



City of Palm Coast Agenda City Council Business Meeting

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

Mayor David Alfin
Vice Mayor Ed Danko
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, October 1, 2024

6:00 PM

City Hall - Community Wing

City Staff

Lauren Johnston, Acting City Manager

Marcus Duffy, 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. PROCLAMATIONS

- 1. PROCLAMATION - OCTOBER 2024 AS DISABILITY EMPLOYMENT AWARENESS MONTH**
- 2. PROCLAMATION - OCTOBER 2024 AS DOWN SYNDROME AWARENESS MONTH**
- 3. PROCLAMATION - THE WEEK OF OCTOBER 6, 2024, AS FIRE PREVENTION WEEK**

4. PROCLAMATION - THE WEEK OF OCTOBER 7, 2024, AS CUSTOMER SERVICE WEEK

5. PROCLAMATION - OCTOBER 1, 2024, AS CITIZENS ACADEMY ALUMNI AMBASSADOR APPRECIATION DAY

E. 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.

F. MINUTES

- 6. MINUTES OF THE CITY COUNCIL:**
SEPTEMBER 17, 2024, BUSINESS MEETING
SEPTEMBER 17, 2024, SPECIAL WORKSHOP MEETING
SEPTEMBER 25, 2024, BUDGET HEARING

G. APPOINTMENT

7. APPOINTMENT TO THE CITY COUNCIL DISTRICT SEAT 4 VACANCY

H. OATH OF OFFICE

8. OATH OF OFFICE FOR THE NEWLY APPOINTED COUNCIL MEMBER TO THE DISTRICT 4 VACANT SEAT

I. PRESENTATIONS

9. PRESENTATION - COMMUNITY CENTER PARKING LOT DESIGN AND EXPANSION UPDATE

J. ORDINANCES SECOND READ

10. ORDINANCE 2024-XX AMENDING SECTION 25-52, LOCAL AMENDMENT TO FIRE PREVENTION CODE RELATING TO BURNING

K. RESOLUTIONS

11. RESOLUTION 2024-XX APPROVING A WORK ORDER FOR A TRAFFIC CALMING PLAN AS PART OF THE RESIDENTIAL SPEED LIMIT STUDY

12. RESOLUTION 2024-XX APPROVAL OF GUARANTEED MAXIMUM PRICE CONTRACT AMENDMENTS, FLORIDA POWER & LIGHT EASEMENTS, AND A WORK ORDER FOR INTERSECTION SIGNALIZATION DESIGN SERVICES RELATED TO THE FIRE STATION 22 & 26 PROJECT

13. RESOLUTION 2024-XX APPROVING PROJECT & CONSTRUCTION EXPENSES PER THE INTERLOCAL AGREEMENT WITH RADIANCE COMMUNITY DEVELOPMENT DISTRICT; AND APPROVAL OF EASEMENTS, UTILITY CREDIT AGREEMENT ASSOCIATED WITH THE OLD KINGS SOUTH UTILITY IMPROVEMENTS PROJECT

14. RESOLUTION 2024-XX APPROVING THE PARK IMPACT FEE CREDIT CONTRACT WITH MESA CAPITAL FOR THE DESIGN AND BUILD OF A DISC GOLF COURSE FACILITY

L. CONSENT

15. RESOLUTION 2024-XX APPROVING A WORK ORDER WITH TAYLOR ENGINEERING FOR PHASE II OF THE SALTWATER CANAL STUDY

16. RESOLUTION 2024-XX APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SCHOOL DISTRICT

17. RESOLUTION 2024-XX APPROVING AN AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY CULTURAL COUNCIL FOR THE

ADMINISTRATION OF THE CULTURAL ART GRANT PROGRAM

**18. RESOLUTION 2024-XX APPROVING A MASTER SERVICES AGREEMENT WITH
THE PALM COAST HISTORICAL SOCIETY AND MUSEUM, INC.**

M. PUBLIC PARTICIPATION

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

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

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

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

Q. ADJOURNMENT

19. AGENDA WORKSHEET AND CALENDAR

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: PROCLAMATION - OCTOBER 2024 AS DISABILITY EMPLOYMENT AWARENESS MONTH	
Presenter: Mayor and City Council	
Attachments: 1. Proclamation	
Background: The City of Palm Coast would like to proclaim October 2024 as Disability Employment Awareness Month.	
Recommended Action: PROCLAIM OCTOBER 2024 AS DISABILITY EMPLOYMENT AWARENESS MONTH	

City of Palm Coast, Florida
Agenda Item

Agenda Date: October 1, 2024

Department	CITY ADMINISTRATION	Amount
Division		Account #
Subject: PROCLAMATION - OCTOBER 2024 AS DOWN SYNDROME AWARENESS MONTH		
Presenter: Mayor and City Council		
Attachments: 1. Proclamation		
Background: The Cedar Bridge Foundation has requested that the City of Palm Coast proclaim October 2024 as Down Syndrome Awareness Month.		
Recommended Action: PROCLAIM OCTOBER 2024 AS DOWN SYNDROME AWARENESS MONTH		

City of Palm Coast, Florida
Agenda Item

Agenda Date: October 1, 2024

Department	CITY ADMINISTRATION	Amount
Division		Account #
Subject: PROCLAMATION - THE WEEK OF OCTOBER 6, 2024, AS FIRE PREVENTION WEEK		
Presenter: Mayor and City Council		
Attachments: 1. Proclamation		
Background: The City of Palm Coast would like to proclaim the week of October 6, 2024, as Fire Prevention Week		
Recommended Action: PROCLAIM THE WEEK OF OCTOBER 6, 2024, AS FIRE PREVENTION WEEK		

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: PROCLAMATION - THE WEEK OF OCTOBER 7, 2024, AS CUSTOMER SERVICE WEEK	
Presenter: Mayor and City Council	
Attachments: 1. Proclamation	
Background: The City of Palm Coast would like to proclaim the week of October 7, 2024, as Customer Service Week.	
Recommended Action: PROCLAIM THE WEEK OF OCTOBER 7, 2024, AS CUSTOMER SERVICE WEEK	

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: PROCLAMATION - OCTOBER 1, 2024, AS CITIZENS ACADEMY ALUMNI AMBASSADOR APPRECIATION DAY	
Presenter: Mayor and City Council	
Attachments: 1. Proclamation	
Background: The City of Palm Coast would like to proclaim October 1, 2024, as Citizens Academy Alumni Ambassador Appreciation Day.	
Recommended Action: PROCLAIM OCTOBER 1, 2024, AS CITIZENS ACADEMY ALUMNI AMBASSADOR APPRECIATION DAY	

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department	CITY ADMINISTRATION	Amount
Division		Account #
Subject: MINUTES OF THE CITY COUNCIL: SEPTEMBER 17, 2024, BUSINESS MEETING SEPTEMBER 17, 2024, SPECIAL WORKSHOP MEETING SEPTEMBER 25, 2024, BUDGET HEARING		
Presenter: Kaley Cook, City Clerk		
Attachments: 1. Minutes (3)		
Background:		
Recommended Action: APPROVE MINUTES OF THE CITY COUNCIL: SEPTEMBER 17, 2024, BUSINESS MEETING SEPTEMBER 17, 2024, SPECIAL WORKSHOP MEETING SEPTEMBER 25, 2024, BUDGET HEARING		

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department CITY ADMINISTRATION
Division

Amount
Account #

Subject: APPOINTMENT TO THE CITY COUNCIL DISTRICT SEAT 4 VACANCY

Presenter: Kaley Cook, City Clerk

Background:

UPDATED BACKGROUND FROM THE SEPTEMBER 17, 2024, WORKSHOP MEETING:

City Council held an interview session with the applicants present during the September 17, 2024, Workshop Meeting. The two candidates not in attendance were Regina Davis and John Scott McDonald, with Mr. McDonald requesting to withdraw his application. Background screenings have been completed for the candidates and are available in the City Clerk's Office.

UPDATED BACKGROUND FROM THE AUGUST 27, 2024, BUSINESS MEETING:

At the August 27, 2024, Business Meeting, City Council approved the following process and timeline for filling the District Seat 4 vacancy:

- ✓ **Application Period:** Open until September 11, 2024, at 5:00 p.m.
- ✓ **Interviews:** September 17, 2024, at 1:00 p.m.
- ✗ **Discussion of Applicants:** September 24, 2024, at 6:00 p.m.
- **Appointment Date:** October 1, 2024, at 6:00 p.m.

City staff received a total of 12 applications within the timeframe:

Robert Bogges
Darryl Boyer
Regina Davis (does not reside within District 4)
Charles Gambaro
Leslie Giscombe
Vincent Lyon
Demetrios Maroosis
John Scott McDonald
Ronald Nakabaale
Meredith Rodriguez
Sandra Shank
Jared Trueheart

The applications within District 4 are attached to this item for Council consideration and interview.

ORIGINAL BACKGROUND FROM THE AUGUST 27, 2024, BUSINESS MEETING:

On August 19, 2024, Palm Coast City Council Member Cathy Heighter announced her

resignation effective August 23, 2024. The City will begin the process of filling the District 4 seat, which Council Member Heighter was originally slated to hold until November 2026.

The City Council will need to discuss the process and timeline for appointing a new District 4 representative per the City Charter:

"If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats."

The proposed procedure and timeline for appointing a member to fill the remainder of the term:

- Application due date, to be determined by City Council.
- Interview and appointment date, to be determined by City Council.
- The City Clerk will advertise the vacant seat in media outlets, through emails to previous Citizen's Academy graduates in the district, as well as posted on the City website, consistent with previous Council vacancies.

Recommended Action:

APPOINTMENT TO THE CITY COUNCIL DISTRICT SEAT 4 VACANCY

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: OATH OF OFFICE FOR THE NEWLY APPOINTED COUNCIL MEMBER TO THE DISTRICT 4 VACANT SEAT	
Presenter: Kaley Cook, City Clerk	
Background: On August 19, 2024, Palm Coast City Council Member Cathy Heighter announced her resignation effective August 23, 2024. Per Council direction, the application period was open until September 11, 2024, receiving 12 applications from within the district. City Council held an interview session with the applicants present during the September 17, 2024, Workshop Meeting. City Council will have discussion and appoint an applicant to the District 4 seat vacancy during the October 1, 2024, Business Meeting. The appointee will be sworn in immediately following the decision of City Council.	
Recommended Action: OATH OF OFFICE	

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount
Division	ENGINEERING	Account #
Subject:	PRESENTATION - COMMUNITY CENTER PARKING LOT DESIGN AND EXPANSION UPDATE	
Presenter:	Eric Gebo, Architect III	
Attachments:	1. Presentation	
Background: Council Priority: B. Safe and Reliable Services	Staff will present City Council with an update on possible solutions and options for the expansion of the Community Center parking lot.	
Recommended Action: FOR PRESENTATION AND DIRECTION		

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department	PUBLIC SAFETY	Amount
Division	FIRE	Account #
Subject: ORDINANCE 2024-XX AMENDING SECTION 25-52, LOCAL AMENDMENT TO FIRE PREVENTION CODE RELATING TO BURNING		
Presenter: Kyle Berryhill, Fire Chief		
Attachments: 1. Ordinance 2. Business Impact Statement		
Background: Council Priority: D. Sustainable Environment and Infrastructure <u>UPDATED BACKGROUND FROM THE SEPTEMBER 17, 2024, BUSINESS MEETING:</u> City Council heard the first reading of this item at the September 17, 2024, Business Meeting. No changes have been made to the item since first reading. <u>UPDATED BACKGROUND FROM THE SEPTEMBER 10, 2024 WORKSHOP MEETING:</u> City Council received a presentation on the item at the September 10, 2024, Workshop Meeting. No changes have been made to the item. <u>ORIGINAL BACKGROUND FROM THE SEPTEMBER 10, 2024, WORKSHOP MEETING:</u> Due to Palm Coast Fire Department hearing consistently from citizens on the issue of land development clearing pile burning, City staff has worked to develop a presentation for City Council with options for what actions they may take to restrict or prohibit pile burning within the City.		
Recommended Action: ADOPT ORDINANCE 2024-XX AMENDING SECTION 25-52, LOCAL AMENDMENT TO FIRE PREVENTION CODE RELATING TO BURNING		

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	\$98,427.29																		
Division	ENGINEERING	Account #	21055011-034000																		
Subject: RESOLUTION 2024-XX APPROVING A WORK ORDER FOR A TRAFFIC CALMING PLAN AS PART OF THE RESIDENTIAL SPEED LIMIT STUDY																					
Presenter: Vineesh Crawford, Traffic Engineer I																					
Attachments: 1. Presentation 2. Resolution 3. Proposal																					
Background: Council Priority: B. Safe and Reliable Services																					
A Residential Speed Limit Study was performed in early 2024, as part of this study, it was recommended that the city develop a Traffic Calming Plan. The objective of this plan is to provide the following: • The plan shall include strategies, recommendations, and an implementation schedule. • The plan is limited to residential collector roads within the city. • The plan will include post-implementation studies for select pilot strategies. • Materials used in a temporary traffic calming treatment may include delineators precast concrete curbing, rubber speed humps, precast or wood planters, rolled asphalt, pavement marking, and signage. Temporary is defined as effective for a time only, not permanent. Under the existing contract RFSQ-SWE-24-12, staff negotiated a scope and fee of \$98,427.29 with Kimley-Horn and Associates, Inc., to provide a Traffic Calming Plan. City staff has determined that the cost for the services is reasonable and fair and is consistent with these types of services for a project of this size and scope. Funds for this project are budgeted out of the FY 2025 Street Improvement Fund.																					
<table><tr><td colspan="2">Source of Funds Worksheet FY 2025</td><td></td></tr><tr><td>CM&E Other Contractual-21055011-034000</td><td></td><td>\$100,000.00</td></tr><tr><td>Total Expended/Encumbered to Date</td><td></td><td>\$0.00</td></tr><tr><td>Pending Work Orders/Contracts</td><td></td><td>\$0.00</td></tr><tr><td>Current (WO/Contract)</td><td></td><td>\$98,427.29</td></tr><tr><td>Balance</td><td></td><td>\$1,572.71</td></tr></table>				Source of Funds Worksheet FY 2025			CM&E Other Contractual-21055011-034000		\$100,000.00	Total Expended/Encumbered to Date		\$0.00	Pending Work Orders/Contracts		\$0.00	Current (WO/Contract)		\$98,427.29	Balance		\$1,572.71
Source of Funds Worksheet FY 2025																					
CM&E Other Contractual-21055011-034000		\$100,000.00																			
Total Expended/Encumbered to Date		\$0.00																			
Pending Work Orders/Contracts		\$0.00																			
Current (WO/Contract)		\$98,427.29																			
Balance		\$1,572.71																			

Recommended Action:

ADOPT RESOLUTION 2024-XX APPROVING A WORK ORDER FOR A TRAFFIC CALMING PLAN AS PART OF THE RESIDENTIAL SPEED LIMIT STUDY

City of Palm Coast, Florida Agenda Item

Agenda Date: October 1, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	\$21,879,555.00
Division		Account #	2107400/21097011/43000099
Subject:	RESOLUTION 2024-XX APPROVAL OF GUARANTEED MAXIMUM PRICE CONTRACT AMENDMENTS, FLORIDA POWER & LIGHT EASEMENTS, AND A WORK ORDER FOR INTERSECTION SIGNALIZATION DESIGN SERVICES RELATED TO THE FIRE STATION 22 & 26 PROJECT		
Presenter:	Eric Gebo, Architect III		
Attachments:	1. Presentation 2. Resolution 3. Guaranteed Maximum Price 4. Easement Survey (2) 5. Work Order Proposal		
Background: Council Priority: D. Sustainable Environment and Infrastructure	The projects are part of the 5-year Capital Improvement Plan to address Fire Department Response times and involve, the replacement of an existing station 22 and the construction of a new station 26 facility. City staff advertised the project (RFSQ-SWE-22-60) for Design services and received eight (8) firms that were deemed responsive and responsible. City staff advertised the project (RFSQ-SWE-22-89) for Construction Management Services and received four (4) firms that were deemed responsive and responsible. Following the February 14, 2023, Workshop, Council approved the awarding of the Design Contract to Schenkel-Schultz Architecture and the Construction Management Services Contract to Wharton-Smith, Inc. Construction Documents were completed in August of this year and Wharton-Smith submitted the Guaranteed Maximum Price submittals to the City on September 24, 2024. Staff is requesting approval of the Guaranteed Maximum Price Contract Amendment with Wharton-Smith for Fire Station 22, along with approval of funds for project-related expenses and a project contingency to address any unforeseen issues. Staff is requesting funds in a not-to-exceed amount of \$11,034,252.00 as approved in Years 2025/2026 of the 5-year Capital Improvement Budget.		

Staff is requesting approval of the Guaranteed Maximum Price Contract Amendment with Wharton-Smith for Fire Station 26, along with approval of funds for project-related expenses and a project contingency to address any unforeseen issues. Staff is requesting funds in a not-to-exceed amount of \$10,695,767.00 as approved in Years 2025/2026 of the 5-year Capital Improvement Budget. The solar for the projects is funded in the Capital Projects Fund – Energy Improvements at City Facilities.

Staff is also requesting approval of two 10 ft. easements required by Florida Power & Light to provide electric services at two city locations.

- Fire station 22 - 350 Palm Coast Parkway NE, 32137
- Fire station 26 – 72 Airport Commerce Center Way, 32164

Under the existing contract RFSQ-SWE-24-12, staff negotiated a scope in the amount of \$149,536 with England-Thims & Miller, Inc., Inc. to provide design services for the Seminole Woods Blvd and Airport Commerce Way intersection signalization related to FS 26. City staff has determined that the cost for the services is reasonable and fair and is consistent with these types of services for a project of this size and scope.

Requested funds are budgeted for out of the Fiscal Year 2025/2026 Fire Impact and Street Improvement fund and have been approved in the 5-year Capital Improvement Budget.

Source of Funds Worksheet FY 2025/26

Fire Impact Fee - FS22- 21074000-063000-49013	\$10,619,242.00
Total Expenses/Encumbered to Date	\$0.00
Pending Work Orders/Contracts	\$0.00
Current Contract	<u>\$10,619,242.00</u>
Balance	\$0.00

Source of Funds Worksheet FY 2025/26

Fire Impact Fee - FS26- 21074000-063000-49014	\$10,280,758.00
Total Expenses/Encumbered to Date	\$0.00
Pending Work Orders/Contracts	\$0.00
Current contract	<u>\$10,280,758.00</u>
Balance	\$0.00

Source of Funds Worksheet FY 2025

Transportation Impact Fee- 21097011-063000-54405	\$750,000.00
Total Expenses/Encumbered to Date	\$0.00
Pending Work Orders/Contracts	\$0.00
Current contract	<u>\$149,536.00</u>
Balance	\$600,464.00

Source of Funds Worksheet FY 2025	
Capital Impro 43000099-063000-52005	\$1,675,000.00
Total Expenses/Encumbered to Date	\$0.00
Pending Work Orders/Contracts	\$0.00
Current contract	\$830,019.00
Balance	\$844,981.00
Recommended Action:	
ADOPT RESOLUTION 2024-XX APPROVAL OF GUARANTEED MAXIMUM PRICE CONTRACT AMENDMENTS, PROJECT CONTINGENCY & EXPENSES, FLORIDA POWER & LIGHT EASEMENTS, AND A WORK ORDER FOR INTERSECTION SIGNALIZATION DESIGN SERVICES RELATED TO THE FIRE STATION 22 & 26 PROJECT	

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	\$10,050,000.00
Division	ENGINEERING	Account #	54029090-063000-81035/54029083-063000-81035
Subject: RESOLUTION 2024-XX APPROVING PROJECT & CONSTRUCTION EXPENSES PER THE INTERLOCAL AGREEMENT WITH RADIANCE COMMUNITY DEVELOPMENT DISTRICT; AND APPROVAL OF EASEMENTS, UTILITY CREDIT AGREEMENT ASSOCIATED WITH THE OLD KINGS SOUTH UTILITY IMPROVEMENTS PROJECT			
Presenter: Carl Cote, Director of Stormwater & Engineering			
Attachments: 1. Presentation 2. Resolution 3. Connection Fee Agreement 4. Utility Easement 5. CEI Services Estimate 6. CEI Scope of Service 7. CEI Scoresheet 8. Construction Bid 9. Construction Bid Sheet 10. Easements			
Background: Council Priority: D. Sustainable Environment and Infrastructure.			
<u>HISTORY FROM THE AUGUST 16, 2022, COUNCIL MEETING</u> Twenty years ago, Flagler County (the “County”) and the City of Palm Coast (the “City”) were in conflict over territorial rights for water and sewer service. The territory in question was the area of Old Kings Road south of SR 100. By 2007, the County and the City, along with other utility owners, agreed to settle their various disputes in the Settlement Agreement. The Agreement defined which area of Old Kings Road each party would service. It also contained a clause the city would install a water main and meter to a specified point. At that specified point the County would connect and receive bulk water for resale to its customer base. In 2018, the City of Palm Coast and Flagler County were approached by property owners along the Old Kings Road Service Area with potential plans for future development. As such, the City and the County entered negotiations for a revised Interlocal Agreement, which would have laid the foundation to develop a cooperative effort to provide a regional approach to address water and sewer service along Old Kings Road South to properties in			

the City and in unincorporated County effectuating the terms of the 2007 agreement. That agreement would have provided that the parties would continue to work together and enter into a future Interlocal Agreement; however, an agreement was not reached.

Since that time, the County sold their utility to Florida Governmental Utility Authority (FGUA). Staff negotiated an agreement with FGUA, which was approved by council on August 16th, 2022. The agreement specifies the City will provide bulk water and sewer services to the FGUA. This agreement also grants the City service rights for the territories annexed after the Settlement Agreement. The City would acquire the current property which FGUA utilizes for the treatment facility. This site would potentially become the City's future WWTP#3 site and would enable future wastewater service in the southeastern portion of the City. The agreement also allows for the reduction/elimination of small package treatment facilities in the area, a benefit that would reduce/eliminate the discharge of wastewater effluent into Bulow Creek.

On May 2, 2023, City Council approved an agreement with Radiance Community Development District (CDD) for Radiance to design, permit, solicit bids, and construct the needed potable water, sanitary sewer, reclaimed water, and triplex pump station infrastructure improvements and associated appurtenances. Radiance will adhere to the requirements in the Interlocal Interconnection Agreement provisions previously agreed to between the City and FGUA, specifically in Sections 4.1 through 4.6. The design-related cost funding is shared per the prior Interlocal Agreement with FGUA. City Council also approved the City funding portion of the design and permitting phase of the project.

Radiance CDD completed the design of the project and obtained bids for construction, construction engineering & inspection services, as well as preparation of easements necessary for the project. Due to budget constraints, the reclaimed utility Alternate in the Bid was not accepted, however, a portion of this may be constructed utilizing contingency funds as it will be cost-effective to install some of this utility with the other utility work, specifically at jack & bore locations including at the Flagler School site as that easement has term for construction to be completed of 1/1/2026.

CURRENT COUNCIL PROPOSED AGENDA ITEM

This agenda item is for council for approval to negotiate, finalize, accept assignment, and execute any easement and associated documents related to the easements that are required for this Project; as well as to approve a Utility Credit Agreement between the City and Bulow Creek, LLC.

In addition, this item is for council to approve funding in the amount of \$10,050,000.00 for the remaining expenses to complete and construct the improvements associated with the Old Kings Road South Utilities Extension Project as stipulated in the City / Radiance CDD Agreement. This project is funded in the FY25 Utility Budget utilizing Water CIAC and Wastewater CIAC Fees. The City will receive reimbursement for a portion of the wastewater line and reclaimed line, if installed, that will service the Bulow Creek, LLC as outlined in the Utility Credit Agreement between the City and Bulow Creek, LLC that is in the agenda packet for approval.

Source of Funds Worksheet FY 25/26**Water CIAC-542090-063000-81035****\$4,760,402.13**

Total Expended/Encumbered to Date \$0.00

Pending Work Orders/Contracts \$0.00

Current (WO/Contract) \$4,760,402.13**Balance** **\$0.00****Source of Funds Worksheet FY 25/26****Wastewater CIAC-542090-063000-81035****\$6,050,000.00**

Total Expended/Encumbered to Date \$0.00

Pending Work Orders/Contracts \$0.00

Current (WO/Contract) \$5,289,597.87**Balance** **\$760,402.13****Recommended Action:****RESOLUTION 2024-XX APPROVING PROJECT & CONSTRUCTION EXPENSES PER THE INTERLOCAL AGREEMENT WITH RADIANCE COMMUNITY DEVELOPMENT DISTRICT; AND APPROVAL OF EASEMENTS, UTILITY CREDIT AGREEMENT ASSOCIATED WITH THE OLD KINGS SOUTH UTILITY IMPROVEMENTS PROJECT**

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department	COMMUNITY DEVELOPMENT	Amount	\$569,113.00
Division	PARKS & RECREATION	Account #	2106 Fund
Subject: RESOLUTION 2024-XX APPROVING THE PARK IMPACT FEE CREDIT CONTRACT WITH MESA CAPITAL FOR THE DESIGN AND BUILD OF A DISC GOLF COURSE FACILITY			
Presenter: James Hirst, Director of Parks & Recreation			
Attachments: 1. Presentation 2. Resolution 3. Park Impact Fee Credit Contract 4. Drawing and Location Map			
Background: This is a legislative item. As part of the Whiteview Multi-Family Project, Mesa Capital Group, the Developers would like to enhance their community by expediting the construction of a City Park on the land donated to the City as part of the public benefit requirements of the MPD. During the 2050 Comprehensive Plan discussions, City Council requested staff research the availability of a Disc Golf Course Facility in City parks. The Parks and Recreation Department researched the availability of our parks and chose the donated site near the Whiteview Multi-Family Project. Currently, any City of Palm Coast Disc golf enthusiasts must now travel south to Daytona Beach or north to St. Augustine in order to participate in this sport. Disc Golf is a game, played outdoors, similar to regular golf but with frisbee-like discs that are thrown through the course into goals (vertical poles with metal rings atop the poles, with hanging chains in all directions and a 'catch' basket below). Players throw their discs to hit the chains, which then drop into a basket to complete the hole. So, when the idea of creating a park came about, James Hirst, Director of Parks and Recreation, and his team proposed this City donated land as a Disc Golf Course Facility for the City of Palm Coast. In February 2024, staff met with a local disc golf enthusiast group. Disc Golf is said to be the fastest-growing new sport in the United States, second to only pickleball. Working with this Disc Golf enthusiast group, several sketches were prepared and reviewed. A concept design was approved by the Parks Team and found to be suitable for the enthusiasts' group. The owner, Drew Thompson, MESA Capital Group, will request Alliant Engineering to engineer the site to convert the concept into a buildable project. The impact fees are approximately \$569,113 and the preliminary cost estimate is just under \$500,000 for the Disc Golf Course Facility Project. This proposal is for the Council's consideration of the Impact Fee Credit Contract, and the design and construction will be for a "not-to-exceed"			

dollar amount of \$569,113 provided in future Park Impact Fees to the Developer.

Recommended Action:

**ADOPT RESOLUTION 2024-XX APPROVING THE PARK IMPACT FEE CREDIT
CONTRACT WITH MESA CAPITAL FOR THE DESIGN AND BUILD OF A DISC GOLF
COURSE FACILITY**

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount	\$46,568.00
Division	ENGINEERING	Account #	43000099-034000- 55229
Subject: RESOLUTION 2024-XX APPROVING A WORK ORDER WITH TAYLOR ENGINEERING FOR PHASE II OF THE SALTWATER CANAL STUDY			
Presenter: Carmelo Morales, Stormwater Engineer III			
Attachments: 1. Resolution 2. Work Order Proposal			
Background: Council Priority: D. Sustainable Environment and Infrastructure 5) Develop a plan for the maintenance of the saltwater canals. On February 15, 2022, staff presented an overview of the consultant selection process for the saltwater canal dredging study. The proposed work for the evaluation, design, permitting, and engineering services to dredge approximately 26 miles of the saltwater canal system. The scope of services will include data collection, preliminary design, permit application assistance, final design, and technical specifications, preparation of bid documents, bid assistance, and construction phase services. On February 16, 2022, staff advertised a request for statements of qualifications for professional engineer services (RFSQ-SWE-22-33) and received three (3) bidders that were deemed responsive and responsible. Staff recommends awarding the contract to the highest ranked, Taylor Engineering, Inc. Taylor Engineering, Inc. has proposed a three (3) phased approach to the project: Phase I – Initial investigation 1. Permit and design review 2. Data collection 3. Identify and evaluate potential funding sources Phase II – Design and permitting Phase III – Construction administration On May 10, 2022, staff presented a scope and fee for the saltwater canal dredging study and for Council direction. Staff received permission to move forward with Phase I of the study.			

On April 9, 2024, staff presented Council with an update on Phase I findings and requested direction. Staff received direction to move forward with Phase II of the study and include funding in the FY25 CIP budget for these efforts.

The item is for approval of a work order with Taylor Engineering, under the existing contract (RFSQ-SWE-22-33), for Phase II of the saltwater canal study (Tasks 4.1-4.3) in the amount of \$46,568.00.

Funds for this assessment are budgeted out of the Capital Improvement Projects Fund and are included in the 5-Year Capital Improvement Plan.

Source of Funds Worksheet FY 25

Capital - 43000099-034000-55229	\$50,000.00
Total Expended/Encumnered to Date	\$0.00
Pending Work Orders/Contracts	\$0.00
Current (WO/Contract	\$46,568.00
Balance	\$3,432.00

Recommended Action:

ADOPT RESOLUTION 2024-XX APPROVING A WORK ORDER WITH TAYLOR ENGINEERING FOR PHASE II OF THE SALTWATER CANAL STUDY

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department PARKS & RECREATION Division	Amount Account #
Subject: RESOLUTION 2024-XX APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SCHOOL DISTRICT	
Presenter: James Hirst, Director of Parks & Recreation	
Attachments: 1. Resolution 2. Memorandum of Understanding	
Background: Council Priority: B. Safe and Reliable Services The City of Palm Coast and the Flagler County School District entered into an agreement titled "Master Agreement between Flagler County School District and the City of Palm Coast, Florida for Joint Use of Real Property and Facilities and Coordination of Programs and Services" (Master Agreement) officially approved and signed on July 27, 2023. This agreement aims to provide the community with greater access to certain sites and facilities for both recreational and educational purposes while ensuring efficient allocation of public resources. This Memorandum of Understanding (MOU) serves as an adjunct to the Master Agreement, focusing specifically on outlining the terms and conditions for City maintenance operations of school owned athletic fields located at Buddy Taylor Middle School and Belle Terre Park fields.	
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SCHOOL DISTRICT	

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department PARKS & RECREATION Division	Amount Account # 10016016-082003
Subject: RESOLUTION 2024-XX APPROVING AN AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY CULTURAL COUNCIL FOR THE ADMINISTRATION OF THE CULTURAL ART GRANT PROGRAM	
Presenter: James Hirst, Director of Parks & Recreation, Brittany McDermott, Deputy Director of Parks & Recreation, and Nancy Crouch, Co-Chair of the Flagler County Cultural Council	
Attachments: 1. Resolution 2. Draft Agreement	
Background: Council Pillar: Expansion of Arts/Culture/Historical Assets & Programs <u>UPDATED BACKGROUND FROM THE AUGUST 13, 2024, WORKSHOP MEETING:</u> The item was head by City Council at their August 13, 2024, Workshop Meeting. No changes have been made to the item. <u>ORIGINAL BACKGROUND FROM THE AUGUST 13, 2024, WORKSHOP MEETING:</u> Since 2002, the City of Palm Coast has hosted the Cultural Art Financial Assistance Matching Grant to support Flagler County’s arts and culture organizations that hold events and programs within the City. This initiative enhances the quality of life for residents and visitors and bolsters the City’s reputation as an innovative cultural center. In 2022, the Flagler County Board of County Commissioners designated the Flagler County Cultural Council (FC3) as the countywide Arts Council, also known as a Local Arts Agency. FC3 serves as an umbrella organization fostering arts, history, and culture throughout Flagler County. Recognizing FC3’s expertise, City staff have proposed partnering to administer the Cultural Art Grant. An agreement has been drafted, and FC3 seeks to present the benefits of their administration and to review certain provisions with the City Council.	
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING AN AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY CULTURAL COUNCIL FOR THE ADMINISTRATION OF THE CULTURAL ART GRANT PROGRAM	

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 1, 2024

Department	PARKS & RECREATION	Amount	\$10,000
Division		Account #	10016016-082006
Subject: RESOLUTION 2024-XX APPROVING A MASTER SERVICES AGREEMENT WITH THE PALM COAST HISTORICAL SOCIETY AND MUSEUM, INC.			
Presenter: James Hirst, Director of Parks & Recreation and Brittany McDermott, Deputy Director of Parks & Recreation			
Attachments: 1. Resolution 2. Master Services Agreement			
Background: Council Pillar: Expansion of Arts/Culture/Historical Assets & Programs <u>UPDATED BACKGROUND FROM THE AUGUST 13, 2024, WORKSHOP MEETING:</u> The item was heard by City Council at their August 13, 2024, Workshop Meeting. No changes have been made to the item. <u>ORIGINAL BACKGROUND FROM THE AUGUST 13, 2024, WORKSHOP MEETING:</u> Established in 2000, the Palm Coast Historical Society (PCHS) has served as the sole curator of the City of Palm Coast's history, dedicated to the collection, preservation, and dissemination of Palm Coast's heritage. Their work not only safeguards the City's historical records, but it also enriches the quality of life for the residents by maintaining a tangible connection to the City's past. City Staff is seeking City Council's approval to enter in a Master Service Agreement with PCHS to ensure the ongoing preservation of information and documentation related to the City's history. Under this agreement, the City will provide financial assistance, grant the use of activity rooms A & B located within James F. Holland Memorial Park, and offer access to additional City facilities for hosting programs and special events. This support will strengthen PCHS's capacity to preserve and celebrate the rich history of Palm Coast for the benefit of the entire community.			
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING A MASTER SERVICE AGREEMENT WITH THE PALM COAST HISTORICAL SOCIETY AND MUSEUM, INC.			