



**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 21, 2023**

**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 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 AND A MOMENT OF SILENCE**

**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.

(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.

**E. MINUTES**

**1. MINUTES OF THE CITY COUNCIL:**

**FEBRUARY 7, 2023, BUSINESS MEETING**

**FEBRUARY 14, 2023, WORKSHOP MEETING**

**F. PROCLAMATIONS**

**2. PROCLAMATION - FEBRUARY 2023 AS NATIONAL TEEN DATING VIOLENCE AWARENESS MONTH**

**3. PROCLAMATION - FEBRUARY 14, 2023, AS NATIONAL DONOR DAY**

**4. PROCLAMATION - FEBRUARY 28, 2023, AS RARE DISEASE DAY**

**G. ORDINANCES FIRST READ**

**5. ORDINANCE 2023-XX ESTABLISHING THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT - APPLICATION #5308**

**H. CONSENT**

6. RESOLUTION 2023-XX APPROVING CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES, PROFESSIONAL DESIGN SERVICES WITH MULTIPLE VENDORS, AND PROJECT CONTINGENCY FOR DESIGN AND CONSTRUCTION OF NEW FIRE STATIONS AND BAY DOOR REPLACEMENTS
  7. RESOLUTION 2023-XX APPROVING AMENDING THE CITY OF PALM COAST CITY COUNCIL MEETING POLICIES AND PROCEDURES
  8. RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH IXOM WATERCARE TO PURCHASE AERATION EQUIPMENT
  9. RESOLUTION 2023-XX APPROVING A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY OF PALM COAST AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY THE CITY OF PALM COAST
- I. PUBLIC PARTICIPATION  
Remainder of Public Comments is limited to three (3) minutes each.
  - J. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA
  - K. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA
  - L. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA
10. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR JANUARY 2023
- M. ADJOURNMENT
11. AGENDA WORKSHEET AND CALENDAR

# City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b> CITY ADMINISTRATION	<b>Amount</b>
<b>Division</b>	<b>Account</b>
	<b>#</b>
<b>Subject</b> MINUTES OF THE CITY COUNCIL: FEBRUARY 7, 2023, BUSINESS MEETING FEBRUARY 14, 2023, WORKSHOP MEETING	
<b>Presenter : Virginia Smith, City Clerk</b>	
<b>Background :</b>	
<b>Recommended Action :</b> <b>APPROVE MINUTES OF THE CITY COUNCIL:</b> <b>FEBRUARY 7, 2023, BUSINESS MEETING</b> <b>FEBRUARY 14, 2023, WORKSHOP MEETING</b>	

## City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	CITY ADMINISTRATION	<b>Amount</b>
<b>Division</b>	CITY CLERK	<b>Account</b>
		<b>#</b>
<b>Subject</b>	PROCLAMATION – FEBRUARY 2023 AS NATIONAL TEEN DATING VIOLENCE AWARENESS MONTH	
<b>Presenter :</b>	<b>Mayor and City Council</b>	
<b>Background :</b>	The City of Palm Coast received a request from the Family Life Center to proclaim February 2023 as “National Teen Dating Violence Awareness Month.”	
<b>Recommended Action :</b>	<b>PROCLAIM FEBRUARY 2023 AS “NATIONAL TEEN DATING VIOLENCE AWARENESS MONTH”</b>	

# City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	CITY ADMINISTRATION	<b>Amount</b>
<b>Division</b>	CITY CLERK	<b>Account</b>
		<b>#</b>
<b>Subject</b>	PROCLAMATION - FEBRUARY 14, 2023, AS NATIONAL DONOR DAY	
<b>Presenter :</b>	Mayor and City Council	
<b>Background :</b>	The City of Palm Coast would like to proclaim February 14, 2023, as "National Donor Day."	
<b>Recommended Action :</b>	PROCLAIM FEBRUARY 14, 2023, AS "NATIONAL DONOR DAY"	

# City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	CITY ADMINISTRATION	<b>Amount</b>
<b>Division</b>	CITY CLERK	<b>Account</b>
		<b>#</b>
<b>Subject</b>	PROCLAMATION - FEBRUARY 28, 2023, AS RARE DISEASE DAY	
<b>Presenter :</b>	Mayor and City Council	
<b>Background :</b>	The City of Palm Coast received a request from the National Organization of Rare Diseases (NORD) to proclaim February 28, 2023, as "Rare Disease Day."	
<b>Recommended Action :</b>	PROCLAIM FEBRUARY 28, 2023, AS "RARE DISEASE DAY"	

# City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	COMMUNITY DEVELOPMENT	<b>Amount</b>
<b>Division</b>	PLANNING	<b>Account #</b>
<b>Subject</b>	ORDINANCE 2023-XX ESTABLISHING THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT - APPLICATION #5308	
<b>Presenter : Jordan Myers, CFM, Environmental Planner</b>		
<b>Background:</b>		
<p>In March 2021, City Council approved a rezoning for this project from a Master Planned Development and Single Family Residential (SFR)-1 to SFR-1 and Preservation. On August 18, 2021, the Planning and Land Development Regulation Board (PLDRB) approved a Subdivision Master Plan for this project for 482 single-family residential lots. On May 6, 2022, Staff approved the preliminary plat for the project. In December 2022, the applicant submitted a petition to establish the Landings Community Development District (CDD) which is primarily a mechanism for funding the significant costs of providing infrastructure for a residential community.</p> <p>Florida Statutes Chapter 190, Community Development Districts, sets forth the standards for a CDD and more specifically Section 190.005 provides the standards for a local government to adopt an ordinance establishing a CDD. The following six factors are to be used by the City in determining if the City Council will grant or deny the CDD petition:</p> <ol style="list-style-type: none"> <li>1. Whether all the statements within the petition have been found to be true and correct.</li> <li>2. Whether the establishment of the district is inconsistent with any applicable element or portion of the State’s comprehensive plan or of the City’s comprehensive plan.</li> <li>3. Whether the land area within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community.</li> <li>4. Whether the district is the best alternative available for delivering CDD services and facilities for the project.</li> <li>5. Whether the CDD services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.</li> <li>6. Whether the area that will be served by the district is amenable to separate special district government.</li> </ol> <p>A CDD is a special purpose unit of government that is utilized to acquire, finance, operate, and maintain the infrastructure within a planned development. A key advantage for the developer is that low-cost financing can be obtained by issuing tax-exempt bonds to finance the infrastructure improvements. The City or County approving such ordinance establishing the CDD is not a party to the financing and does not incur any obligation for this infrastructure debt.</p>		



Once the infrastructure is completed, the CDD is managed by a five (5) member Board of Supervisors. Florida law requires the Board of Supervisors to operate under public record laws and provide annual audits. Additionally, Florida laws require that potential property owners within the CDD be notified upfront in writing of the infrastructure costs and annual payments associated with the applicable property. These payments would be made to the Flagler County Tax Collector's office as an assessment.

Public Participation: Newspaper ads are required to be run approximately two weeks prior to each of the two City Council public hearings. The applicant is also required to run four consecutive weekly newspaper ads advising the public of the second City Council public hearing.

**Recommended Action:**

**PLANNING STAFF RECOMMENDS THAT THE CITY COUNCIL DETERMINE THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT PETITION IS IN COMPLIANCE WITH FLORIDA STATUTES CHAPTER 190 AND THE CITY'S COMPREHENSIVE PLAN AND APPROVE THE ORDINANCE ESTABLISHING THE COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT, APPLICATION #5308**

# City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	STORMWATER & ENGINEERING	<b>Amount</b>	\$476,676.82
<b>Division</b>	ENGINEERING	<b>Account</b>	# 2107400-063000-49013 # 2107400-063000-49014 # 4300099-063000-49010
<b>Subject</b>	RESOLUTION 2023-XX APPROVING CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES, PROFESSIONAL DESIGN SERVICES WITH MULTIPLE VENDORS, AND PROJECT CONTINGENCY FOR DESIGN AND CONSTRUCTION OF NEW FIRE STATIONS AND BAY DOOR REPLACEMENTS		
<b>Presenter: Eric Gebo, Architect III</b>			
<b>Background:</b>			
<b>Council Priority:</b>			
C. Safe and Reliable Services:			
3. Seek opportunities for the Community Center to help relieve parking Repurpose FS22, to preserve historical value and expand visitor awareness of Palm Coast.			
<b><u>UPDATE FROM THE FEBRUARY 14, 2023, WORKSHOP</u></b>			
This item was heard by City Council at their February 14, 2023, Workshop. There were no changes suggested to this item.			
<b><u>ORIGINAL BACKGROUND FROM THE FEBRUARY 14, 2023, WORKSHOP</u></b>			
These projects are part of the 10-year Capital Improvement Plan to address Fire Department response times, and involve the replacement of an existing station, modifications to existing stations, and the construction of a new facility.			
City staff advertised the project (RFSQ-SWE-22-60) and received eight (8) firms that were deemed responsive and responsible. City staff recommends awarding contracts for professional design services in the following amounts to Schenkel & Shultz, Inc.:			
<ul style="list-style-type: none"> <li>• Fire Station 22 - \$ 54,900</li> <li>• Fire Station 25 - \$150,050</li> <li>• Fire Station 26 - \$157,030</li> </ul>			
City staff advertised the project (RFSQ-SWE-22-89) and received four (4) firms that were deemed responsive and responsible. City staff recommends awarding contracts for construction management services, in the amount \$64,696.82 to Wharton-Smith, Inc.			
<ul style="list-style-type: none"> <li>• Fire Station 22 - \$ 3,980.18</li> <li>• Fire Station 25 - \$30,358.32</li> <li>• Fire Station 26 - \$30,358.32</li> </ul>			

Staff is also requesting a contingency of \$50,000, be approved, in case of unforeseen circumstances and/or unknown conditions, for a total project cost of \$476,676.82.

Funds for this project have been budgeted in the Capital Improvement and Fire Impact Fee Fund FY 23 Budget.

**SOURCE OF FUNDS WORKSHEET FY 2023**

<b>Capital Projects Fund—43000099-063000-49010</b>	<b>\$ 520,000.00</b>
Total Expenses/Encumbered to date	\$ 0
Pending Work Orders/Contracts	\$ 0
Current Contract	<u>\$ 75,546.84</u>
Balance	\$ 444,456.16

**SOURCE OF FUNDS WORKSHEET FY 2023**

<b>Fire Impact Fee—21074000-063000-49013</b>	<b>\$ 500,000.00</b>
Total Expenses/Encumbered to date	\$ 0
Pending Work Orders/Contracts	\$ 0
Current Contract	<u>\$ 197,074.99</u>
Balance	\$ 302,925.02

**SOURCE OF FUNDS WORKSHEET FY 2023**

<b>Fire Impact Fee—21074000-063000-49014</b>	<b>\$ 500,000.00</b>
Total Expenses/Encumbered to date	\$ 0
Pending Work Orders/Contracts	\$ 0
Current Contract	<u>\$ 204,054.99</u>
Balance	\$ 295,945.03

The contracts attached to this agenda item are in draft format and under final legal review. The attached Resolution is requesting City Council approval and to grant authority to the City Manager, or designee to negotiate, finalize, and execute the contracts for this project.

**Recommended Action :**

**ADOPT RESOLUTION 2023-XX APPROVING CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES, PROFESSIONAL DESIGN SERVICES WITH MULTIPLE VENDORS, AND PROJECT CONTINGENCY FOR DESIGN AND CONSTRUCTION OF NEW FIRE STATIONS AND BAY DOOR REPLACEMENTS**

## City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	CITY ADMINISTRATION	<b>Amount</b>
<b>Division</b>	CITY CLERK	<b>Account #</b>
<b>Subject</b>	RESOLUTION 2023-XX APPROVING AMENDING THE CITY OF PALM COAST CITY COUNCIL MEETING POLICIES AND PROCEDURES	
<b>Presenter : Virginia A. Smith, City Clerk</b>		
<b>Background :</b>		
<p>On January 31, 2023, City Council held a Special Workshop to review Council's Policies and Procedures.</p> <p>City Council recommended a change to the City Council Meeting Policies and Procedures policy. The amended policy is attached to this item for Council consideration and is shown in strikethrough for deletion and underlining for additions.</p> <p>In addition to the policy amendment, City Council also requested the following:</p> <ul style="list-style-type: none"> <li>- <i>to continue with public comment at the beginning and end of each meeting; and</i></li> <li>- <i>requested the public comment language be condensed; and</i></li> <li>- <i>add a moment of silence after the pledge of allegiance; and</i></li> <li>- <i>requested template language for responding to residents regarding quasi-judicial items; and</i></li> <li>- <i>requested to see examples of invocation policies from Ms. Borkert, City Attorney.</i></li> </ul> <p>The additional requests shown above have been implemented, except for the Invocation Policy. The draft Invocation Policy will be presented to City Council at the March 14, 2023, workshop.</p>		
<b>Recommended Action :</b>		
<b>ADOPT RESOLUTION 2023-XX APPROVING AMENDING THE CITY OF PALM COAST CITY COUNCIL MEETING POLICIES AND PROCEDURES</b>		

## City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b> UTILITY	<b>Amount</b> \$ 898,354.00										
<b>Division</b>	<b>Account</b> # 54029087 63000 84010										
<b>Subject</b> RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH IXOM WATERCARE INC., TO PURCHASE AERATION EQUIPMENT											
<b>Presenter : Peter Roussel, Utility Deputy Director</b>											
<p><b>Background:</b>  <b>This item is for standard operations.</b></p> <p>Water Treatment Plant 2 (WTP 2) is a 7.584 million gallons per day (MGD) nano-filtration facility that utilizes a zero liquid discharge (ZLD) process to convert the concentrate to potable water using lime softening, stabilization, ultra-filtration, and disinfection. The processes of recovering concentrate as potable water began in 2015 due to a regulatory change. Since then, WTP 2 staff has worked with multiple engineering firms evaluating methods of process optimization to enhance water quality and reduce chemical consumption. Staff conducted multiple pilot studies and determined that post aeration (a physical process of removing volatiles) outperformed the chemical method of removing organic precursors. Staff is requesting to purchase the aeration equipment directly and outsource the construction component of the process improvement to reduce costs.</p> <p>In accordance with the City's Purchasing Policy, City staff advertised and solicited bids for aeration equipment under RFP-SWE-23-17. The Project Bid Overview and Notice of Intent to Award are attached. Staff recommends that Council approve a Master Price Agreement with IXOM Watercare Inc., to purchase aeration equipment.</p> <p>City staff will purchase this equipment using funds appropriated by City Council in the Fiscal Year 2023 Utility Budget for the purchase of aeration equipment.</p> <p><b>SOURCE OF FUNDS WORKSHEET FY 2023</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Utility Capital- WTP 2 Improvements 54029087 063000 84003/84010.....</td> <td style="text-align: right;">\$3,338,006.00</td> </tr> <tr> <td>Total Expended/Encumbered to Date.....</td> <td style="text-align: right;">547,539.13</td> </tr> <tr> <td>Pending Work Orders/Contracts.....</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Current (WO/Contract).....</td> <td style="text-align: right;">898,354.00</td> </tr> <tr> <td><b>Balance.....</b></td> <td style="text-align: right;"><b>\$1,892,112.87</b></td> </tr> </table> <p>The contract attached to this agenda item is in draft format and under final legal review. The attached Resolution is requesting that City Council approve and grant authority to the City Manager, or designee, to negotiate, finalize, and execute the contract for this project.</p>		Utility Capital- WTP 2 Improvements 54029087 063000 84003/84010.....	\$3,338,006.00	Total Expended/Encumbered to Date.....	547,539.13	Pending Work Orders/Contracts.....	0.00	Current (WO/Contract).....	898,354.00	<b>Balance.....</b>	<b>\$1,892,112.87</b>
Utility Capital- WTP 2 Improvements 54029087 063000 84003/84010.....	\$3,338,006.00										
Total Expended/Encumbered to Date.....	547,539.13										
Pending Work Orders/Contracts.....	0.00										
Current (WO/Contract).....	898,354.00										
<b>Balance.....</b>	<b>\$1,892,112.87</b>										
<p><b>Recommended Action :</b>  <b>ADOPT RESOLUTION 2023-XX APPROVING A MASTER PRICE AGREEMENT WITH IXOM WATERCARE INC., TO PURCHASE AERATION EQUIPMENT</b></p>											

## City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b>	PUBLIC WORKS	<b>Amount</b>	This is a revenue generating item.
<b>Division</b>	STREETS DIVISION	<b>Account #</b>	
<b>Subject</b>	RESOLUTION 2023-XX APPROVING A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY OF PALM COAST AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY THE CITY OF PALM COAST		
<b>Presenter : Matthew Mancill, Director of Public Works</b>			
<p><b>Background :</b>  <b>This item is for standard operations.</b></p> <p>This resolution is to authorize the approval and execution of a Memorandum of Agreement (MOA) between the City of Palm Coast and the Florida Department of Transportation (FDOT). This MOA is for the maintenance of state road rights-of-way by the Public Works Department as described in the attached MOA.</p> <p>The Public Works Department shall be responsible for the routine maintenance activities of all roadway features within the rights-of-way having limits described in Exhibit "B," or subsequent amended limits mutually agreed upon in writing by both parties. For the purpose of this MOA, the maintenance activities to be performed by the department are defined in Exhibit "C," or as defined by amended definitions agreed upon in writing by both parties. City staff recommends approving the MOA with the Florida Department of Transportation (FDOT) for maintenance services on state road rights-of-way.</p> <p>Upon execution of this MOA by the parties, FDOT will issue a Notice to Proceed to the City. The term of this MOA commences on the effective date of the Notice to Proceed and will continue for a period of three (3) years from the effective date on the Notice to Proceed. This MOA may be renewed for a period that may not exceed one three (3) year term.</p> <p>FDOT agrees to pay the City of Palm Coast, following the Notice to Proceed, compensation for the cost of maintenance as described in the Provisions Section of this MOA. The payment will be \$35,605.00 per quarter, equating to \$142,420.00 per year for the duration of the term.</p>			
<p><b>Recommended Action :</b>  <b>ADOPT RESOLUTION 2023-XX APPROVING A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY OF PALM COAST AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAY BY THE CITY OF PALM COAST</b></p>			

# City of Palm Coast, Florida Agenda Item

Agenda Date : February 21, 2023

<b>Department</b> FINANCIAL SERVICES <b>Division</b>	<b>Amount</b> <b>Account</b> <b>#</b>
<b>Subject</b> REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR JANUARY 2023	
<b>Presenter : Denise Bevan, City Manager</b>	
<b>Background :</b> Attached is a list of all emergency and sole source purchases for the month of January 2023, in accordance with Sec. 2.25 of Chapter 2, Article 1 Division 3 of the Code of Ordinances of the City of Palm Coast (Procurement Policy).	
<b>Recommended Action :</b> <b>FOR REPORTING ONLY - VIA CITY MANAGER COMMENTS</b>	