



# City of Palm Coast Agenda COUNCIL WORKSHOP

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

*Mayor Milissa Holland*  
*Vice Mayor Nick Klufas*  
*Council Member Eddie Branquinho*  
*Council Member Robert G. Cuff*  
*Council Member Jack D. Howell, II*

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**Tuesday, January 28, 2020**

**9:00 AM**

**CITY HALL**

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**City Staff**

**Matthew Morton, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, 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, persons needing assistance to participate in any of these proceedings 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>.
- > All pagers and cell phones are to remain OFF while City Council is in session.

**A CALL TO ORDER**

**B PLEDGE OF ALLEGIANCE TO THE FLAG**

**C ROLL CALL**

**D PUBLIC PARTICIPATION**

**E PRESENTATIONS**

**1 ORDINANCE 2020-XX ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY**

**2 ORDINANCE 2020-XX AMENDING ARTICLE ### OF THE PALM COAST CODE OF ORDINANCES BY PROVIDING FOR THE REGULATION OF VAPOR-GENERATING ELECTRONIC DEVICES AND LIQUID NICOTINE**

**3 RESOLUTION 2020-XX APPROVING A CONTRACT WITH HALIFAX PAVING, INC. FOR THE**

**STREET RESURFACING PROGRAM**

**F WRITTEN ITEMS**

**G PUBLIC PARTICIPATION**

**H DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

**I DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

**J DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

**K ADJOURNMENT**

**4 CALENDAR/WORKSHEET**

# City of Palm Coast, Florida Agenda Item

Agenda Date : 01/14/2020

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	7565	<b>Account</b>
<b>Subject</b>	ORDINANCE 2020-XX ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY	
<b>Background :</b>	<p>Over the past decade, there have been times the City has trespassed citizens from certain City facilities for public safety and welfare. The Flagler County Sheriff's Office, as allowed by state law, has issued "trespass warnings" to individuals on City of Palm Coast owned property who are warned that if they return to the property, they will be arrested for trespass. Such trespass warnings are given to individuals who were acting in violation of City ordinances or Florida state statutes. The practice has not been formally memorialized within the City Code previously.</p> <p>The presence of individuals who violate state statutes or city ordinances, rules or regulations on public property creates a threat to the public safety and welfare, therefore this Ordinance is necessary to promote public safety and public welfare.</p> <p>Staff recommends adoption in order to provide consistency and uniformity for the issuance of these "trespass warnings." Staff also recommends that City Council approve the process for individuals to appeal these trespass warnings.</p>	
<b>Recommended Action :</b>	ADOPT ORDINANCE 2020-XX ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY	

**ORDINANCE 2020-\_\_\_\_**  
**ESTABLISHING A PROCESS**  
**FOR TRESPASS WARNINGS**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, CREATING A NEW SECTION CHAPTER 9 OF THE CITY CODE ESTABLISHING A PROCESS FOR THE ISSUANCE OF TRESPASS WARNINGS ON PUBLIC PROPERTY; PROVIDING NOTICE REQUIREMENTS FOR TRESPASS WARNINGS; ESTABLISHING AN APPEAL PROCESS FOR TRESPASS WARNINGS; EXPANDING THE JURISDICTION OF THE SPECIAL MAGISTRATE TO INCLUDE THE HEARING OF APPEALS FROM ISSUED TRESPASS WARNINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE SEVERABILITY, AND AN EFFECTIVE DATE**

**WHEREAS**, the Flagler County Sheriff’s Office, as allowed by state law, has issued “trespass warnings” to individuals on City of Palm Coast owned property who are warned that if they return to the property, they will be arrested for trespass; and

**WHEREAS**, such trespass warnings are given to individuals who were acting in violation of City ordinances or Florida state statutes; and,

**WHEREAS**, the practice has not been formally memorialized within the City Code; and

**WHEREAS**, the City Council wishes to provide consistency and uniformity for the issuance of these “trespass warnings”; and

**WHEREAS**, further the City Council desires to create a process for individuals to appeal these trespass warnings; and

**WHEREAS**, the City Council finds that the presence of individuals who violate state statutes or city ordinances, rules or regulations on public property creates a threat to the public safety and welfare and deems this Ordinance necessary to promote public safety and public welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**Section 1.** The Code of the City of Palm Coast; Chapter 9, is created and entitled “Trespass Warnings on Public Property”, which shall provide as follows:

Sec. 9-1 - Trespass warnings on public property and other property generally open to the public.

a) A trespass warning issued to any individual who violates any City ordinance, rule or regulation, or State law which violation was committed while on or within any City facility, building, or outdoor area that is open to the general public, including municipal parks and including public sidewalks adjacent to municipal parks where there is also a public sidewalk on the opposite side of the street (but excluding other public rights-of-way) may be issued by the City Manager or designee, or the Flagler County Sheriff’s office, when necessary. The trespass warning shall be limited to the specific property where the violation occurred.

b) Trespass warnings shall be in writing and issued for a period not to exceed two (2) years.

c) A copy of the trespass warning shall be provided by mail or hand delivery to the individual given the warning. The written trespass warning shall advise of the right to appeal and the location at which to file the form to initiate the appeal.

d) Any person found on or within any City facility, building, or outdoor area, including municipal parks, in violation of a trespass warning issued in accordance with this section may be arrested for trespassing, except as otherwise provided in this section.

e) The City Manager, or his/her designee, may upon request, authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.

f) This section shall not be construed to limit the authority of any City employee or official to issue a trespass warning to any person for any lawful

reason for any City property, including rights-of-way when closed to general vehicular or pedestrian use, when necessary or appropriate in the sole discretion of the City employee or official.

(g) This section shall not be construed to limit the authority of Deputies of the Flagler County Sheriff's Office to arrest or cite individuals for violation any section of the Palm Coast City Code or the Florida Statutes.

(h) Appeal of trespass warning. A person to whom a trespass warning is issued under this section shall have the right to appeal the issuance of the trespass warning as follows:

(1) An appeal of the trespass warning must be filed, in writing to the City Clerk, within ten (10) days of the issuance of the warning, and shall include the appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal.

(2) Appeals shall be heard by a Special Magistrate with whom the City contracts to provide this service.

(3) Within seven (7) days following the filing of the appeal, the Special Magistrate shall schedule a hearing. Notice of the hearing shall be provided to the appellant in one of three ways:

\_\_\_\_\_ (a) By providing the appellant a copy of the notice of hearing in person at the time he or she files the appeal. This shall be the preferred method of notice. When it is not possible to provide notice in this manner, the appellant shall be informed that notice of the hearing will be provided in accordance with either paragraph (b) or (c) below.

\_\_\_\_\_ (b) By leaving or posting the notice at the front desk of City Hall;  
or

\_\_\_\_\_ (c) By telephone if a telephone number has been provided.

(4) The Special Magistrate shall hold the hearing as soon as possible. In no event shall the hearing be held later than forty (40) days from the filing of the appeal.

(5) Copies of documents in the City's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.

(6) The appellant shall have the right to attend with an attorney, the right to testify, and to call witnesses and present evidence. The appellant shall have the right to bring a court reporter, at his or her own expense.

(7) The Special Magistrate shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Form rules of evidence shall not apply, but fundamental due process shall govern the proceedings.

(8) The City shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of this section.

(9) If the appellant fails to attend a scheduled hearing, the Special Magistrate shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.

(10) Within five (5) days of the hearing, the Special Magistrate shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided.

(11) The decision of the Special Magistrate shall be final and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law.

(12) The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

**Section 2. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent Ordinances and Resolutions adopted by the City Council, or parts of prior Ordinances and Resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 3. Incorporation Into Code.** This Ordinance shall be incorporated into the Palm Coast City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Palm Coast, Florida.

**APPROVED** on first reading the \_\_\_ day of \_\_\_\_\_ 2020.

**ADOPTED** on second reading the \_\_\_ day of \_\_\_\_\_ 2020.

CITY OF PALM COAST, FLORIDA

ATTEST:

\_\_\_\_\_  
Millissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

Approved as to legal form for the City of Palm Coast:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney

# City of Palm Coast, Florida Agenda Item

Agenda Date : 01/28/2020

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	7688	<b>Account</b>
<b>Subject</b>	ORDINANCE 2020-XX AMENDING ARTICLE ### OF THE PALM COAST CODE OF ORDINANCES BY PROVIDING FOR THE REGULATION OF VAPOR-GENERATING ELECTRONIC DEVICES AND LIQUID NICOTINE	
<p>At the January 21, 2020 business meeting, Council Member Howell requested Council census to direct staff to bring forth an ordinance relating to vaping. Staff and the City Attorney have researched and provide the attached draft regarding regulating vapor generating electronic devices and liquid nicotine.</p> <p>The City of Palm Coast, Florida (the “City”) is granted the authority, under Section 2(b), Article VII, of the State Constitution, to exercise any power for municipal purposes, except where expressly prohibited by law. A primary purpose of the Code of Ordinances of the City is to protect the health, safety and welfare of the residents, citizens and visitors of the City.</p> <p>There are health dangers posed by tobacco and nicotine that are not limited to merely cigarettes or other traditional forms of smoking. Despite progress in reducing smoking, tobacco use is still the leading cause of preventable death in the United States.</p> <p>Electronic cigarettes (“e-cigarettes” or “vapor-generating electronic devices”) entered the marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among middle school and high school students in the United States. Electronic cigarettes companies have effectively used marketing strategies, including celebrity endorsements, slick magazine advertisements, social media campaigns, paid influencers, and music sponsorships, to reach youth and young adults. A 2016 study found that 78.2% of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9% only two years before, in 2014.</p> <p>According to the Centers for Disease Control and Prevention (“CDC”), the number of middle and high school students who reported being current users of tobacco products increased 36%—from 3.6 million to 4.9 million students—between 2017 and 2018. This dramatic increase, which has erased past progress in reducing youth tobacco use, is directly attributable to a nationwide surge in e-cigarette use by adolescents. There were 1.5 million more youth e-cigarette users in 2018 than 2017, and those who were using e-cigarettes were using them more often. Frequent use of e-cigarettes increased from 20 percent in 2017 to 28 percent in 2018 among current high school e-cigarette users.</p> <p>The widespread use of e-cigarettes by youth has significant public health consequences. As stated by the Surgeon General, “Most e-cigarettes contain nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products. Nicotine exposure during adolescence can harm the developing brain – which continues to develop until about age 25. Nicotine exposure during adolescence can impact learning, memory, and attention. Using nicotine in adolescence can also increase risk for future addiction to other drugs. In addition to nicotine, the aerosol that users inhale and exhale from e-cigarettes can potentially expose both themselves</p>		

and bystanders to other harmful substances, including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs.”

This item is for Council consideration and requests direction be provided to staff regarding this draft Ordinance.

**Recommended Action :**

For Council discussion and direction.

**ORDINANCE 2020-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ARTICLE ### OF THE PALM COAST CODE OF ORDINANCES BY PROVIDING FOR THE REGULATION OF VAPOR-GENERATING ELECTRONIC DEVICES AND LIQUID NICOTINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast, Florida (the “City”) is granted the authority, under Section 2(b), Article VII, of the State Constitution, to exercise any power for municipal purposes, except where expressly prohibited by law; and

**WHEREAS**, a primary purpose of the Code of Ordinances of the City is to protect the health, safety and welfare of the residents, citizens and visitors of the City; and

**WHEREAS**, the City Council finds that the health dangers posed by tobacco and nicotine are not limited to merely cigarettes or other traditional forms of smoking; and

**WHEREAS**, despite progress in reducing smoking, tobacco use is still the leading cause of preventable death in the United States; and

**WHEREAS**, electronic cigarettes (“e-cigarettes” or “vapor-generating electronic devices”) entered the marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among middle school and high school students in the United States; and

**WHEREAS**, electronic cigarettes companies have effectively used marketing strategies, including celebrity endorsements, slick magazine advertisements, social media campaigns, paid influencers, and music sponsorships, to reach youth and young adults. A 2016 study found that 78.2% of middle and high school students—20.5 million youth—had been exposed to e-cigarette

advertisements from at least one source, an increase from 68.9% only two years before, in 2014; and

**WHEREAS**, according to the Centers for Disease Control and Prevention (“CDC”), the number of middle and high school students who reported being current users of tobacco products increased 36%—from 3.6 million to 4.9 million students—between 2017 and 2018. This dramatic increase, which has erased past progress in reducing youth tobacco use, is directly attributable to a nationwide surge in e-cigarette use by adolescents. There were 1.5 million more youth e-cigarette users in 2018 than 2017, and those who were using e-cigarettes were using them more often. Frequent use of e-cigarettes increased from 20 percent in 2017 to 28 percent in 2018 among current high school e-cigarette users; and

**WHEREAS**, the widespread use of e-cigarettes by youth has significant public health consequences. As stated by the Surgeon General, “Most e-cigarettes contain nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products. Nicotine exposure during adolescence can harm the developing brain – which continues to develop until about age 25. Nicotine exposure during adolescence can impact learning, memory, and attention. Using nicotine in adolescence can also increase risk for future addiction to other drugs. In addition to nicotine, the aerosol that users inhale and exhale from e-cigarettes can potentially expose both themselves and bystanders to other harmful substances, including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs;” and

**WHEREAS**, the City Council finds that this Ordinance is necessary to protect the health, safety, and welfare of the minor residents, citizens and visitors of Palm Coast; and

**WHEREAS**, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (\*\*\*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2.** Article ### of the Code of Ordinances of the City of Palm Coast, Florida, is hereby created as follows:

Article ###. Sale and use of vapor-generating electronic devices and liquid nicotine.

**SECTION 3.** Section #-## of the Code of Ordinances of the City of Palm Coast, Florida, is hereby created as follows:

Sec. #-1 - Intent.

The provisions of this Article are intended to prevent the sale, purchase, use and possession of vapor-generating electronic devices and liquid nicotine by persons under the age of 21, by regulating the commercial marketing and placement of such products. It is not the intent of this Article to prohibit the sale or delivery of tobacco products which are otherwise lawful or regulated pursuant to Chapter 569, Florida Statutes, and this Article shall not be interpreted or construed to do so.

**SECTION 4.** Section #-## of the Code of Ordinances of the City of Palm Coast, Florida, is hereby created as follows:

Sec. #-2 - Definitions.

City means the City of Palm Coast, Florida.

Liquid nicotine means any liquid product composed either in whole or part of pure nicotine and other substances and manufactured for use with vapor-generating electronic device.

Minor means a person under the age of twenty-one (21).

Open display unit, in the context of the retail sale of vapor-generating electronic devices and liquid nicotine, means any device, furniture or furnishing within or upon which vapor-generating electronic devices or liquid nicotine are displayed to customers, and includes but is not limited to any case, rack, shelf, counter, table desk, kiosk, booth, stand and other surface.

Person means any individual, employee, partnership, company, private or closely held corporation, cooperative association, personal representative, receiver, trustee, assignee, or any other business or legal entity.

Self-service merchandising, in the context of the retail sale of vapor-generating electronic devices and liquid nicotine, means the open display of vapor-generating electronic devices and liquid nicotine, whether packaged or otherwise, for direct retail customer access and handling prior to purchase without the intervention of assistance of the retailer or the retailer's owner, employee or agent. Such open display includes the use of an open display unit.

Smoking means smoking as defined in F.S. § 386.203 and any successor thereto.

Vape or vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

Vapor means aerosolized or vaporized nicotine or other aerosolized or vaporized substance produced by a vapor-generating electronic device or exhaled by the person using such a device.

Vapor-generating electronic device means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

Vapor-generating electronic device retailer or retail vape shop means any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.

**SECTION 5.** Section #-## of the Code of Ordinances of the City of Palm Coast, Florida,

is hereby created as follows:

Sec. #-3 - Sale or supply of vapor-generating electronic device or liquid nicotine to minors prohibited.

It is prohibited for any person to sell, offer for sale, or provide a vapor-generating electronic device or liquid nicotine to a person under 21 years of age within the City.

**SECTION 6.** Section #-## of the Code of Ordinances of the City of Palm Coast, Florida, is hereby created as follows:

Sec. #-4 – Prohibited vaping locations.

The use of a vapor-generating electronic device is prohibited at all locations within the City at which smoking is prohibited under F.S. Ch. 386.

**SECTION 7.** Section #-## of the Code of Ordinances of the City of Palm Coast, Florida, is hereby created as follows:

Sec. #-5 – Self-service merchandising prohibited.

(a) No person engaged in the retail sale of vapor-generating electronic devices or liquid nicotine shall sell, permit to be sold, offer for sale, or display for sale vapor-generating electronic devices or liquid nicotine by means of self-service merchandising.

(b) No person engaged in the retail sale of vapor-generating electronic devices or liquid nicotine shall place vapor-generating electronic devices or liquid nicotine in an open display unit unless the same is located in an area that is inaccessible to customers.

**SECTION 8. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**SECTION 9. CODIFICATION.** It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections

of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

**SECTION 10. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Adopted on the second reading after due public notice and hearing this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**CITY OF PALM COAST, FLORIDA**

ATTEST:

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
WILLIAM E. REISCHMANN, JR.  
CITY ATTORNEY

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 1/28/2020

<b>Department</b>	Stormwater & Engineering	<b>Amount</b>	\$3,148,539.658
<b>Item Key</b>		<b>Account</b>	21055011-034000-54104
<b>Subject</b> RESOLUTION 2020-XX APPROVING A CONTRACT WITH HALIFAX PAVING, INC. FOR THE STREET RESURFACING PROGRAM			
<b>Background :</b>			
<p>The City has approximately 1,186 lane miles of paved roadways. To protect this investment, the City of Palm Coast hired Transmap Corporation to collect pavement data and create a Pavement Condition Index (PCI). After analysis of this information, a recommended PCI value was established to determine a pavement condition standard for maintaining all roadways as part of a City Pavement Management Program. This program is designed to preserve and extend the useful life of paved surfaces throughout the City and to optimize the available funds to meet the network condition needs. On August 28, 2018, City staff and the City's consultant presented the Pavement Management Program to City Council.</p> <p>The Pavement Management Program for FY20 consists of 2 projects; arterial &amp; collector roadways and residential roadways. This item is for the first project that consists of a milling &amp; resurfacing program of the following streets; Palm Harbor Parkway, from Palm Coast Parkway to Coral Way; Belle Terre Parkway, from Royal Palms Parkway to Palm Coast Parkway EB; Old Kings Road, from SR100 to Town Center Parkway. This will also include replacement of pavement markings, water valve/manhole adjustments, and miscellaneous traffic signal work including signal heads, detector loops, and video detection</p> <p>The City advertised the project (ITB-CD-19-17) and on January 16, 2020 received 3 bids that were deemed to be responsive and responsible bidders.</p> <p>City staff recommends award of the project to the low bidder, Halifax Paving, Inc., for \$2,862,308.78. Based on past experience with similar construction projects, staff is requesting a 10% contingency (\$286,230.878) also to be approved in case of unforeseen circumstances and/or unknown conditions. In addition the City is requesting approval of expenses in a not-to-exceed amount of \$100,000.00 for Construction Engineering &amp; Inspection (CEI) services that will be provided by one of the City's prequalified continuing service consultants on a time &amp; material basis; for a total project cost of \$3,248,539.658.</p> <p>This project and the costs associated with it will be incurred over fiscal year 2020. Funds for this project are budgeted in the Utility 5-Year Capital Improvement Plan.</p>			
<b>SOURCE OF FUNDS WORKSHEET FY 2020</b>			
<b>Streets improvement fund 21055011-034000-54104</b>		<b>\$ 5,795,000.00</b>	
Total Expenses/Encumbered to date		\$ 229,065.45	
Pending Work Orders/Contracts		\$	
Current Contract		<u>\$ 3,248,539.66</u>	
<b>Balance</b>		<b>\$ 2,317,394.89</b>	
<b>Recommended Action :</b>			
<p>Adopt Resolution 2020-XX approving a contract with Halifax Paving, Inc., in the amount of \$2,862,308.78, a 10% contingency of \$286,230.878, and \$100,000 for CEI services for the street resurfacing project.</p>			

**RESOLUTION 2020-\_\_\_\_\_**  
**STREET RESURFACING PROGRAM**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A CONTRACT WITH HALIFAX PAVING, INC, A WORK ORDER WITH A CONTINUING SERVICE CONSULTANT FOR CEI SERVICES AND A 10% CONTINGENCY FOR THE STREET RESURFACING PROGRAM; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast desires to contract with Halifax Paving, Inc.;

and

**WHEREAS**, the City Council of the City of Palm Coast desires to contract with Halifax Paving, Inc., for the above referenced services.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. APPROVAL OF IMPROVEMENTS.** The City Council of the City of Palm Coast hereby approves the terms and conditions of a contract with Halifax Paving, Inc., for \$2,862,308.78, a 10% contingency, and \$100,000 for CEI Services for the street resurfacing program, as attached hereto and incorporated herein by reference as Exhibit "A."

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute any necessary documents.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 4<sup>th</sup> day of February.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Attachments: Exhibit A-Contract with Halifax Paving, Inc.

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney



# City of PALM COAST

Finance Department  
Budget & Procurement Office

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3730

## NOTICE OF INTENT TO AWARD

**Project:** ITB-CD-19-77 - Street Resurfacing 2019

**Date:** 1/17/2020

**Appeal Deadline:** Appeals must be filed by 5:00 PM on 1/23/2020

Firm	Bid
Halifax Paving, Inc Ormond Beach, FL	\$2,862,308.78
P & S Paving Inc. Daytona Beach, FL	\$2,872,041.79
MASCI Port Orange, FL	\$3,387,438.60

The intent of the City of Palm Coast is to award ITB-CD-19-77 to Halifax Paving, Inc

*For questions regarding the NOIT please contact Procurement Coordinator @palmcoastgov.com.*

*Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Budget and Procurement Office Bid Protest procedures.*

*A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Financial Services Director, Helena Alves ([HALves@palmcoastgov.com](mailto:HALves@palmcoastgov.com)) shall constitute a waiver of the protest proceedings.*





# ITB-CD-19-77 - Street Resurfacing 2019

## Project Overview

<b>Project Details</b>	
<b>Reference ID</b>	ITB-CD-19-77
<b>Project Name</b>	Street Resurfacing 2019
<b>Project Owner</b>	Kelly Downey
<b>Project Type</b>	ITB
<b>Department</b>	Procurement
<b>Budget</b>	\$0.00 - \$0.00
<b>Project Description</b>	City of Palm Coast 160 Lake Avenue Palm Coast, FL 32164 The City of Palm Coast intends to request bids for a Milling and Resurfacing Contract for several arterial roads throughout the City.



<b>Open Date</b>	Jul 24, 2019 8:00 AM EDT
<b>Intent to Bid Due</b>	Jan 16, 2020 2:00 PM EST
<b>Close Date</b>	Jan 16, 2020 2:00 PM EST

<b>Awarded Suppliers</b>	<b>Reason</b>	<b>Score</b>
<b>Halifax Paving, Inc.</b>		<b>100 pts</b>

## Seal status

<b>Requested Information</b>	<b>Unsealed on</b>	<b>Unsealed by</b>
Section 00100	Jan 16, 2020 2:00 PM EST	Kelly Downey
Section 00200	Jan 16, 2020 2:00 PM EST	Kelly Downey
Forms 5 & 6	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #1	Jan 16, 2020 2:00 PM EST	Kelly Downey

Generated on Jan 17, 2020 2:37 PM EST - Kelly Downey



Addendum #2	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #3	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #4	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #5	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum # 6	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #7	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #8	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #9	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #10	Jan 16, 2020 2:00 PM EST	Kelly Downey
Addendum #11	Jan 16, 2020 2:00 PM EST	Kelly Downey

## Submissions



Supplier	Date Submitted	Name	Email	Confirmation Code
<b>P &amp; S Paving, Inc.</b>	Jan 16, 2020 12:13 PM EST	Lee Lee	wlee@pandspavinginc.com	Njg3OTc=
<b>Halifax Paving, Inc.</b>	Jan 16, 2020 1:44 PM EST	Tyler Kirton	halifaxpaving@cfl.rr.com	Njg4MzI=
<b>MASCI</b>	Jan 16, 2020 12:32 PM EST	Masci Estimating	masciestimate@mascigc.com	Njg4MDY=



## Project Criteria

Criteria	Points	Description
Section 00100 / 00200	Pass/Fail	Section 00100 Qualification Forms A - M Section 00200 Bid Forms
Qualification Review	Pass/Fail	Qualification Review
Forms 5 & 6	Pass/Fail	Forms 5 & 6
Bid Schedule	100 pts	Bid Schedule
Addenda	Pass/Fail	Addenda
<b>Total</b>	<b>100 pts</b>	



# Scoring Summary

## Active Submissions

	<b>Total</b>	<b>Section 00100 / 00200</b>	<b>Qualification Review</b>	<b>Forms 5 &amp; 6</b>	<b>Bid Schedule</b>
<b>Supplier</b>	<b>/ 100 pts</b>	<b>Pass/Fail</b>	<b>Pass/Fail</b>	<b>Pass/Fail</b>	<b>/ 100 pts</b>
Halifax Paving, Inc.	100 pts	Pass	Pass	Pass	100 pts (\$2,862,308.78)
P & S Paving, Inc.	99.66 pts	Pass	Pass	Pass	99.66 pts (\$2,872,041.79)
MASCI	84.5 pts	Pass	Pass	Pass	84.5 pts (\$3,387,438.60)

	<b>Addenda</b>
<b>Supplier</b>	<b>Pass/Fail</b>



	<b>Addenda</b>
<b>Supplier</b>	<b>Pass/Fail</b>
Halifax Paving, Inc.	Pass
P & S Paving, Inc.	Pass
MASCI	Pass



# Pavement and Roadway Asset Management Program

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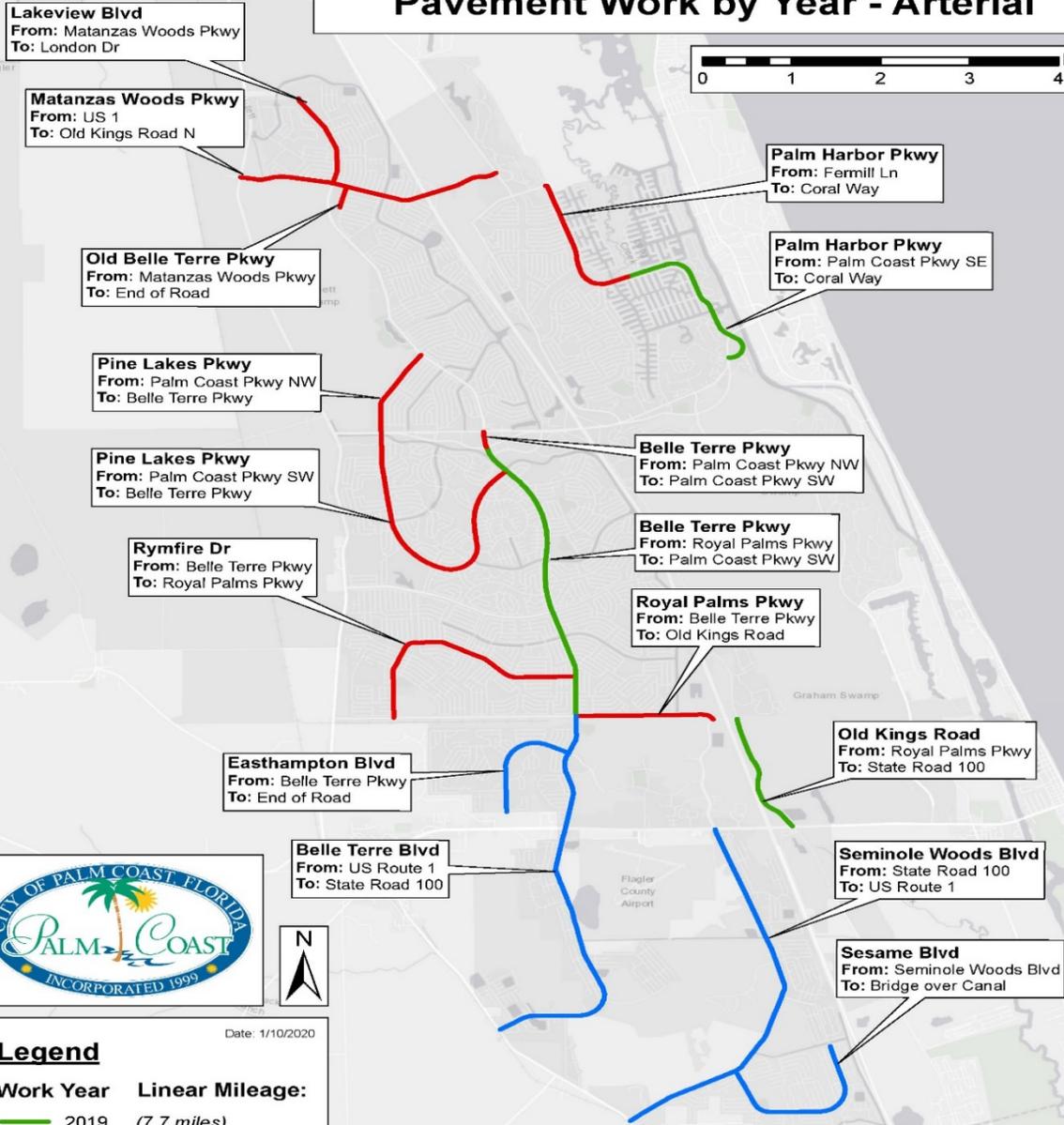
Michael Grunewald  
Traffic Engineer

*Find Your Florida*

# Council Objectives

- ❖ Maintain a quality roadway network
- ❖ Evaluate intersections
  - ❖ Radii
  - ❖ Consistent striping
- ❖ Modernize traffic signals
- ❖ Prepare for autonomous vehicles

# Pavement Work by Year - Arterial



**Lakeview Blvd**  
From: Matanzas Woods Pkwy  
To: London Dr

**Matanzas Woods Pkwy**  
From: US 1  
To: Old Kings Road N

**Old Belle Terre Pkwy**  
From: Matanzas Woods Pkwy  
To: End of Road

**Pine Lakes Pkwy**  
From: Palm Coast Pkwy NW  
To: Belle Terre Pkwy

**Pine Lakes Pkwy**  
From: Palm Coast Pkwy SW  
To: Belle Terre Pkwy

**Rymfire Dr**  
From: Belle Terre Pkwy  
To: Royal Palms Pkwy

**Easthampton Blvd**  
From: Belle Terre Pkwy  
To: End of Road

**Belle Terre Blvd**  
From: US Route 1  
To: State Road 100

**Palm Harbor Pkwy**  
From: Fermill Ln  
To: Coral Way

**Palm Harbor Pkwy**  
From: Palm Coast Pkwy SE  
To: Coral Way

**Belle Terre Pkwy**  
From: Palm Coast Pkwy NW  
To: Palm Coast Pkwy SW

**Belle Terre Pkwy**  
From: Royal Palms Pkwy  
To: Palm Coast Pkwy SW

**Royal Palms Pkwy**  
From: Belle Terre Pkwy  
To: Old Kings Road

**Old Kings Road**  
From: Royal Palms Pkwy  
To: State Road 100

**Seminole Woods Blvd**  
From: State Road 100  
To: US Route 1

**Sesame Blvd**  
From: Seminole Woods Blvd  
To: Bridge over Canal



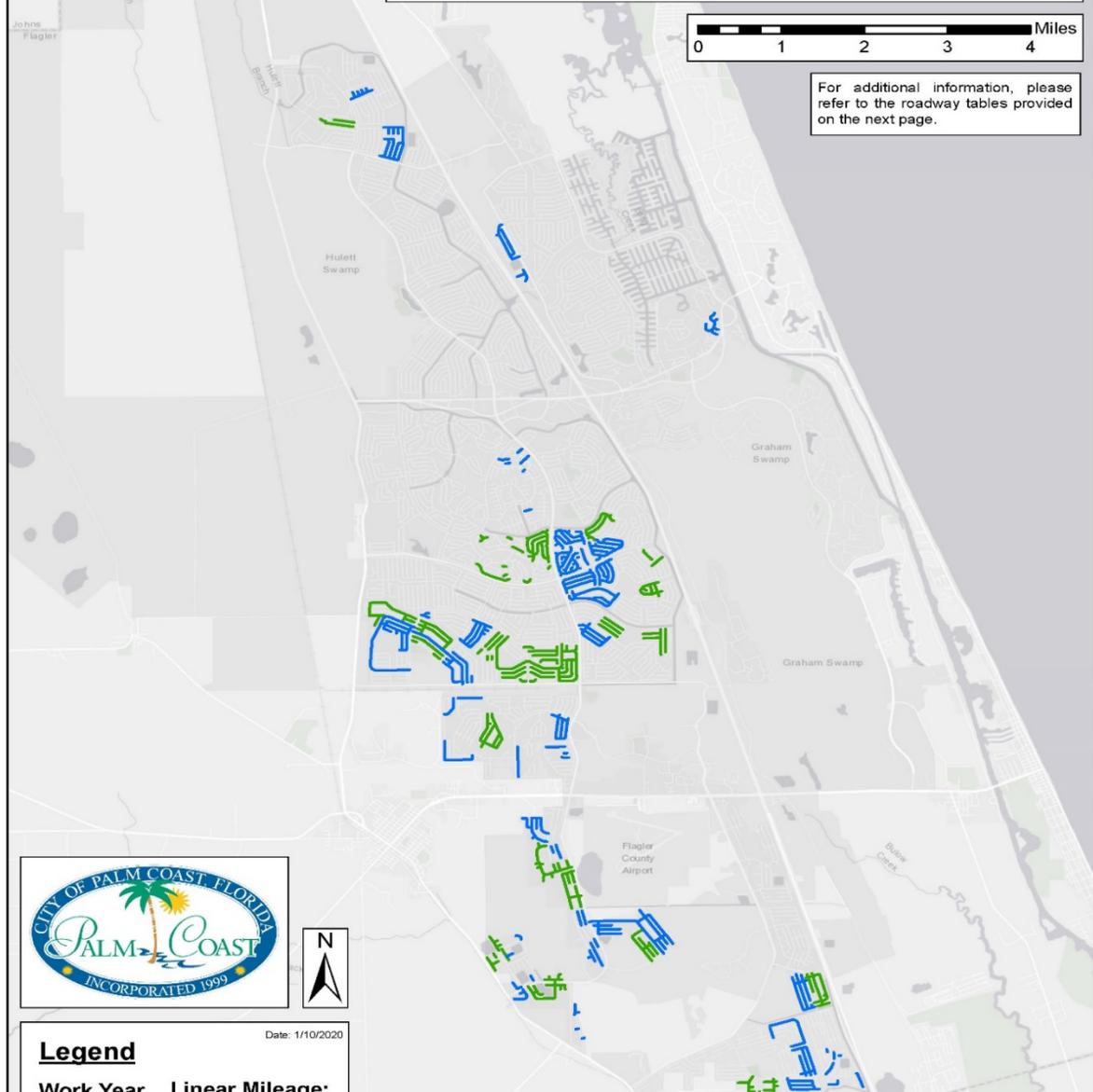
Date: 1/10/2020

Work Year	Linear Mileage:
2019	(7.7 miles)
2021	(12.7 miles)
2023	(15.2 miles)

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# Pavement Work by Year - Residential



For additional information, please refer to the roadway tables provided on the next page.



Date: 1/10/2020

Work Year	Linear Mileage:
2020	(28.5 miles)
2022	(39.8 miles)

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<b>Year</b>	<b>Type</b>	<b>No. of Lane Miles</b>
2019	Arterial	<b>26</b>
2020	Residential	<b>57</b>
2021	Arterial	<b>33</b>
2022	Residential	<b>79</b>
2023	Arterial	<b>30</b>



# Council Objective

## Maintain a Quality Roadway System

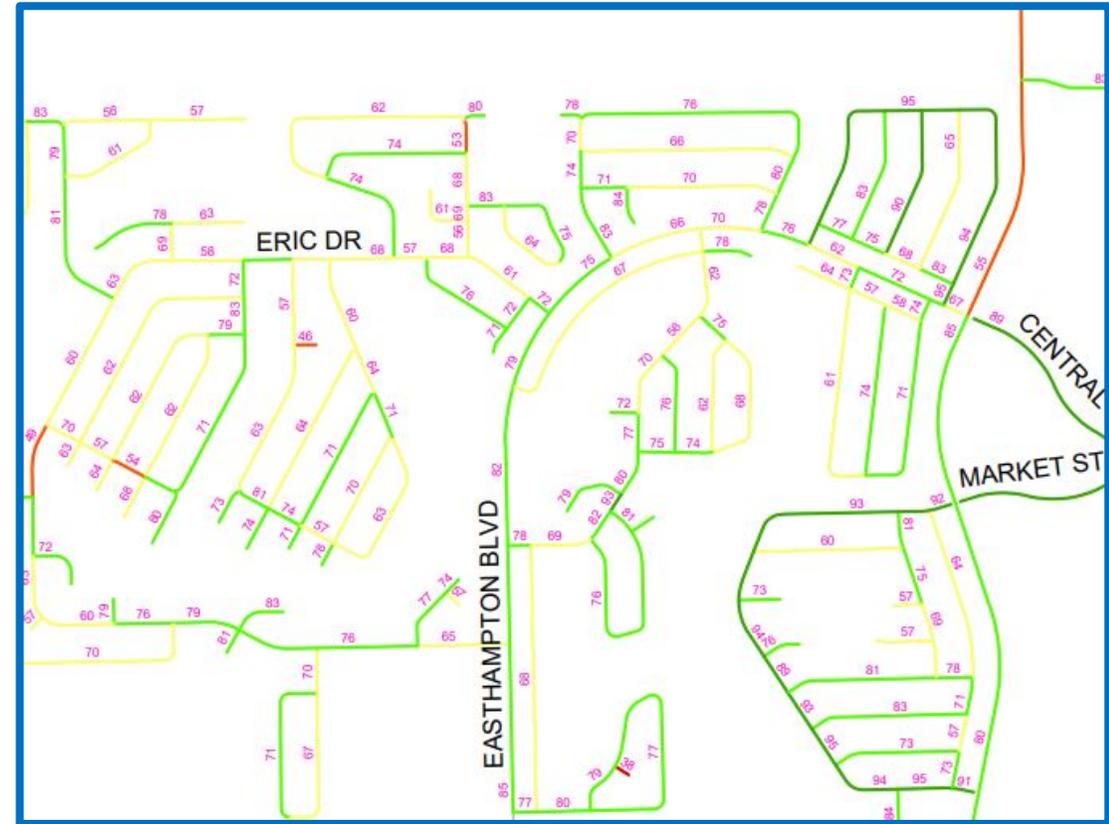
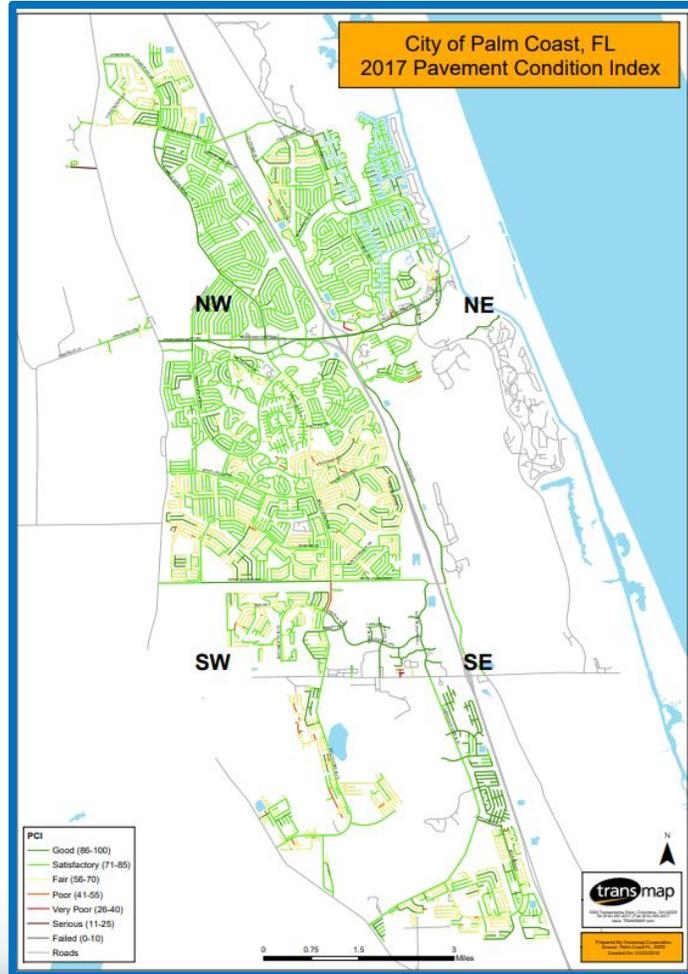
- The City hired Transmap to create a system wide pavement management analysis.
- Pavement Condition Index (PCI) is an engineering term representing the surface condition of the pavement on a scale of 0 to 100. For example:
  - PCI of 100 is a pavement in perfect condition
  - PCI of 0 is a pavement that is failed

# Pavement Condition Index

PCI Range	Condition
86-100	Excellent
71-85	Good
56-70	Satisfactory
41-55	Fair
26-40	Poor
11-25	Serious
0-10	Failed

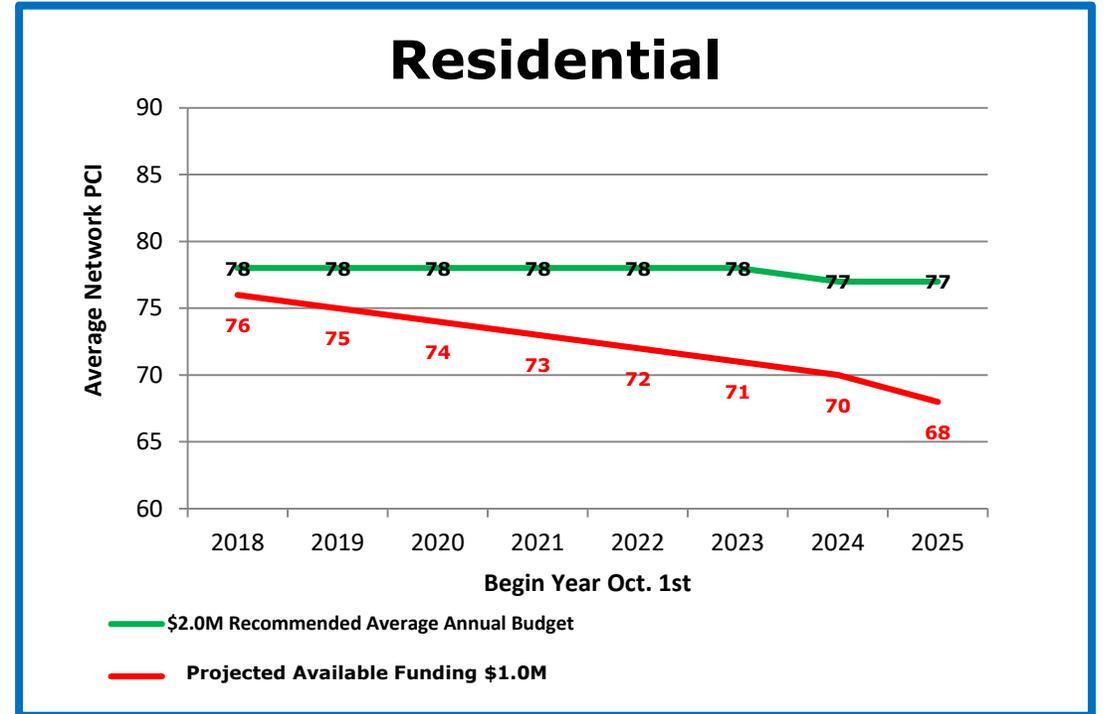
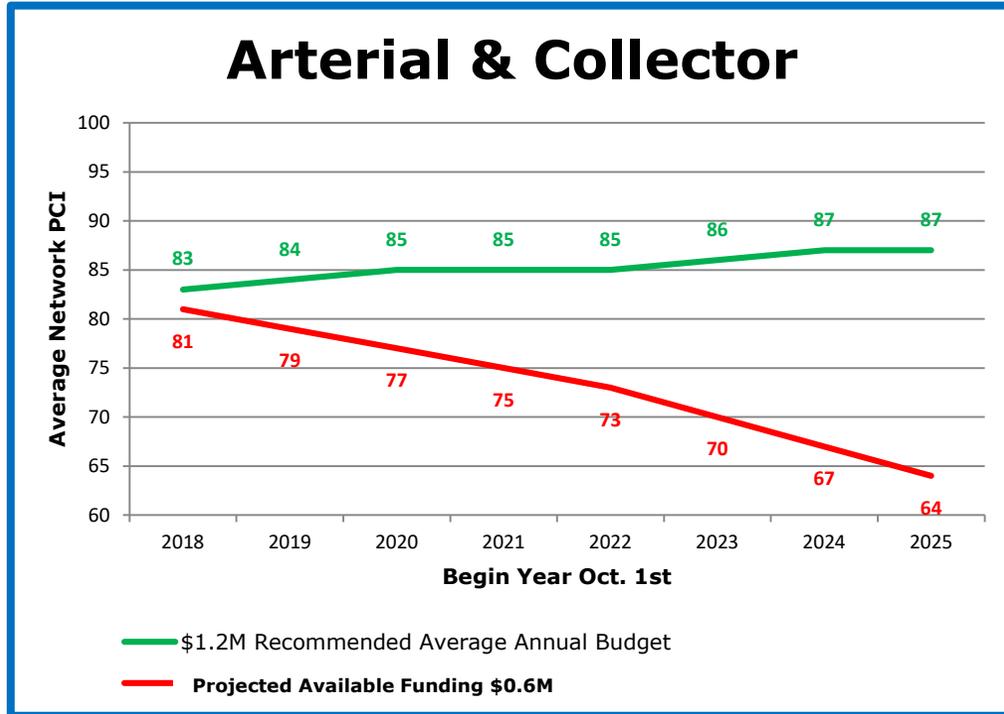
**Average Palm Coast Roadway PCI=79**

# 2017 Pavement Condition Index Map



# City of Palm Coast

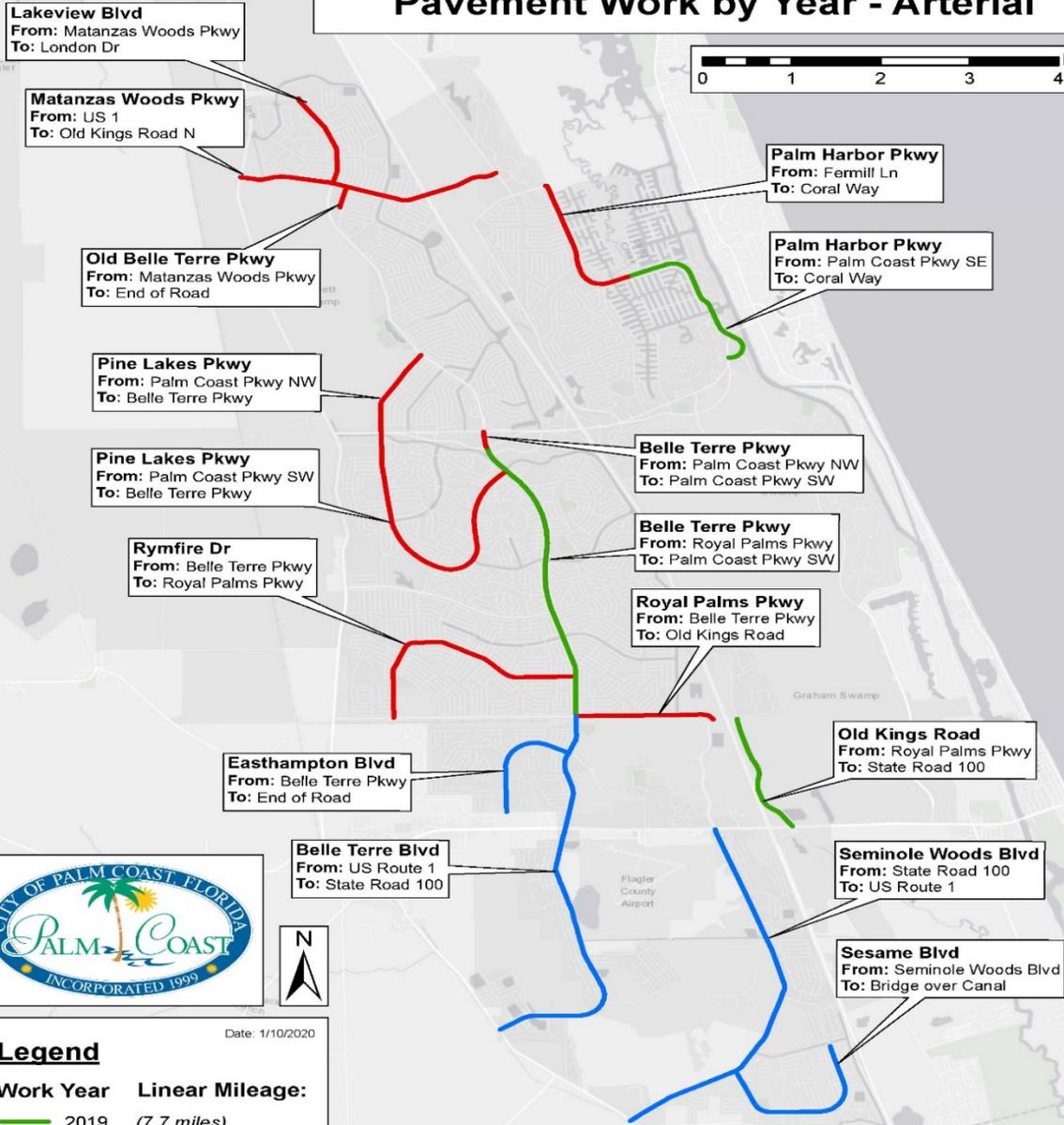
## PCI vs. Year for Various Budget Scenarios



# Funding Need by Fiscal Year

	Budget	
Fiscal Year	Proposed	Shortfall
2020	\$5.5M	\$0.0M
2021	\$3.4M	\$1.6M
2022	\$3.5M	\$2.0M
2023	\$3.9M	\$2.0M
2024	\$4.0M	\$2.3M
2025	\$4.1M	\$2.4M

# Pavement Work by Year - Arterial



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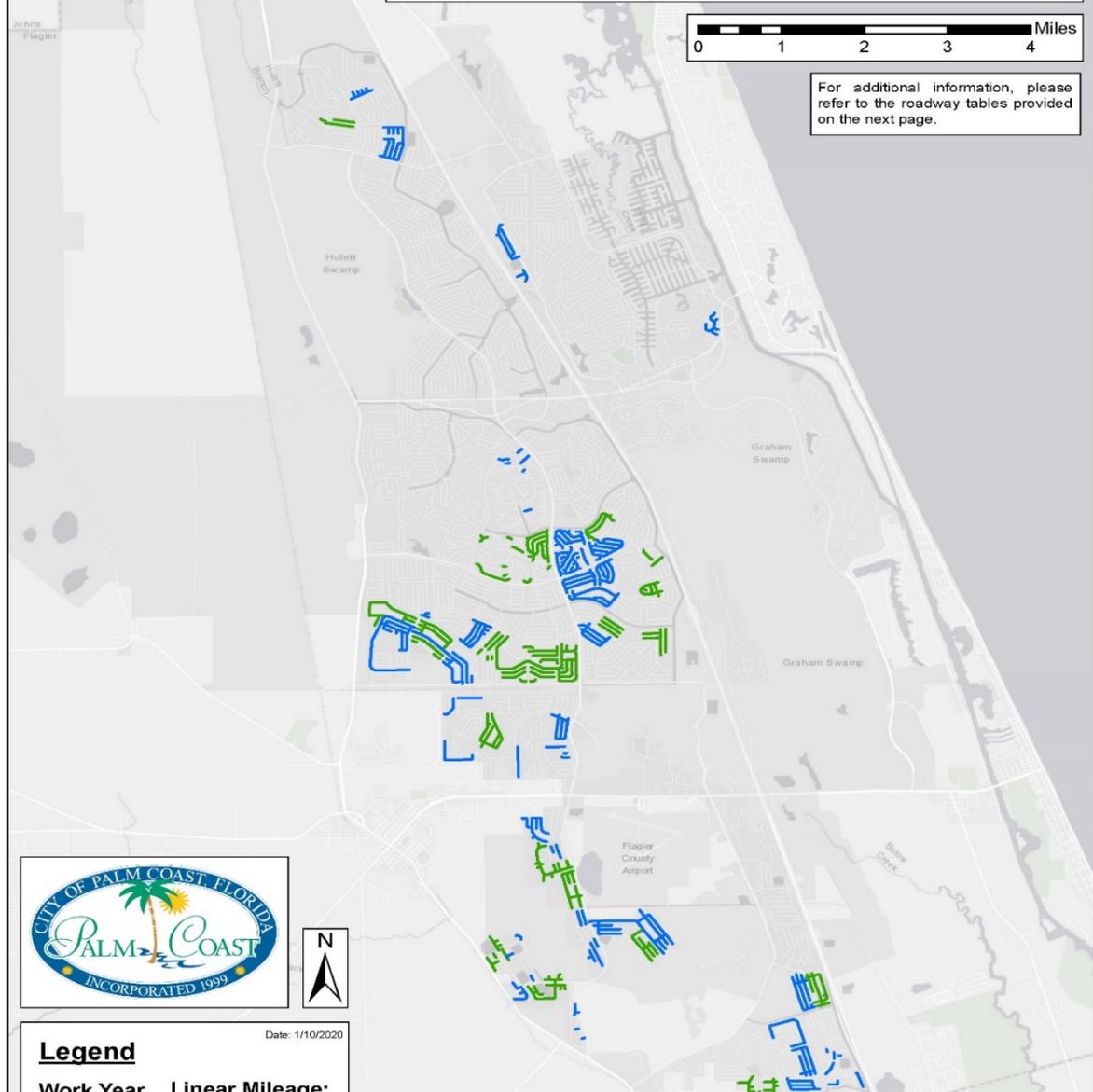
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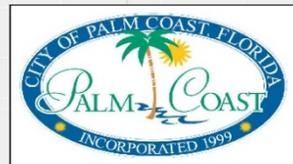
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# Pavement Work by Year - Residential



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# REQUESTED COUNCIL ACTION

- Approve contract with Halifax Paving in the amount of \$2,862,308.78
- Approve construction contingency fund in the amount of \$286,230.87
- Approve a Construction Engineering and Inspection service work order for a not to exceed amount of \$100,000.00

# City of Palm Coast, Florida Agenda Item

Agenda Date :01/282020

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	7689	<b>Account</b>
<b>Subject</b>	CALENDAR/WORKSHEET	
<b>Background :</b>		
<b>Recommended Action :</b>		



**Meeting Calendar for 1/29/2020 through 2/29/2020**

**2/4/2020 6:00 PM**

City Council  
City Hall

**2/11/2020 9:00 AM**

City Council Workshop  
City Hall

**2/18/2020 9:00 AM**

City Council  
City Hall

**2/19/2020 5:30 PM**

Planning & Land Development Regulation Board  
City Hall

**2/25/2020 9:00 AM**

City Council Workshop  
City Hall

**2/27/2020 5:00 PM**

Beautification and Environmental Advisory Committee  
City Hall

<b>Business 02/04/2020</b>			
1	Resolution	IA County Communications	Akins/Faust
2	Resolution	Roadway resurfacing plan	Cote
3	Presentation	I-3 Internship Awards	Kewley
4	Presentation	Health/Safety Calendar Awards	Mini
5	Proclamation	National Donor Month	Schottey
6	Proclamation	National Rare Disease	Schottey
7	Ordinance	Establishing a Process Trespass Warning on Public Property	Smith
8	Ordinance	Vaping	Smith
<b>Workshop 2/11/2020</b>			
1	Presentation	BRX/SCORE	DeLorenzo
<b>Business 02/18/2020</b>			
<b>Workshop 2/25/2020</b>			
<b>Future</b>			
1	Resolution	Fee study	Alves
2	Presentation	Finance Awards	Alves
3	Ordinance	Procurement Policy	Alves
3	Presentation	Security Assessment Review	Akins
4	Resolution	Advent Health Design Srv. Agreement OKR Ext.	Cote
5	Presentation	SCORE and BRX	DeLorenzo
6	Resolution	IA FC Service Agreement	Forte/Berryhill
7	Resolution	IA FC Lease Program radios and service agreement	Forte/Berryhill
8	Presentation	Fire Impact Fee and Fire 10 yr plan	Forte/Clark/Cote
9	Ordinance 1st	Animal Control amendment	Grossman
10	Ordinance	LDC Architectural Chapter 13	Hoover/Dawson
11	Ordinance	Matanzas Woods Golf MPD	Hoover
12	Resolution	Property exchange -Golf/Marina	DeLorenzo
13	Ordinance 1st	MPD PH Golf (first read)	Hoover
14	Ordinance 1st	MPD PH Marina (first read)	Hoover
15	Resolution	WAWA - ROW lease - PC Parkway	Hoover
16	Resolution	WAWA - Bulldog	Hoover
17	Resolution	Sawmill Creek Phase I - Final Plat	Hoover
18	Resolution	Palm Coast Storage -Technical Site Plan Tier 3	Hoover
19	Ordinance 1st	Recreation Impact Fees	Johnston/Cote/Alves

<b>20</b>	Resolution	Agreement PC Little League	Johnston
<b>21</b>	Resolution	IA County for field usage	Johnston
<b>22</b>	Resolution	Project Incentive Agreement	Kewley
<b>23</b>	Ordinance	Old Kings Road, South MPD	Papa
<b>24</b>	Resolution	Advent Health Impact Fee Agreement	Papa
<b>25</b>	Resolution	Grand Landings Phase IV-Final Plat	Ramirez
<b>26</b>	Presentation	2019 Workshop Meeting - LDC Signs Chapter 9	CDD