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, June 18, 2024 | **9:00 AM** | **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 AND PRESENTATIONS

1. **PRESENTATION - THE FLORIDA PUBLIC ASSOCIATION OF PUBLIC PROCUREMENT OFFICIALS (FAPPO) AWARD**

2. **PRESENTATION - FLAGLER COUNTY SHERIFF'S OFFICE**

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:
JUNE 4, 2024, BUSINESS MEETING
JUNE 11, 2024, WORKSHOP MEETING

G. APPEAL

4. APPEAL REQUEST BY ELENA VORONOVA OF PLANNING AND LAND DEVELOPMENT REGULATION BOARD DECISION FOR VARIANCE AT 10 COLLINGDALE COURT FOR AN ACCESSORY STRUCTURE, APPLICATION NUMBER 5692

H. RESOLUTIONS

5. RESOLUTION 2024-XX APPROVING THE CITY COUNCIL STRATEGIC ACTION PLAN 2024-2028

6. RESOLUTION 2024-XX ESTABLISHING A PROCEDURE FOR CONSIDERATION OF ENTERING INTO AN AGREEMENT FOR IMPLEMENTING AN ELECTRICAL FRANCHISE FEE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF PALM COAST

7. RESOLUTION 2024-XX APPROVING OF A CHANGE ORDER WITH GILBANE BUILDING COMPANY AND APPROVAL OF A GRANT AGREEMENT WITH THE UNITED STATES TENNIS ASSOCIATION FOR THE SOUTHERN RECREATION PROJECT

8. RESOLUTION 2024-XX APPROVING HAMMOCK AT PALM HARBOR SUBDIVISION FINAL PLAT - APPLICATION NO. 5679

9. RESOLUTION 2024-XX APPROVING APPROVING DESIGNATING SURPLUS REAL PROPERTY LOCATED WEST OF US 1, A PORTION OF PARCEL 28-10-30-4290-00000-00B0, TO ENABLE THE SALE OF SAID PROPERTY

I. CONSENT

10. RESOLUTION 2024-XX APPROVING THE PURCHASE AND SALE AGREEMENT UNDER A RIGHT OF FIRST REFUSAL AGREEMENT, WITH BYRNDOG PCP, LLC

11. RESOLUTION 2024-XX APPROVING AN AMENDMENT TO ARTICLE 23 OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PALM COAST PROFESSIONAL FIREFIGHTERS IAFF LOCAL UNION 4807

12. RESOLUTION 2024-XX PIGGYBACKING THE CITY OF NEW SMYRNA BEACH CONTRACT WITH STRATEGIC GOVERNMENT RESOURCES FOR EXECUTIVE RECRUITMENT SERVICES

13. RESOLUTION 2024-XX APPROVING THE THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE FOR LICENSE PLATE READERS AND LIVE TRAFFIC CAMERAS

14. RESOLUTION 2024-XX INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SHERIFF PROVIDING FOR TRAFFIC JURISDICTION OVER PRIVATE ROADS

15. RESOLUTION 2024-XX APPROVING A MASTER PRICE AGREEMENT WITH CARMEUSE LIME & STONE, CHEMICAL SYSTEMS OF ORLANDO, AND ALLIED UNIVERSAL CORPORATION FOR VARIOUS CHEMICALS

J. PUBLIC PARTICIPATION

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

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

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

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

16. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR MAY 2024

N. ADJOURNMENT

17. AGENDA WORKSHEET AND CALENDAR

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	FINANCIAL SERVICES	**Amount**	
Division		**Account #**	

Subject: PRESENTATION - THE FLORIDA PUBLIC ASSOCIATION OF PUBLIC PROCUREMENT OFFICIALS (FAPPO) AWARD

Presenter: Helena Alves, Financial Services Director

Attachments: None

Background:
The City of Palm Coast's Procurement Department was awarded the Excellence in Public Procurement Award by the Florida Association of Public Procurement Officials (FAPPO), during the 29th Annual FAPPO conference.

The Award of Excellence in Public Procurement was established to recognize organizational excellence in procurement. It recognizes agencies that meet or exceed benchmarks and best practices in the Procurement Profession and is achieved by those organizations that obtain a high score on a rating of standardized criteria.

The program is designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function. The Excellence in Public Procurement Awards Program is sponsored by the Florida Association of Public Procurement Officials, Inc. (FAPPO). Palm Coast is one of only twenty-two (22) agencies to win the Award.

These categories measured are:
1. Mission and Organization
2. Authority Level
3. Education and Professional Development
4. Method of Source Selection
5. Areas of Direct Responsibility
6. Auditing and Continual Process Improvement
7. Automation and Electronic Commerce

A trophy has been received by the City from FAPPO commemorating this honor.

Recommended Action:
PRESENTATION OF FAPPO AWARD

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	
Division		**Account #**	

Subject: PRESENTATION - FLAGLER COUNTY SHERIFF'S OFFICE

Presenter: Flagler County Sheriff's Office

Attachments:

1. Presentation

Background:
The Flagler County Sheriff's Office will provide an overview to assist City Council during upcoming budget preparations.

Recommended Action:
FOR PRESENTATION ONLY

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department **Division**	CITY ADMINISTRATION	**Amount** **Account #**	

Subject: MINUTES OF THE CITY COUNCIL:
JUNE 4, 2024, BUSINESS MEETING
JUNE 11, 2024, WORKSHOP MEETING

Presenter: Kaley Cook, City Clerk

Attachments:

1. Minutes (2)

Background:

Recommended Action:
APPROVE MINUTES OF THE CITY COUNCIL:
JUNE 4, 2024, BUSINESS MEETING
JUNE 11, 2024, WORKSHOP MEETING

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	COMMUNITY DEVELOPMENT	**Amount**	
Division	PLANNING	**Account #**	

Subject: APPEAL REQUEST BY ELENA VORONOVA OF PLANNING AND LAND DEVELOPMENT REGULATION BOARD DECISION FOR VARIANCE AT 10 COLLINGDALE COURT FOR AN ACCESSORY STRUCTURE, APPLICATION NUMBER 5692

Presenter: Tracey Doak, Zoning Supervisor

Attachments:
1. Staff Presentation
2. Applicant's Letter to City Council
3. Exhibits to Applicant's Letter to City Council (PowerPoint)
4. Application for the Appeal
5. Staff Report (as presented to PLDRB on March 20, 2024)
6. Staff Presentation (as presented to PLDRB on March 20, 2024)
7. Minutes from March 20, 2024, PLDRB meeting
8. Land Development Code section 2.16.02. Appeal of Planning and Land Development Regulation Board decision
9. Notification Letter, Affidavit, Receipts
10. Opposition Correspondence (from PLDRB meeting)
11. Resident Correspondence

Background:
This is a quasi-judicial item, please disclose any ex parte communication.

This is a request to appeal a decision of the Planning and Land Development Regulation Board (PLDRB) denying a request for a Variance to the side and rear setbacks for an accessory structure at 10 Collingdale Court. The minimum setbacks for this property are 6.5' from the rear and 7.5' from the sides.

The applicant purchased the Subject Property on August 10, 2000. The property had been improved with a deck in the rear which extends to the rear and side property lines. The structure was approved through Flagler County in 1989 as a Wooden Deck (Deck).

The Deck is currently in disrepair and a code enforcement case is in effect. The violation requires the property owner to Replace/Remove/Repair Damaged Dock. The Chief Building Official inspected the Deck and determined that a permit is required. The applicant applied for a permit to make the repairs. The permit was put on hold because the Deck does not conform to the required setbacks.

The owner of 10 Collingdale Court applied for a variance (Application Number 5692) to repair Deck with the same size specifications as was originally constructed which does not meet the current Land Development Code setback requirements and is constructed to the rear and side property lines. The request was heard by the PLDRB on March 20, 2024. The board denied the request for the variance by a seven (7) to zero (0) vote. The applicant filed an application to appeal the decision of the PLDR within thirty (30) calendar days of the rendering of the decision by the PLDRB, in compliance with the Land Development Code Section 2.16.02.

The Subject Property is zoned Single Family Residential – 2 (SFR-2). Required setbacks are provided in the LDC Table 3-3: Residential Zoning Districts – Dimensional Standards:

- Minimum Interior Side Setback – 7.5’
- Minimum Rear Setback – 6.5’

Staff also finds the following Land Development Code regulations applicable to this request:

- LDC Section 1.10.09. *Nonconformities. Casual, temporary, or illegal uses*...the use of accessory structures, shall not be sufficient to establish the existence of nonconforming use or create rights in the continuance of such use.

- LDC Section 4.01.01.A*. Location*. Accessory structures...shall not be located in public drainage or utility easements or within the required building setbacks.

- LDC Table 3-3 - The subject property is zoned SFR2 and the required minimum rear setback is 6.5’ and the interior side setbacks are 7.5’.

LDC Section 2.12 regulates variances. Section 2.12.12.03 – Review Findings states that variance applications shall be reviewed based on the following:

A. *All variances.* No application for a variance shall be approved unless the Planning and Land Development Regulation Board finds that the following standards are met, recognizing that the applicant bears the burden of proof.

   1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district; and

   2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and

   3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant; and

   4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and

   5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

Summary of Staff Findings:
Planning staff found that this request does not meet four (4) of the five (5) standards for approval of a variance.

2.12.03.A.1. Special conditions and circumstances do not exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district.
2.12.03.A.3. Literal interpretation of the provision of this LDC would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant.
2.12.03.A.4. The variance is not the minimum relief necessary that will make possible the reasonable use of the land or building.
2.12.03.A.5. The granting of the variance will not be in harmony with the general intent and purpose of this LDC.

PLDRB Findings: The PLDRB found that the request did not meet the standards for variance approval.

Recommended Action:
PLANNING STAFF RECOMMENDS THAT CITY COUNCIL UPHOLD THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION IN DENYING APPLICATION NUMBER 5692 AND NOT GRANT THE VARIANCE TO SIDE AND REAR SETBACKS FOR AN ACCESSORY STRUCTURE, BASED ON THE COMPETENT SUBSTANTIAL EVIDENCE PRESENTED AND REVIEWED BY THE CITY COUNCIL

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	
Division		**Account #**	

Subject: RESOLUTION 2024-XX APPROVING THE CITY COUNCIL STRATEGIC ACTION PLAN 2024-2028

Presenter: Lauren Johnston, Acting City Manager

Attachments:
1. Presentation
2. Resolution

Background:

On an annual basis, staff coordinates an evaluation of the Strategic Action Plan to ensure that the fiscal year adopted Priorities continue to align with City Council's vision. As part of this process, staff conducts a one-on-one interview session with each Council Member to discuss the following key areas:

- Discuss existing Priorities, and direction moving forward
- Discuss the Strategic Action Plan process and the next steps
- Discuss the City's Long-Term Vision, Mission, and Values

After the interview, the staff consolidates feedback and evaluates consistency with the Strategic Action Plan and provides a deliverable that compares feedback to adopted Priorities. The referenced deliverable is provided as part of this agenda item. Staff requests that City Council review the feedback received during the interview sessions and come prepared to discuss amending based on the collective direction. The noted action to consider is as follows:

- Reaffirm the City's Long-Term Vision, Mission, and Values
- Reaffirm City Council Priorities

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING THE CITY COUNCIL STRATEGIC ACTION PLAN 2024-2028

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	
Division		**Account #**	

Subject: RESOLUTION 2024-XX ESTABLISHING A PROCEDURE FOR CONSIDERATION OF ENTERING INTO AN AGREEMENT FOR IMPLEMENTING AN ELECTRICAL FRANCHISE FEE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF PALM COAST

Presenter: Lauren Johnston, Acting City Manager

Attachments:

1. Resolution
2. Minutes

Background:

At the June 11, 2024, City Council Workshop Meeting, City Council provided consensus to have a discussion on Electrical Franchise Fees.

The City Council most recently discussed the topic at the August 1, 2023, Business Meeting. The minutes of the meeting have been attached to this item, and a record of the meeting is available: https://palmcoast.gov/agendas/details/city-council/16747/City%20Council/

Recommended Action:

ADOPT RESOLUTION 2024-XX ESTABLISHING A PROCEDURE FOR CONSIDERATION OF ENTERING INTO AN AGREEMENT FOR IMPLEMENTING AN ELECTRICAL FRANCHISE FEE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF PALM COAST

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	**Amount**	$1,320,000.00
Division	ENGINEERING	**Account #**	21066015-063000-99054/43000099-063000-99054

Subject: RESOLUTION 2024-XX APPROVING A CHANGE ORDER WITH GILBANE BUILDING COMPANY, APPROVAL OF A GRANT AGREEMENT WITH THE UNITED STATES TENNIS ASSOCIATION, AND APPROVAL OF PROJECT EXPENSES FOR THE SOUTHERN RECREATION PROJECT

Presenter: Carl Cote, Stormwater & Engineering Director

Attachments:
1. Presentation
2. Resolution
3. Grant Agreement
4. Change order

Background:
Council Priority:
C. Safe and Reliable Services

On May 4, 2021, City Council approved an Agreement with Ohlson Lavoie Corporation to provide Architectural and Engineering Design Services as well as Agreements with Gilbane Building Company, to provide construction management services for the Southern Recreation Facility.

On July 19, 2022, City Council approved an amendment to the contract with Gilbane Building Company to establish the guaranteed maximum price for the Southern Recreation Facility along with a contingency and related expenses to the project. This Project is Substantially Complete and is currently operating.

On December 19, 2023, City Council approved the pursuit of a United States Tennis Association grant for the construction of 5 additional tennis courts and the City Design costs associated with the acceptance of the grant award.

This item is for the approval of a Change Order to the original Contract to address expense items related to the Southern Recreation Center for the construction of the 5 additional tennis courts and to approve the agreement with the USTA and the associated grant award.

1. With input from the USTA, construction documents have been completed for the additional clay tennis courts, 1 stadium court, and 4 clay courts. This item is to

seek approval from council for the acceptance of the USTA Grant for Additional Courts. The grant will only cover the cost of the court construction, which would be managed directly by USTA with grant funding in the amount of $700,000.

- In support of USTA grant there are several items that will be required that the City would be responsible for that are non-USTA funded as part of the additional courts. These include but not limited to site preparation, stormwater, grading, sidewalks, stadium seating, landscaping, benches, and shade coverings. The City is funding $1,200,000 to cover the non-USTA funded elements.
- The expansion of the observation deck, construction of the stadium seating and selective associated sitework will be performed by Gilbane Building Company and is included in the Change Order of $660,205. To defray costs, the remainder of the work required of the city under the USTA Agreement, totaling $539,735, will be performed, and managed in-house by City Staff.
- This item will also include a project contingency in the amount of $120,000.

Source of Funds Worksheet FY 24		
Cap SRC Phase II 43000099-063000-99054	$	416,260.00
Total Expended/Encumbered to Date	$	-
Pending Work Orders/Contracts	$	-
Current(WO/Contract)	$	416,260.00
Balance	$	-

Source of Funds Worksheet FY 24		
Rec Impact SRC Phase II 21066015-063000-99054	$	1,556,336.42
Total Expended/Encumbered to Date	$	236,752.68
Pending Work Orders/Contracts	$	-
Current WO/Contract	$	1,319,583.74
Balance	$	-

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING A CHANGE ORDER WITH GILBANE BUILDING COMPANY, APPROVAL OF A GRANT AGREEMENT WITH THE UNITED STATES TENNIS ASSOCIATION, AND PROJECT EXPENSES FOR THE SOUTHERN RECREATION PROJECT

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	COMMUNITY DEVELOPMENT	**Amount**	
Division	PLANNING	**Account #**	

Subject: RESOLUTION 2024-XX APPROVING HAMMOCK AT PALM HARBOR SUBDIVISION FINAL PLAT - APPLICATION NO. 5679

Presenter: Estelle Lens, A.I.C.P., Planner and 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 Hammock Town Homes, Inc., proposes to plat and subdivide approximately 15.023 acres of land into 51 townhouse unit lots and 4 tracts.

Hammock at Palm Harbor is located on the south side of Club House Drive approximately 200’ west of Palm Harbor Parkway. The Future Land Use Map is Residential; and the Official Zoning is Multi Family Residential (MFR-1).

The project was originally approved as a multifamily (condominium) project for:
- 112 – Three-bedroom condos.
- Approved 2005.
- All the initial infrastructure was constructed and inspected.
- Only one building consisting of seven units with garages, a separate garage building providing four spaces, and the amenity center with pool were constructed.
- The project was never completed.

The remainder of the project was resubmitted as a townhouse plat for:
- 51 townhouse units.
- The Subdivision Master Plan was approved in June 2022 by PLDRB.
- The Preliminary Plat was approved in August 2023.
- Site Development Permit was issued in September 2023 in accordance with the approved construction plans filed with the approved preliminary plat.

The applicant is not required to provide a performance surety bond prior to plat approval because all infrastructure has been completed.

The project meets the technical requirements of the City Code and Florida Statutes, Chapter 177 FS.
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. 5679**

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	COMMUNITY DEVELOPMENT	**Amount**	
Division	PLANNING	**Account #**	

Subject: RESOLUTION 2024-XX APPROVING DESIGNATING SURPLUS REAL PROPERTY LOCATED WEST OF US 1, A PORTION OF PARCEL 28-10-30-4290-00000-00B0, TO ENABLE THE SALE OF SAID PROPERTY

Presenter: Virginia Smith, Land Management Administrator and Carl Cote, Director of Stormwater & Engineering

Attachments:

1. Presentation
2. Resolution

Background:
This is a legislative item.

The City of Palm Coast owns certain land, located west of US 1 near Matanzas Woods Parkway, more particularly identified as Parcel ID Parcel 28-10-30-4290-00000-00B0. In January 2024, City Council approved a nonexclusive easement agreement with Forestar (USA) Real Estate Group ("Forestar") over this property.

Forestar has declined the City's easement. However, there is a Right of First refusal on this property with Byrndog PCP, LLC. Byrndog PCP, LLC desires to exercise its Right of First Refusal and purchase this property from the City of Palm Coast as to the same terms and conditions offered to Forestar. Forestar and the City had desired to enter into a contract, in the amount of $39,500, for the purchase and sale of this parcel.

Therefore, the City Council of the City of Palm Coast needs to consider designating Parcel 28-10-30-4290-00000-00B0 located west of U.S. 1, as surplus real property to enable the sale of said property to Byrndog under the Right of First Refusal. There will be an accompanying agenda item for Council's consideration for the Purchase and Sale with Forestar. In addition, this designation of surplus land is conditioned upon the withdrawal of Byrndog's lawsuit against the City, as styled *Byrndog PCP LLC v. City of Palm Coast,* filed in the Seventh Judicial Circuit, In and For Flagler County, Florida, Case Number 2024-CA-000087. Should the land not be conveyed to Byrndog PCP, LLC within 6 months of this Resolution, this Resolution shall rescind automatically without further City Council action.

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING DESIGNATING SURPLUS REAL PROPERTY LOCATED WEST OF US 1, A PORTION OF PARCEL 28-10-30-4290-00000-00B0, TO ENABLE THE SALE OF SAID PROPERTY

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	COMMUNITY DEVELOPMENT	**Amount**	
Division	PLANNING	**Account #**	

Subject: RESOLUTION 2024-XX APPROVING THE PURCHASE AND SALE AGREEMENT UNDER A RIGHT OF FIRST REFUSAL AGREEMENT, WITH BYRNDOG PCP, LLC

Presenter: Virginia Smith, Land Management Administrator and Carl Cote, Director of Stormwater & Engineering

Attachments:
1. Resolution
2. Purchase and Sale Contract with Amendment
3. Draft Release

Background:
This is a legislative item.
This is the accompanying agenda item to the surplus designation item.

Forestar (USA) Real Estate Group (hereinafter “Forestar”) and the City of Palm Coast, desired to enter into a sale and purchase contract for a certain portion of land owned by the City with Forestar (USA) Real Estate Group. This portion of land was for Forestar to use as a gateway signage parcel into their development. City Council approved to allow Forestar to have an easement on this portion of land, however, Forestar declined the easement.

Byrndog, PCP, LLC, under the City’s Right of First Refusal Agreement dated May 7, 2021, as recorded in Official Record Book 2561, Page 324, Public Records of Flagler County, Florida, with Byrndog, PCP LLC, has elected to exercise its’ right of first refusal to purchase that same portion of land the City desired to sell to Forestar. Also, attached is an amendment to the contract relating to the dismissal of the litigation and a Temporary Construction easement for Byrndog to provide to the City after the conveyance of the property for the road construction relating to the Maintenance Operations Center.

Therefore, in accordance with the Right of First Refusal Agreement, the City agrees to sell a portion of City-owned real property located west of U.S. 1 to Byrndog PCP, LLC. The sale of the City’s land is conditioned upon the dismissal of the lawsuit with prejudice styled *Byrndog PCP LLC v. City of Palm Coast*, filed in the Seventh Judicial Circuit, In and For Flagler County, Florida, Case Number 2024-CA-000087.

Proceeds from this sale will be returned to the Transportation Impact Fee Fund.

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING THE PURCHASE AND SALE AGREEMENT UNDER A RIGHT OF FIRST REFUSAL AGREEMENT, WITH BYRNDOG PCP, LLC

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	
Division		**Account #**	

Subject: RESOLUTION 2024-XX APPROVING AN AMENDMENT TO ARTICLE 23 OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PALM COAST PROFESSIONAL FIREFIGHTERS IAFF LOCAL UNION 4807

Presenter: Renina Fuller, Director of Human Resources

Attachments:
1. Resolution
2. Ratified IAFF Local Union 4807 Collective Bargaining Agreement, Article 23, Retirement

Background:
During the contract negotiations in September 2021, the City agreed to engage a consultant to estimate the financial impact for the Fire division to transition to the Florida State Retirement Program Chapter 175.

On May 7, 2024, the Council agreed to the IAFF Local Union 4807 proposal. On May 24, 2024, the City was notified that the members of the Palm Coast Professional Firefighters ratified and accepted Article 23- Retirement - Firefighter Pension.

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING AN AMENDMENT TO ARTICLE 23 OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE PALM COAST PROFESSIONAL FIREFIGHTERS IAFF LOCAL UNION 4807

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	$27,500
Division		**Account #**	10011000-034000 OTHER CONTRACTUAL SERVICES

Subject: RESOLUTION 2024-XX PIGGYBACKING THE CITY OF NEW SMYRNA BEACH CONTRACT WITH STRATEGIC GOVERNMENT RESOURCES FOR EXECUTIVE RECRUITMENT SERVICES

Presenter: Renina Fuller, Director of Human Resources, Tim Wilsey, Human Resources Manager

Attachments:
1. Resolution
2. Proposal

Background:

UPDATED BACKGROUND FROM THE MAY 14, 2024, WORKSHOP MEETING:
At the May 14, 2024, Workshop Meeting, Council directed staff to secure a contract with SGR, an Executive Search Firm. The proposal from SGR is valid for 180 days with a contract cost not to exceed $27,500.00. Staff will coordinate with SGR for a workshop presentation in August 2024.

UPDATED BACKGROUND FROM THE APRIL 9, 2024, WORKSHOP MEETING:
At the April 9, 2024, City Council Workshop Meeting, consensus was provided requesting staff to bring forward additional information on the topic and the RFPs related to the piggyback contract.

ORIGINAL BACKGROUND FROM APRIL 9, 2024, WORKSHOP MEETING:
At the April 2, 2024, City Council Business Meeting, City Council requested staff provide Council with the options to conduct a City Manager search.

As the search for City Manager begins, it is crucial to have a strategy as a blueprint to help identify a qualified and diverse group of candidates.

At the April 9, 2024, workshop, staff will be looking for a consensus to move forward with the selection process.

Staff has identified options for Council consideration and direction:
1. Go out to bid – Request for Proposals (RFP) for a search firm (ICMA Search Firm Brochure Attached).

2. Piggyback a current contract with a neighboring Municipality. They are currently utilizing a National Search Firm recommended by The Florida League of Cities.

Recommended Action:
ADOPT RESOLUTION 2024-XX PIGGYBACKING THE CITY OF NEW SMYRNA BEACH CONTRACT WITH STRATEGIC GOVERNMENT RESOURCES FOR EXECUTIVE RECRUITMENT SERVICES

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	
Division		**Account #**	

Subject: RESOLUTION 2024-XX APPROVING THE THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE FOR LICENSE PLATE READERS

Presenter: Lauren Johnston, Acting City Manager

Attachments:

1. Resolution
2. Third Amendment

Background:
Council Priority:
B. Safe and Reliable Services

The City of Palm Coast and the Flagler County Sheriff's Office (FSCO) entered into a License Agreement for License Plate Readers on October 11, 2018. The agreement memorialized certain locations for license plate readers within the City of Palm Coast, to be installed by FCSO.

The City and FCSO executed the First Amendment to the License Agreement for License Plate Readers and Live Traffic Cameras on or about June 16, 2020, and executed the Second Amendment on or about September 29, 2020.

FCSO desires to add additional locations for license plate readers and live traffic cameras as per the License Agreement inclusive of the First and Second Amendments.

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING THE THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE FOR LICENSE PLATE READERS AND LIVE TRAFFIC CAMERAS

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	CITY ADMINISTRATION	**Amount**	
Division		**Account #**	

Subject: RESOLUTION 2024-XX INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SHERIFF PROVIDING FOR TRAFFIC JURISDICTION OVER PRIVATE ROADS

Presenter: Lauren Johnston, Acting City Manager

Attachments:
1. Resolution
2. Interlocal Agreement

Background:
Council Priority:
B. Safe and Reliable Services

The City of Palm Coast and the Flagler County Sheriff's Office (FSCO) are authorized by Chapters 125, 163 and 30, Florida Statutes, and other applicable law to enter into interlocal agreement to cooperatively and efficiently use their powers to provide public services.

In order to better serve the citizens of the City of Palm Coast and to enhance the delivery of traffic control services, the City authorizes the Sheriff to enter into written agreements providing for the exercise of traffic control jurisdiction over private roadways within the unincorporated areas of the City in accordance with Florida Statutes regulating traffic and vehicles.

The City of Palm Coast and the FSCO would like to enter into the attached Interlocal Agreement to provide for traffic jurisdiction over private roads.

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PALM COAST AND THE FLAGLER COUNTY SHERIFF PROVIDING FOR TRAFFIC JURISDICTION OVER PRIVATE ROADS

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	WATER AND WASTEWATER UTILITY	**Amount**	AS NEEDED
Division		**Account**	# 54019086 052030 # 54019087 052030 # 54019085 052030 # 54019083 052030 # 54019084 052030

Subject: RESOLUTION 2024-XX APPROVING A MASTER PRICE AGREEMENT WITH CARMEUSE LIME & STONE, CHEMICAL SYSTEMS OF ORLANDO, AND ALLIED UNIVERSAL CORPORATION FOR VARIOUS CHEMICALS

Presenter: Peter Roussell, Utility Deputy Director

Attachments:

1. Resolution
2. Notice of Intent to Award
3. Project Overview
4. Draft Contracts (3)

Background:
Council Priority:
D. Sustainable Environment and Infrastructure

The Utility Department and Water and Wastewater Operations utilize a variety of chemicals throughout the water treatment process. The City of Palm Coast bid the supply for various chemicals through ITB-UT-24-57. This agreement shall take effect on the effective date and shall terminate at the end of one (1) year. Following the initial term and at the sole option of the City, this agreement may be renewed for two (2) successive periods not to exceed one (1) year each.

Staff recommends that Council approve a Master Price Agreement with Carmeuse Lime & Stone, Chemical Systems of Orlando, and Allied Universal Corporation for chemicals, based on the City of Palm Coast Bid ITB-UT-24-57.

City staff will purchase these chemicals using budgeted funds appropriated by City Council. The Fiscal Year 2024 Budget includes available funding within the Utility Fund-Chemicals to purchase chemicals on an as-needed basis.

SOURCE OF FUNDS WORKSHEET FY 2024	
UTILITYFND Chemicals 54019086 052030	**$1,275,238.00**
Total Expended/Encumbered to Date	$1,172,639.60
Pending Work Orders/Contracts	$0.00
Current (WO/Contract)	$0.00
Balance	**$102,598.40**

SOURCE OF FUNDS WORKSHEET FY 2024	
UTILITYFND Chemicals 54019087 052030	**$1,112,761.00**
Total Expended/Encumbered to Date	$1,077,872.41
Pending Work Orders/Contracts	$0.00
Current (WO/Contract)	$0.00
Balance	**$34,888.59**

SOURCE OF FUNDS WORKSHEET FY 2024	
UTILITYFND Chemicals 54019085 052030	**$257,598.00**
Total Expended/Encumbered to Date	$215,526.13
Pending Work Orders/Contracts	$0.00
Current (WO/Contract)	$0.00
Balance	**$42,071.87**

SOURCE OF FUNDS WORKSHEET FY 2024	
UTILITYFND Chemicals 54019083 052030	**$397,300.00**
Total Expended/Encumbered to Date	$390,897.50
Pending Work Orders/Contracts	$0.00
Current (WO/Contract)	$0.00
Balance	**$6,402.50**

SOURCE OF FUNDS WORKSHEET FY 2024	
UTILITYFND Chemicals 54019084 052030	**$675,500.00**
Total Expended/Encumbered to Date	$442,598.57
Pending Work Orders/Contracts	$0.00
Current (WO/Contract)	$0.00
Balance	**$232,901.43**

Recommended Action:
ADOPT RESOLUTION 2024-XX APPROVING A MASTER PRICE AGREEMENT WITH CARMEUSE LIME & STONE, CHEMICAL SYSTEMS OF ORLANDO, AND ALLIED UNIVERSAL CORPORATION FOR CHEMICALS

City of Palm Coast, Florida
Agenda Item

Agenda Date: June 18, 2024

Department	FINANCIAL SERVICES	**Amount**	
Division		**Account #**	
Subject:	REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR MAY 2024		
Presenter:	**Lauren Johnston, Acting City Manager**		

Attachments:

1. Emergency and Sole Source Purchase Report

Background:
Attached is a list of all emergency and sole source purchases for the month of May 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