



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 Cathy Heighter
Council Member Nick Klufas
Council Member Theresa Pontieri

Tuesday, March 19, 2024

9:00 AM

City Hall - Community Wing

City Staff

Denise Bevan, City Manager

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 AND PRESENTATIONS

- 1. PROCLAMATION - MARCH 23, 2024 AS SHE LEADS FLORIDA APPRECIATION DAY**
- 2. PRESENTATION OF GRANT OPPORTUNITIES - APPROVAL OF A LETTER OF SUPPORT FOR EPA CPRG PROGRAM IN COLLABORATION WITH THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND JACKSONVILLE**

MSA

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

3. **MINUTES OF THE CITY COUNCIL:**
MARCH 5, 2024, BUSINESS MEETING
MARCH 12, 2024, WORKSHOP MEETING

G. APPOINTMENTS

4. **APPOINT A REGULAR MEMBER AND AN ALTERNATE MEMBER TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**
5. **APPOINT AN ALTERNATE MEMBER TO THE CITIZENS ADVISORY COMMITTEE**

H. ORDINANCES FIRST READ

6. **ORDINANCE 2024-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE - CHAPTER 3 ZONING USES, AND DIMENSIONAL STANDARDS, CHAPTER 12 SIGNS AND ADVERTISING, AND CHAPTER 14 GLOSSARY**

I. RESOLUTIONS

7. **RESOLUTION 2024-XX ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, AS PRESENTED BY JAMES MOORE & CO., P.L.**
8. **RESOLUTION 2024-XX APPROVING A STATEWIDE MUTUAL AID AGREEMENT**
9. **RESOLUTION 2024-XX APPROVING THE SUBMISSION OF A FLORIDA INLAND NAVIGATION DISTRICT (FIND) GRANT APPLICATION FOR THE CONSTRUCTION OF PHASE 2A, ITEMS ASSOCIATED WITH ENHANCEMENT OF WATER ACCESS AT WATERFRONT PARK**
10. **RESOLUTION 2024-XX APPROVING THE PROMENADE AT TOWN CENTER TECHNICAL SITE PLAN TIER 3 - APPLICATION NO. 5565**
11. **RESOLUTION 2024-XX APPROVING THE FINAL PLAT FOR SAWMILL BRANCH AT PALM COAST PARK PHASE 2B - APPLICATION NO. 5380**
12. **RESOLUTION 2024-XX APPROVING THE FINAL PLAT FOR SEMINOLE PALMS PHASE 1 - APPLICATION NO. 5462**

J. CONSENT

13. **RESOLUTION 2024-XX APPROVING A PIGGYBACK CONTRACT WITH MIDWEST MOTOR SUPPLY CO.**
14. **RESOLUTION 20244-XX APPROVING A MASTER SERVICES AGREEMENT WITH MASTER PYRO DISPLAY, LLC FOR AERIAL FIREWORKS DISPLAY SERVICES**
15. **RESOLUTION 2024-XX APPROVING PIGGYBACKING ORANGE COUNTY, FLORIDA CONTRACT WITH DSI INNOVATIONS FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SERVICES**
16. **RESOLUTION 2024-XX APPROVING THE SALE OF FIRE APPARATUS ENGINE 23 TO THE CITY OF LIVE OAK, FLORIDA**
17. **RESOLUTION 2024-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS**

K. PUBLIC PARTICIPATION

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

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

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

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

**18. REPORTING OF EMERGENCY & SOLE SOURCE PURCHASES FOR FEBRUARY
2024**

O. ADJOURNMENT

19. AGENDA WORKSHEET AND CALENDAR

City of Palm Coast, Florida Agenda Item

Agenda Date: March 19, 2024

Department	CITY ADMINISTRATION	Amount
Division		Account #
Subject: PROCLAMATION - MARCH 23, 2024, AS SHE LEADS FLORIDA APPRECIATION DAY		
Presenter: Mayor and City Council		
Attachments: 1. Proclamation		
Background: The City of Palm Coast would like to proclaim March 23, 2024, as She Leads Florida Appreciation Day.		
Recommended Action: PROCLAIM MARCH 23, 2024, AS SHE LEADS FLORIDA APPRECIATION DAY		

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount
Division	ENGINEERING	Account #
Subject:	PRESENTATION OF GRANT OPPORTUNITIES - APPROVAL OF A LETTER OF SUPPORT FOR EPA CPRG PROGRAM IN COLLABORATION WITH THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND JACKSONVILLE MSA	
Presenter:	Jason DeLorenzo, Chief of Staff, and Garann Hopkins, Utility Compliance Coordinator	
Attachments:	1. Presentation 2. Letter of Support	
Background: Council Priority: D. Sustainable Environment and Infrastructure	The City of Palm Coast is seeking approval in the pursuit of the Energy Efficiency and Community Block Grant (EECBG) formula funding and a wastewater lining and energy efficiency grant opportunity through the EPA CPRG program in collaboration with the Northeast Florida Regional Planning Council and the Jacksonville MSA. Combined, these grant applications seek roughly \$12 million in funding to support wastewater improvements and drive energy efficiency while reducing utility costs. Primarily centered on wastewater lining projects, this opportunity offers reductions in I&I infiltration from high rainfall events, preventing stormwater intrusion from the wastewater treatment facility while decreasing operations costs and limiting the number of tank trunks and treatment costs needed to be deployed in high rain events. Additionally, the grant includes provisions for energy efficiency initiatives. If awarded, this funding would assist in offsetting some of the costs associated with the City's 5-year Capital Improvement Plan (CIP), resulting in decreased CIP costs and improved operational efficiency. The dual benefits of cost savings and increased efficiency align with the City's strategic goals of responsible fiscal management. The City's Environmental Beautification Committee has recommended that the EPA CPRG opportunity move forward.	
Recommended Action: FOR COUNCIL CONSIDERATION		

City of Palm Coast, Florida Agenda Item

Agenda Date: March 19, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: MINUTES OF THE CITY COUNCIL: MARCH 5, 2024, BUSINESS MEETING MARCH 12, 2024, WORKSHOP MEETING	
Presenter: Kaley Cook, City Clerk	
Attachments: 1. Minutes (2)	
Background:	
Recommended Action: APPROVE MINUTES OF THE CITY COUNCIL: MARCH 5, 2024, BUSINESS MEETING MARCH 12, 2024, WORKSHOP MEETING	

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division		Account #
Subject: APPOINT A REGULAR MEMBER AND AN ALTERNATE MEMBER TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE		
Presenter: Virginia Smith, Land Management Administrator		
Attachments: 1. Applications (4)		
Background: In 2015, the City Council appointed Danielle Anderson to the Bicycle and Pedestrian Advisory Committee (BPAC). City staff has been informed from the Florida Department of Transportation staff that Ms. Anderson's seat is now vacant, as is the alternate seat. City Council needs to appoint a regular member and an alternate to the BPAC. This advisory committee is responsible for reviewing plans, policies, and procedures as they relate to bicycle and pedestrian issues in the TPO planning area. In addition, the BPAC is responsible for the review and ranking of bicycle and pedestrian project applications submitted on an annual basis. The BPAC typically meets the second Wednesday of every month at 3:00 p.m. in Daytona Beach. There were four (4) applications received for Council's consideration for the alternate seat: Humanyun Zafar Khawaja, James Lowry, Zachary Marciano, and Laura Schweinsberg.		
APPLICANT	DISTRICT	OCCUPATION
Humanyun Zafar Khawaja	4	Logistics Coordinator
James Lowry	2	Cybersecurity Manager
Zachary Marciano	4	Sales Director
Laura Schweinsberg	1	Toll Collector
Palm Coast representatives on the advisory committee must be registered voters and residents of the City of Palm Coast. The applications are attached to this agenda item. The background screenings were performed and are available in the Human Resources Department for Council's review.		
Recommended Action: APPOINT A REGULAR MEMBER AND AN ALTERNATE MEMBER TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE		

City of Palm Coast, Florida Agenda Item

Agenda Date: March 19, 2024

Department	COMMUNITY DEVELOPMENT	Amount															
Division	PLANNING	Account #															
Subject: APPOINT AN ALTERNATE MEMBER TO THE CITIZENS ADVISORY COMMITTEE																	
Presenter: Virginia Smith, Land Management Administrator																	
Attachments: 1. Applications (4)																	
Background: In May of 2023, City Council appointed Mark Stancel to the Citizens Advisory Committee (CAC) to replace Alan Peterson. Mr. Andrew Dodzik was the alternate and has resigned. City Council will need to replace the alternate seat. The CAC is responsible for providing citizen input to the Transportation Planning Organization (TPO). Committee members review transportation studies, reports, plans, and programs, and make recommendations to the TPO. There were four (4) applications received for Council's consideration for the alternate seat: Humanyun Zafar Khawaja, James Lowry, Zachary Marciano, and Laura Schweinsberg. <table><tr><th>APPLICANT</th><th>DISTRICT</th><th>OCCUPATION</th></tr><tr><td>Humanyun Zafar Khawaja</td><td>4</td><td>Logistics Coordinator</td></tr><tr><td>James Lowry</td><td>2</td><td>Cybersecurity Manager</td></tr><tr><td>Zachary Marciano</td><td>4</td><td>Sales Director</td></tr><tr><td>Laura Schweinsberg</td><td>1</td><td>Toll Collector</td></tr></table> Palm Coast representatives on the advisory committee must be registered voters and residents of the City of Palm Coast. The applications are attached to this agenda item. The background screenings were performed and are available in the Human Resources Department for Council's review.			APPLICANT	DISTRICT	OCCUPATION	Humanyun Zafar Khawaja	4	Logistics Coordinator	James Lowry	2	Cybersecurity Manager	Zachary Marciano	4	Sales Director	Laura Schweinsberg	1	Toll Collector
APPLICANT	DISTRICT	OCCUPATION															
Humanyun Zafar Khawaja	4	Logistics Coordinator															
James Lowry	2	Cybersecurity Manager															
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Recommended Action: APPOINT AN ALTERNATE MEMBER TO THE CITIZENS ADVISORY COMMITTEE																	

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: ORDINANCE 2024-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE - CHAPTER 3 ZONING USES, AND DIMENSIONAL STANDARDS, CHAPTER 12 SIGNS AND ADVERTISING, AND CHAPTER 14 GLOSSARY		
Presenter: Estelle Lens, AICP, Planner		
Attachments: 1. Presentation 2. Ordinance 3. Memo from City Attorney 4. Flagler County Association of Realtors (FCAR) Letter 5. FCAR Letter with Staff Responses 6. Temporary Sign Chart (with Prior Land Development Code Categories) 7. Citizen Correspondence 8. Business Impact Estimate		
Background: <u>UPDATED BACKGROUND FROM THE MARCH 12, 2024, CITY COUNCIL WORKSHOP MEETING:</u> This item was heard by City Council at their March 12, 2024, City Council Workshop Meeting. City Council requested an educational tool to assist with locating rights-of-way and property lines. Staff will present the tool to City Council at a future meeting. <u>ORIGINAL BACKGROUND FROM THE MARCH 12, 2024, CITY COUNCIL WORKSHOP MEETING:</u> Chapter 12 of the Land Development Code – SIGNS AND ADVERTISING - was adopted along with the balance of the Unified Land Development Code (LDC) in August 2008. It has been amended twice, once in 2009 and again in 2012. These amendments were made working with stakeholders to provide more flexibility for applicants in the development community. The sign code is being amended now to comply with changes in the law, address challenges and make the code less restrictive, more business friendly and more community friendly. The City Attorney's Office has provided the following as a background for the required and proposed changes to the City's sign code: The U.S. Supreme Court changed the face of sign regulation by local governments in the case of <i>Reed v. Gilbert</i>, a unanimous decision. In the opinion of most experts, the decision requires amendments to almost all local government codes, including the City of Palm Coast's code. The Supreme Court held that Gilbert's sign restrictions were content based unconstitutional regulations of speech that did not survive the highest level of scrutiny that the Court applies. The Town of Gilbert, Arizona sign code required permits for signs which allowed a number of exemptions such as:		

- Political signs were permitted up to 32 square feet.
- Temporary directional signs were only permitted up to 6 square feet.
- Ideological signs were allowed up to only 20 square feet.

A local church was cited for violation of the rules for temporary directional signs and then challenged the sign code for violating their First Amendment rights. The Town argued (and the lower courts agreed) that the challenged regulations were content neutral, and that the sign distinctions were based on objective factors and not the expressive content of the sign. The distinctions did not favor nor censor a particular viewpoint or philosophy. And the justification for the regulation was unrelated to the content of the sign.

Justice Thomas, writing for the Supreme Court, disagreed. He found the distinctions plainly content based and therefore subject to strict scrutiny. The various type of sign distinctions “depended entirely on the communicative content of the sign”. The Court articulated the “need to read” standard, meaning if a code enforcement officer has to read the sign to determine if a sign regulation applies to it, then the provision will be stricken as unconstitutional. This was true despite the fact that it was evident to the Court that the Town had benign motives in creating these sign categories. Put another way, the Court struck the Gilbert code because a particular sign was treated differently based on the purpose of the sign, instead of on its size, shape, location, or other content neutral time, place and manner regulation.

The Town attempted to address the strict scrutiny standard by offering two governmental interests to support its distinctions: aesthetic appeal and traffic safety. The Court held that even if these distinctions were compelling governmental interests, the regulations were not narrowly tailored. Justice Kagan noted in her own opinion (concurring in the judgment only) that the Town’s distinctions did “not pass strict scrutiny, or intermediate scrutiny, or even the laugh test.” The Court required the Town of Gilbert to pay Reed’s attorneys’ fees to the tune of \$800,000.

Because the Court found the sign code to have content-based regulations, the regulations were required to pass the “strict scrutiny” standard, and they failed. Most codes do, because “strict scrutiny” is described as being just like a civil war stomach wound. The Court even stated that directional signs could only potentially be considered a lawful sign category if sufficiently valid reasons for allowing them could be articulated by the city. Sign codes are being constitutionally contested throughout the court based on the “characterization” of signs (i.e., church signs; gas station signs; political signs).

The Court attempted to reassure local governments that sign codes could withstand scrutiny if cities and counties limit regulation to regulation of size, building materials, lighting, moving parts, and portability, if done in an even-handed manner. The Court recently found that regulation based on location was a valid way to regulate signs, so that banning off-site signs is not a content-based regulation.

Based on the *Reed* analysis, time restrictions on temporary signs must be carefully evaluated. For example, temporary signs cannot be severely limited in number or duration, because that regulation would unlawfully impact political and real estate signs.

Reed shows the degree to which courts will now scrutinize a city’s efforts to regulate signs and how those regulations impact free speech. Any code provisions in the City code that might show content bias must be amended to remove those distinctions. Cities are left, in the wake of *Reed*, with being forced to err on the side of allowing for less restrictive, rather

than more restrictive, sign regulations, until the courts provide more guidance on these matters.

However, Reed did not explicitly overrule prior Supreme Court precedent allowing off site and on-site signs to be treated differently or permitting commercial signs to be regulated more strictly than non-commercial signs, as demonstrated in the case involving the City of Austin recently decided by the U.S. Supreme Court, which upheld Austin's distinction between "on-site" and "off-site" signs. Another bright note is that it appears that so far cities still have the ability to choose the content of "government" signs on their own property and in the rights of way. Plus, lower courts have limited Reed's application to temporary signs only. In conclusion, it behooves the City to amend its sign code or the City will be vulnerable to a challenge. If contested on constitutional grounds and the City loses, the sign code becomes void.

Another case impacting sign codes is *Sweet Sage Café, LLC v. Town of North Redington Beach* a case from the Middle District of Florida, Tampa Division. In this case, the United States District Court ruled that the town's ordinance infringed on the right of free speech protected by the U.S. Constitution. Specifically, the Court ruled that the ordinance was facially unconstitutional because it regulated based on content of the speech and could not survive the strict scrutiny test. As a result, the town's sign code was voided by the Court utilizing the precedent in the *Reed v. Town of Gilbert* case. The attorney for Sweet Sage Café subsequently filed suit in federal court asking for legal fees.

Considering these factors, Staff and the Assistant City Attorney met with the Flagler County Association of Responsible Developers (FCARD) nine times to hammer out these sign code amendments several years ago. Subsequently, in August and September of this year, City Staff met two times with other stakeholders to help modify these amendments. The stakeholders at the meetings this year included members from the Flagler County Association of Realtors (FCAR) and the Palm Coast-Flagler Regional Chamber of Commerce, local attorneys, and FCARD.

The substantive changes to the sign code are primarily as follows:

- Revising Purpose & Intent to reflect new findings on signage.
- Revising Exempt and Prohibited Signs, exempting temporary signs from permitting.
- Correcting glitches.
- Deleting content-based definitions and replacing with new location-based qualifiers.
- Government signs are no longer regulated by the City sign code, in keeping with case law.
- Revising Temporary Signs, to genericize the categories. Signs are regulated based upon the zoning district in which the sign is placed. Simplified categories of temporary signs by providing a table.
- Generally, signs that are currently permitted will remain permitted, and signs that are currently prohibited will remain prohibited.
- Revising Glossary for commercial and temporary signage.
- The text of the regulations are outlined in the attached draft Ordinance in cross-out and underline format.

The amendments do not modify the amount or type of site or wall signage for commercial uses. Also, the regulation regarding Commercial banners is not modified.

Summary of Stakeholder and Board Meetings to date:

- August 22, 2023 – First Stakeholder meeting
 - The Flagler County Association of Realtors (FCAR) presented their recommendations for Open House Signs.
 - A Flagler County Association of Responsible Developers (FCARD) member brought up the issue of signage in a commercial subdivision. Section 12.05.02.B.2.a. has subsequently been amended to allow an additional sign for certain parcels based upon their location in the subdivision.
- September 26, 2023 – Second Stakeholder meeting
 - The FCAR recommendations were discussed. The City is complying with, or exceeding, all their requests except allowing signs in the right of way (ROW)
- October 18, 2023 – Planning and Land Development Regulation Board (PLDRB) Workshop
 - Only one suggestion was made which was for the Temporary Sign Chart - Section 12.06. Table B. in the category for Signs for Parcels with active site/building permits. The request, which is now being proposed, is for a maximum size of 6 SF (vs. 4 SF) to match the other categories.
- November 14, 2023 – City Council Workshop
 - The discussion at this public hearing centered on whether to allow signage in the City right of way (ROW). Council asked the City Attorney to research legal cases involving signage in the ROW. The City Attorney subsequently prepared a memo which is enclosed.
- January 25, 2024 – Beautification and Environmental Advisory Committee (BEAC) meeting
 - The BEAC was “in agreeance (with prohibiting signs in the ROW) as that would pose too many safety concerns and also a lot of logistical issues that would be a nightmare.”
 - The BEAC recommended by a 3-0 vote to approve the ordinance amending the sign code as presented, which prohibits any sign located within a right-of-way as regulated in Land Development Code Chapter 12.
- February 21, 2024 – Planning and Land Development Regulation Board (PLDRB) Business Meeting
 - The PLDRB recommended by a vote of 7 - 0 to have City Council adopt the proposed ordinance amending the sign code as presented, which prohibits any sign located within a right-of-way as regulated in Land Development Code Chapter 12.

Recommended Action:

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) RECOMMENDED BY A VOTE OF 7 - 0 TO HAVE CITY COUNCIL ADOPT THE PROPOSED ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT CODE - CHAPTER 3 ZONING USES, AND DIMENSIONAL STANDARDS, CHAPTER 12 SIGNS AND ADVERTISING, AND CHAPTER 14 GLOSSARY

City of Palm Coast, Florida Agenda Item

Agenda Date: March 19, 2024

Department	FINANCIAL SERVICES	Amount
Division		Account #
Subject: RESOLUTION 2024-XX ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, AS PRESENTED BY JAMES MOORE & CO., P.L.		
Presenter: Shannon Boone, Chief Accountant		
Attachments: 1. Presentation 2. Resolution 3. Annual Comprehensive Financial Report		
Background: The annual audit has been completed by James Moore & Co., P.L., for the fiscal year ending September 30, 2023, and the Annual Comprehensive Financial Report has been prepared. Webb Sheppard, CPA from James Moore & Co., P.L., will present the audit report for review and acceptance by City Council. A copy of the report is attached as Exhibit A.		
Recommended Action: ADOPT RESOLUTION 2024-XX ACCEPTING THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, AS PRESENTED BY JAMES MOORE & CO., P.L.		

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department PUBLIC SAFETY Division	Amount Account #
Subject: RESOLUTION 2024-XX APPROVING A STATEWIDE MUTUAL AID AGREEMENT	
Presenter: Kyle Berryhill, Fire Chief	
Attachments: 1. Presentation 2. Resolution 3. Statewide Mutual Aid Agreement	
Background: Council Priority: B. Safe and Reliable Services The State of Florida Emergency Management Act, Chapter 252, Florida Statutes, authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency. The statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area. This Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Chapter 252, Florida Statutes, among political subdivisions within the State.	
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING A STATEWIDE MUTUAL AID AGREEMENT	

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	Amount
Division	ENGINEERING	Account #
Subject:	RESOLUTION 2024-XX APPROVING THE SUBMISSION OF A FLORIDA INLAND NAVIGATION DISTRICT (FIND) GRANT APPLICATION FOR THE CONSTRUCTION OF PHASE 2A, ITEMS ASSOCIATED WITH ENHANCEMENT OF WATER ACCESS AT WATERFRONT PARK	
Presenter:	Eric Gebo, Architect III	
Attachments:	1. Presentation 2. Resolution 3. Draft Application	
Background: Council Priority: D. Sustainable Environment and Infrastructure	In 2008, the City provided affordable and enjoyable options for cultural, educational, recreation, and leisure-time opportunities with the construction of Waterfront Park. This park serves as connector to other public park attractions. An original Master Plan of Waterfront Park noted a dual designation as a waterfront amenity/park while recognizing it as a trailhead. The “Plan” highlighted numerous amenities of which many exist today. Constructed: • Parking lot • Picnic Pavilions (three along the waterfront) • Playground • Fishing Pier • Restroom facilities • Utilities and other essential infrastructure • Shoreline stabilization along Intracoastal Waterway Trail (FIND Property) and along Waterfront Park Not constructed: • Boat docking and launching capabilities On April 19, 2005, City Council gave approval to submit a grant application to Florida Inland Navigation District (FIND) for design and permitting funding for a double boat launch facility with access channel to the Intracoastal Waterway, and including associated paved trailer parking, docks, shoreline stabilization, and a fishing pier at Waterfront Park. The City of Palm Coast was awarded the grant with an estimated total cost of \$414,026. On April 25,	

2006, City Council entered into the grant agreement (FL-PC-05-12) for the amount \$130,810 match for a total project cost of \$261,620 after the original cost estimate was revisited.

On February 19, 2008, City Council gave approval to submit a grant application to FIND for Construction of Phase I with an estimated cost of \$360,000. On November 4, 2008, City Council entered into the grant agreement (FL-PC-08-14) for the amount \$296,750 match for a total project cost of \$593,500 after the original cost estimate was revisited.

On April 7, 2020, City Council gave approval to submit a grant application to further enhance the recreational uses within the park and contiguous waterways, a non-motorized boat access through a floating pier structure, shoreline stabilization and dredging activities was proposed for the park. The improvements were associated with a larger conceptual plan to expand parking and traffic circulation within the site. Ample right-of-way stabilized grass parking along the north side of Waterfront Park Road will support any vehicles with trailers. The project was to enhance park users' experiences by highlighting connections to other regional attractions via water-based activities.

On October 20, 2020, City Council entered into a grant agreement (FL-PC-20-31) for the amount of \$146,000 for Phase A, Part 1 of the project.

On March 2, 2021, City Council gave the approval to submit a grant application to FIND for Construction of Phase I, Part 2 of the project.

On November 16, 2021, City Council entered into a grant agreement (FL-PC-31-32) in the amount of \$211,250.00.

The Project associated with these 3 grants was completed in August of 2023.

On March 1, 2023, City Council gave approval to submit a grant application to FIND for Construction of Phase II with an estimated cost of \$1,409,628.00. City Council entered into a grant agreement (FL-PC-23-36) in the amount of \$286,032.00.

This agenda item is for approval to submit a FIND waterways assistance grant program application for the construction of Waterfront Park Phase 2A, of the project.

Recommended Action:

ADOPT RESOLUTION 2024-XX APPROVING THE SUBMISSION OF A FLORIDA INLAND NAVIGATION DISTRICT (FIND) GRANT APPLICATION FOR THE CONSTRUCTION OF PHASE 2A, ITEMS ASSOCIATED WITH ENHANCEMENT OF WATER ACCESS AT WATERFRONT PARK

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: RESOLUTION 2024-XX APPROVING THE PROMENADE AT TOWN CENTER TECHNICAL SITE PLAN TIER 3 - APPLICATION NO. 5565		
Presenter: Phong Nguyen, Senior Planner		
Attachments: 1. Presentation 2. Resolution 3. Staff Report		
Background: The applicant, PC Town Center Development II, LLC, has submitted a Technical Site Plan application for a mixed-use building having a total of 293,043 s.f. of building area and 204 multi-family units. The Promenade at Town Center comprises 17.35 +/- acres and is located at the SW corner of Bulldog Drive and Central Avenue. The development will be a key component of Town Center as it has about 1100 feet of frontage along Central Avenue and about 350 feet of frontage along Bulldog Drive. The first floor of this building will be utilized for commercial uses and are separated by frequent pedestrian or vehicular access points that allow pedestrians to go from the rear parking area to retail uses along Central Avenue and Bulldog Drive. Floors two through four are for multi-family uses and are connected by enclosed walkways. Since the building area is over 100,000 s.f. and/or there are over 100 units it is classified as a Tier 3 Technical Site Plan that requires review and recommendation by the Planning and Land Development Regulation Board (PLDRB) followed by final review and determination by the City Council. Technical Site Plans, including Tiers 2 and 3, do not require newspaper notification or the posting of the orange signs along the project's frontage. The subject site is designated "DRI – Urban Core" and "Conservation" on the Future Land Use Map and as Town Center PUD on the Zoning Map. The Town Center PUD Land Use Map shows the subject property to be Tract 2 of this PUD and designated as "Urban Core". The Urban Core area along Central Avenue is shown as "Main Street" on this PUD Land Use Map as it is intended to be developed in a manner that is very walkable and pedestrian friendly. Within Policy 1.1.1.1 of the Comprehensive Plan it also states, "With the exception of the DRI (Urban Core), which has higher densities and intensities associated with a traditional downtown area....". The intersection of Central Avenue and Bulldog Drive was also envisioned to be the epicenter or "four corners" of Main Street. The Promenade at Town Center with 67,795 s.f. of commercial uses on the first floor and multi-family units on floors two, three and four is what was envisioned at this intersection. <u>Summary of Findings:</u> Planning staff have reviewed this Technical Site Plan in detail and determined this infill project will meet all standards of the Comprehensive Plan, the Town		

Center PUD, and the Land Development Code to issue a Development Order.

Planning and Land Development Regulation Board: The PLDRB meeting was held at 5:30 PM on February 21, 2024. The PLDRB found this project in compliance with the Comprehensive Plan and recommended approval to City Council of the Technical Site Plan by a 7 – 0 vote.

Recommended Action:

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD RECOMMENDS THE CITY COUNCIL FIND THE PROJECT IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND APPROVE THE PROMENADE AT TOWN CENTER, A TECHNICAL SITE PLAN TIER 3 - APPLICATION NO. 5565

City of Palm Coast, Florida Agenda Item

Agenda Date: March 19, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: RESOLUTION 2024-XX APPROVING THE FINAL PLAT FOR SAWMILL BRANCH AT PALM COAST PARK PHASE 2B - APPLICATION NO. 5380		
Presenter: Estelle Lens, AICP, Senior Planner; Dennis R. Leap, P.E., Site Development Manager		
Attachments: 1. Presentations 2. Resolution 3. Final Plat		
Background: This is a quasi-judicial item, please disclose any ex parte communication. The application, submitted by the applicant, Forestar (USA) Real Estate Group Inc., proposes to plat and subdivide approximately 124.73 acres of land into 252 single-family residential lots and 17 tracts. Sawmill Branch at Palm Coast Park Phase 2B is located west of the US 1 and Matanzas Woods Parkway roundabout and north of Sawmill Branch at Palm Coast Park Phase 2A. The Future Land Use is DRI Mixed-Use, and the Official Zoning is MPD (Palm Coast Park MPD). The Palm Coast Park MPD 4th amendment was approved in 2020 by the Palm Coast City Council. A site development permit was issued on November 1, 2021, in accordance with the approved construction plans filed with the approved preliminary plat. Prior to plat execution, the applicant is not required to provide a performance surety bond since all infrastructure within Phase 2B has been completed. The project meets the technical requirements of the City Code and Florida Statutes, Chapter 177 Florida Statutes.		
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING THE FINAL PLAT FOR SAWMILL BRANCH AT PALM COAST PARK PHASE 2B - APPLICATION NO. 5380		

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: RESOLUTION 2024-XX APPROVING THE FINAL PLAT FOR SEMINOLE PALMS PHASE 1 - APPLICATION NO. 5462		
Presenter: Estelle Lens, AICP, Senior Planner; Dennis R. Leap, P.E., Site Development Manager		
Attachments: 1. Presentation 2. Resolution 3. Final Plat		
Background: This is a quasi-judicial item, please disclose any ex parte communication. The application submitted by the applicant, Kimley Horn and Associates, Inc., proposes to plat and subdivide approximately 67.80 acres of land into 159 single family residential lots and 24 tracts. Seminole Palms Phase 1 is located on the west side of Seminole Woods Blvd. approximately 1,650' north of Grand Landings Parkway. The Future Land Use Map is Residential; and the Official Zoning is Master Planned Development (MPD). The Subdivision Master Plan was approved by the PLDRB on September 15, 2021; and the Preliminary Plat was approved on April 4, 2023. The Applicant was issued a Site Development Permit in April 2023 in accordance with the approved construction plans filed with the approved preliminary plat. Prior to plat execution, the applicant will be required to provide a performance surety bond of 120% of the infrastructure cost, which has not been completed, in the amount of \$4,341,097.14. The project meets the technical requirements of the City Code and Florida Statutes, Chapter 177, Florida Statutes.		
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING THE FINAL PLAT AND AUTHORIZING THE MAYOR TO EXECUTE THE PLAT AND STAFF TO ISSUE A FINAL PLAT DEVELOPMENT ORDER FOR APPLICATION NO. 5462		

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	PUBLIC WORKS	Amount	Over \$50K														
Division	FLEET	Account #	65010071-052000														
Subject: RESOLUTION 2024-XX APPROVING A PIGGYBACKING CONTRACT WITH MIDWEST MOTOR SUPPLY CO.																	
Presenter: Matthew Mancill, Director of Public Works																	
Attachments: 1. Resolution 2. Contract																	
Background: Council Priority: A. Strong Resilient Economy As per Ordinance 2021-23, Sec. 2-26, City Council approval shall be required for all contracts and bid awards, piggybacking awards, and sole source awards with an estimated value greater than or equal to fifty thousand dollars (\$50,000) Palm Coast Public Works Department would like to continue partnering with Midwest Motor Supply Co., (Kimball Midwest) for the purchase of various parts and supplies for City fleet truck maintenance and repair. <table><tr><td colspan="2">Source of Funds Worksheet FY 2024</td></tr><tr><td colspan="2">FLEET FUND MACHINERY & EQUIPMENT OVER \$5K</td></tr><tr><td>65010071-052000</td><td>\$735,400.00</td></tr><tr><td>Total Expended/Encumbered to Date</td><td>\$639,874.41</td></tr><tr><td>Pending Work Order/Contracts</td><td>\$0.00</td></tr><tr><td>Current (WO/Contract)</td><td>\$0.00</td></tr><tr><td>Balance</td><td>\$95,525.59</td></tr></table>				Source of Funds Worksheet FY 2024		FLEET FUND MACHINERY & EQUIPMENT OVER \$5K		65010071-052000	\$735,400.00	Total Expended/Encumbered to Date	\$639,874.41	Pending Work Order/Contracts	\$0.00	Current (WO/Contract)	\$0.00	Balance	\$95,525.59
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65010071-052000	\$735,400.00																
Total Expended/Encumbered to Date	\$639,874.41																
Pending Work Order/Contracts	\$0.00																
Current (WO/Contract)	\$0.00																
Balance	\$95,525.59																
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING PIGGYBACKING THE CONTRACT WITH MIDWEST MOTOR SUPPLY CO.																	

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	PARKS & RECREATION	Amount	OVER \$50K												
Division		Account #	21046010-052000-16021												
Subject: RESOLUTION 20244-XX APPROVING A MASTER SERVICES AGREEMENT WITH MASTER PYRO DISPLAY, LLC FOR AERIAL FIREWORKS DISPLAY SERVICES															
Presenter: Brittany McDermott, Deputy Director of Parks & Recreation															
Attachments: 1. Resolution 2. Intent to Award 3. Project Overview 4. Draft Master Services Agreement															
Background: Council Priority: C. Safe and Reliable Services The July 4th fireworks are a highly anticipated and integral part of the United Flagler 4th event, a grand celebration hosted by the Flagler County Government, the Cities of Palm Coast, Flagler Beach, and Bunnell, and the Towns of Beverly Beach and Marineland. The City of Palm Coast and the Flagler County Government provide funds for the aerial display. In accordance with the City’s Purchasing Policy, City staff advertised a Request for Proposal: <u>RFP-PR-24-30 – JULY 4TH AERIAL FIREWORKS</u>. The City received two (2) responses. The evaluation team ranked the qualifications and selected Master Pyro Display, LLC to conduct the services. City staff anticipates a cumulative amount of over \$50,0000 during the Master Service Agreement’s lifespan, which includes the initial one (1) year duration with the possibility of renewal for two (2) successive periods not to exceed one (1) year each. However, staff intends to utilize only budgeted funds appropriated by City Council per fiscal year. <table><tr><td colspan="2">Fiscal Year 2024 Special Events Fund</td></tr><tr><td colspan="2">July 4th Fireworks</td></tr><tr><td colspan="2">21046010-052000-16021</td></tr><tr><td>Original Budget</td><td>\$34,000.00</td></tr><tr><td>Current Contract</td><td>\$29,850.00</td></tr><tr><td>Balance</td><td>\$4,150.00</td></tr></table>				Fiscal Year 2024 Special Events Fund		July 4th Fireworks		21046010-052000-16021		Original Budget	\$34,000.00	Current Contract	\$29,850.00	Balance	\$4,150.00
Fiscal Year 2024 Special Events Fund															
July 4th Fireworks															
21046010-052000-16021															
Original Budget	\$34,000.00														
Current Contract	\$29,850.00														
Balance	\$4,150.00														
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING A MASTER SERVICES AGREEMENT WITH MASTER PYRO DISPLAY, LLC FOR AERIAL FIREWORKS DISPLAY SERVICES															

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	WATER AND WASTEWATER UTILITY	Amount	AS NEEDED PER APPROVED BUDGET
Division		Funding	UTILITY OPERATIONS BUDGETED FUNDS # 54019083 046000 # 54019084 034000 # 54019085 034000 # 54019086 034000 # 54019087 034000
Subject: RESOLUTION 2024-XX APPROVING PIGGYBACKING ORANGE COUNTY, FLORIDA CONTRACT WITH DSI INNOVATIONS FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SERVICES			
Presenter: Peter Roussell, Utility Deputy Director			
Attachments: 1. Resolution 2. Engagement Letter			
Background: Council Priority: D. Sustainable Environment and Infrastructure Water Plant 3 and Wastewater Plants 1 & 2 have Programmable Logic Controllers (PLCs) which control automated functions within the plants. These PLCs continuously scan items within their network, update trends, and perform other various automated functions. There are two major components of the PLCs the stored program and the hardware that it operates. Every so often, the PLC programs need to be updated for new processes or for general maintenance. For these functions, an integrator is needed. An integrator is someone familiar with various PLC programs and platforms. In a previous City bid, a contract was awarded to an out-of-state integrator. The PLC technicians were not able to get to the sites quickly and there were a lot of travel costs. The contract went mostly unused because of the lack of expedited service and overall costs for services performed. Expedited service is an important factor since a large portion of one of the water or wastewater plants could be non-operational because of the issue. Recently, the IT Department was starting the Supervisory Control and Data Acquisition (SCADA) upgrade project. DSI came in as a third-party integrator to perform various groundwork functions such as retrieving the programs off all the utility's PLCs. DSI was able to work through all three of the platforms currently being utilized. During the process, DSI proved they had the capability to handle large projects and PLC maintenance.			

DSI has an office located in Jacksonville and has responded to emergency service within an hour's notice. DSI has shown that they have the capability to troubleshoot complex issues and restore the PLC function in a short amount of time. DSI has offered a piggyback of a much larger contract with Orange County that was competitively bid. The current piggyback dollar amount with DSI is being expanded so that all maintenance and emergency repairs are covered.

City staff is recommending piggybacking Orange County, FL. Contract (Y-19-198B) with DSI Innovations for Supervisory Control and Data Acquisition (SCADA) Services. 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.

City staff will purchase these services using budgeted funds appropriated by City Council. The Fiscal Year 2024 Budget includes available funding for these services.

These services will be purchased on an as-needed basis.

Recommended Action:

ADOPT RESOLUTION 2024-XX APPROVING PIGGYBACKING ORANGE COUNTY, FLORIDA CONTRACT WITH DSI INNOVATIONS FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SERVICES

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department	PUBLIC WORKS	Amount	\$25,000
Division	FLEET	Account #	Fleet Revenue - 65010000-364000
Subject: RESOLUTION 2024-XX APPROVING THE SALE OF FIRE APPARATUS ENGINE 23 TO THE CITY OF LIVE OAK, FLORIDA			
Presenter: Matthew Mancill, Director of Public Works			
Attachments: 1. Resolution 2. Ordinance – Procurement Policy- Section 2.28 3. Correspondence			
Background: Council Priority: A. Strong Resilient Economy The Fleet division of the City of Palm Coast is seeking approval for the disposal of Asset #1576/Engine 23 by sale to the City of Live Oak’s Fire Department (LOFD) in the amount of \$25,000.00. The City code 2-28 – Disposal of Surplus Property provides that “Surplus property may be disposed of by trade, sealed bid, donated, or sold at public auction depending on the item, its value, or other factors all as may be in accordance with law and City policy. If the surplus property is determined to be only of scrap value or have no commercial value, City staff is authorized sell the surplus property as scrap if possible or dispose in any other appropriate manner. City Council may approve of disposal of surplus property that has commercial value by any method other than as provided herein.” This sale would be most advantageous and in the best interest of the city as opposed to being sold at public auction as LOFD is ready to pay \$25,000.00 for Engine 23 and the last two pieces of fire apparatus which were sent to auction only netted \$14,500.00 for one and \$15,400.00 for the other.			
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING THE SALE OF FIRE APPARATUS ENGINE 23 TO THE CITY OF LIVE OAK, FLORIDA			

City of Palm Coast, Florida

Agenda Item

Agenda Date: March 19, 2024

Department CITY ADMINISTRATION Division	Amount Account #
Subject: RESOLUTION 2024-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS	
Presenter: Kaley Cook, City Clerk	
Attachments: 1. Resolution 2. Interlocal Agreement	
Background: A City election for Mayor and City Council Districts seats 1 & 3 will be held during the Flagler County Primary and General Election in 2024. Since 2009, the Flagler County Supervisor of Elections Office has provided election-related services to the City through the attached recurring interlocal agreement. The services to be provided are outlined in the agreement, but a few key points are outlined below: • The Supervisor shall conduct the City of Palm Coast 2024 Municipal Elections in accordance with Chapters 97 – 106, Florida Statutes. • The Supervisor shall allow the City Clerk to attend and participate in meetings and trainings regarding the elections, including poll worker training. • The Supervisor will allow the use of online campaign finance reporting for City candidates in accordance with Section 2-37(f) of the Code of Ordinances, City of Palm Coast, Florida. • The Supervisor is responsible for coordinating the production and mailing of sample ballots to all registered voters in the City. • Election costs shall be borne by the Supervisor except as further provided in the agreement. The term of this Agreement shall commence upon its filing with the Clerk of the Circuit Court and shall be in effect only for the 2024 City of Palm Coast Primary and General Elections.	
Recommended Action: ADOPT RESOLUTION 2024-XX APPROVING AN INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SUPERVISOR OF ELECTIONS	

City of Palm Coast, Florida Agenda Item

Agenda Date: March 19, 2024

Department	FINANCIAL SERVICES	Amount
Division		Account #
Subject: REPORTING OF EMERGENCY & SOLE SOURCE PURCHASES FOR FEBRUARY 2024		
Presenter: Denise Bevan, City Manager		
Attachments: 1. Emergency & Sole Source Purchase Report		
Background: Attached is a list of all emergency and sole source purchases for the month of February 2024, 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		