



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 Cathy Heigher
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, August 1, 2023

6:00 PM

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 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:
JULY 18, 2023, BUSINESS MEETING
JULY 25, 2023, SPECIAL BUDGET WORKSHOP**

F. PROCLAMATIONS AND PRESENTATIONS

- 2. PROCLAMATION - AUGUST 2023 AS WATER QUALITY MONTH**
- 3. PROCLAMATION - AUGUST 7, 2023, AS PURPLE HEART DAY**
- 4. PRESENTATION - UPDATE ON THE FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)**

G. APPOINTMENT

- 5. APPOINT ONE MEMBER TO THE VOLUNTEER FIREFIGHTER PENSION BOARD**

H. ORDINANCES SECOND READ

- 6. ORDINANCE 2023-XX ESTABLISHING THE COQUINA SHORES COMMUNITY**

DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5415

I. ORDINANCES FIRST READ

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

J. RESOLUTIONS

K. CONSENT

- 8. RESOLUTION 2023-XX APPROVING A CONTRACT FOR MANAGEMENT OF THE RALPH CARTER PARK CELL TOWER WITH DIAMOND COMMUNICATIONS, LLC**
- 9. RESOLUTION 2023-XX APPROVING PIGGYBACKING THE ST. JOHNS COUNTY CONTRACT WITH PEGGY MALONE & ASSOCIATES, INC., FOR TRAFFIC COUNT SYSTEM SERVICES**

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

- 10. AGENDA WORKSHEET AND CALENDAR**

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 2023

Department CITY ADMINISTRATION Division	Amount Account #
Subject: MINUTES OF THE CITY COUNCIL: JULY 18, 2023, BUSINESS MEETING JULY 25, 2023, SPECIAL BUDGET WORKSHOP	
Presenter: Kaley Cook, City Clerk	
Attachments: 1. Minutes	
Background:	
Recommended Action: APPROVE MINUTES OF THE CITY COUNCIL: JULY 18, 2023, BUSINESS MEETING JULY 25, 2023, SPECIAL BUDGET WORKSHOP	

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 2023

Department CITY ADMINISTRATION Division	Amount Account #
Subject: PROCLAMATION - AUGUST 2023 AS WATER QUALITY MONTH	
Presenter: Mayor and City Council	
Attachments: 1. Proclamation	
Background: The City of Palm Coast would like to proclaim August 2023 as Water Quality Month.	
Recommended Action: PROCLAIM THE MONTH OF AUGUST 2023 AS WATER QUALITY MONTH	

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 2023

Department FINANCIAL SERVICES	Amount
Division	Account
	#
Subject PRESENTATION – UPDATE ON THE FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)	
Presenter: Neysa Borkert, City Attorney	
Attachments:	
Background:	
<p><u>UPDATED BACKGROUND FROM THE JULY 18, 2023, BUSINESS MEETING:</u> Attorney Borkert will provide City Council with an update on this item.</p> <p><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.</p> <p><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.</p> <p>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.</p> <p>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).</p> <p>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.</p>	
Recommended Action:	
PRESENTATION – UPDATE ON THE FRANCHISE FEE AGREEMENT WITH FLORIDA POWER & LIGHT (FPL)	

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 2023

Department	PUBLIC SAFETY	Amount
Division	FIRE	Account #
Subject: APPOINT ONE MEMBER TO THE VOLUNTEER FIREFIGHTER PENSION BOARD		
Presenter: Kyle Berryhill, Fire Chief		
Attachments:		
<ul style="list-style-type: none"> 1. Application - Daniel Hackney 2. Application - Robert MacDonald 3. Application - Donna Stancel 		
Background:		
<p>The City of Palm Coast Volunteer Firefighters' Pension Fund Board requires City Council to appoint two Board Members. Board Member Robert MacDonald's term expired May 30, 2022. Mr. MacDonald has reapplied and would like to be reappointed. Two other applicants, Mr. Daniel Hackney and Ms. Donna Stancel have applied.</p> <p>The intent of the Board is to serve as the Volunteer Firefighters' Retirement System Plan Administrator and the Trustee of the Fund. In addition, the general administration, management, and responsibility for the proper operation of the system shall be vested in the Board. The Board is responsible for administering the trust fund.</p> <p>Section 175.06, Florida Statutes mandates that the pension plan be administered by a five (5) member Board. Two (2) of the five (5) members are to be appointed by City Council; two (2) are elected by the Volunteer Firefighters and the fifth member is chosen by the majority of the previous four (4) members. Statute sets the term of the office at two (2) years for all members; however, there are no term limits.</p> <p>Staff advertised in the media outlets, as well as posted on the City website and contacted the association members as well. There were four applications received, one did not qualify due to residency requirements.</p> <p>Applications were received from Daniel Hackney, Robert MacDonald, and Donna Stancel. Background checks were conducted and are available in the Human Resources office for Council's review.</p>		
Recommended Action:		
APPOINT ONE MEMBER TO THE VOLUNTEER FIREFIGHTER PENSION BOARD		

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 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		
Attachments: 1. Ordinance		
Background: <p><u>UPDATED BACKGROUND FROM THE JULY 18, 2023, BUSINESS MEETING:</u> City Council heard the first reading of this item at their July 18, 2023, Business Meeting. There have been no changes to this item. All supporting documentation is available for review within the Community Development Department.</p> <p><u>ORIGINAL BACKGROUND FROM THE JULY 18, 2023, BUSINESS MEETING:</u></p> <p>This is a legislative item.</p> <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</p>		

determining if the City Council will grant or deny the CDD petition:

1. Whether all the statements within the petition have been found to be true and correct.
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.
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.
4. Whether the district is the best alternative available for delivering CDD services and facilities for the project.
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: August 1, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	ORDINANCE 2023-XX VOLUNTARY ANNEXATION OF 330.8 ACRES SOUTH OF FLAGLER COUNTY AIRPORT ON THE NORTH/WEST SIDE OF SEMINOLE WOODS BOULEVARD	
Presenter: Jose Papa, AICP, Senior Planner		
Attachments:		
<ol style="list-style-type: none"> 1. PowerPoint Presentation 2. Ordinance 3. Site Map 		
Background:		
<p>This is a quasi-judicial item, please disclose any ex parte communication.</p> <p><u>UPDATED BACKGROUND FROM THE JULY 18, 2023, BUSINESS MEETING:</u> This item was scheduled for the July 18, 2023, business meeting. Due to time constraints, representatives for the project asked for the item to be rescheduled to the August 1, 2023, Business Meeting. There have been no changes to this item.</p> <p><u>ORIGINAL BACKGROUND FROM THE JULY 18, 2023, BUSINESS MEETING:</u> Property Owner, Byrndog PCP, LLC has filed a petition to voluntarily annex real property into the City of Palm Coast municipal boundaries.</p> <p>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.</p> <p>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:</p> <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. <p>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.</p>		
Recommended Action:		
STAFF FINDS THE ANNEXATION REQUEST MEETS THE STATUTORY REQUIREMENTS FOR A VOLUNTARY ANNEXATION		

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 2023

Department	INFORMATION TECHNOLOGY	Amount
Division		Account #
Subject	RESOLUTION 2023-XX APPROVING A CONTRACT FOR MANAGEMENT OF THE RALPH CARTER PARK CELL TOWER WITH DIAMOND COMMUNICATIONS, LLC	
Presenter: Doug Akins, Director of IT		
Attachments:		
<ul style="list-style-type: none"> 1. Resolution 2. Draft Contract 		
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. The agreement has been revised and is attached to this item for Council consideration.		
<u>ORIGINAL BACKGROUND FROM THE JULY 11, 2023, WORKSHOP MEETING:</u>		
The City of Palm Coast owns a flagpole tower located at Ralph Carter Park, with T-Mobile as the only carrier on that tower. Verizon has approached Diamond Communications about locating on that tower.		
The City would like to enter into an agreement with Diamond Towers for them to manage the Ralph Carter Park tower. This agreement will allow them to negotiate a contract with Verizon for collocating on the tower and allow them to market the tower to other carriers.		
Under the agreement, the City would retain 100% of its revenue for the existing carrier. For any carrier Diamond brings to the tower the City would receive 65% of the revenue from those carriers.		
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 A CONTRACT FOR MANAGEMENT OF THE RALPH CARTER PARK CELL TOWER WITH DIAMOND COMMUNICATIONS, LLC		

City of Palm Coast, Florida Agenda Item

Agenda Date: August 1, 2023

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	As needed
Division	ENGINEERING	Account	#21097011-034000
Subject	RESOLUTION 2023-XX APPROVING PIGGYBACKING THE ST. JOHNS COUNTY CONTRACT WITH PEGGY MALONE & ASSOCIATES, INC., FOR TRAFFIC COUNT SYSTEM SERVICES		
Presenter: Carl Cote, Director of Stormwater & Engineering			
Attachments:			
<ol style="list-style-type: none"> 1. Resolution 2. Piggyback Contract 			
Background:			
<p>The concurrency management monitoring system consists of an inventory of public facility capacity and a demand accounting system that reflects the status and availability of public facilities (Land Development Code Chapter 7), the public facility in this case is a roadway facility. The primary purpose for conducting traffic counts once every two years is to establish existing conditions to maintain the City's concurrency management monitoring system. Every new project that is required to conduct a traffic impact analysis will need the Citywide traffic counts to establish its impact to the city's road network.</p> <p>City staff is recommending piggybacking the St. Johns County Contract (#RFQ NO:23-01 with Peggy Malone & Associates, Inc., through December 6, 2027, for traffic count services as needed. 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.</p> <p>City staff will make purchases on an as-needed basis using budgeted funds appropriated by City Council out of the Transportation Impact Fund.</p>			
Recommended Action:			
ADOPT RESOLUTION 2023-XX APPROVING PIGGYBACKING THE ST. JOHNS COUNTY CONTRACT WITH PEGGY MALONE & ASSOCIATES, INC., FOR TRAFFIC COUNT SYSTEM SERVICES			