1.1.1.2 AND 1.1.2.2 AND THE LAND DEVELOPMENT CODE'S SECTIONS 3.03.04, 3.03.04.B.2 AND 3.03.04.D.**

City of Palm Coast, Florida Agenda Item

Agenda Date: February 7, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	RESOLUTION 2023-XX APPROVING THE FINAL PLAT FOR THE REVERIE AT PALM COAST PARK PHASE 1 (APPLICATION AR #5120)	
Presenter: Estelle Lens, Planner, AICP		
Background: THIS IS A QUASI-JUDICIAL ITEM. PLEASE REMEMBER TO DISCLOSE ANY EX PARTE COMMUNICATIONS		
<p>Alliant Engineering, Inc., proposes to plat and subdivide approximately 113.22 acres of land into 272 single family residential lots and 31 tracts.</p> <p>The Reverie at Palm Coast Park Phase 1 is located on the west side of US 1 approximately 2,600 feet north of Wellfield Grade. The Future Land Use Map (FLUM) is Development of Regional Impact (DRI) Mixed-Use and the Official Zoning is MPD (Palm Coast Park MPD).</p> <p>The fourth amendment for Palm Coast Park MPD was approved in 2020 by City Council. The applicant was issued a Subdivision Master Plan Development Order from the Planning Development and Regulations Board on June 17, 2020. A site development permit was issued on October 7, 2021, in accordance with the approved construction plans filed with the approved preliminary plat.</p> <p>Prior to plat execution, the applicant will be required to provide a performance surety bond of 120% of the infrastructure cost in the amount of \$1,293,724.26.</p> <p>The project meets the technical requirements of the City Code and Florida Statute Chapter 177.</p>		
Recommended Action: ADOPT RESOLUTION 2023-XX APPROVING THE FINAL PLAT FOR THE REVERIE AT PALM COAST PARK PHASE 1 (APPLICATION AR #5120)		

City of Palm Coast, Florida

Agenda Item

Agenda Date : February 7, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division		Account #
Subject	RESOLUTION 2023-XX APPROVING A PRE-ANNEXATION AGREEMENT WITH SEMINOLE WOODS INVESTMENTS, LLC AND BJ'S WHOLESALE CLUB, INC.	
Presenter : Jose Papa, AICP, Senior Planner		
Background: <p>The proposed Pre-Annexation Agreement is for a 30.7+/- acre area generally located at the southwest quadrant of State Road 100 and Seminole Woods Blvd. The subject properties are proposed for development as a wholesale club and retail space. The subject properties are within the City of Palm Coast utility service area and therefore required to annex into the City as a condition of receiving water and sewer service from the City of Palm Coast.</p> <p>The Pre-Annexation Agreement outlines the steps and conditions for the annexation of the subject property.</p> <p>The Seminole Woods Investments, LLC (SWI) and BJ's Wholesale Club (BJ's) will file a joint petition once the subject properties transfer ownership from the current owners Flagler Pines Properties, LLC and Flagler Airport Industrial, LLC. An ordinance for the annexation of the subject parcel will be considered by City Council when BJ's or SWI requests a connection to water service from the City of Palm Coast (an application for service extension has been filed with the Utilities Department). The effective date of the Annexation Ordinance will be 60 days after the issuance of a Certificate of Occupancy (CO) for Phase I of the proposed project (Phase I is the BJs Wholesale Club).</p> <p>Under the Pre-Annexation Agreement, City will provide water and sewer service to BJ's/SWI prior to the annexation effective date subject to the completion of a Utility Agreement between the City and BJ's/SWI. Utility agreements typically cover items such as: contributions-in-aid-of-construction, payment of connection fees, granting of appropriate easements, and dedication of other facilities as necessary or appropriate.</p> <p>The Pre-Annexation Agreement recognizes a preliminary plat was approved for the subject properties on September 19, 2022, and consistent with state statutes once annexed into the City, will require a Future Land Use Map (FLUM) and Zoning Map amendment.</p> <p>The Pre-Annexation Agreement becomes effective upon execution by all parties but may be terminated under the following conditions:</p> <ul style="list-style-type: none">Automatic termination if SWI and BJ's do not close and complete the purchase of the subject properties by June 30, 2023, or prior to this date provide written notice to the City that the contract to purchase the Property has been terminated; or		

- City does not approve the annexation ordinance to annex the Property by December 31, 2024, then SWI and BJ's may terminate this Agreement by notice to the City in which event this Agreement will terminate and have no further force or effect.

Recommended Action:

ADOPT RESOLUTION 2023-XX APPROVING A PRE-ANNEXATION AGREEMENT WITH SEMINOLE WOODS INVESTMENTS, LLC AND BJ'S WHOLESALE CLUB, INC.

City of Palm Coast, Florida

Agenda Item

Agenda Date: February 7, 2023

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	\$1,136,242.47
Division		Account	#54205509-063000-55234
Subject	RESOLUTION 2023-XX APPROVING ADDITIONAL EXPENSES RELATED TO THE BELLE TERRE PATHWAY/BRIDGE REHABILITATION PROJECT		
Presenter: Carmelo Morales, Stormwater Engineer III			
Background : This item is for standard operations.			
<u>UPDATE FROM THE MAY 3, 2022, BUSINESS MEETING</u>			
Construction began in June 2022 with an original completion date of November 2022. This project has suffered several setbacks which resulted in a widening of the scope of work and scheduling delays. The project setbacks included two hurricanes, a delay by Florida Power & Light, a failing headwall, stormwater pipes requiring additional stabilizing, and structural failure.			
This item is to request Council approval of additional funds in a not-to-exceed amount of \$1,136,242.47 to cover the additional expenses related to the structural failure and stabilization.			
Funds for this project have been budgeted in the Stormwater & Engineering FY 23 Budget.			
SOURCE OF FUNDS WORKSHEET FY 2023			
Major Crossing W-1-54205509-063000-55234		\$	2,550,000.00
Total Expenses/Encumbered to date		\$	1,411,847.02
Pending Work Orders/Contracts		\$	0
Current Contract		\$	1,136,242.47
			1,910.51
<u>ORIGINAL BACKGROUND FROM THE MAY 3,2022 BUSINESS MEETING</u>			
As part of the Stormwater Master Plan, staff has evaluated the Belle Terre Parkway culvert rehabilitation and pedestrian drainage project. This consisted of value engineering a previous stormwater improvement design. The original design was completed in 2018 and was sent out to bid in 2019. The bids came back much higher than anticipated and the project was tabled.			
Under an existing contract (RFSQ-SW-18), City staff negotiated a scope of work and fee with Taylor Engineering to provide value engineering alternatives with the intent of determining if value engineering was possible and/or feasible. The results of the feasibility study concluded that the project should move forward with the value engineering design. This new design could provide close to \$900K in savings when comparing the engineering cost estimates with last year's bids.			
On December 1st, 2020, Council approved a work order with Taylor Engineering to provide design engineering services for the Belle Terre culvert rehabilitation and pedestrian pathway			

redesign. The construction of this project consists of demolition and partial replacement of the existing timber boardwalk, installation of new sidewalk, rehabilitation of 3 – 84” corrugated metal pipes (approx. 450-L.F.), and re-establishing roadway shoulder and ditch line median roadway.

The City advertised the project (ITB-SWE-22-32) and received two (2) bids that were deemed responsive and responsible. City staff recommends awarding the contract, in the amount of \$1,887,530.00 to Custom Built Marine Construction, Inc. Staff is also requesting approval of a 10% project contingency in the amount of \$188,753.

Funds for this project have been budgeted for in the Stormwater & Engineering FY 22 Budget.

SOURCE OF FUNDS WORKSHEET FY 2022

Major Crossing W-1–54205509-063000-55234

Total Expenses/Encumbered to date	\$ 2,088,680.74
Pending Work Orders/Contracts	\$ 12,397.74
Current Contract	\$ 0
Balance	\$ 2,076,283.00
	\$ 0

Recommended Action :

ADOPT RESOLUTION 2023-XX APPROVING ADDITIONAL EXPENSES RELATED TO THE BELLE TERRE PATHWAY/BRIDGE REHABILITATION PROJECT

City of Palm Coast, Florida

Agenda Item

Agenda Date: February 7, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	APPEAL REQUEST BY INB FUND 1, LLC OF PLANNING AND LAND DEVELOPMENT REGULATION BOARD DECISION FOR VARIANCE FOR 54 UTICA PATH, APPLICATION NUMBER 5287	
Presenter: Estelle Lens, AICP, Planner		
Background: <p>This is a request to appeal a decision of the Planning and Land Development Regulation Board (PLDRB). The subject property, 54 Utica Path, was purchased by INB Fund 1, LLC in May of 2021. The property has a Future Land Use designation of Residential and a Zoning designation of Single Family Residential - 2 (SFR-2). The lot is a conforming lot; however, it is irregularly shaped. The front property line cuts back significantly on the left side to accommodate a wider right of way for the construction of a median in the road.</p> <p>The owner of 54 Utica Path applied for a variance (application number 5196) to reduce the front yard setback for the front left corner of their residence. This request was heard by the PLDRB on September 20, 2022. The board denied the request to reduce setback by 8.73 feet, from 20 feet to 11.27 feet, by a four (4) to two (2) vote. The applicant filed an application to appeal the decision of the PLDRB within thirty (30) calendar days of the rendering of the decision by the PLDRB, in compliance with the Land Development Code (LDC) Section 2.16.02.</p> <p>LDC Section 2.12 regulates variances. Section 2.12.12.03 of the LDC – Review Findings states that variance applications shall be reviewed based on the following:</p> <p>A. <i>All variances.</i> No application for a variance shall be approved unless the Planning and Land Development Regulation Board finds that the following standards are met, recognizing that the applicant bears the burden of proof.</p> <ol style="list-style-type: none">1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district; and2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant; and4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or		

otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

Summary of Staff Findings:

Planning staff found that this request meets all five (5) standards for approval of a variance. The subject property has an irregular front property line which was platted this way to accommodate the construction of a median in the roadway. The road and median were constructed several years ago, and the actual improvements leave excess right-of-way adjacent to the setback encroachment. Therefore, the home as placed on the lot, is not incongruous with the neighborhood and staff recommended approval.

PLDRB Findings: The PLDRB found that the request did not meet standards one (1) and two (2) for variance approval.

Recommended Action:

PLANNING STAFF RECOMMENDS THAT CITY COUNCIL REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION ON SEPTEMBER 20, 2022 IN DENYING APPLICATION NUMBER 5196 AND GRANT THE VARIANCE TO REDUCE THE FRONT YARD SETBACK BY 8.73 FEET, FROM 20 FEET TO 11.27 FEET, BASED ON THE COMPETENT SUBSTANTIAL EVIDENCE PRESENTED AND REVIEWED BY THE CITY COUNCIL

City of Palm Coast, Florida Agenda Item

Agenda Date : February 7, 2023

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	As Needed
Division	ENGINEERING	Account	Multiple Accounts City Wide
Subject	RESOLUTION 2023-XX APPROVING MASTER SERVICES AGREEMENTS WITH MULTIPLE FIRMS FOR CITYWIDE GRANT COMPLIANCE ASSISTANCE ON AN AS-NEEDED BASIS		
Presenter: Carl Cote, Director of Stormwater and Engineering			
Background : This item is for standard operations. The City of Palm Coast wishes to utilize multiple firms to provide services for the planning and submission of grant applications, performance monitoring, and required reporting to the appropriate governmental agencies. As the City is rapidly growing, staff is researching more grant opportunities. The primary focus of grant compliance services is to provide assistance with the administration, monitoring, and compliance with and other services that may be required per the various award of funding by state or federal grant programs. In accordance with the City's Purchasing Policy, City staff advertised a request for qualifications (RFSQ-SWE-22-88) for grant compliance assistance. City staff recommends the approval of Master Services Agreements with Pegasus Engineering, LLC and Forvis, LLP. The Notices of Intent to Award and the Project Bid Overviews are attached to this item. City staff will approve work orders on an as-needed basis using budgeted funds appropriated by City Council.			
Recommended Action : RESOLUTION 2023-XX APPROVING MASTER SERVICES AGREEMENTS WITH MULTIPLE FIRMS FOR CITYWIDE GRANT COMPLIANCE ASSISTANCE ON AN AS-NEEDED BASIS			

City of Palm Coast Florida

Agenda Item

Agenda Date: February 7, 2023

Department	PARKS & RECREATION	Amount	\$37,500.00
Division		Account #	2106601506300069007
Subject	RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT FOR PHASE 2 FOR THE TOWN CENTER CULTURAL ARTS AND RECREATION MASTER PLAN DEVELOPMENT WITH JOHNSON CONSULTING		
Presenter : Lauren Johnston, Assistant City Manager			
Background:			
COUNCIL PRIORITY:			
A1 -Town Center should promote and partner with well-known higher education institutions to become a regional center for learning. Partnerships will be enhanced by a home for arts & culture offering opportunities for performance, display, creative expression and training.			
-Evaluate Town Center land for potential acquisition of open space to meet the need of future growth.			
Through the Strategic Action plan, the following priorities were established:			
2019- Council Priority Established			
- Create an Art District for Innovation District and establish funding support through revenues generated within the District.			
2020- Reaffirmed			
- Create an Art District for the Innovation District, establish dedicated funding support through generated revenues, and foster relationships in support of a cultural arts facility while expanding programs and experiences within the District.			
2021-Reaffirmed			
- To foster support and elevate the Arts District, staff shall conduct the following.			
- Provide a comprehensive presentation to City Council that details the proposed approach to establishing dedicated funding for the Art District that includes status, timeline and recommended set percentage of revenues within the Arts District.			
- Formalize the membership of the “United We Arts” committee while expanding programs and experiences within the Arts District.			
2022- Reaffirmed			
- Town Center should promote and partner with well-known higher education institutions to become a regional center for learning. Partnerships will be enhanced by a home for arts & culture offering opportunities for performance, display, creative expression and training.			
- Evaluate Town Center land for potential acquisition of open space to meet the need of future growth.			

On October 27, 2021, The City opened a Request for Statement of Qualifications (RFSQ) to receive responses from qualified firms capable of providing a strategic plan to incorporate the City's Cultural Arts and/or Recreation Facilities within the Town Center Development of Regional Impact to enhance Town Center's growth and role in becoming a destination in Palm Coast for residents and visitors. On November 12, 2021, the RFSQ closed and was reviewed by City Staff. The applicant, Johnson Consulting, scored a total of 93.33 points out of 100 points and on November 24, 2021, the City awarded Johnson Consulting a Master Services Agreement to develop a Town Center Cultural Arts Master Plan.

Johnson Consulting started Phase 1 of the Town Center Cultural Arts Master Plan in early 2022. Phase 1 included eight (8) tasks to complete: Project Initiation, Economic and Demographic Research, Competitive Positioning and Peer Facility Analysis, Arts and Cultural Trends, Identification and Facilitation of Stakeholder Outreach, Recommendations, Development Program and Masing/Concept Plans, and Site Evaluation. The cost of Phase 1 was \$49,999.00.

Phase 2 will have four (4) tasks to complete: Order of Magnitude Cost Estimates, Demand Projections, Financial Projections, and Economic Impact Analysis. A final report of all details and findings will be provided at the completion of the study. The cost of Phase 2 will be \$37,500.00.

Town Center Arts & Culture Master Plan Report will be finalized and presented at the February 14, 2023 City Council Workshop.

SOURCE OF FUNDS WORKSHEET FY 2023

Citywide Painting 2106601506300069007	\$ 50,000.00
Total Expended/Encumbered to Date.....	\$ 0.00
Pending Work Orders/Contracts.....	\$ 0.00
Current (WO/Contract).....	\$ 37,500.00
Balance.....	\$ 12,500.00

Recommended Action :

ADOPT RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT FOR PHASE 2 FOR THE TOWN CENTER CULTURAL ARTS AND RECREATION MASTER PLAN DEVELOPMENT WITH JOHNSON CONSULTING

City of Palm Coast, Florida

Agenda Item

Agenda Date : February 7, 2023

Department	PUBLIC WORKS	Amount	Over \$50,000.00
Division	FACILITIES	Account #	SEVERAL ACCOUNTS
Subject	RESOLUTION 2023-XX APPROVING PIGGYBACKING THE VOLUSIA COUNTY CONTRACT WITH STEVE'S FIRST CHOICE PAINTING FOR CITYWIDE PAINTING SERVICES		
Presenter : Matthew Mancill, Director of Public Works			
Background: This item is for standard operations.			
<p>Regular applications of paint and weather sealing products preserve the aesthetics of our City's facilities and also help ensure that the City's investment in these facilities is protected for the longest possible term. Painting and weather sealing are essential components in the City's comprehensive maintenance plan to prolong the life of our City's infrastructure and maintain the high standards we have set for our citizen's experiences at the City's facilities.</p> <p>City staff recommends piggybacking the County of Volusia Bid/Contract Ref# 22-B-78MC with Steve's First Choice Painting through July 19, 2025, for painting services upon mutual agreement. Piggybacking existing competitively bid contracts is advantageous because the City can immediately leverage the competitively awarded contract prices without the need to go through the lengthy bidding process. Piggybacking this contract can save a significant amount of time while leveraging the best value of a competitively awarded agreement.</p> <p>This contract supports the ability to leverage our financial strengths while ensuring that the City remains committed to fiscal responsibility in delivering value-added services to residents and businesses. City staff recommends approving this piggyback contract for the continued support in maintaining the high standards of the community.</p> <p>The Fiscal Year 2023 Budget includes available funding appropriated by City Council for painting services for City facilities. This piggyback contract will also be available for other departments to utilize.</p>			
SOURCE OF FUNDS WORKSHEET FY 2023			
Citywide Painting 65035012-034000		\$	30,000.00
Total Expended/Encumbered to Date.....		\$	0.00
Pending Work Orders/Contracts.....		\$	0.00
Current (WO/Contract).....		\$	24,800.00
Balance.....		\$	5,200.00

SOURCE OF FUNDS WORKSHEET FY 2023

FS25 Exterior Painting Capital 43000099-062000-49010.....	\$ 520,000.00
Total Expended/Encumbered to Date.....	\$ 0.00
Pending Work Orders/Contracts.....	\$ 0.00
Current (WO/Contract).....	\$ 24,800.00
Balance.....	\$ 495,200.00

SOURCE OF FUNDS WORKSHEET FY2023

FS24 Interior Painting Capital 43000099-062000-49010.....	\$ 520,000.00
Total Expended/Encumbered to Date.....	\$ 0.00
Pending Work Orders/Contracts.....	\$ 24,800.00
Current (WO/Contract).....	\$ 15,800.00
Balance.....	\$ 479,400.00

SOURCE OF FUNDS WORKSHEET FY 2023

WTP#1-Repair and Maintenance 54019086 – 46000	\$ 87,000.00
Total Expended/Encumbered to Date.....	\$ 17,422.43
Pending Work Orders/Contracts	\$ 0.00
Current (WO/Contract).....	\$ 32,700.00
Balance.....	\$ 36,877.57

SOURCE OF FUNDS WORKSHEET FY 2023

WTP#2-Repair and Maintenance 54019087– 46000	\$133,155.00
Total Expended/Encumbered to Date.....	\$ 33,441.13
Pending Work Orders/Contracts	\$ 0.00
Current (WO/Contract).....	\$ 52,400.00
Balance.....	\$ 47,313.87

Recommended Action :

ADOPT RESOLUTION 2023-XX APPROVING PIGGYBACKING THE VOLUSIA COUNTY CONTRACT WITH STEVE'S FIRST CHOICE PAINTING FOR CITYWIDE PAINTING SERVICES

City of Palm Coast, Florida Agenda Item

Agenda Date : February 7, 2023

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	As Needed
Division	ENGINEERING	Account	# Multiple Accounts
Subject	RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT WITH STRICKLAND SOD FARM, INC., FOR SOD MATERIALS AND SOD INSTALLATION CITYWIDE ON AN AS-NEEDED BASIS		
Presenter: Don Schrager, Deputy Director of Stormwater & Engineering			
Background : This item is for standard operations. The City purchases sod on an as-needed basis for citywide use either by the piece or by the pallet or rolls, picked up by the city, delivered, or installed. Each department will purchase sod based on their specific needs. City Staff advertised ITB-SWE-23-09 and solicited bids for sod materials and installation in accordance with the City’s Purchasing Policy. City Staff recommends that the City Council approve a Master Services Agreement with Strickland Sod Farm, Inc., of Bunnell, FL. The Notice of Intent to Award and Project Bid Overview are attached to this item. City staff will purchase items on an as-needed basis upon City Council approved budgeted funds.			
Recommended Action : RESOLUTION 2023-XX APPROVING A MASTER SERVICES AGREEMENT WITH STRICKLAND SOD FARM, INC., FOR SOD MATERIALS AND SOD INSTALLATION CITYWIDE ON AN AS-NEEDED BASIS			

City of Palm Coast, Florida Agenda Item

Agenda Date: February 7, 2023

Department	UTILITY	Amount	\$83,549.00
Division	WASTEWATER	Account	54029082 063000 85003
Subject	RESOLUTION 2023-XX APPROVING PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT WITH TRADEWINDS POWER CORP FOR THE PURCHASE OF A 125KW GENERATOR PACKAGE		
Presenter: James Melley, Utility Systems Manager			
Background: This item is for standard operations.			
<p>The Utility Department has identified the need to replace the existing 1996 Cummings 125kW generator located at Pump Station 13-1. Pump Station 13-1 will be upgraded in 2023 to include new discharge piping check and plug valves and address deteriorating concrete. There are currently three 47 Horsepower (HP) pumps at this station. The existing generator, purchased over 20 years ago, is beyond repair and has become a liability for the operation of all three 47 HP pumps during a utility power loss. The proposed new Tradewinds 125kW generator will allow the station to run all pumps as needed during high flow situations. This will help to keep the central sewer system in this area evacuated during high flow situations as in heavy rain and storm events and reduce the possibility of sanitary sewer overflows. Staff anticipates sending the existing generator to auction.</p> <p>Tradewinds Power Corp is one of four approved generators in the Utility Standards and is the choice of staff based on prior history and performance. The cost to replace the generator also includes delivery.</p> <p>City staff is recommending that City Council approve piggybacking the Florida Sheriffs Association Contract #FSA20-EQU 18.0 Specification #114 with Tradewinds Power Corp through September 30, 2023, for the purchase of a 125kW generator. Piggybacking existing competitively bid contracts is advantageous since the pricing is generally better than what the City could obtain on its own and the City does not incur the expense and delay of soliciting a bid. This is an emergency generator, and the maintenance costs are comparable with the existing generator.</p> <p>The Fiscal Year 2023 budget includes funding in the City’s Utility Capital to purchase a 125kW generator. City staff estimates that the City will expend \$83,549.00 under this piggyback contract.</p>			

SOURCE OF FUNDS WORKSHEET FY 2023

IMPR-LIFT STATION REPLACEMENT 54029082-063000-85003	\$4,130,000.00
Total Expended/Encumbered to Date.....	1,510,160.26
Pending Work Orders/Contracts.....	0.00
Current (WO/Contract).....	83,549.00
Balance.....\$	2,536,290.74

Recommended Action :

ADOPT RESOLUTION 2023-XX APPROVING PIGGYBACKING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT WITH TRADEWINDS POWER CORP FOR THE PURCHASE OF A 125KW GENERATOR PACKAGE

City of Palm Coast, Florida

Agenda Item

Agenda Date: February 7, 2023

Department	UTILITY	Amount	As Needed
Division	WASTEWATER	Account	54029082 063000 82001
Subject	RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR EMERGENCY REPLACEMENT PEP TANKS		
Presenter: James Melley, Utility Systems Manager			
Background : This item is for standard operations. The City of Palm Coast Utility Department owns and operates a Pretreatment Effluent Pumping (PEP) System and requested firm pricing for Emergency Replacement PEP tanks on an as-needed basis. In accordance with the City’s Purchasing Policy, City staff advertised and solicited bids (ITB-UT-23-06) for emergency replacement PEP tanks on an as-needed basis. The City received one (1) bid which was deemed responsive and responsible. The project bid overview and notice of intent to award are attached to this item. Staff recommends approving a master service agreement with Alpha General Services, LLC, with a cost of \$3,033.00 per tank as bided. City staff will purchase items on an as-needed basis using budgeted capital funds by City Council. The PEP tanks will be purchased on an as-needed basis. Funds are appropriated in the Utility Capital for PEP service installs.			
Recommended Action : ADOPT RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR EMERGENCY REPLACEMENT PEP TANKS			

City of Palm Coast, Florida Agenda Item

Agenda Date : February 7, 2023

Department	UTILITY	Amount	As Needed
Division	WASTEWATER	Account	54029083 063000 85005
Subject	RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR EMERGENCY REPLACEMENT PEP PUMPS		
Presenter : James Melley, Utility Systems Manager			
Background : This item is for standard operations.			
<p>The City of Palm Coast Utility Department owns and operates a Pretreatment Effluent Pumping (PEP) System and requested firm pricing for Emergency Replacement PEP pumps on an as-needed basis. Alpha General Services, LLC was the low bid at \$149.00 per pump on an as-needed basis.</p> <p>In accordance with the City’s Purchasing Policy, City staff advertised and solicited bids (ITB-UT-23-05) for emergency replacement PEP pumps on an as-needed basis. The City received one (1) bid which was deemed responsive and responsible. The project bid overview and notice of intent to award are attached to this item.</p> <p>Staff recommends approving a master service agreement with Alpha General Services, LLC, with a cost of \$149.00 per pump as bided.</p> <p>City staff will purchase items on an as-needed basis using budgeted capital funds by City Council. The PEP tanks will be purchased on an as-needed basis. Funds are appropriated in the Utility Capital for Renewals and Replacements (R&R).</p>			
Recommended Action : ADOPT RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR EMERGENCY REPLACEMENT PEP PUMPS			