



City of Palm Coast Minutes 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, July 16, 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 meeting 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

Mayor Alfin called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C. ROLL CALL

City Clerk Kaley Cook called the roll. All members were present.

D. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. And pursuant to the City Council's Meeting Policies and Procedures:

- (1) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.
- (2) The Public may provide comments to the City Council relative to matters not on the agenda at the times indicated in this Agenda. Following any comments from the public, there may be discussion by the City Council.
- (3) When addressing the City Council on specific, enumerated Agenda items, speakers shall:
 - (a) direct all comments to the Mayor;
 - (b) make their comments concise and to the point;
 - (c) not speak more than once on the same subject;
 - (d) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;
 - (e) obey the orders of the Mayor or the City Council; and
 - (f) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.
- (4) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit.

Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting.

Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting.

Cathy Saris wanted to bring awareness to the Flagler Humane Society and recent termination of volunteers, euthinization of pets, and requested action be taken.

Robert MacDonald discussed historical speeches, prior budget presentations, provided recommendations, and discussed the history of City Managers in the City.

Frank Picker discussed a recent garage sale and signage, recited sections of the Constitution, construction in the E-Section, and evacuation plans.

Jefferey Seib discussed the recent 2050 Comprehensive Plan discussion, wetland management, importance of wetlands, and requested changes to the wetland management section.

Mayor Alfin recommended that the speaker coordinate with Mr. DeLorenzo.

Steve Carr discussed comments on Next Door related to growth, protecting current residents, and asked Council to protect residential neighborhoods.

Ed Fuller shared congratulations on the reopening of the splash pad at Holland Park, asked everyone to visit the splash pad, discussed needs of the community, and enhancing the quality of life.

Mayor Alfin asked Ms. Johnston to follow up on the comments from Ms. Saris.

Mayor Alfin discussed recent national political events and community collaboration.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL: JULY 2, 2024, BUSINESS MEETING JULY 9, 2024, WORKSHOP MEETING

Motion by Vice Mayor Danko, seconded by Council Member Klufas, to approve the minutes of the July 2, 2024, Business Meeting.

Council Member Pontieri requested to amend the July 2, 2024, Business Meeting Minutes to include the details of the amended motion for item G4 of the agenda, A Proposed Amendment to the Charter of the City of Palm Coast.

The motion and second were withdrawn.

Pass

Motion made to approve the July 2, 2024, Business Meeting Minutes as amended by Council Member Pontieri and seconded by Vice Mayor Danko

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

Pass

Motion made to approve the July 9, 2024, Workshop Meeting Minutes by Vice Mayor Danko and seconded by Council Member Pontieri

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

F. ORDINANCES SECOND READ

2. ORDINANCE 2024-13 A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PALM COAST AMENDING ARTICLE VI, BUDGET AND APPROPRIATIONS TO DELETE FROM OUTDATED PROVISION RELATING TO LIMITATIONS TO COUNCIL'S CONTRACTING AUTHORITY WHICH SHALL BE CONSIDERED BY BALLOT

Attorney Duffy read the title into the record.

Vice Mayor Danko asked Attorney Duffy to read the ballot language into the record.

Vice Mayor Danko shared that he was not sure how the item relates to an emergency, that the language does not tell an individual what they are voting for, and found the language confusing.

Mayor Alfin asked Vice Mayor for any requested changes.

Vice Mayor Danko suggested to remove the word “emergency.”

Mayor Alfin discussed emergency services and the magnitude of an emergency.

Council Member Klufas asked who the contracting authority is for emergencies.

Ms. Johnston provided a response.

City Council held lengthy discussion on national disasters, emergencies, and support from FEMA and the State of Florida.

Council Member Pontieri believed that the word “emergency” should be included and discussed budget, inflation, and provided a suggestion to remove the word “bond.”

City Council held discussion on funding and bonds.

Attorney Blocker provided details of the item for consideration, limitations, challenges with FEMA, and encouraged flexibility.

Mayor Alfin asked if this can be described as another form of home rule.

Attorney Blocker responded yes and that the item allows the City more local control.

Mayor Alfin shared that as previously discussed by City Council, there will be a robust education campaign for voters on the topic.

City Council held lengthy discussion on the ballot language.

Public Comment:

Mike Norris was not in favor of the Ordinance and provided a recommendation.

Mayor Alfin wanted all Council Members to be aware of the timeline, education component, City staff availability for public questions on the topic, transparency, communication, and education.

Council Member Pontieri discussed constraints for future councils and recommended potential policy changes in an effort to ensure transparency and Council accountability.

Mayor Alfin asked Ms. Alves if the current policies protect the City financially.

Helena Alves, Financial Services Director, discussed the policies as set by Council and provided the process for adjusting the policy.

Mayor Alfin asked Ms. Johnston to schedule a policy discussion at a future workshop as discussed and found it helpful to include in the educational component.

Vice Mayor Danko asked if this allows Council, including any future Council, to borrow freely.

Mayor Alfin responded that there will still be policies and requirements in place.

Council Member Klufas encouraged discussion on potential nefarious acts and how this action can be exploited.

Council Member Pontieri agreed with the comments of Council Member Klufas and sought details of the current policy.

Attorney Blocker read the title into the record.

Council Member Pontieri provided revised ballot language.

*Attorney Blocker read the amended title into the record:
Shall Article VI of the Charter be amended by removing provision (3)(e) related to fiscal Contracting Authority that limits the City's ability to enter into public private partnerships, have the ability to address growth by having future residents contribute to infrastructure costs, respond to emergencies and use available financial instruments including, but not limited to, bonds.*

Pass

Motion made to be adopted as amended on second reading by Council Member Pontieri and seconded by Council Member Heighter

Council Member Klufas shared comments on the ballot language and educational components.

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter

G. ORDINANCES FIRST READ

3. ORDINANCE 2024-XX VOLUNTARY ANNEXATION OF APPROXIMATELY 31.680 ACRES OF PROPERTY OWNED BY BJ'S WHOLESALE CLUB, INC., AND SEMINOLE WOODS INVESTMENTS, LLC

Attorney Duffy read the title into the record.

Phong Nguyen, Senior Planner, presented the topic to Council.

City Council held discussion on the City's requirement to provide utility services and the commercial zoning of the property.

Public Comment:

There were none.

Mayor Alfin asked applicant representatives if they can provide an idea of when the first customer might enter.

Jay Livingston, on behalf of the applicant, discussed the project, zoning, receiving utilities, traffic lights, and target open dates.

Mayor Alfin asked Ms. Johnston if she is in regular communication with the Sheriff and any other organization that will have some responsibility for what will become a significant addition to the community.

Ms. Johnston responded yes that the collaboration continues.

Pass

Motion made to approve by Vice Mayor Danko and seconded by Council Member Pontieri

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

H. APPOINTMENTS

4. APPOINT AN ALTERNATE MEMBER TO THE RESIDENTIAL DRAINAGE CITIZENS ADVISORY COMMITTEE

Pass

Motion made to appoint Jessica Vorhees as an alternate member to the Residential Drainage Citizens Advisory Committee by Council Member Klufas and seconded by Council Member Pontieri

Approved - 5 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heigher

I. RESOLUTIONS

5. RESOLUTION 2023-107 SETTING A PROPOSED MAXIMUM MILLAGE (TRIM) RATE AND SETTING THE FIRST (TENTATIVE) BUDGET HEARING DATE, TIME, AND LOCATION FOR THE FISCAL YEAR 2024 BUDGET

Attorney Duffy read the title into the record.

Ms. Alves, Director of Financial Services, and Raelene Bowman, Budget Coordinator, presented the topic. Topics presented included: presentation overview, TRIM process timeline, millage rate and property tax history, general fund revenue and expenditures, construction management and engineering, public safety, community development summary, streets maintenance, non-departmental, millage rate options, and where to find additional details.

City Council held discussion on the following topics: unfunded positions, details of a City safety specialist and potential savings, reflection of cost savings as a performance metric, risk on investments, goal to set the expectation, Council responsibility to set policy, funding the set policies, available positions, recommendation for staff to provide updates on ROI for positions, special service deputies, impact fees for public safety costs, procedure for communication, future discussion on short-term rentals and potential budgetary impacts, need for a dedicated fund for cultural arts, interaction between Cultural Arts staff members and Flagler County Cultural Council, fund details related to EV grants and cost savings, job function of a proposed Cultural Art position, timeline for budget approval, Parks & Recreation unfunded equipment and support for funding, and increase in personnel services for health insurance cost increases.

Council Member Pontieri suggested a reduction to the \$1.362 million by \$87,000 and to get the \$87,000 from the impact fees that are currently held by the County.

City Council held discussion on the suggestion and provided consensus.

Ms. Alves and Ms. Johnston provided response to Council questions.

Ms. Johnston reiterated the items to come back to City Council at a future workshop including a budget as requested by City Council during the meeting and a full proposal to provide details of the requested position and programs.

Council Member Pontieri asked when the budget is voted on by City Council.

Ms. Johnston shared that the maximum millage rate will be set in today's meeting and that the first public hearing for the budget is September 5, 2024.

Motion by Vice Mayor Danko to set the maximum millage rate at 3.9961 full rollback rate. The motion was seconded by Council Member Pontieri for discussion.

City Council held lengthy discussion on the motion, funds, expenditures, and items to consider.

*Public Comment:
There were none.*

Vice Mayor Danko provided a response to the comments of Council Member Heighter.

Mayor Alfin provided clarifying details of the process.

City Council held lengthy discussion on raising taxes.

Council Member Heighter requested for staff to provide details to City Council outlining the effects of going to a full rollback. City Council provided a consensus.

Council Member Pontieri believed that a couple of options should be presented by staff.

Vice Mayor Danko asked what the reserve fund is currently.

Ms. Alves responded \$20.7 million.

Discussion was held on the reserve fund, accrual of the reserve fund monies, and transfer of reserve fund money to the Fire Impact Fee for the construction of the Fire Stations that are currently unfunded.

Council Member Pontieri requested to have the information shared by Ms. Alves as part of the information that will be coming forward to City Council at a future meeting.

Discussion was held on the budget timeline and process.

Council Member Pontieri suggested that the information requested be provided to Council during an August workshop.

Council Member Pontieri withdrew her second of the motion.

The motion died for lack of a second.

Motion made to approve a maximum millage rate of 4.2154 and suggested funding of a Code Officer, IT Programmer, and Equipment Operator, by Council Member Pontieri and seconded by Council Member Klufas.

*Public Comment:
There were none.*

Council Member Heighter sought to clarify the positions that would be funded.

Ms. Johnston provided a response.

Pass

Motion made to approve a maximum millage rate of 4.2154, by Council Member Pontieri and seconded by Council Member Klufas

**Approved - 4 - Mayor David Alfin, Council Member Nick Klufas, Council Member Theresa Pontieri, Council Member Cathy Heighter
Denied - 1 - Vice Mayor Ed Danko**

6. RESOLUTION 2024-101 APPROVING THE NUISANCE ABATEMENT INITIAL ASSESSMENT

Attorney Duffy read the title into the record.

Barbara Grossman, Code Enforcement Manager, provided a background of the item.

Council Member Heighter departed the meeting at 11:41 a.m.

*Public Comment:
There were none.*

Pass

Motion made to approve by Council Member Pontieri and seconded by Vice Mayor Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri

7. RESOLUTION 2024-108 APPROVING A MASTER SERVICES AGREEMENT WITH GRAYROBINSON FOR CODE BOARD ATTORNEY SERVICES

Attorney Duffy read the title into the record.

Virginia Smith, Land Management Administrator, presented the topic to Council. Topics presented included: Council request, current rates and costs, negotiated rates, and a recommendation.

City Council held discussion on the attorney location and hourly rate.

*Public Comment:
There were none.*

Pass

Motion made to approve by Council Member Pontieri and seconded by Vice Mayor Danko

Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri

8. RESOLUTION 2024-106 APPROVING A REAL ESTATE EXCHANGE AGREEMENT WITH PALM COAST FUTURE INVESTMENTS, LLC. FOR LAND TO CONSTRUCT FIRE STATION 26

Attorney Duffy read the title into the record.

Fire Chief Berryhill presented the topic to City Council.

*Public Comment:
There were none.*

Pass

Motion made to approve by Vice Mayor Danko and seconded by Council Member Klufas

Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri

9. RESOLUTION 2024-105 APPROVING A MASTER SERVICES AGREEMENT WITH WRIGHT-PIERCE FOR WATER TREATMENT FACILITY NO. 3 EXPANSION DESIGN

Attorney Duffy read the title into the record.

Alex Blake, Utility Engineer III, opened the item.

Peter Roussell, Deputy Director of Utility, presented the topic to Council. Topics presented included: location, plant rating, Palm Coast service area, water production increase, and expansion design costs.

Dennis Davis, Project Engineer with Wright-Pierce, was available for questions.

City Council held discussion on the following topics: brackish water initiative, unique characteristics associated with geographical locations, expertise of Wright-Pierce, appreciation for seeking grant opportunities, potential to utilize impact fees, areas serviced by the project, breakdown of meters installed, and hope that the study would include new technologies.

Mr. Davis provided the qualifications of Wright-Pierce.

Mr. Roussell, Mr. Blake, and Ms. Rees, Utility Director, provided a response to Council questions.

*Public Comment:
There were none.*

Pass

Motion made to approve by Vice Mayor Danko and seconded by Council Member Pontieri

Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri

J. CONSENT

*Public Comment:
There were none.*

10. RESOLUTION 2024-98 APPROVING A WORK ORDER WITH CPH, INC., FOR ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE A1A FORCEMAIN EXTENSION, PHASE II - MALA COMPRA RD., TO MARINELAND PROJECT

11. RESOLUTION 2024-96 APPROVING A CONTRACT WITH THE NEW FLORIDA INDUSTRIAL ELECTRIC, INC., FOR THE SPAN WIRE REFURBISHMENT PROJECT
12. RESOLUTION 2024-104 APPROVING A CONTRACT WITH MIE, INC., AND A PROJECT CONTINGENCY FOR THE CITY HALL DATA CENTER PROJECT
13. RESOLUTION 2024-103 APPROVING MASTER SERVICE AGREEMENTS WITH MULTIPLE FIRMS FOR PROFESSIONAL UTILITY ENGINEERING SERVICES
14. RESOLUTION 2024-102 APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR ENGINEERING SERVICES TO UPGRADE PS 57-4 FROM A DUPLEX TO A TRIPLEX PUMP STATION PROJECT
15. RESOLUTION 2024-95 APPROVING A MASTER SERVICES AGREEMENT WITH PBM CONSTRUCTORS FOR AERATION SYSTEM INSTALLATION
16. RESOLUTION 2024-100 APPROVING A MASTER PRICE AGREEMENT WITH MERRELL BROS., INC., FOR WASTEWATER RESIDUALS MANAGEMENT SERVICES
17. RESOLUTION 2024-99 APPROVING A MASTER PRICE AGREEMENT WITH ALPHA GENERAL SERVICES, LLC FOR REPLACEMENT PEP PUMPS
18. RESOLUTION 2024-97 APPROVING PIGGYBACKING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) APPROVED PRODUCT LIST (APL) CONTRACT #DOT-ITB-24-9098-SJ WITH CONTROL TECHNOLOGIES, INC., TEMPLE, INC., AND CUBIC ITS, INC., FOR THE PURCHASE OF TRAFFIC EQUIPMENT

Pass

Motion made to to be adopted on consent by Vice Mayor Danko and seconded by Council Member Klufas

Approved - 4 - Mayor David Alfin, Vice Mayor Ed Danko, Council Member Nick Klufas, Council Member Theresa Pontieri

K. PUBLIC PARTICIPATION

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

George Mayo shared about arts councils and safety, Council policies and procedures, vacant lot mowing, and audio issues during prior meetings.

Mayor Alfin asked Ms. Johnston to alert City Council of audio streaming issues.

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

Vice Mayor Danko thanked residents for attending a rally for President Trump.

Council Member Pontieri thanked City Council for the discussion and encouraged Council to remain respectful, focus on policy, and to go forward in the goal of governing.

Mayor Alfin agreed and stated that decorum is a foundational pillar of what Council will accomplish and to earn the respect of the public.

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

There were no comments.

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

Ms. Johnston provided a reminder that the workshop next week will be lengthy.

Mayor Alfin shared that he would ask City Council at the beginning of the next meeting what break times work for them.

Council Member Klufas encouraged abbreviated Director attendance for the lengthy meetings.

Mayor Alfin responded that the decision can be left with the City Manager.

19. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR JUNE 2024

Ms. Johnston highlighted the emergency and sole source purchases. There were no questions.

O. ADJOURNMENT

*The meeting was adjourned at 12:25 p.m.
Respectfully submitted by: Kaley Cook, CMC, FCRM
City Clerk*