



City of Palm Coast Amended 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 Cathy Heighter
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, July 18, 2023

9:00 AM

COMMUNITY WING

City Staff

Denise Bevan, City Manager

Neysa Borkert, City Attorney

Kaley Cook, 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 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:

JUNE 20, 2023, BUSINESS MEETING

JUNE 27, 2023, WORKSHOP MEETING

JUNE 27, 2023, SPECIAL BUSINESS MEETING

JULY 11, 2023, WORKSHOP MEETING

F. RESOLUTIONS

2. RESOLUTION 2023-XX SETTING A PROPOSED MAXIMUM MILLAGE (TRIM) RATE

3. RESOLUTION 2023-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT

G. ORDINANCES FIRST READ

4. ORDINANCE 2023-XX ESTABLISHING THE COQUINA SHORES COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5415

5. ORDINANCE 2023-XX VOLUNTARY ANNEXATION OF A 330.8 ACRES SOUTH OF FLAGLER COUNTY AIRPORT ON THE NORTH/WEST SIDE OF SEMINOLE WOODS BOULEVARD

6. **ORDINANCE 2023-XX FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)**

H. ORDINANCES SECOND READ

7. **ORDINANCE 2023-XX ADOPTING PROCESSES AND PROCEDURES FOR RECALL, CITIZEN INITIATIVE, AND REFERENDUM, PROVIDING PROCEDURES FOR PETITION AND ORGANIZING A POLITICAL COMMITTEE**
8. **ORDINANCE 2023-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 505.6+/- ACRES OF PROPERTY FROM MIXED-USE AND CONSERVATION TO RESIDENTIAL AND CONSERVATION, AND ADDING A SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE PROPERTY TO 750 DWELLING UNITS**
9. **ORDINANCE 2023-XX REZONING COQUINA SHORES MASTER PLAN DEVELOPMENT (MPD) - APPLICATION NO. 5243**

I. CONSENT

10. **RESOLUTION 2023-XX APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND FLAGLER COUNTY SCHOOL DISTRICT FOR JOINT USE OF REAL PROPERTY AND FACILITIES AND COORDINATION OF PROGRAMS AND SERVICES**
11. **RESOLUTION 2023-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS RELATING TO THE INITIATIVE/REFERENDUM PROCESSES**
12. **RESOLUTION 2023-XX APPROVING AN AMENDMENT TO THE COMMUNICATIONS SITE LEASE WITH T-MOBILE AT BELLE TERRE PARK**
13. **RESOLUTION 2023-XX APPROVING A CYBERSECURITY GRANT FROM THE STATE OF FLORIDA**
14. **RESOLUTION 2023-XX APPROVING A LAND PURCHASE WITH THE PROPERTY OWNER OF 8 LUDLOW LANE E FOR FUTURE ROADWAY USE**

J. PUBLIC PARTICIPATION

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

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

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

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

15. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR JUNE 2023

N. ADJOURNMENT

16. AGENDA WORKSHEET AND CALENDAR

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	CITY ADMINISTRATION	Amount
Division		Account
		#
Subject	MINUTES OF THE CITY COUNCIL: JUNE 20, 2023, BUSINESS MEETING JUNE 27, 2023, WORKSHOP MEETING JUNE 27, 2023, SPECIAL BUSINESS MEETING JULY 11, 2023, WORKSHOP MEETING	
Presenter: Kaley Cook, City Clerk		
Background:		
Recommended Action: APPROVE MINUTES OF THE CITY COUNCIL: JUNE 20, 2023, BUSINESS MEETING JUNE 27, 2023, WORKSHOP MEETING JUNE 27, 2023, SPECIAL BUSINESS MEETING JULY 11, 2023, WORKSHOP MEETING		

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	FINANCIAL SERVICES	Amount
Division		Account #
Subject	RESOLUTION 2023-XX SETTING A PROPOSED MAXIMUM MILLAGE (TRIM) RATE AND SETTING THE FIRST (TENTATIVE) BUDGET HEARING DATE, TIME, AND LOCATION FOR THE FISCAL YEAR 2024 BUDGET	
Presenter: Helena Alves, Director of Financial Services		
Background: City Council adopted the Fiscal Year 2023 Budget on September 21, 2022, in the amount of \$328,187,636 per Resolution 2022-123. At the April 25, 2023, Special Budget Workshop, City Council was presented with the year-to-date budget results for operating department budgets for Fiscal Year 2023 October through March. On May 2, 2023, City Council approved and adopted the Strategic Action Plan (SAP) for Fiscal Year 2023-2024. At the May 23, 2023, Workshop, staff presented to City Council on fund accounting and revenue source restrictions to prepare for the upcoming Fiscal Year 2024 budget. On June 13, 2023, City Council was presented with an overview of the process for adopting the Property Tax and TRIM rate in preparation to adopt the Fiscal Year 2024 TRIM rate in September. On July 11, 2023, City Council was presented the Fiscal Year 2024 General Fund Budget, and an overview of the TRIM rate options. As discussed, staff is proposing a maximum millage rate of 4.6100 mills, which is an 8.29% increase from the rolled-back rate of 4.2570 mills, and the first budget hearing to be held at 5:15 p.m. on Thursday, September 7, 2023, at the Palm Coast City Hall Community Wing, located at 160 Lake Ave, Palm Coast. Local governments must conform to the maximum millage limitation requirements as outlined in Section 200.065(5), F.S. within 35 days of the certification of value, the City of Palm Coast must inform the property appraiser of the current year’s proposed millage rate and the first budget hearing date and location which will be advertised on the Notice of Proposed Property Taxes (TRIM notice) that the property appraiser mails. Director of Financial Services, Helena Alves, and Budget & Procurement Manager, Gwen Ragsdale, will be presenting to City Council the Proposed Millage Rate & Proposed Budget for the Fiscal Year 2024.		

Recommended Action:

ADOPT RESOLUTION 2023-XX SETTING A PROPOSED MAXIMUM MILLAGE (TRIM) RATE AND SETTING THE FIRST (TENTATIVE) BUDGET HEARING DATE, TIME, AND LOCATION FOR THE FISCAL YEAR 2024 BUDGET

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	CODE ENFORCEMENT	Account #
Subject	RESOLUTION 2023-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT	
Presenter: Barbara Grossman, Code Enforcement Manager		
Background: <u>UPDATED BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u> City Council received a presentation on this item at their July 11, 2023, Workshop Meeting. There were no changes proposed to this item. <u>ORIGINAL BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u> In March 2010, the City adopted Ordinance 2010-03 - Public Nuisance, to provide for the creation of an assessment area and authorize the imposition of Nuisance Abatement Assessments to be included in the annual ad valorem tax bill sent out by the County Tax Collector for properties where the City abated a nuisance. In December 2010, the City adopted Resolution 2010-168 - Non-Ad Valorem Assessments for Nuisance Abatement, signifying the City’s intent to use the uniform method of collecting non-ad valorem special assessments levied within the City in connection with Ordinance 2010-03. Each year the preliminary and final assessment roll needs to be adopted by City Council prior to September 15. This Resolution is intended to adopt a preliminary assessment roll. The final roll will be prepared and brought back to City Council at their August 8, 2023, Workshop and the August 15, 2023, Business Meeting for action.		
Recommended Action: ADOPT RESOLUTION 2023-XX APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT		

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	ORDINANCE 2023-XX ESTABLISHING THE COQUINA SHORES COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5415	
Presenter: Phong Nguyen, Senior Planner		
Background:		
This is a legislative item.		
<p>In April 2023, JX Palm Coast Land, LLC (Petitioner) submitted a petition to establish the Coquina Shores Community Development District (CDD) which is primarily a mechanism for funding the significant costs of providing infrastructure for a large residential community. In this case, the applicant estimates there would be 650 residential units. The proposed Coquina Shores CDD is located entirely within the City of Palm Coast, Florida, and comprises approximately 505.62 acres of land. The site is generally located north of State Road 100, and east of Interstate 95. The proposed CDD is designed to provide community infrastructure, stormwater, services, and facilities along with public facility operation and maintenance to the proposed CDD.</p>		
<p>The intent to establish a CDD is to encourage a strong commitment to capital facilities planning, management, and financing to ensure the provision of adequate capital infrastructure to serve projected growth without overburdening the general taxpayer. The establishment of the CDD does not obligate the City of Palm Coast to ownership, operation, or maintenance of any infrastructure. Nothing in the Petition shall be construed as an affirmative acceptance by the City Council of the City of Palm Coast of improvements or acceptance of operation and maintenance obligations.</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>		
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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.
6. Whether the area that will be served by the district is amenable to separate special district government.

A CDD is a special purpose unit of government that is utilized to acquire, finance, operate, and maintain the infrastructure within a large, 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.

Once the infrastructure is completed, the CDD is managed by a 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 will 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:

ADOPT ORDINANCE 2023-XX ESTABLISHING THE COQUINA SHORES COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5415

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	ORDINANCE 2023-XX VOLUNTARY ANNEXATION OF A 330.8 ACRES SOUTH OF FLAGLER COUNTY AIRPORT ON THE NORTH/WEST SIDE OF SEMINOLE WOODS BOULEVARD	
Presenter: Jose Papa, AICP, Senior Planner		
Background: This is a quasi-judicial item, please disclose any ex parte communication. Property Owner, Byrndog PCP, LLC has filed a petition to voluntarily annex real property into the City of Palm Coast municipal boundaries. The subject parcel is approximately 330.8 acres, and is generally located south of the Flagler County Airport on the north/west side of Seminole Woods Blvd. The annexation of the subject property is being accomplished in accordance with Florida Statutes, Chapter 171. The proposed annexation meets the criteria set forth in Subsection 171.043, Florida Statutes regarding the character of the area to be annexed: <ul style="list-style-type: none">• The property’s boundary is contiguous to the City’s existing boundary.• The property is reasonably compact, and is not part of another incorporated municipality and will be used for urban purposes.• The proposed annexation will not create an enclave. Additionally, the subject area is within the Palm Coast Service Area for water and sewer services, and per Ordinance 2003-23 and 2007-03, is required to annex in order to receive utility service from the City.		
Recommended Action: STAFF FINDS THE ANNEXATION REQUEST MEETS THE STATUTORY REQUIREMENTS FOR A VOLUNTARY ANNEXATION		

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	FINANCIAL SERVICES	Amount
Division		Account #
Subject	ORDINANCE 2023-XX FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)	
Presenter: Helena Alves, Director of Financial Services		
Background: <u>UPDATED BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u> City Council received a presentation on this item at their July 11, 2023, Workshop Meeting. The proposed Ordinance is attached to this item for Council's consideration. <u>ORIGINAL BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u> At the April 25, 2023, Special Budget Workshop, City Council was presented an update on the City Pavement Program funding shortfall. This presentation reviewed funding needs based upon the updated survey that was completed with proposed new revenue options to provide the necessary funding. City Council directed staff to explore new revenue options to maintain the current roadway system condition for arterial and residential roads. At the May 23, 2023, Workshop, staff presented to City Council on fund accounting and revenue source restrictions to prepare for the upcoming Fiscal Year 2024 budget. This presentation reviewed the Electric Franchise Fee option as a revenue source and provided information on the use of projected revenue. At the June 13, 2023, Workshop, City Council directed staff add to the agenda for July 11, 2023, a presentation and discussion on the implementation of the electric franchise fee agreement with Florida Power & Light (FPL). Staff will present to City Council the draft Ordinance for the Electric Franchise Fee Agreement with Florida Power & Light. The effective date of the Ordinance will be October 1, 2023. This Franchise Fee Agreement will provide unrestricted funding for the City.		
Recommended Action: ADOPT ORDINANCE 2023-XX FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)		

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	CITY ADMINISTRATION	Amount
Division	CITY ATTORNEY	Account
		#
Subject	ORDINANCE 2023-XX ADOPTING PROCESSES AND PROCEDURES FOR RECALL, CITIZEN INITIATIVE, AND REFERENDUM, PROVIDING PROCEDURES FOR PETITION AND ORGANIZING A POLITICAL COMMITTEE	
Presenter: Neysa Borkert, City Attorney		
Background:		
<u>UPDATED BACKGROUND FROM THE JUNE 13, 2023, COUNCIL WORKSHOP MEETING:</u>		
At first reading of the ordinance, the City Council asked staff to research the procedure for challenging or appealing a petition validity determination by the Supervisor of Elections. The City Attorney contacted the Supervisor of Elections and reviewed the Florida Administrative Code and the Florida Statutes. At this time, there is no procedure in the Florida Statutes nor the Florida Administrative Code that would allow for petition gatherers to appeal a rejected petition determination by the Supervisor of Elections. The Supervisor of Elections makes the final decision on validity of petitions. As such, there have been no modifications to the proposed ordinance since the first reading.		
<u>ORIGINAL BACKGROUND FROM THE JUNE 13, 2023, COUNCIL WORKSHOP MEETING:</u>		
Last year, a citizen brought forth a potential initiative to amend the City of Palm Coast Charter. The City of Palm Coast relied upon the guidance of the Supervisor of Elections and the Florida Statutes to provide to the citizens the process for initiatives and referendums. Upon legal review, it was determined the City did not have an Ordinance outlining these processes for the citizens. Therefore, this item is to present to Council an ordinance to provide those processes in accordance with Art. IX. - General provisions, of the City of Palm Coast Charter provides “(t)he form, content, and certification of any petition to amend (the Charter) shall be established by ordinance,” and that petitions to amend ordinances and for recall shall also be established by ordinance.		
Section 166.031(6), Florida Statutes recognizes that municipalities are vested with the procedural power to amend municipal charters.		
Art. IX- General provisions, of the City of Palm Coast Charter also provides, in accordance with Florida Statute 166.031: “At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter...This Procedure for such initiative or referendum shall be as established by ordinance.”		
The City Council desires to establish procedures for recall, for amending the Charter, proposing an ordinance, and reconsideration of an adopted ordinance by citizen initiative and referendum.		

Recommended Action:

**ADOPT ORDINANCE 2023-XX ADOPTING PROCESSES AND PROCEDURES FOR
RECALL, CITIZEN INITIATIVE, AND REFERENDUM, PROVIDING PROCEDURES FOR
PETITION AND ORGANIZING A POLITICAL COMMITTEE**

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	ORDINANCE 2023-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 505.6+/- ACRES OF PROPERTY FROM MIXED-USE AND CONSERVATION TO RESIDENTIAL AND CONSERVATION, AND ADDING A SITE-SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE PROPERTY TO 750 DWELLING UNITS	
Presenter: Jose Papa, AICP, Senior Planner		
Background:		
This is a legislative item.		
<u>UPDATED BACKGROUND FROM THE MAY 16, 2023, BUSINESS MEETING:</u>		
City Council unanimously approved the proposed FLUM amendment on first reading on May 16, 2023. As required by Florida Statutes, the proposed FLUM amendment was transmitted to various state agencies for objections, recommendations, or comments. After 30-day review, there were no objections or comments received from the various state agencies which included the Department of Transportation, the Department of Environmental Protection, Florida Division of Historical Resources, the St. Johns River Water Management District, and the Northeast Florida Regional Council.		
All supporting documentation is available for review within the Community Development Department.		
<u>ORIGINAL BACKGROUND FROM THE MAY 16, 2023, BUSINESS MEETING:</u>		
The subject property is a 505.6+/- acre site located 0.25 miles east of Old Kings Road on the northside of State Road 100. The application is a proposed Future Land Use Map (FLUM) amendment to change the current designation of the property from Mixed-Use and Conservation to Residential and Conservation along with a site-specific policy to limit development to 750 dwelling units. There is a companion zoning map amendment for the subject property to amend the existing Master Planned Development (MPD) Agreement.		
The subject property was approved as a Development of Regional Impact (DRI) in 2006 with an amendment in 2007. The Development Order (DO) for this DRI provides an entitlement of 2,411 dwelling units (619 single family, 1,792 multi-family), 50,000 sq. ft. of general retail use, 30,000 sq. ft. of general office, and 150 hotel rooms. Although approved in 2006, no infrastructure improvements or development activities commenced on the DRI.		
The result of the amendment is a significant reduction in the entitlements proposed for the		

property. This includes the reduction of the total number of dwelling units from 2,411 to 750 dwelling units (68% decrease) as well as the elimination of 80,000 sq. ft. of commercial/office use and 150 hotel rooms.

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 compared the current maximum potential development (using the approved DRI-DO entitlements) against the proposed potential development (750 dwelling units) to determine impacts on public facilities and infrastructure. The proposed amendment will have significantly less impact on public facilities and infrastructure due to the significant reduction in entitlements.
- **Impacts on the environmental/cultural resources.** The proposed amendment will not have impacts on any significant environmental or cultural resources. There are no Special Flood Hazard Areas (SFHA) on the subject property. Additionally, consistent with Comprehensive Plan Policies 6.1.9.9 and 6.1.10.6, all optimal quality wetlands that are larger than 10 acres or are connected to a system that is larger than 10 acres are to be designated as Conservation on the Future Land Use Map.
- **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, and designation of wetland systems and other environmentally sensitive land as Conservation on the FLUM.

Recommended Action:

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) FINDS APPLICATION NO. 5244 CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMENDS THAT CITY COUNCIL APPROVE THE FLUM AMENDMENT FROM MIXED-USE AND CONSERVATION TO RESIDENTIAL AND CONSERVATION AS WELL AS ADD A SITE-SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE SUBJECT PROPERTY TO 750 DWELLING UNITS

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	ORDINANCE 2023-XX REZONING COQUINA SHORES MASTER PLAN DEVELOPMENT (MPD) - APPLICATION NO. 5243	
Presenter: Jose Papa, AICP, Senior Planner		
Background: This is a quasi-judicial item, please disclose any ex parte communication. <u>UPDATED BACKGROUND FROM THE MAY 16, 2023, BUSINESS MEETING:</u> City Council unanimously approved the proposed zoning change at first reading on May 16, 2023. There are no changes to the proposed amendment. All supporting documentation is available for review within the Community Development Department. <u>ORIGINAL BACKGROUND FROM THE MAY 16, 2023, BUSINESS MEETING:</u> Jay Livingston on behalf of the property owner JX Palm Coast Land LLC is proposing to repeal and replace the existing JX Properties Mixed-Use Planned Unit Development (PUD) with the proposed Coquina Shores MPD. The existing PUD was part of the State Road 100 Property Development of Regional Impact (DRI) which had various entitlements associated with the project. The proposed Coquina Shores MPD will be solely a residential project and will replace both the PUD and the DRI. There is a companion Future Land Use Map Amendment application for this project, requesting a change from Mixed-Use and Conservation to Residential and Conservation. The applicant's engineer has submitted a preliminary conceptual site plan of a proposed Coquina Shores single-family subdivision. This conceptual site plan proposes up to 750 single-family detached lots, multiple stormwater ponds, an amenity area, existing borrow pits, and extensive preserved conservation area. Based on this conceptual site plan the project would have an expected density of 1.48 units/per acre. <u>Public Participation:</u> this item was heard at the April 19, 2023, Planning and Land Development Regulation Board (PLDRB) meeting and received a 6-0 vote to recommend approval to City Council.		
Recommended Action: THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD DETERMINED THAT THE PROPOSED REZONING OF COQUINA SHORES (APPLICATION NO. 5243) IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMENDS APPROVAL TO CITY COUNCIL TO REZONE 505.62+/- ACRES FROM THE MASTER PLANNED		

**DEVELOPMENT (MPD) ZONING DISTRICT TO THE MASTER PLANNED DEVELOPMENT
(MPD) ZONING DISTRICT**

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	PARKS & RECREATION	Amount
Division		Account
		#
Subject	RESOLUTION 2023-XX APPPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND FLAGLER COUNTY SCHOOL DISTRICT FOR JOINT USE OF REAL PROPERTY AND FACILITIES AND COORDINATION OF PROGRAMS AND SERVICES	
Presenter: James Hirst, Director of Parks & Recreation		
Background: <u>UPDATED BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u> City Council heard a presentation on this item at their July 11, 2023, Workshop Meeting. There were no changes suggested to this item. <u>ORIGINAL BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u> The City of Palm Coast and the Flagler County School District are seeking approval from Council to approve the Interlocal Agreement for Joint Use of Real Property and Facilities and Coordination of Programs and Services to add attachments to the agreement to better define the property and facilities that are included within this agreement. Furthermore, both parties have added additional properties to this agreement.		
Recommended Action: ADOPT RESOLUTION 2023-XX APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND FLAGLER COUNTY SCHOOL DISTRICT FOR JOINT USE OF REAL PROPERTY AND FACILITIES AND COORDINATION OF PROGRAMS AND SERVICES		

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	CITY ADMINISTRATION	Amount
Division	CITY ATTORNEY	Account #
Subject	RESOLUTION 2023-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS RELATING TO THE INITIATIVE/REFERENDUM PROCESSES	
Presenter: Neysa Borkert, City Attorney		
Background: <u>UPDATED BACKGROUND FROM THE JUNE 13, 2023, WORKSHOP MEETING:</u> The Interlocal Agreement has been updated to be consistent with the Ordinance and Florida Statutes relating to payment of fees for verification of petitions by the Supervisor of Elections. <u>ORIGINAL BACKGROUND FROM THE JUNE 13, 2023, WORKSHOP MEETING:</u> The City of Palm Coast has developed by Ordinance the process for Initiatives and Referendums for citizens wishing to bring forth changes to the City of Palm Coast Charter or Code of Ordinances for Council consideration. This is the second agenda item relating to the approval of an Interlocal Agreement with the Flagler County Supervisor of Elections to assist with Initiatives and Referendum processes.		
Recommended Action: ADOPT RESOLUTION 2023-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS RELATING TO THE INITIATIVE/REFERENDUM PROCESSES		

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	INFORMATION TECHNOLOGY	Amount
Division		Account #
Subject	RESOLUTION 2023-XX APPROVING AN AMENDMENT TO THE COMMUNICATIONS SITE LEASE WITH T-MOBILE AT BELLE TERRE PARK	
Presenter: Doug Akins, Director of IT		
Background:		
Council Priority:		
B. Safe and Reliable Services		
<u>UPDATED BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u>		
City Council received a presentation on this item at their July 11, 2023, Workshop Meeting. There were no changes proposed to this item.		
<u>ORIGINAL BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u>		
In September 2006 the City of Palm Coast entered into a Communications Site Lease Agreement with T-Mobile for a concealed flagpole cell tower at Belle Terre Park. T-Mobile is the only carrier currently on the tower.		
AT&T has expressed strong interest in locating on that tower. Under the current agreement, AT&T would have to negotiate with T-Mobile and the City separately to lease space on the tower (T-Mobile) and ground space for equipment (City). Standard practice now on Communications Site Leases is to allow the Lessee to sublease the ground space to streamline collocation negotiations.		
To facilitate this, the City would like to amend our current lease agreement to allow T-Mobile to negotiate and sublease their leased property to AT&T. T-Mobile has agreed to pay the City 40% of the rental payments received from AT&T in addition to what they already pay the City for the lease.		
The City strongly encourages carriers to collocate on towers as it can reduce the number of towers needed in an area.		
Recommended Action:		
ADOPT RESOLUTION 2023-XX APPROVING AN AMENDMENT TO THE COMMUNICATIONS SITE LEASE WITH T-MOBILE AT BELLE TERRE PARK		

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	INFORMATION TECHNOLOGY	Amount
Division		Account #
Subject	RESOLUTION 2023-XX APPROVING A CYBERSECURITY GRANT FROM THE STATE OF FLORIDA	
Presenter: Doug Akins, Director of IT		
Background:		
Council Priority: B. Safe and Reliable Services		
<p>Cybersecurity remains a top priority for the City of Palm Coast IT Department. As part of those efforts, the IT Department applied for the recent Cybersecurity Grant from the State of Florida. The City was awarded the grant, however, was only given a very short period of time from the State to accept the grant. As such, the City Manager executed the grant agreement on behalf of the City.</p> <p>The grant does not award us a specific dollar amount, but instead awards the City services that can be implemented and used to augment the City’s existing cybersecurity program. Other than staff time, there is no financial obligation from the City required in the grant agreement. Implementing the services awarded by the grant are critical for the City, and as such, City staff and the City Manager accepted the grant before the deadline to secure those services.</p> <p>Section 119.0725, Florida Statutes, provides an exemption from the Sunshine Law for certain information relating to the City’s cybersecurity system and information technology. The State has informally stated that the grant agreement is considered confidential under this section of the statutes as it includes services and specific capabilities awarded. As such, should Council desire more information about the grant or the services the City receives, the IT Department would be glad to convey that information confidentially.</p> <p>Given the foregoing, City staff is asking for the Council to ratify and approve the City Manager’s execution of the grant agreement and grant the authority to the City Manager to execute any amendments to the grant agreement and any new grants that may become available in the future for cybersecurity.</p> <p>We appreciate the Council’s continued support of our Cybersecurity efforts.</p>		
Recommended Action: ADOPT RESOLUTION 2023-XX APPROVING A CYBERSECURITY GRANT FROM THE STATE OF FLORIDA		

City of Palm Coast, Florida

Agenda Item

Agenda Date: July 18, 2023

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	70,000.00
Division	ENGINEERING	Account #	21097011-061000-54413
Subject	RESOLUTION 2023-XX APPROVING A LAND PURCHASE WITH THE PROPERTY OWNER OF 8 LUDLOW LANE E FOR FUTURE ROADWAY USE		
Presenter: Carl Cote, Director of Stormwater & Engineering			
Background: This item was presented to Council by Ms. Smith, Land Management Administrator, during the June 13, 2023, Workshop presentation on land donations. The City has a future project to realign Luther Drive with Bird of Paradise Drive over Matanzas Woods Parkway. This intersection will change from a T-intersection to a 4-way intersection. This alignment is better suited for the intersection if a traffic signal becomes warranted at this location. This item is for the last purchase of land in the area off Matanzas Woods Parkway. Staff has been following the process as if the City would be receiving grant dollars from the Florida Department of Transportation (FDOT). At this time, we have not received grant funding. However, the City is continuously looking to have it funded by FDOT grants. If this project is funded by FDOT and the City continues to follow the FDOT guidelines for these purchases, there is a possibility the City will be reimbursed for the land purchases. The City will need to acquire four (4) parcels and one (1) easement in this location. This item is for Council's consideration to purchase 8 Ludlow Lane E. and authorize the City Manager to negotiate, finalize, and execute the contract with the property owners. Although this parcel was appraised at a value of \$56,000, the property owner made a counteroffer of \$68,000, which was negotiated with staff. Additional costs will be to pay minimal closing costs, in an approximate amount of \$2,000.			
SOURCE OF FUNDS WORKSHEET FY 2023			
Matanzas/BOP Intersection – 21097011-061000-54413			\$300,000.00
Total Expended/Encumbered to Date			\$4,960.00
Pending Work Orders/Contracts			\$140,000.00
Current (WO/Contract)			\$70,000.00
Balance			\$85,040.00
Recommended Action : ADOPT RESOLUTION 2023-XX APPROVING A LAND PURCHASE WITH THE PROPERTY OWNER OF 8 LUDLOW LANE E FOR FUTURE ROADWAY USE			

City of Palm Coast, Florida Agenda Item

Agenda Date: July 18, 2023

Department	FINANCIAL SERVICES	Amount
Division		Account
		#
Subject:	REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR JUNE 2023	
Presenter:	Denise Bevan, City Manager	
Background:	Attached is a list of all emergency and sole source purchases for the month of June 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).	
Recommended Action:	FOR REPORTING ONLY - VIA CITY MANAGER COMMENTS	