



# City of Palm Coast Agenda COUNCIL BUSINESS

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

*Mayor David Alfin*  
*Vice Mayor Eddie Branquinho*  
*Council Member Victor Barbosa*  
*Council Member Ed Danko*  
*Council Member Nick Klufas*

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**Tuesday, October 5, 2021**

**6:00 PM**

**COMMUNITY WING**

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**City Staff**

**Denise Bevan, Interim 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**

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.

**E. MINUTES**

- 1. MINUTES OF THE CITY COUNCIL:  
SEPTEMBER 21, 2021 BUSINESS MEETING  
SEPTEMBER 22, 2021 SPECIAL FINAL BUDGET HEARING**

**F. PRESENTATIONS AND PROCLAMATIONS**

- 2. PRESENTATION OF 14TH ANNUAL INTRACOASTAL WATERWAY CLEANUP RESULTS**
- 3. PROCLAMATION - OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH**
- 4. PROCLAMATION - OCTOBER 1, 2021 THROUGH OCTOBER 7, 2021 AS CUSTOMER SERVICE WEEK**

**G. ORDINANCES SECOND READ**

- 5. ORDINANCE 2021-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE CHAPTER 10.02 FLOODPLAIN MANAGEMENT**
- 6. ORDINANCE 2021-XX REPEALING AND REPLACING CHAPTER 2, ARTICLE 1, DIVISION 3 OF THE CITY OF PALM COAST CODE OF ORDINANCES**

**H. RESOLUTIONS**

- 7. RESOLUTION 2021-XX APPROVING THE FOURTH AMENDMENT TO THE FLAGLER COUNTY SHERIFF'S OFFICE INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES**

**I. CONSENT**

- 8. RESOLUTION 2021-XX APPROVING THE CULTURAL ARTS GRANTS FOR THE FISCAL YEAR 2021-2022**
- 9. RESOLUTION 2021-XX APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. FOR NSF NEAT ANIONIC POLYMER**

**10. RESOLUTION 2021-XX APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE,  
INC. FOR THE PURCHASE OF LIQUID POLYMER**

**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**

**N. ADJOURNMENT**

**11. WORKSHEET**

## City of Palm Coast, Florida Agenda Item

Agenda Date : October 5, 2021

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	12097	<b>Account</b>
		<b>#</b>
<b>Subject</b>	MINUTES OF THE CITY COUNCIL: SEPTEMBER 21, 2021 BUSINESS MEETING SEPTEMBER 22, 2021 SPECIAL FINAL BUDGET HEARING	
<b>Presenter : Virginia Smith, City Clerk</b>		
<b>Background :</b>		
<b>Recommended Action :</b> <b>APPROVE MINUTES OF THE CITY COUNCIL SEPTEMBER 21, 2021 BUSINESS MEETING AND SEPTEMBER 22, 2021 SPECIAL FINAL BUDGET HEARING</b>		



# City of Palm Coast Minutes COUNCIL MEETING AMENDED AGENDA

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

**Mayor David Alfin**  
**Vice Mayor Eddie Branquinho**  
**Council Member Victor Barbosa**  
**Council Member Ed Danko**  
**Council Member Nick Klufas**

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**Tuesday, September 21, 2021**

**9:00 AM**

**COMMUNITY WING**

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**City Staff**

**Denise Bevan, Interim City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

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**A. CALL TO ORDER**

*Mayor Alfin called the meeting to order at 9:00 am. All members were present.*

**B. PLEDGE OF ALLEGIANCE TO THE FLAG**

**C. ROLL CALL**

*City Clerk Virginia Smith 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.
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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.

*Courtney MacDonald thanked Council and staff for all they do for this City.*

*Mike Cocchiola thanked Council as well for all they do and to please keep our City as safe and beautiful as it is.*

*Robert MacDonald spoke about overgrown trees on Belle Terre heading south just before the schools. Mr. MacDonald spoke of an employee who said they would go visit and determine if these trees need to be cut. They still have not been cut. Additionally, Mr. MacDonald asked Council what is going on with Royal Palms between Belle Terre and Rickenbacker and suggested illuminating the intersection turning lane that is blocked. Mr. MacDonald spoke about public comments from a prior meeting on the subject of Graffiti on bridges.*

*Resident Corey spoke of pedestrian access on Cimmaron Drive.*

*Gwen Christiansen shared about continued pedestrian safety issues on Cimmaron Drive and spoke about steps in the process for improvements.*

*George Mayo reiterated comments from the first two speakers to compliment Council and staff and asked Council to not make any future cuts to the Public Works department. Mr. Mayo spoke of trucks and trailers utilizing Belle Terre Parkway as a cut through to US1 and shared concern. Mr. Mayo also discussed the rules regarding signage in the area of Marina Del Palma.*

*Steve Carr shared about traffic concerns on Florida Park Drive and asked Council to look for a plan.*

*Edith Campins asked Council to give careful consideration to the items on today's agenda.*

*Anna Maria Long asked Council to end elitist mentality in regards to the vehicle signage Ordinance being considered. Ms. Long also shared about the opportunity for continued growth from the changes.*

*Doyle Lewis spoke about commercial vehicles to share that there are designated commercial and residential areas for a reason and was not in favor of the proposed change.*

*Tony Ezzell spoke of swale and yard issues. Mr. Ezzell asked Council for assistance with resolving the issues.*

*Response to Public Comments:*

*Mayor Alfin responded to Public Comment to provide for his policy of responding to comments and will defer to the Interim City Manager to provide a detailed comprehensive response.*

*Council Member Danko added details to Mr. Ezzell's comments and requested the City Manager speak with Mr. Ezzell.*

*Council held discussion on procedure for public comments on items in the agenda.*

*Attorney Reischmann provided an overview to public comment procedures.*

## **E. MINUTES**

- 1. MINUTES OF THE CITY COUNCIL:  
MINUTES OF THE SEPTEMBER 7, 2021 SPECIAL BUDGET WORKSHOP  
MINUTES OF THE SEPTEMBER 7, 2021 SPECIAL BUSINESS MEETING  
MINUTES OF THE SEPTEMBER 9, 2021 SPECIAL BUDGET HEARING  
MINUTES OF THE SEPTEMBER 14, 2021 WORKSHOP**

**Pass**

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

**Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas**

## **F. PROCLAMATIONS**

- 2. PRESENTATION - GOOD SAMARITAN RECOGNITIONS**

*Vice Mayor Branquinho presented the certificates of appreciation to the Good Samaritans.*

**3. PRESENTATION EMPLOYEE RECOGNITION**

*Ms. Renina Fuller presented the employee recognition accolades and a video.*

*Mayor Alfin thanked staff for all they do.*

**4. PROCLAMATION - RAISE THE PINK FLAG WITH THE PINK ARMY MONTH**

*Mayor Alfin presented this Proclamation to representatives of Advent Health Pink Army.*

*Wally D'Aquino, CEO thanked Council for their willingness to always partner with us on the Pink Army campaign.*

*Tony Papandrea, Chairman of Advent Health Palm Coast Foundation, provided further information about breast cancer awareness and thanked all corporations in Palm Coast for partnering with Advent Health.*

**G. ORDINANCES FIRST READ**

**5. ORDINANCE 2021-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE CHAPTER 10.02 FLOODPLAIN MANAGEMENT**

*City Attorney Reischmann read the title into the record. Ms. Jordan Myers, Environmental Planner presented to Council on this Ordinance.*

*Public Comment  
There were none.*

**Pass**

**Motion made to Approved on first reading by Council Member Barbosa and seconded by Council Member Klufas**

**Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas**

**6. ORDINANCE 2021-XX REPEALING AND REPLACING CHAPTER 2, ARTICLE 1, DIVISION 3 OF THE CITY OF PALM COAST CODE OF ORDINANCES**

*City Attorney Reischmann read the title into the record.*

*Mr. Casey Luedke, Procurement Coordinator, presented to Council on the proposed changes to the Procurement Ordinance.  
Council Member Danko shared support for the proposed change for part of the proposed change, but opposed the change of \$30,000 to \$50,000 for Council approval.*

*Council Member Barbosa believed the thresholds should remain as they are.*

*Council Member Klufas shared support for the proposed changes and they allow for better efficiency.*

*Vice Mayor Branquinho supported the proposed changes.*

*Mayor Alfin shared thoughts and support for the proposed changes. The key buzz words are efficiency and time savings – Mayor Alfin shared that he supports finding ways to save budget monies.*

*Public Comment:  
There were none.*

**Pass**

**Motion made to Approved on first reading by Vice Mayor Branquinho and seconded by Council Member Klufas**

**Approved - 3 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Nick Klufas**

**Denied - 2 - Council Member Victor Barbosa, Council Member Ed Danko**

**7. ORDINANCE 2021-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 70.2+/- ACRES OF PROPERTY FROM MIXED USE TO RESIDENTIAL WITH A SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT TO 227 RESIDENTIAL DWELLING UNITS (SEMINOLE TRAILS)**

*City Attorney Reischmann read the title into the record.*

*Mr. Jose Papa, Senior Planner presented to Council on this item.*

*Applicant, Walker Douglas, of Douglas Properties, provided Council with a brief overview to the reduction in potential impacts.*

*Public Comment  
There were none.*

**Pass**

**Motion made to Approved on first reading by Council Member Barbosa and seconded by Council Member Danko**

**Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas**

**8. ORDINANCE 2021-XX AMENDING THE ZONING MAP DESIGNATION FOR A 70.2+/- ACRE PARCEL FROM MASTER PLANNED DEVELOPMENT (MPD) TO SINGLE-FAMILY RESIDENTIAL-1 (SEMINOLE TRAILS)**

*City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none. Mr. Jose Papa presented to Council under item 7.*

*Public Comment  
There were none.*

**H. ORDINANCES SECOND READ**

**9. ORDINANCE 2021-20 SECRET GARDENS, APPLICATION NO. 4816 TO REZONE 52.4 +/- ACRES FROM THE GENERAL OFFICE (OFC-2) ZONING DISTRICT TO THE HIGH INTENSITY COMMERCIAL (COM-3), PRESERVATION (PRS) AND PUBLIC/SEMI-PUBLIC (PSP) ZONING DISTRICTS**

*City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none.*

*Mr. Tyner provided Council with a brief update for second read.*

*Public Comment  
There were none.*

**Pass**

**Motion made to Adopted on second reading by Council Member Barbosa and seconded by Council Member Klufas**

**Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas**

**10. ORDINANCE 2021-21 SEMINOLE POINTE, APPLICATION NO. 4820 TO REZONE 71.74 +/- ACRES FROM THE MASTER PLANNED DEVELOPMENT (MPD) AND GENERAL COMMERCIAL (COM-2) ZONING DISTRICTS TO THE MULTI-FAMILY RESIDENTIAL-2 (MFR-2) AND HIGH INTENSITY COMMERCIAL (COM-3) ZON**

*City Attorney Reischmann read the title into the record. Attorney Reischmann reminded Council this is a quasi-judicial item and called for any ex-parte communications. There were none.*

*Vice Mayor Branquinho declared conflict.*

*Public Comment  
There were none.*

**Pass**

**Motion made to Adopted on second reading by Council Member Klufas and seconded by Council Member Barbosa**

**Approved - 3 - Mayor David Alfin, Council Member Ed Danko, Council Member Nick Klufas**

**Denied - 1 - Council Member Victor Barbosa**

## **I. RESOLUTIONS**

### **11. RESOLUTION 2021-29 APPROVING THE TERMINATION OF THE SEMINOLE POINTE MASTER PLANNED DEVELOPMENT AGREEMENT (MPD)**

*City Attorney Reischmann read the title into the record.*

*Vice Mayor Branquinho declared a conflict of interest.*

*Ray Tyner, Deputy Chief Officer provided Council with an overview to this item.*

*Public Comment*

*There were none.*

**Pass**

**Motion made to approve by Council Member Klufas and seconded by Council Member Barbosa**

**Approved - 4 - Mayor David Alfin, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas**

## **J. OTHER BUSINESS**

### **12. COUNCIL DECISION AND DIRECTION TO STAFF ON WHETHER TO AMEND THE COMMERCIAL VEHICLE ORDINANCE IN CHAPTER 44, ARTICLE II**

*Council Member Barbosa clarified the action to be taken by Council regarding a code change.*

*Council Member Danko shared about receiving a bunch of emails and clarified that the change relates to vehicles that are currently allowed in residential areas. The change would allow the same allowed vehicles to not have to use magnets and tarps to cover commercial names.*

*Council Member Klufas spoke about having received emails as well, but the majority were opposed to this measure.*

*Public Comments:*

*Mike Cocchia opposed the change.*

*Stephen Swarner supported the change.*

*Pam Richardson opposed the change.*

*Jeffrey Seib opposed the change.*

*Dorothy Sperber opposed the change.*

*Garrett Decker supported the change.*

*Mary Vasilevsky supported Council Member Klufas' approach to a study for gauging the resident support or opposition.*

*George Mayo opposed the change.*

*Doyle Lewis opposed the change.*

*Mayor Alfin provided a statement regarding the issue and was in favor of maintaining the code as is.*

*Mayor Alfin passed the gavel to Vice Mayor Branquinho to make a motion. Motion made by Mayor Alfin, seconded by Council Member Klufas to leave the code as is.*

*Council held lengthy discussion on the motion.*

*Mayor Alfin asked for a roll call vote.*

*Attorney Reischmann provided an overview to the discussion held and read from the code to further describe commercial vehicle.*

*After the vote the gavel was passed back to the Mayor.*

**13. APPOINT A MEMBER TO FLAGLER COUNTY HOUSING TASK FORCE/AFFORDABLE HOUSING ADVISORY COMMITTEE**

*Motion to appoint Ms. Vasilevsky.*

**14. APPOINT ONE MEMBER TO THE DISTRICTING COMMISSION**

*Virginia Smith, City Clerk, provided a background of the item. Motion to appoint Mr. Mitrano to the Districting Commission. Mayor Alfin called for a roll call vote. Motion passes 4-0 with Vice Mayor Branquinho voting no.*

**K. CONSENT**

*There were no public comments.*

15. **RESOLUTION 2021-130 ADOPTING GUIDELINES FOR NAMING OF PUBLIC FACILITIES**
16. **RESOLUTION 2021-131 APPROVING PIGGYBACKING THE CITY OF ST. AUGUSTINE WITH ENGINEERED SPRAY SOLUTIONS, INC., FOR GRAVITY SEWER MANHOLE SEALING AND COATING ON AN AS NEEDED BASIS**
17. **RESOLUTION 2021-132 APPROVING A MASTER SERVICES AGREEMENT WITH HARN R/O SYSTEMS, INC. FOR NANOFILTRATION MEMBRANE REPLACEMENT PROJECT**
18. **RESOLUTION 2021-133 APPROVING A MASTER PRICE AGREEMENT WITH FERGUSON WATERWORKS TO PURCHASE VARIOUS UTILITY SUPPLIES**

**Pass**

**Motion made to Adopt on consent by Council Member Klufas and seconded by Council Member Danko**

**Approved - 5 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Ed Danko, Council Member Nick Klufas**

**L. PUBLIC PARTICIPATION**

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

*George Mayo shared about an article he read on the topic of traffic concerns and the resolution to pain 3D speedbumps to slow traffic.*

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

*Nothing at this time.*

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

*Council Member Danko liked the idea of the painted speed bumps which then become real speedbumps. Additionally, Council Member Danko asked for clarification on realtor signs to ask if Council can create an Ordinance allowing for a timeframe that realtors can put up signs.*

*City Attorney Reischmann responded that it is possible, but the City would not be able to regulate the content on the signs. The time, place, and manner of a sign can be regulated but not the content.*

*Council Member Danko also asked the City Manager if masking is required at the Community Center while providing details of event messaging.*

*Council Member Barbosa asked Code Enforcement staff why a property owner received a violation for a tenant that parked his vehicle elsewhere.*

*Mayor Alfin shared a request from local media regarding local businesses. Mayor Alfin requested all to be kind to service workers. Additionally, Mayor Alfin shared about Food Truck Tuesday and offered congratulations to Representative Paul Renner who has been elected to speaker elect to the Florida Legislature.*

*Council Member Klufas congratulated staff on a successful Arbor Day. Additionally, Council Member Klufas reminded Council that decorum matters.*

*Vice Mayor Branquinho congratulated Paul Renner and the Samaritans recognized in the meeting.*

*Council held additional discussion.*

**O. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Ms. Bevan shared about emergency and sole source purchases, 4 tropical disturbances, and also the closure of Royal Palms Parkway.*

*Carmelo Morales provided the overview to the Royal Palms Parkway closure.*

*Attorney Reischmann presented to Council regarding his duties and parliamentary law.*

**19. REPORTING OF EMERGENCY AND SOLE SOURCE PURCHASES FOR AUGUST 2021 PURCHASES**

**P. ADJOURNMENT**

*The meeting was adjourned at 11:58 am*

*Respectfully submitted by: Virginia A. Smith, MMC  
City Clerk*



**City of Palm Coast  
Minutes  
CITY COUNCIL SPECIAL  
BUDGET HEARING-  
FINAL**

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

**Mayor David Alfin  
Vice Mayor Eddie Branquinho  
Council Member Victor Barbosa  
Council Member Ed Danko  
Council Member Nick Klufas**

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**Wednesday, September 22, 2021**

**5:30 PM**

**COMMUNITY WING**

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**City Staff**

**Denise Bevan, Interim City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

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**A. CALL TO ORDER**

*Mayor Alfin called the meeting to order at 5:30 pm.*

**B. PLEDGE OF ALLEGIANCE TO THE FLAG**

**C. ROLL CALL**

*City Clerk Virginia Smith called the roll. All members were present.*

**D. PRESENTATIONS**

**1. PRESENTATION OF FISCAL YEAR 2021-2022 BUDGET**

*Ms. Gwen Ragsdale and Ms. Helena Alves presented to Council on the FY 22 Budget.*

**E. RECESS CITY COUNCIL AND CONVENE SR 100 CORRIDOR CRA BOARD**

*Council recessed City Council at 5:37 pm and convened the SR 100 CRA Board meeting.*

**2. SR 100 CORRIDOR CRA RESOLUTION 2021-134 ADOPTING THE SR 100 CORRIDOR CRA FINAL BUDGET FOR FISCAL YEAR 2021-2022**

*CM Danko asked if this was the final budget. Ans: Mayor Alfin-This is the final budget for the SR 100.*

*Public Comments:  
There were none.*

**Pass**

**Motion made to approve by Council Member Barbosa and seconded by Council Member Klufas**

**Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Nick Klufas**

**Denied - 1 - Council Member Ed Danko**

**F. ADJOURN SR 100 CORRIDOR CRA BOARD AND RECONVENE CITY COUNCIL**

*The SR 100 CRA Board meeting was adjourned at 5:39 pm and City Council reconvened.*

**G. RESOLUTIONS**

**3. RESOLUTION 2021-135 ADOPTING THE FINAL MILLAGE RATE FOR FISCAL YEAR 2021-2022**

**Pass**

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

**Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Nick Klufas**

**Denied - 1 - Council Member Ed Danko**

*Mayor Alfin read the required language into the record per State Statutes.*

*Public Comments:  
There were none.*

**4. RESOLUTION 2021-136 ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2021-2022**

**Pass**

**Motion made to approve by Council Member Barbosa and seconded by Vice Mayor Branquinho**

**Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Nick Klufas**

**Denied - 1 - Council Member Ed Danko**

*Mayor Alfin read the required language into the record per State Statutes.*

*Public Comments:*

*There were none.*

**5. RESOLUTION 2021-137 APPROVING THE FISCAL YEAR 2022 FLEET REPLACEMENT/PURCHASE PROGRAM AND ASSOCIATED PURCHASE ORDERS FOR FLEET VEHICLES AND EQUIPMENT AS APPROVED IN THE FISCAL YEAR 2022 BUDGET**

**Pass**

**Motion made to approve by Vice Mayor Branquinho and seconded by Council Member Barbosa**

**Approved - 4 - Mayor David Alfin, Vice Mayor Eddie Branquinho, Council Member Victor Barbosa, Council Member Nick Klufas**

**Denied - 1 - Council Member Ed Danko**

*There were no changes to this item since last presented to City Council.*

*Public Comments:*

*There were none.*

**H. ADJOURNMENT**

*The meeting was adjourned at 5:47 p.m.*

*Respectfully submitted by: Virginia A. Smith, MMC  
City Clerk*

## City of Palm Coast, Florida Agenda Item

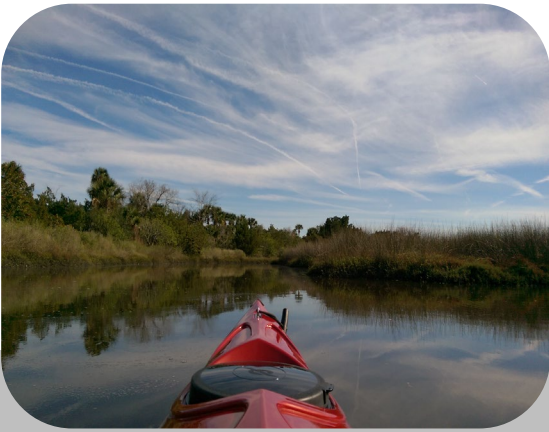
Agenda Date: October 5, 2021

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	11770	<b>Account</b>
		<b>#</b>
<b>Subject</b>	PRESENTATION OF 14TH ANNUAL INTRACOASTAL WATERWAY CLEANUP RESULTS	
<b>Presenter : Jordan Myers, Environmental Planner</b>		
<b>Background :</b> The 14 <sup>th</sup> Annual Intracoastal Waterway Cleanup Event took place on September 4, 2021. Staff will be presenting the results of how much trash was collected, how many volunteers registered, and what was the Most Unique F.I.N.D.		
<b>Recommended Action : PRESENTATION ONLY</b>		

# 2021 Annual Intracoastal Waterway Clean-up

What Will You F.I.N.D?  
Event Results





Event Objectives: Reduce Pollution, Increase Participation, Volunteer Safety and Convenience, Increase Sponsorships and Community Investment, and HAVE FUN!



## Strategic Action Plan Objective 5.1

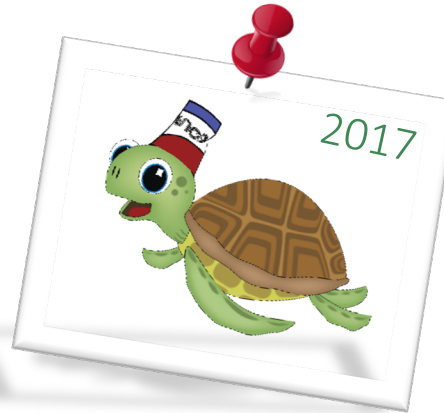
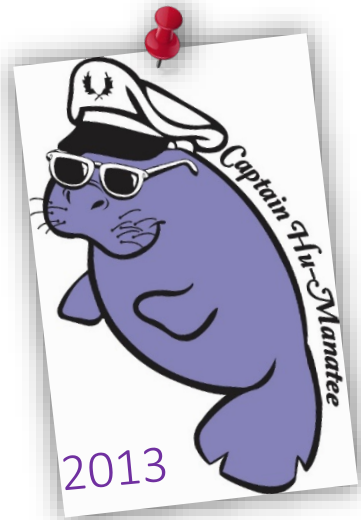
**Enhance community and visitors' recreational opportunities and experiences at community events**

# Event Day – September 4<sup>th</sup>

- Saltwater Canals, Intracoastal Waterway, Parks and Trails
- Expand Awareness
- Typically conducted in conjunction with International Coastal Cleanup Day in September



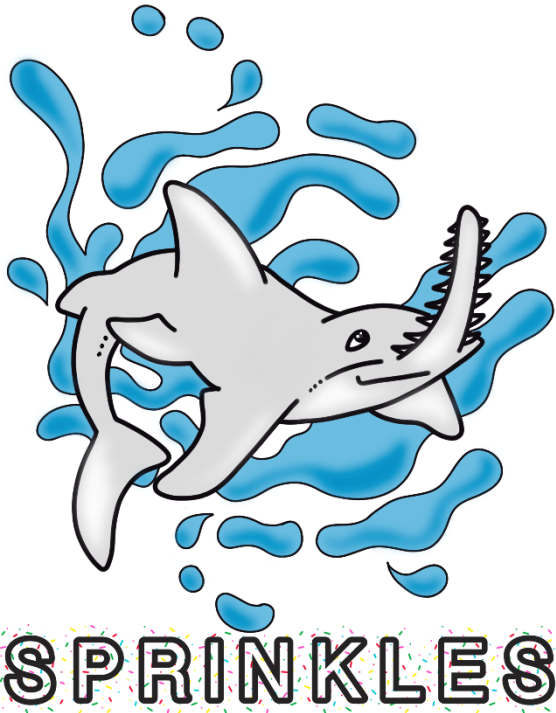
# Our Mascots Always Make A Splash!



# Name the Smalltooth Sawfish



120 Votes



Name suggestions came from the Fun in the Sun Summer Campers!

Samuel

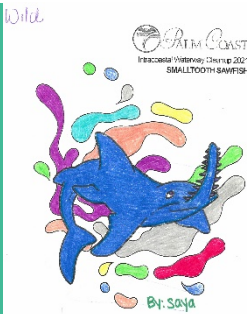


Jeff

3rd

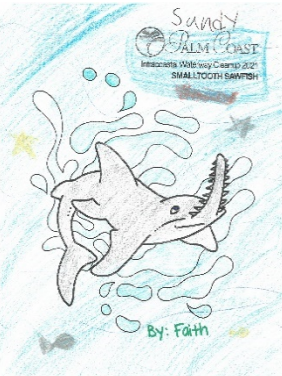


Wild



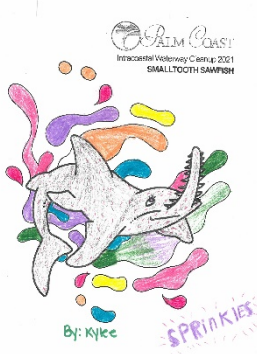
Sandy

2nd

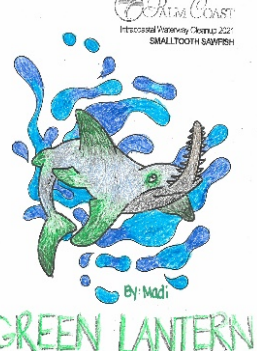


Sprinkles

1st 44 Votes



Green Lantern



# Social Media

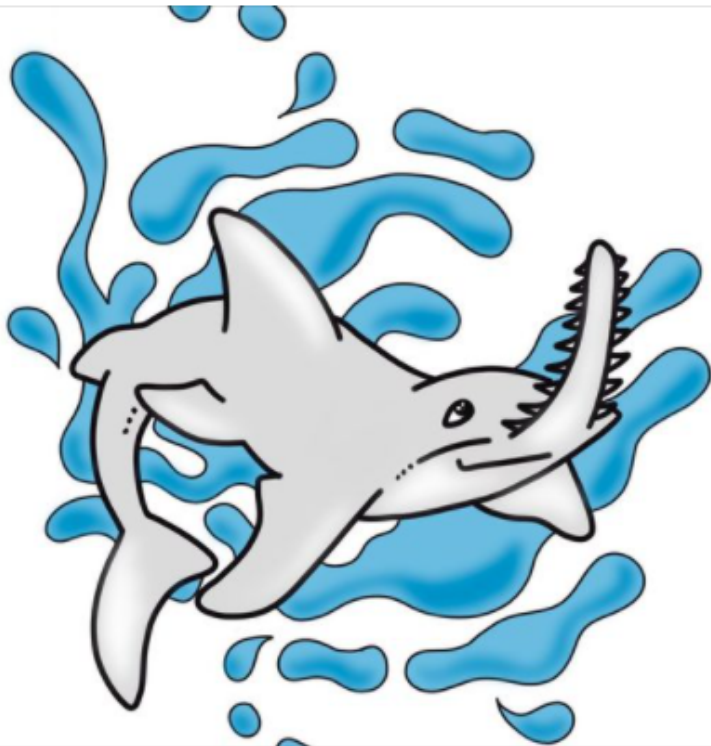


August 30 at 5:01 AM · 🌐

Don't forget to pickup your supplies for this years Intracoastal waterway cleanup.

There is still time to register and take part in keeping our community clean. This event attracts volunteers with a passion for protecting and enjoying nature by removing the trash within their developments or along city paths, walkways, and waterways.

More info, visit: <http://ow.ly/GLQh50FSFZG>.



✍ Author

City of Palm Coast, FL - Government ✓



1w



September 1 at 5:01 AM · 🌐

Let's learn some facts in honor of our Intracoastal waterway cleanup Mascot Sprinkles the smalltooth sawfish.

Registration: OPEN | Date: Saturday, September 4 | Time: from 8 a.m. to 1 p.m.

This event attracts volunteers with a passion for protecting and enjoying nature by removing the trash within their developments or along city paths, walkways, and waterways. ... [See More](#)



# Sponsors & Partnerships!

Special thank you to Florida Inland Navigation District (FIND) for 14 years of grant awards totaling \$70,000.

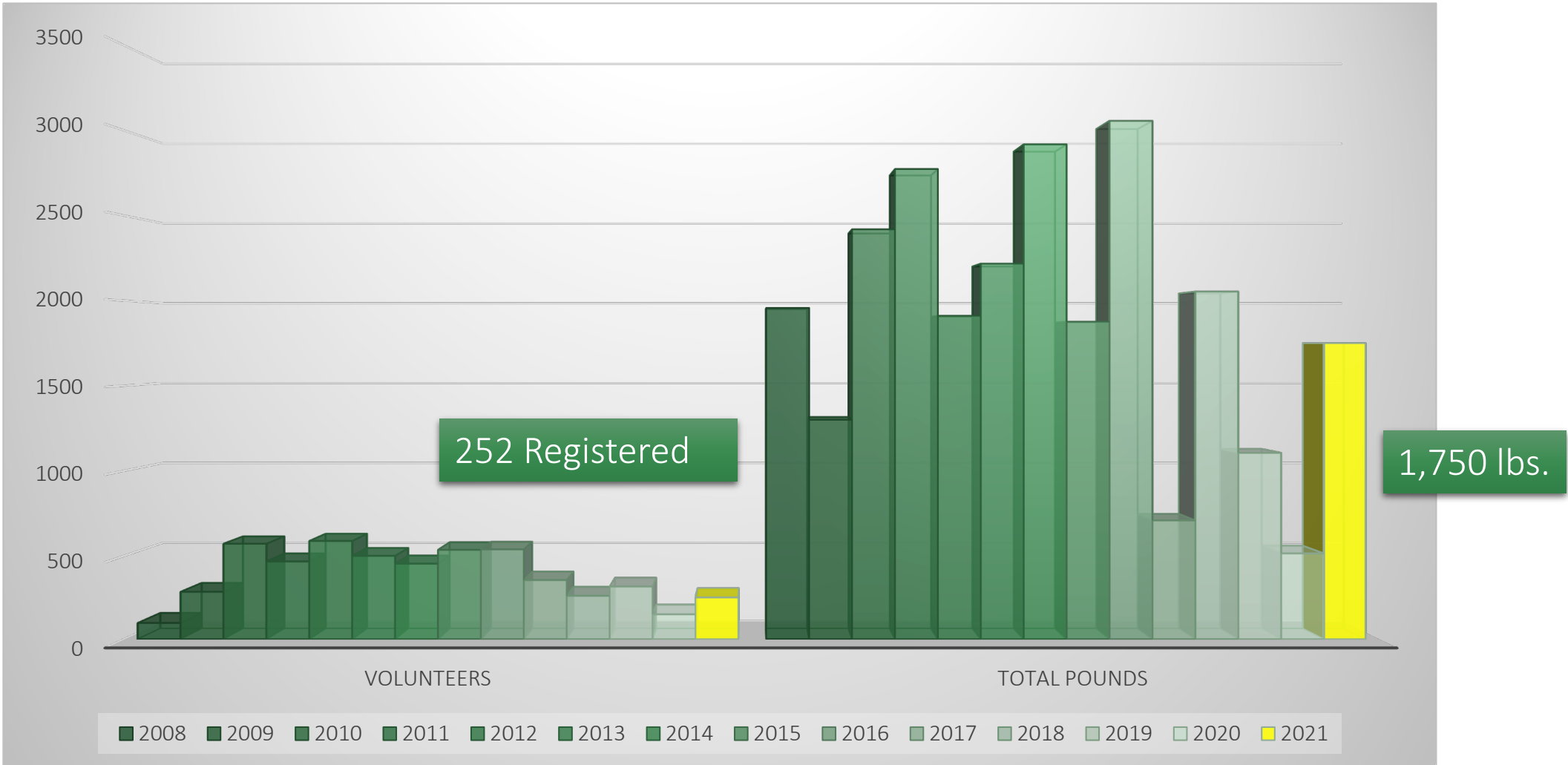


# The Winners Are...

## *The Most Unique F.I.N.D. Contest*



# How Did Our Volunteers Do?



# See you next year on September 10th!

- Mascot Ideas
  - Red Snapper
  - North Atlantic Right Whale
  - Osprey





| Questions?

## City of Palm Coast, Florida Agenda Item

Agenda Date : October 5, 2021

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	12105	<b>Account</b>
		<b>#</b>
<b>Subject</b>	PROCLAMATION - OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH	
<b>Presenter :</b>		
<b>Background :</b> An estimated 4.8 million cases of domestic violence occur each year and, at its most tragic level, kills an average of more than three women every day nationally.  The Flagler County Advocates Alliance (comprised of the Flagler County Sheriff's Office Victim Advocate, the Flagler Beach Police Department Victim Advocates, the State Attorney's Victim Advocate for the Seventh Judicial Circuit Flagler and the Family Life Center) and the Flagler County Domestic Violence Task Force membership are committed to confront this crisis and are working together to increase public understanding of this problem and mobilize community efforts to end domestic violence in Flagler County.		
<b>Recommended Action :</b> <b>PROCLAIM OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH</b>		



## PROCLAMATION

**WHEREAS**, home should be a place of warmth, unconditional love, tranquility, and security, and for most of us, home and family can indeed be counted among our greatest blessings. Tragically, for many Americans, their home is tarnished by violence and fear; and

**WHEREAS**, family violence is a crime that transcends race, religion, ethnicity and economic stature and one of its greatest tragedies is its effect on our children; and

**WHEREAS**, an estimated 4.8 million cases of domestic violence occur each year and, at its most tragic level, kills an average of more than three women every day nationally; and

**WHEREAS**, the Family Life Center, the only certified domestic violence emergency shelter and rape crisis center in Flagler County, provided 5,618 services to victims in the past year; and

**WHEREAS**, each October, the formal recognition of Domestic Violence Awareness Month allows the community to acknowledge and show their support for the victims of this horrific crime; and

**WHEREAS**, the Flagler County Advocates Alliance (comprised of the Flagler County Sheriff's Office Victim Advocate, the Flagler Beach Police Department Victim Advocates, the State Attorney's Victim Advocate for the Seventh Judicial Circuit Flagler and the Family Life Center) and the Flagler County Domestic Violence Task Force membership are committed to confront this crisis and are working together to increase public understanding of this problem and mobilize community efforts to end domestic violence in Flagler County.

**NOW, THEREFORE, BE IT PROCLAIMED**, THE CITY OF PALM COAST MAYOR AND CITY COUNCIL HEREBY DESIGNATE OCTOBER AS

## **“DOMESTIC VIOLENCE AWARENESS MONTH”**

And urge all citizens of Palm Coast to become a part of the community response to end domestic violence and to send the message that this crime will not be tolerated in our community. As we spread awareness of domestic violence in our community during the month of October, we recognize that it takes an entire community to stand together and make a difference. Together we can break the cycle and impact the lives of future generations.

**PROCLAIMED** this 5<sup>th</sup> day of October, 2021.

*ATTEST TO:*

CITY OF PALM COAST:

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Virginia A. Smith, City Clerk

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David Alfin, Mayor

## City of Palm Coast, Florida Agenda Item

Agenda Date : OCTOBER 5, 2021

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	12106	<b>Account</b>
		<b>#</b>
<b>Subject</b>	PROCLAMATION - OCTOBER 1, 2021 THROUGH OCTOBER 7, 2021 AS CUSTOMER SERVICE WEEK	
<b>Presenter :</b>		
<b>Background :</b> The City of Palm Coast's Citizen Engagement Department Customer Service Representatives consistently makes a difference in the lives of the residents of the City by committing to the highest standards of service every day and routinely improving services to citizens through innovative and considerate means.  Palm Coast residents have come to rely heavily on the knowledgeable and friendly exchange of information with the City's Customer Service Representatives over the past eight years, addressing an average of 100,000 inquiries annually on a variety of City related matters.  Since 1992, the United States Congress established the first full week of every October to recognize customer service professionals who serve daily on the front lines. Therefore, the City of Palm Coast desires to proclaim the week of October 1, 2021 through October 7, 2021 as Customer Service Week.		
<b>Recommended Action :</b> <b>PROCLAIM OCTOBER 1, 2021 THROUGH OCTOBER 7, 2021 AS CUSTOMER SERVICE WEEK</b>		



## Proclamation

**WHEREAS**, our businesses and government systems, both locally and across this nation, recognize that making a strong commitment to exemplary customer service builds the trust of our customers and clients; and

**WHEREAS**, businesses and governments whose professional service representatives understand and anticipate the needs and expectations of their customers by showing commitment to regularly exceeding the customer's expectations; and

**WHEREAS**, the City of Palm Coast's Citizen Engagement Department Customer Service Representatives consistently makes a difference in the lives of the residents of the City by committing to the highest standards of service every day and routinely improving services to citizens through innovative and considerate means; and

**WHEREAS**, Palm Coast residents have come to rely heavily on the knowledgeable and friendly exchange of information with the City's Customer Service Representatives over the past eight years, addressing an average of 100,000 inquiries annually on a variety of City related matters; and

**WHEREAS**, since 1992, the United States Congress established the first full week of every October to recognize customer service professionals who serve daily on the front lines.

**NOW, THEREFORE, BE IT PROCLAIMED** THAT THE PALM COAST MAYOR AND CITY COUNCIL DO HEREBY PROCLAIM THE WEEK OF OCTOBER 1<sup>ST</sup> THROUGH OCTOBER 7<sup>TH</sup> AS

## **“CUSTOMER SERVICE WEEK”**

and encourage all citizens to acknowledge the contributions Customer Service professionals make to this community by providing valuable information and services with thoughtfulness and compassion.

**ADOPTED**, this 5th day of October 2021.

ATTEST:

CITY OF PALM COAST

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Virginia A. Smith, City Clerk

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David Alfin, Mayor

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: October 5, 2021

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	11613	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ORDINANCE 2021-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE CHAPTER 10.02 FLOODPLAIN MANAGEMENT	
<b>Presenter:</b>	Jordan Myers, Environmental Planner	
<b>Background:</b>		
<b><u>UPDATE FROM THE SEPTEMBER 21, 2021 BUSINESS MEETING.</u></b>		
This item was heard by the City Council at their September 21, 2021 Business Meeting. There were no changes suggested to this item. The PowerPoint presentation is available in the City Clerk's office.		
<b><u>UPDATE FROM THE SEPTEMBER 14, 2021 WORKSHOP</u></b>		
This item was heard by the City Council at their September 14, 2021 Workshop. There were no changes suggested to this item. The PowerPoint presentation is available in the City Clerk's office.		
<b><u>UPDATE FROM THE AUGUST 3, 2021 BUSINESS MEETING</u></b>		
During the City's recent Community Rating System (CRS) audit, staff was informed that in order to retain the City's Class 4 designation, revisions to the Floodplain Management section of the Land Development Code would be required. It should be noted that the City of Palm Coast is currently one of two cities in Florida with a Class 4 designation and there is only one Florida city with a Class 3 designation. The CRS is part of the National Flood Insurance Program (NFIP) and the Class 4 designation that the City currently holds allows its citizens to receive up to a 30% discount on their flood insurance if they live in a Special Flood Hazard Area (SFHA) or up to a 10% discount if they do not live in the SFHA. The draft ordinance has been approved by the ISO reviewers and has also been submitted to the State Floodplain Manager's Office for feedback. Emails were sent out to local stakeholders for feedback as well as the proposed Ordinance has been posted to the City's website with a request for feedback from our Citizens.		
The additional mandatory state language that was addressed related to the manufacturing housing section of Chapter 10.02 Floodplain Management as shown in strikethroughs for this section.		
On 8/18/2021 the Planning and Land Development Regulation Board voted 7-0 to recommend that City Council approve the revisions as presented.		
<b><u>ORIGINAL BACKGROUND FROM AUGUST 3, 2021 BUSINESS MEETING.</u></b>		
This item was advertised to be heard by City Council at their August 3, 2021 Business Meeting. However, this item is continued to time certain date to September 14, 2021 City Council workshop and first read on September 21, 2021 Business Meeting due to additional mandatory state language to be addressed.		

**Recommended Action:**

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD AND PLANNING STAFF RECOMMENDS CITY COUNCIL APPROVE AMENDING THE UNIFIED LAND DEVELOPMENT CODE CHAPTER 10.02 FLOOD PLAIN MANAGEMENT

**ORDINANCE 2021- \_\_\_\_\_**  
**AMENDING SECTION 10.02 OF THE**  
**UNIFIED LAND DEVELOPMENT CODE**

**AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CITY’S UNIFIED LAND DEVELOPMENT CODE; AMENDING SECTION 10.02, “FLOODPLAIN MANAGEMENT” OF CHAPTER 10, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION TO MEET FEDERAL REQUIREMENTS AND COORDINATE WITH THE FLORIDA BUILDING CODE; AMENDING SECTION 14.02, “GLOSSARY” TO ADD, REVISE AND DELETE DEFINITIONS RELATING TO FLOODPLAIN TERMINOLOGY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Palm Coast and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, the City of Palm Coast was accepted for participation in the National Flood Insurance Program on February 4, 2002 and the City of Palm Coast desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures in February of 2020, and the City needs to amend its code to comply with this Policy; and

**WHEREAS**, the City of Palm Coast participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

**WHEREAS**, the City of Palm Coast achieved a CRS rating of Class 4, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

**WHEREAS**, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, the City Council has determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating; and

~~**WHEREAS**, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code as adopted by Section 15-1 of the City Code; and~~

**WHEREAS**, the City Council has determined that an amendment to Section 10.02 – Floodplain Management and related definitions in Section 14.02 - Glossary of the Unified Land Development Code is warranted to remain consistent with the National Flood Insurance Program requirements; and

**WHEREAS**, the City’s Planning and Land Development Regulation Board (PLDRB) held a public meeting to hear public input and discuss these proposed revisions, and found the revisions to be consistent with the Comprehensive Plan; and

**WHEREAS**, at a meeting on August 8, 2021 the PLDRB voted 7 to 0 in favor of the proposed revisions; and

**WHEREAS**, the City Council of Palm Coast has determined to amend Section 10.02 and 14.02 with the following text as shown below; and

**WHEREAS**, words with 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:**

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

**SECTION 2. AMENDING SECTION 10.02 – “FLOODPLAIN MANAGEMENT” OF THE UNIFIED LAND DEVELOPMENT CODE.** Section 10.02 – Floodplain Management is hereby amended by the following:

## **Sec. 10.02 Floodplain Management**

10.02.01 *Administration.*

- A. *General.* These regulations shall be known as the Floodplain Management Ordinance of the City of Palm Coast, hereinafter referred to as “this article.”

- B. *Scope.* The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

10.02.02      *Reserved.*

10.02.03      *Intent.*

- A. *[Purposes.]* The purposes of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  5. Minimize damage to public and private facilities and utilities;
  6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- B. *Coordination with the Florida Building Code.* This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- C. *Warning.* The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with this article.
- D. *Disclaimer of Liability.* This article shall not create liability on the part of City Council of the City of Palm Coast or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

10.02.04

*Applicability.*

- A. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. *Areas to which this article applies.* This article shall apply to all flood hazard areas within the City of Palm Coast as established in Section 10.02.04.C of this article.
- C. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Flagler County, Florida and Incorporated Areas dated June 6, 2018 and any subsequent revisions, and the accompanying Flood Insurance Rate Maps (FIRM), are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Palm Coast Community Development Department, 160 Lake Avenue, Palm Coast, Florida 32164.
- D. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 10.02.07 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the Floodplain Administrator indicates that ground elevations:
  - 1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
  - 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- E. *Other Laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- F. *Abrogation and greater restrictions.* This article supersedes any article in effect for management and development in flood hazard areas. However, it is not intended to repeal or abrogate any other provisions of existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between these regulations and any other regulation, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- G. *Interpretation.* In the interpretation and application of this article, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

10.02.05

*Duties and powers of the Floodplain Administrator*

- A. *Designation.* The Land Use Administrator is designated the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies, and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 10.02.09 of this article.

- C. *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed development will be located in flood hazard areas;
  2. Review applications for modifications of any existing development in flood hazard areas for compliance with the requirements of this article;
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  4. Provide available flood elevation and flood hazard information;
  5. Determine whether additional flood hazard data shall be obtained from other sources which shall be developed by an applicant;
  6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- D. *Substantial improvements and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before the repairs are made;
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  3. Determine and document whether the proposed work constitutes substantial improvements or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement”; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”;
  4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.
- E. *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building

Code to determine whether such requests require the granting of a variance pursuant to Section 10.02.09 of this article.

- F. *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.
- G. *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 10.02.08 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:
  - 1. In coordination with the Building Official, review all permits for construction within the Special Flood Hazard Areas to ensure that the proposed project meets the flood resistant construction requirements of the Florida Building Code, including elevation requirements;
  - 2. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 10.02.05.D of this article;
  - 3. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  - 4. Require applicants, who submit hydrologic and hydraulic engineering analyses to support permit applications, to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  - 5. Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete. Elevation certificates shall be provided at three stages, 1) construction drawings, 2) building under construction, and 3) finished construction;
  - 6. Notify the Federal Emergency Management Agency (FEMA) when the corporate boundaries of the City of Palm Coast are modified; and
  - 7. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”
- I. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of

Ordinance 2021- \_\_\_\_\_

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enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of Palm Coast.

10.02.06 *Permits.*

- A. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.
- B. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
  - 1. Railroads and ancillary facilities associated with the railroad.
  - 2. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
  - 3. Temporary buildings or sheds used exclusively for construction purposes.
  - 4. Mobile or modular structures used as temporary offices.
  - 5. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
  - 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  - 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site, and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  - 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  - 9. Structures identified in Section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City of Palm Coast. The information provided shall:
  - 1. Identify and describe the development to be covered by the permit or approval.
  - 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in Section 10.04.07.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant's authorized agent.
  7. Give such other data and information as required by the Floodplain Administrator.
- E. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the City.
- H. *Other permits.* Floodplain development permits and building permits shall include a condition or disclaimer that all other applicable state or federal permits be obtained by the applicant before commencement of the permitted development. Such permits may include but not limited to the following:
1. The St. Johns Water Management District; section 373.036, F.S.
  2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
  3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
  4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
  5. Federal permits and approvals.

10.02.07 *Site plans and construction documents.*

- A. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:
1. Delineation of flood hazard areas, floodway boundaries, 25-foot floodway setback, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  2. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 10.02.07.B.2 or Section 10.02.07.B.3 of this article.
  3. Where the parcel on which the proposed development will take place ~~does not have~~ will have more than 50 lots or is larger than 5 acres and the base flood elevations ~~are not~~ included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10.02.07.B.4 of this article.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
  5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
  7. Existing and proposed alignment of any proposed alteration of a watercourse.
- B. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
  2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source, or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
  3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, the base flood elevation shall be determined using a site-specific floodplain study by a professional engineer using detailed methods.
    - a. ~~Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or~~
    - b. ~~Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.~~
  4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- C. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway or within the 25-foot floodway setback, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analyses to FEMA as specified in Section 10.02.07.D of this article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
  2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation at any point within the community. This

requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone “O” or Zone “AH”.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel’s flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 10.02.07.D of this article.
- D. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant shall seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

10.02.08      *Inspections.*

- A. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- C. *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- D. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner’s authorized agent, shall submit to the Floodplain Administrator: the certification of the lowest floor prepared and sealed by a state-licensed surveyor.
  - ~~1. If a design flood elevation was used to determine the required elevation of the lowest floor, certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or~~
  - ~~2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 10.02.07.B.3.b of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner’s authorized agent.~~
- E. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner’s authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 10.02.08.D of this article.
- F. *Manufactured homes.* The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

- A. *General.* The Land Use Administrator and the City of Palm Coast Planning and Land Development Regulation Board shall hear and decide on requests for appeals and the Planning and Land Development Regulation Board shall hear requests for variances from the strict application of this article. Pursuant to Section 553.73(5), F.S., the Planning and Land Development Regulation Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.
- B. *Appeals.* Same process as set out in Section 2.16, of the Land Development Code.
- C. *Limitations on authority to grant variances.* The Planning and Land Development Regulation Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 10.02.09.H of this article, the conditions of issuance set forth in Section 10.02.09.I of this article, and the comments and recommendations of the Land Use Administrator, Floodplain Administrator and the Building Official. The Planning and Land Development Regulation Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
- D. *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 10.02.07.C of this article.
- E. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of Section 10.02.09.D, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. *Alteration of sand dunes or mangrove stands in coastal high hazard areas.* A variance shall not be issued for any proposed alteration of sand dunes or mangrove stands in coastal high hazard areas (Zone V) unless the applicant submits, and the City approves, an engineering analysis that demonstrates the proposed alteration will not increase the potential for flood damage or the potential for erosion. Any such variance shall not be issued unless the proposed alteration is approved by the Florida Department of Environmental Protection. This limitation shall not apply to mangrove stands within City canals.
- H. *Considerations for issuance of variances.* In reviewing requests for variances, the Planning and Land Development Regulation Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, Land Development Code and this article, and the following:
  - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  - 2. The danger to life and property due to flooding or erosion damage;
  - 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

4. The importance of the services provided by the proposed development with existing and anticipated development;
  5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  6. The compatibility of the proposed development with existing and anticipated development;
  7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
  8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
  9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.
- I. *Conditions for issuance of variances.* Variances shall be issued only upon:
1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards.
  2. Determination by the Planning and Land Development Regulation that:
    - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
    - b. Literal interpretation of the provision of this Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Land Development Code and would result in unnecessary and undue hardship on the applicant;
    - c. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances;
    - d. The variance is the minimum necessary, considering the flood hazard, to afford relief;
    - e. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and
    - f. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of Court in such a manner that it appears in the chain of title of the affected parcel of land;
    - g. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property;
    - h. The proposed development must not be in conflict with or contrary to the public interest;

- i. The proposed development must be consistent with the Comprehensive Plan and the provisions of this Land Development Code;
- j. The proposed development must not impose a significant financial liability or hardship for the City;
- k. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants; and
- l. The proposed development must comply with all other applicable local, state, and federal laws, statutes, ordinances, regulators, or codes.

10.02.10 *Violations.*

- A. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- B. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation of a stop work order, except such work as that a person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

10.02.11 *Flood Resistant Development Design and construction of buildings, structures and facilities exempt from the Florida Building Code.*

- (i) Pursuant to Section 10.02.06.C of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 10.02.17 of this article.

10.02.12 *Subdivisions.*

- A. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
  - 1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  - 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
  - 1. Delineation of flood hazard areas, floodway boundaries, 25-foot floodway setback, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  - 2. All subdivisions where the base flood elevation is not included on the FIRM, the base elevations are determined in accordance with Section 10.02.07.B.4 of this article; and

3. Compliance with the site improvement and utilities requirements of Section 10.02.13 of this article.
4. Any reduction in the water-holding capacity of the flood hazard area caused by development, structures, and site improvements shall be compensated such that no increase in water surface elevations, peak discharges, or velocities occurs either upstream, downstream, or in the vicinity of the site during occurrence of flood events up to and including the base flood. The compensatory storage shall be located within the same defined floodplain's hydrologic sub basin as the placement of the fill. Site improvements are permitted if flood storage provided is equal to or greater than the volume of flood storage displaced by the development. Technical data providing evidence of the equivalency of the compensatory storage shall be submitted to the City.
5. Applicant shall ensure that technical data reflecting base flood elevation changes or flood hazard area boundary changes are submitted to Federal Emergency Management Agency, with the City's endorsement, for a conditional Flood Insurance Rate Map revision. Prior to approval of final plat, an issued Letter of Map Change determination from FEMA is required.

10.02.13 *Site Improvements, Utilities and Limitations.*

- A. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
  1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
  3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- C. *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. *Compensatory storage.* Any reduction in the water-holding capacity of the flood hazard area caused by development, structures, and site improvements shall be compensated such that no increase in water surface elevations, peak discharges, or velocities occurs either upstream, downstream, or in the vicinity of the site during occurrence of flood events up to and including the base flood. The compensatory storage shall be located within the same defined floodplain's hydrologic sub basin as the placement of the fill. Site improvements are permitted if flood storage provided is equal to or greater than the volume of flood storage displaced by the development. Technical data providing evidence of the equivalency of the compensatory storage shall be submitted to the City.
- E. *Limitations on sites in regulatory floodways and 25-foot floodway setback.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway or 25-foot floodway setback unless the floodway encroachment analysis required in Section 10.02.07.C.1 of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- F. *Limitations on placement of fill.* Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged

inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

- G. *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall not be permitted. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 10.02.17.I.3 of this article.

10.02.14 *Manufactured Homes.*

- A. *General.* Manufactured homes shall not be installed in floodways and 25-foot floodway setback except in an existing manufactured home park or subdivision. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F. S. and shall comply with the requirements of Chapter 15C-1, F. A. C. and the requirements of this article.
- B. *Foundations.* All manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article. ~~Foundations for manufactured homes subject to Section 10.02.14.F of this article are permitted to be reinforced piers or other foundation elements of at least equal strength.~~
  2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article.
- C. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over the top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 10.02.14.E or Section 10.02.14.F of this article, as applicable.~~
- E. ~~General elevation requirement. Unless subject to the requirements of Section 10.02.14.F of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located:~~
1. ~~Outside of a manufactured home park or subdivision;~~ 2. ~~In a new manufactured home park or subdivision;~~
  2. ~~In a new manufactured home park or subdivision~~
  3. ~~In an expansion to an existing manufactured home park or subdivision; or~~
  4. ~~In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~
- F. ~~Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 10.02.14.E of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

1. ~~Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
2. ~~Bottom of frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

~~GE.~~ *Enclosures.* Enclosed areas below elevated manufactured shall comply with the requirements of the Florida Building Code Residential Section R322.2 or Section R322.3 for such enclosed areas, as applicable to the flood hazard area.

~~HF.~~ *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

#### 10.02.15 *Recreational Vehicles and Trailer Parks.*

- A. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
  1. Be prohibited to park or store a recreational vehicle for more than a total of three days, or any part thereof in any consecutive seven-day period on a residential driveway; or
  2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- B. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 10.02.15.A of this article for temporary placement shall meet the requirements of Section 10.02.14 of this article for manufactured homes.

#### 10.02.16 *Tanks.*

- A. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 10.02.16.C of this article shall:
  1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy, assuming the tank is empty, and the effects of flood-borne debris.
  2. Not be permitted in coastal high hazard areas (Zone V).
- C. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
  1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

10.02.17

*Other development.*

- A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:
  1. Be located and constructed to minimize flood damage;
  2. Meet the limitations of Section 10.02.13.E of this article if located in a regulated floodway;
  3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 10.02.13.E of this article.
- C. *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 10.02.13.E of this article.
- D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways, shall meet the limitations of Section 10.02.13.E of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 10.02.07.C.3 of this article.
- E. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
  1. Structurally independent of the foundation system of the building or structure;
  2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  3. Have a maximum slab thickness of not more than four inches.
- F. *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
  1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  3. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
  4. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- G. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
  3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
- H. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
  2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
  3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

10.02.18 *Critical Facilities.*

- A. New critical facilities shall be directed and sited away from special flood hazard areas. A critical facility shall have at least one access road connected to land outside the special flood hazard area that is capable of supporting a 4,000-pound vehicle. The top of the road shall be no lower than six inches below base flood elevation.

- B. New critical facilities proposed for construction~~ed~~ within a Special Flood Hazard Area without a determined base flood elevation shall ~~not be constructed be permitted unless with an issued Letter of Map Change demonstrating that the entire project area is outside the Special Flood Hazard Area. base flood elevations are determined and certified data is provided from a Florida licensed professional engineer, The technical data shall be submitted to the Federal Emergency Agency with the City's endorsement for a Letter of Map Change to remove the entire project area from the Special Flood Hazard Area. Prior to close out of the permit, a Letter of Map Change determination shall be submitted to the Floodplain Administrator.~~

**SECTION 3. AMENDMENT TO SECTION 14.02. – “GLOSSARY” OF CHAPTER 14 – GLOSSARY OF THE UNIFIED LAND DEVELOPMENT CODE.** Section 14.02. - “Glossary” of the City of Palm Coast Unified Land Development Code is hereby amended as follows:

**Sec. 14.02. Glossary**

*Accessory use or accessory structure:* A use or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure.

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*Detailed methods:* Relating to flood damage protection, this term means a method of determining a base flood elevation with a site-specific engineering analysis as described in FEMA publication “Managing Floodplain Development in Approximate Zone A Areas -A Guide for Obtaining and Developing Base (100-Year) Flood Elevations,” also known as FEMA publication 265.

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*Manufactured home (mobile home) park/subdivision, existing:* Relating to flood damage protection, this term means a manufactured home (mobile home) park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes (mobile homes) are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 5, 1986 or standard based upon specific technical base flood elevation data which established the area of special flood hazard.

*Manufactured home/mobile home/park/subdivision, expansion to an existing:* Relating to flood damage protection, this term means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes (mobile homes) are to be affixed (including the minimum installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 5, 1986.

*Manufactured home/mobile home park/subdivision, new:* Relating to flood damage protection, this term is defined as a manufactured (mobile home) park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes (mobile homes) are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 5, 1986.

**SECTION 4. APPLICABILITY.** For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Palm Coast, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**SECTION 5. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance.

**SECTION 6. 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 Ordinance 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 7. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 21<sup>st</sup> day of September, 2021.

Adopted on second reading after due public notice and hearing this 5<sup>th</sup> day of October, 2021.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
DAVID ALFIN, MAYOR

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

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

# City of Palm Coast, Florida Agenda Item

Agenda Date: October 5, 2021

<b>Department</b>	FINANCIAL SERVICES	<b>Amount</b>
<b>Item Key</b>		<b>Account #</b>
<b>Subject</b>	ORDINANCE 2021-XX REPEALING AND REPLACING CHAPTER 2, ARTICLE 1, DIVISION 3 OF THE CITY OF PALM COAST CODE OF ORDINANCES	
<b>Presenter:</b>	Helena Alves, Financial Services Director	
<b>Background:</b>		
<b><u>UPDATE FROM THE SEPTEMBER 21, 2021 BUSINESS MEETING.</u></b>		
This item was heard by the City Council at their September 21, 2021 Business Meeting. There were no changes suggested to this item. The PowerPoint presentation is available in the City Clerk's office.		
<b><u>UPDATE FROM THE SEPTEMBER 14, 2021 WORKSHOP</u></b>		
This item was heard by the City Council at their September 14, 2021 Workshop. Council did not suggest any changes to this item. However, upon further staff review, the Ordinance was redlined to reflect the updated timeline in the Section 287.057(3), Fla. Stat. The PowerPoint presentation is available in the City Clerk's office.		
<b><u>ORIGINAL BACKGROUND FROM SEPTEMBER 14, 2021 WORKSHOP</u></b>		
City staff will be presenting on proposed changes to the City's Purchasing Policy, Chapter 2 Article 1 Division 3 of the City Palm Coast Code of Ordinances. The ordinance was last updated on May 25, 2017.		
The proposed changes reflect staff titles and department division name changes, an improved bid protest process, best practice updates with respect to solicitation thresholds, and the addition of Public-Private Partnership requirements in compliance with Florida Statute 255.065.		
In support of the proposed changes, attached to this Agenda Item are:		
1.	PowerPoint presentation	
2.	The Public Procurement Guide for Elected and Senior Government Officials, published by the National Institute for Public Procurement (NIGP).	
3.	Ordinance repealing and replacing Purchasing Ordinance with proposed changes redlined	
4.	Ordinance repealing and replacing Purchasing Ordinance final clean version	
<b>Recommended Action:</b>		
<b>ADOPT ORDINANCE 2021-XX REPEALING AND REPLACING CHAPTER 2 ARTICLE 1 DIVISION 3 OF THE CITY OF PALM COAST CODE OF ORDINANCES</b>		

**ORDINANCE 2021-\_\_\_\_**  
**PROCUREMENT POLICY**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, REPEALING AND REPLACING CHAPTER 2, ARTICLE 1, DIVISION 3-PURCHASES AND CONTRACTUAL SERVICES SECTIONS 2-24 THROUGH 2-31; OF THE *CODE OF ORDINANCES OF THE CITY OF PALM COAST*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in October 2003, City Council adopted an Ordinance amending Ordinance 2002-06, which provides for the City's procurement policies; and

**WHEREAS**, in March 2017, City Council adopted an Ordinance amending Ordinance 2002-06, revising and updating the City's procurement policies; and

**WHEREAS**, the overall goal of the City's procurement policies is to provide the most appropriate quality of goods and services needed by the City to provide agreed to services to its' citizens at the least total public expense considering, as a minimum, initial cost, operating and maintenance costs, and estimated useful life; and

**WHEREAS**, it is the desire of the City Council of the City of Palm Coast to continue to provide the most cost-effective purchases in the competitive marketplace, as well as ensuring fairness and impartiality in the City's dealings with vendors; and

**WHEREAS**, in order to keep with the overall goal and continue to provide the most cost-effective purchases, City Council desires to repeal and replace Chapter 2, Article 1, Division 3 as stated hereinafter.

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

**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. REPEALING AND REPLACING CHAPTER 2, DIVISION 3.** The City Council of the City of Palm Coast hereby repeals Chapter 2, Article 1, Division 3- Purchases and Contractual Services, Sections 2-24 through 2-31 of the *Code of Ordinances of the City of Palm Coast* and replaces Division 3 Purchases and Contractual Services as stated hereinafter:

### **DIVISION 3. - PURCHASES AND CONTRACTUAL SERVICES**

#### **Sec. 2-24. – Quotes and Formal Solicitations**

**A. Informal Quotes (\$5,000 to \$29,999.99)**

Except as provided in this division, procurement of goods or services (including leases) with an estimated value greater than or equal to five thousand dollars (\$5,000.00) but less than or equal to twenty-nine thousand, nine hundred ninety-nine and 99/100 dollars (\$29,999.99) require two or more written quotes in accordance with the procedures adopted by the City.

**B. Formal Request for Quotes (\$30,000.00 to \$49,999.99)**

**C. Except as otherwise provided in this division, procurement of goods or services (including leases) with an estimated value greater than or equal to thirty thousand dollars (\$30,000.00) but less than or equal to forty-nine thousand, nine hundred ninety-nine and 99/100 dollars (\$49,999.99) require a formal request for quotes which shall be posted on the City's procurement portal in an attempt to obtain two or more written quotes. The requesting department shall submit the supporting documentation of proper quote vetting to the procurement staff.**

**D. Request for Formal Sealed Competitive Solicitation (\$50,000.00 or greater) Except as otherwise provided in this division, procurement of goods or services (including leases) with an estimated value greater than or equal to fifty thousand dollars (\$50,000.00) shall require a formal sealed competitive solicitation. Such solicitations may be in the form of an invitation to bid (ITB), request for proposal (RFP), request for statement of qualifications (RFSQ), request for information (RFI) or any other formal solicitation process.**

**E. Items may not be purchased in divided quantities to avoid the requirements of this division. For example, a department may have several similar items that are needed for their operation throughout the fiscal year and individually these items are less than \$50,000.00 but in aggregate the items are in excess of \$50,000.00. These items should not be split into several requisitions but should be consolidated and procured following the applicable solicitation process.**

**F. The solicitation of competitive bids or proposals for professional services covered by the Consultants Competitive Negotiation Act (CCNA) shall be accomplished in accordance with the provisions of Section 287.055, Florida Statutes.**

**G. The solicitation of competitive bids or proposals for any City construction project that is projected to cost more than \$200,000 shall be accomplished in accordance with the provisions of Section 255.0525, Florida Statutes.**

**H. The solicitation of competitive bids or proposals for City utility projects shall be accomplished in accordance with the provisions of Chapter 180, Florida Statutes.**

**I. Notwithstanding anything contained herein to the contrary, the City reserves its right to reject any quote, bid, or proposal deemed non-responsive or non-responsible at any time prior to award of a contract.**

## **Sec. 2-25. – Exemptions to Quotes and Formal Solicitations**

- A. **Small Purchases:** Non-recurring purchases of goods or services under five thousand dollars (\$5,000.00).
- B. **Emergency Purchase:** An emergency exemption occurs when i) certain conditions might adversely affect the life, health, safety and welfare of City employees or citizens of the City, ii) when City property or equipment are endangered, iii) when it is necessary to maintain or restore vital services, or iv) situations arise which may cause major financial impact to the City should immediate action not be taken. In the case of an emergency, the City Manager, or designee may authorize certain imminent needs purchases. Those delegated the authority to implement emergency purchases are authorized to waive the bid process within their authority. A report listing all emergency purchases and the circumstances of the emergency shall be submitted to the City Council on a monthly basis. It shall be the responsibility of all authorized personnel implementing this exemption to ensure such emergency purchase is accomplished in accordance with City policy and that emergency purchase procedures are invoked properly and not used solely to circumvent the regular established procurement procedures.
- C. **Piggybacking:** Piggybacking is a procedure of procuring goods or services without the formal solicitation process by means of utilizing another public entities' award of an Invitation for bid or request for proposal. This procedure includes but is not limited to piggybacks of State Contracts with the State of Florida, Department of Management Services, and Division of Purchasing, SNAPS Contracts, and Federal GSA contracts.
  - (1) The City may forego the formal solicitation process by Piggybacking. The award will be in accordance with all the terms and conditions, prices, time frames, and other criteria as included in the other public entities' invitation for bid or request for proposal. Additional options may be included in a procurement unless the total dollar value of the options is in excess of the City's bid limit. Expired bids cannot be piggybacked.
  - (2) The City Manager, Department Head, or designee may make purchases/awards, utilizing other public entity bids, provided the contract being piggybacked is approved by City Council, if applicable, the amounts are within the City Council approved budget and the purchase is made in the best interests of the City. For amounts within the City Manager approval authority, the City Manager must approve the piggyback or contract after review by procurement staff. For amounts within the Department Head's approval authority, the Department Head must approve the piggyback or contract after review by procurement staff.
- D. **Sole Source:** Sole source purchasing is when there is only one person or company that can provide the goods and/or services needed because of the specialized or unique characteristics of the goods and/or services.
  - (1) The following criteria must be met in order to procure goods and services that are a sole source.

- a. It is the only item that will produce the desired results (or fulfill the specific need) and,
  - b. The item is available from only one source of supply, or
  - c. The item is available from more than one vendor, but due to other circumstances (such as exclusive sales territory by manufacturer, prohibitive delivery time and cost, etc.), only one vendor is suited to provide the goods or services.
- (2) Any purchase of goods and/or services with an estimated value greater than or equal to the amount established under Florida Statute 287.017, Category 2, that is intended to be purchased from a sole source, must be electronically posted ~~for seven (7) business days~~, in accordance with Florida Statute 287.057(3). The notice must include a request that potential vendors provide information regarding their ability to supply the goods and/or services described.
- (3) Purchases of goods and/or services from a sole source are exempt from competitive requirements upon written approval of the City Manager, or designee and other appropriate City personnel within their expenditure authority as set forth in this section.
- (4) The request for sole source purchases shall set forth the purpose and need, an explanation why the item will exclusively produce the desired results (or fulfill the specific need) and the criteria. Compatibility to existing equipment shall be an acceptable justification for this exemption, provided the item is only available from a sole source of supply.
- (5) The user department and/or the buyer shall attempt to locate competition (alternate sources of supply).
- (6) Procurement staff shall keep a log of sole source purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number, which shall be filed with the City Manager and reported monthly to the City Council.
- (7) Procurement staff shall conduct negotiations, as appropriate, as to price, delivery, and terms.
- E. Special Circumstances: Under circumstances where, after competitive bidding, no bids meeting bid requirements are received or all bids are rejected for failure to meet bid requirements.
- F. Additional Exemptions: The purchase of the following goods and services is exempt from quotes and formal solicitations.
  - (1) Water, Sewer, Gas, Electrical and Other Utility Services; Telecommunication Services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards").
  - (2) Postage

- (3) Advertisements
- (4) Membership Fees
- (5) Subscriptions
- (6) Any items covered under the City's travel policy
- (7) Software/Technology Maintenance and Support renewal fees for existing software or technology licenses
- (8) Goods and/or services provided by governmental entities

**Sec. 2-26. - Approval requirements.**

- A. City Council approval shall be required for all contracts and bid awards, piggybacking awards, and sole source awards with an estimated value greater than or equal to fifty thousand dollars (\$50,000.00).
- B. The City Manager or designee shall have approval authority as follows:
  - (1) Any purchases less than or equal to forty-nine thousand, nine hundred ninety-nine and 99/100 dollars (\$49,999.99); or
  - (2) Any purchases of capital items, goods and services pursuant to contracts and bid awards, piggybacking awards, and sole source awards approved by City Council and as set out in the annual budget as adopted by the City Council.
  - (3) Any purchases of capital items, goods and services as set forth in a Resolution adopted by City Council.
- C. Department heads or their designee shall have authority to approve purchases of capital items, goods and services less than or equal to thirty thousand dollars (\$30,000.00), where such purchase does not exceed the item and/or department budget limit.
- D. Emergency purchases shall be accomplished in accordance with section 2-25(B).

**Sec. 2-27. - Additional procedures/powers of City Manager.**

The City Manager is hereby granted authority to adopt any and all such additional administrative policies and procedures supplemental to the provisions of this division that are in the best interests of the City, and not inconsistent with the intent of this division.

**Sec. 2-28. - Disposal of surplus property.**

Surplus property may be disposed of by trade, sealed bid, donated, or sold at public auction

depending on the item, its value, or other factors all as may be in accordance with law and City policy. If the surplus property is determined to be only of scrap value or have no commercial value, City staff is authorized sell the surplus property as scrap if possible, or dispose in any other appropriate manner. City Council may approve of disposal of surplus property that has commercial value by any method other than as provided herein.

## **Sec. 2-29 – Intent to Award and Award Protest Procedures**

### **A. Intent to Award Protest Procedure**

- (1) In any case where a bidder wishes to protest the results of an intended disposition of any bid, the following action is required:
  - a. The bidder must file a written protest to the Financial Services Director or designee explaining in detail the nature of the protest and the grounds on which it is based. This protest must be received by the Financial Services Director or designee no later than three (3) business days after the City's Notice of Intent to Award.
  - b. The Financial Services Director or designee shall respond in writing to the written protest in a timely manner, determine whether the protest is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (2) In any case where a bidder wishes to appeal the Financial Services Director or designee's protest determination, the following action is required:
  - a. The bidder must file a written appeal to the City Manager explaining in detail the nature of the appeal and the grounds on which it is based. This written appeal must be received by the City Manager no later than three (3) business days after the Financial Services Director or designee's written protest determination. Each written appeal must be accompanied by a bid protest appeal bond in the form of a certified check, cashier's check or money order made payable to the City of Palm Coast, in the amount not less than five percent (5%) of the lowest responsive bid and in an amount to secure any City damages or costs arising from the appeal, to be determined by the Financial Services Director or designee. In the case of request for qualifications where there is no bid amount, the bond amount shall be an amount to be determined by the Financial Services Director, however, in an amount no less than \$10,000.
  - b. Upon timely receipt of the formal written appeal and bid protest appeal bond, the City Manager shall respond in writing to the written appeal, determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (3) In any case where a bidder wishes to appeal the determination by the City Manager, the following action is required:

- a. The bidder must file a written appeal to City Council, addressed to the City Clerk, explaining in detail the nature of the appeal and the grounds on which it is based. This notice must be received by the City Clerk no later than three (3) business days after the date of the City Manager's written response.
  - b. The City Clerk shall schedule the bid protest appeal to be heard at an upcoming City Council meeting and provide all relevant documents in the agenda package.
  - c. The bidder must attend the scheduled City Council meeting. City staff and the bidder will be provided an opportunity to present evidence related to the bid protest appeal.
  - d. At the scheduled City Council meeting, City Council will determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (4) Upon receipt by the Financial Services Director or designee of the written protest to the City's Notice of Intent to Award, the final bid award shall be delayed until the entirety of the protest procedure, as herein described, has been completed.

#### B. Award Protest Procedure

- (1) Should the City Council make an award to a bidder, other than the bidder selected in the Notice of Intent to Award, the only bidder with the right to protest the award and file a written appeal is the selected bidder identified in the Notice of Intent to Award. A City Council decision not to make an award to any bidder is not appealable. Each written appeal must be accompanied by a bid protest appeal bond in the form of a certified check, cashier's check or money order made payable to the City of Palm Coast, in an amount not less than five percent (5%) of the lowest responsive bid and in an amount to secure any City damages or costs arising from the appeal, to be determined by the Financial Services Director or designee. In the case of request for qualifications where there is no bid amount, the bond amount shall be an amount to be determined by the Financial Services Director, however, in an amount no less than \$10,000. The following action is required to protest an award:
- a. The bidder must file a written appeal to City Council, addressed to the City Clerk, explaining in detail the nature of the appeal and the grounds upon which it is based. This notice must be received by the City Clerk no later than three (3) business days after the date of the City Council's award. At that time, the final bid award shall be delayed until the protest procedure, as herein described, has been completed, unless City Council decides to otherwise move forward with the award.
  - b. The City Clerk shall schedule the bid protest appeal to be heard at an upcoming City Council meeting and provide all relevant documents in the agenda package.
  - c. The protesting bidder must attend the scheduled City Council meeting. City staff and the bidder will be provided an opportunity to present their position on the bid

protest appeal and evidence to the City Council.

- d. At the scheduled City Council meeting, City Council shall determine whether the appeal is with or without merit, and revise their prior decision, if necessary, or City Council may, at its discretion, order that the appeal be heard by a Hearing Officer pursuant to Chapter 2, Article III, Division 3 of this Code of Ordinances.
- e. If the City Council refers the appeal to a Hearing Officer, the protesting bidder must attend the Hearing Officer hearing. City staff and the bidder will be provided an opportunity to present their position on the bid protest appeal and evidence to the Hearing Officer. The Hearing Officer will determine whether the appeal is with or without merit and provide a recommendation to the City Council as to whether or not the City Council should revise its prior decision.
- f. The City Council shall have final decision making authority on all award protest appeals.

(2) The bid protest bond shall be forfeited to the City if one of the following occurs:

- a. The bid protest appeal is determined to be without merit or non-valid by the City Manager and no further appeal is filed;
- b. The bid protest appeal is determined to be without merit or non-valid by the City Council, or
- c. The bidder who filed the appeal did not attend the scheduled City Council meeting and/or Hearing Officer meeting.

## **Sec. 2-30 – Local Business Preference**

- (1) Excepted as provided in this division or as may be exempted by applicable State or Federal law, a local business preference shall apply to all purchases or acquisitions of products, materials and services of the City of Palm Coast. Local Business Preference applies to persons, firms, and/or corporations residing or located in the City of Palm Coast, which meet the established criteria, set forth below. In all quotes and formal solicitations covered in Section 2-24 of this division, qualified Palm Coast persons, firms, and/or corporations shall receive a local business preference. The Local Business Preference as set forth herein shall apply and shall result in the otherwise qualified local Palm Coast business being awarded the contract, at the amount of the submitted quote or bid, if the local Palm Coast vendor's quote or bid is the next lowest bid and the bid amount is within the applicable percentage of the lowest bid submitted by a non-local business, as set forth herein.
- (2) If the Local Business Preference does not result in the Palm Coast business being awarded the contract, then the Local Business Preference applies to persons, firms, and/or

corporations residing or located in Flagler County, which meet the established criteria, set forth below. In all quotes and formal solicitations covered in Section 2-24 of this division, qualified persons, firms, and/or corporations shall receive a local business preference. The Local Business Preference as set forth herein shall apply and shall result in the otherwise qualified Flagler County business being awarded the contract, at the amount of the submitted quote or bid, if the local vendor's quote or bid is the next lowest bid and the bid amount is within the applicable percentage of the lowest bid submitted by a non-local business, as set forth herein.

(3) Local Business Preference Amounts and Limit are as follows:

- a. Five percent (5%) of the net quote or bid price up to \$200,000.00 as referenced on the quote tabulation or bid price schedule.
- b. Three percent (3%) of the net bid price above \$200,000.00 as referenced on the bid price schedule.
- c. The total local business preference shall be limited to \$20,000.00 for each quote or project.

Example: Local Business Bid of \$250,000 would be provided a Local Business Preference of \$11,500.00.  $((5\% \times \$200,000.00) + (3\% \times \$50,000.00))$

(4) To qualify as a Palm Coast person, firm and/or corporation, a vendor must have its headquarters, manufacturing facility, or locally-owned franchise located in, or having a street address within, the legal boundaries of the City of Palm Coast for at least one (1) year immediately prior to the request for a quote or formal bid solicitation (Post office boxes do not qualify as a verifiable business address).

(5) To qualify as a Flagler County person, firm and/or corporation, a vendor must have its headquarters, manufacturing facility, or locally-owned franchise located in, or having a street address within, the legal boundaries of Flagler County for at least one (1) year immediately prior to the request for a quote or formal bid solicitation (Post office boxes do not qualify as a verifiable business address).

(6) Local Business Preference shall not apply to:

- a. Purchases that are funded in whole or part by assistance from any federal, state, or local agency that disallows local preference;
- b. Purchases exempt from obtaining quotes or soliciting formal proposals or bids as described in Sec. 2-25. – Exemptions to Quotes and Formal Solicitations.

(7) The local business preference established in this section does not prohibit the right of the City Council or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare

qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals.

- (8) Application of local businesses preference to a particular purchase, contract, or category of contracts for which the City Council is the awarding authority may be waived upon written justification and recommendation by the City Manager and approval of the City Council.
- (9) The local business preference established in this section does not prohibit the City Council, or other authorized purchasing authority, from giving any other preference permitted by law in addition to the local business preference.

## **Sec. 2-32 – Public-Private Partnerships**

- A. The submission by private entities and the processing by City of public-private partnership (P3) Proposals, whether solicited or unsolicited, shall be in accordance with Section 255.065 Florida Statutes.
- B. The City Manager may establish a reasonable application fee for the submission of unsolicited P3 proposals. If the initial application fee does not cover the City's costs to evaluate the unsolicited proposal, the City Manager may request in writing the additional amounts required. The private entity must pay the requested additional amounts within 30 days after receipt of the noticed request. The City may stop its review of the unsolicited proposal if the private entity fails to pay the additional amounts. If the City does not evaluate the unsolicited proposal, the City must return the application fee.
- C. The City Manager or designee shall have the authority to decide whether to evaluate any unsolicited proposals. Should the City Manager or designee decide not to evaluate the unsolicited proposal, the City shall return the evaluation fee.
- D. The City Manager or designee shall have the authority to solicit proposals from other parties in accordance with Section 255.065 Florida Statutes for the same or similar P3 concept of any unsolicited proposal, whether or not the unsolicited proposal has been evaluated.

**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 Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance

**SECTION 4. 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 5. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

Approved on first reading this 21<sup>st</sup> day of September, 2021.

Adopted on second reading after due public notice and hearing this 5<sup>th</sup> day of October, 2021.

*ATTEST:*

**CITY OF PALM COAST, FLORIDA**

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

\_\_\_\_\_  
DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
WILLIAM E. REISCHMANN, JR., ESQ.

**ORDINANCE 2021-\_\_\_\_**  
**PROCUREMENT POLICY**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, REPEALING AND REPLACING CHAPTER 2, ARTICLE 1, DIVISION 3-PURCHASES AND CONTRACTUAL SERVICES SECTIONS 2-24 THROUGH 2-31; OF THE *CODE OF ORDINANCES OF THE CITY OF PALM COAST*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in October 2003, City Council adopted an Ordinance amending Ordinance 2002-06, which provides for the City's procurement policies; and

**WHEREAS**, in March 2017, City Council adopted an Ordinance amending Ordinance 2002-06, revising and updating the City's procurement policies; and

**WHEREAS**, the overall goal of the City's procurement policies is to provide the most appropriate quality of goods and services needed by the City to provide agreed to services to its' citizens at the least total public expense considering, as a minimum, initial cost, operating and maintenance costs, and estimated useful life; and

**WHEREAS**, it is the desire of the City Council of the City of Palm Coast to continue to provide the most cost-effective purchases in the competitive marketplace, as well as ensuring fairness and impartiality in the City's dealings with vendors; and

**WHEREAS**, in order to keep with the overall goal and continue to provide the most cost-effective purchases, City Council desires to repeal and replace Chapter 2, Article 1, Division 3 as stated hereinafter.

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

**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. REPEALING AND REPLACING CHAPTER 2, DIVISION 3.** The City Council of the City of Palm Coast hereby repeals Chapter 2, Article 1, Division 3- Purchases and Contractual Services, Sections 2-24 through 2-31 of the *Code of Ordinances of the City of Palm Coast* and replaces Division 3 Purchases and Contractual Services as stated hereinafter:

## DIVISION 3. - PURCHASES AND CONTRACTUAL SERVICES

### Sec. 2-24. – Quotes and Formal Solicitations

#### A. Informal Quotes (\$~~53~~,000 to \$29,999.99)

Except as provided in this division, procurement of goods or services (including leases) with an estimated value greater than or equal to ~~five~~three thousand dollars (\$~~53~~,000.00) but less than or equal to twenty-nine thousand, nine hundred ninety-nine and 99/100 dollars (\$29,999.99) require two or more written quotes in accordance with the procedures adopted by the City.

#### B. Formal Request for Quotes (\$30,000.00 to \$49,999.99)

~~E.~~ Except as otherwise provided in this division, procurement of goods or services (including leases) with an estimated value greater than or equal to thirty thousand dollars (\$30,000.00) but less than or equal to forty-nine thousand, nine hundred ninety-nine and 99/100 dollars (\$49,999.99) require a formal request for quotes which shall be posted on the City's procurement portal in an attempt to obtain two or more written quotes. The requesting department shall submit the ~~required specification~~supporting documentation of proper quote vetting to the ~~procurement staff~~Central Services Division.

#### ~~D.C.~~ Request for Formal Sealed Competitive Solicitation (\$50,000.00 or greater)

Except as otherwise provided in this division, procurement of goods or services (including leases) with an estimated value greater than or equal to fifty thousand dollars (\$50,000.00) shall require a formal sealed competitive solicitation. Such solicitations may be in the form of an invitation to bid (ITB), request for proposal (RFP), request for statement of qualifications (RFSQ), request for information (RFI) or any other formal solicitation process.

#### ~~E.D.~~ Items may not be purchased in divided quantities to avoid the requirements of this division.

For example, a department may have several similar items that are needed for their operation throughout the fiscal year and individually these items are less than \$~~530~~,000.00 but in aggregate the items are in excess of \$~~530~~,000.00. These items should not be split into several requisitions but should be consolidated and procured following the applicable solicitation process.

#### ~~F.E.~~ The solicitation of competitive bids or proposals for professional services covered by the Consultants Competitive Negotiation Act (CCNA) shall be accomplished in accordance with the provisions of Section 287.055, Florida Statutes.

#### ~~G.F.~~ The solicitation of competitive bids or proposals for any City construction project that is projected to cost more than \$200,000 shall be accomplished in accordance with the provisions of Section 255.0525, Florida Statutes.

#### ~~G.~~ The solicitation of competitive bids or proposals for City utility projects shall be accomplished in accordance with the provisions of Chapter 180, Florida Statutes.

#### H. Notwithstanding anything contained herein to the contrary, the City reserves its right to reject any quote, bid, or proposal deemed non-responsive or non-responsible at any time prior to award of a contract.

## Sec. 2-25. – Exemptions to Quotes and Formal Solicitations

- A. Small Purchases: Non-recurring purchases of goods or services under ~~fivethree~~ thousand dollars (\$~~53,000.00~~).~~.-~~
- B. Emergency Purchase: An emergency exemption occurs when i) certain conditions might adversely affect the life, health, safety and welfare of City employees or citizens of the City, ii) when City property or equipment are endangered, iii) when it is necessary to maintain or restore vital services, or iv) situations arise which may cause major financial impact to the City should immediate action not be taken. In the case of an emergency, the City Manager, or designee may authorize certain imminent needs purchases. Those delegated the authority to implement emergency purchases are authorized to waive the bid process within their authority. A report listing all emergency purchases and the circumstances of the emergency shall be submitted to the City Council ~~on a monthly basis.at the next Council meeting after the purchase and the termination of the emergency.~~ It shall be the responsibility of all authorized personnel implementing this exemption to ensure such emergency purchase is accomplished in accordance with City policy and that emergency purchase procedures are invoked properly and not used solely to circumvent the regular established ~~purchasing-procurement~~ procedures.
- C. Piggybacking: Piggybacking is a procedure of procuring goods or services without the formal solicitation process by means of utilizing another public entities' award of an Invitation for bid or request for proposal. This procedure includes but is not limited to piggybacks of State Contracts with the State of Florida, Department of Management Services, and Division of Purchasing, SNAPS Contracts, and Federal GSA contracts.
- (1) The City may forego the formal solicitation process by Piggybacking. The award will be in accordance with all the terms and conditions, prices, time frames, and other criteria as included in the other public entities' invitation for bid or request for proposal. Additional options may be included in a procurement unless the total dollar value of the options is in excess of the City's bid limit. Expired bids cannot be piggybacked.
  - (2) The City Manager, Department Head, or designee may make purchases/awards, utilizing other public entity bids, provided the contract being piggybacked is approved by City Council, if applicable, the amounts are within the City Council approved budget and the purchase is made in the best interests of the City. For amounts within the City Manager approval authority, the City Manager must approve the piggyback or contract after review by ~~procurement staff.Central Services Division Staff.~~ For amounts within the Department Head's approval authority, the Department Head must approve the piggyback or contract after review by ~~procurement staffCentral Services Division Staff.~~
- D. Sole Source: Sole source purchasing is when there is only one person or company that can provide the goods and/or services needed because of the specialized or unique characteristics of the goods and/or services.
- (1) The following criteria must be met in order to procure goods and services that are a sole source.
    - a. It is the only item that will produce the desired results (or fulfill the specific need) and,
    - b. The item is available from only one source of supply, or

- c. The item is available from more than one vendor, but due to other circumstances (such as exclusive sales territory by manufacturer, prohibitive delivery time and cost, etc.), only one vendor is suited to provide the goods or services.
- (2) Any purchase of goods and/or services with an estimated value greater than or equal to the amount established under Florida Statute 287.017, Category 2, \$30,000 that is intended to be purchased from a sole source, must be electronically posted ~~for seven (7) business days,~~ in accordance with Florida Statute 287.057(3). The notice must include a request that potential vendors provide information regarding their ability to supply the goods and/or services described.
  - (3) Purchases of ~~goods~~ and/or services from a sole source are exempt from competitive requirements upon written approval of the City Manager, or designee and other appropriate City personnel within their expenditure authority as set forth in this section.
  - (4) The request for sole source purchases shall set forth the purpose and need, an explanation why the item will exclusively produce the desired results (or fulfill the specific need) and the criteria. Compatibility to existing equipment shall be an acceptable justification for this exemption, provided the item is only available from a sole source of supply.
  - (5) The user department and/or the buyer shall attempt to locate competition (alternate sources of supply).
  - (6) ~~Procurement staff~~Central Services Division shall keep a log of sole source purchases, which includes the vendor name, the amount, item description, justification, and the purchase order number, which shall be filed with the City Manager and reported ~~quarterly~~ monthly to the City Council.
  - (7) ~~Procurement staff~~Central Services Division shall conduct negotiations, as appropriate, as to price, delivery, and terms.
- E. Special Circumstances: Under circumstances where, after competitive bidding, no bids meeting bid requirements are received or all bids are rejected for failure to meet bid requirements.
- F. Additional Exemptions: The purchase of the following goods and services is exempt from quotes and formal solicitations.
- (1) Water, Sewer, Gas, Electrical and Other Utility Services; Telecommunication Services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards").
  - (2) Postage
  - (3) Advertisements
  - (4) Membership Fees
  - (5) Subscriptions
  - (6) Any items covered under the City's travel policy

- (7) Software/Technology Maintenance and Support renewal fees for existing software or technology licenses

(8) Goods and/or services provided by governmental entities

**Sec. 2-26. - Approval requirements.**

- A. City Council approval shall be required for all contracts and bid awards, piggybacking awards, and sole source awards with an estimated value greater than or equal to ~~thirty-fifty~~ thousand dollars (\$~~530,000.00~~).
- B. The City Manager or designee shall have approval authority as follows:
  - (1) Any purchases less than or equal to ~~twentyforty~~-nine thousand, nine hundred ninety-nine and 99/100 dollars (\$~~429,999.99~~); or
  - (2) Any purchases of capital items, goods and services pursuant to contracts and bid awards, piggybacking awards, and sole source awards approved by City Council and as set out in the annual budget as adopted by the City Council.
  - (3) Any purchases of capital items, goods and services as set forth in a Resolution adopted by City Council.
- C. Department heads or their designee shall have authority to approve purchases of capital items, goods and services less than or equal to ~~fifteen-thirty~~ thousand dollars (\$~~1305,000.00~~), where such purchase does not exceed the item and/or department budget limit.
- D. Emergency purchases shall be accomplished in accordance with section 2-25(B).

**Sec. 2-27. - Additional procedures/powers of City Manager.**

The City Manager is hereby granted authority to adopt any and all such additional administrative policies and procedures supplemental to the provisions of this division that are in the best interests of the City, and not inconsistent with the intent of this division.

**Sec. 2-28. - Disposal of surplus property.**

Surplus property may be disposed of by trade, sealed bid, donated, or sold at public auction depending on the item, its value, or other factors all as may be in accordance with law and City policy. If the surplus property is determined to be only of scrap value or have no commercial value, City staff is authorized sell the surplus property as scrap if possible, or dispose in any other appropriate manner. City Council may approve of disposal of surplus property that has commercial value by any method other than as provided herein.

**Sec. 2-29 – ~~Bid-Intent to Award and Award~~ Protest Procedures**

**A. Intent to Award Protest Procedure**

- (1) In any case where a bidder ~~or interested bidder~~ wishes to protest ~~either~~ the results of ~~or an~~ intended disposition of any bid, the following action is required:
  - a. The bidder ~~or interested bidder~~ must file a written ~~notice~~ protest to the ~~Financial Administrative Services & Economic Development~~ Director ~~or designee~~ explaining in detail the nature of the protest and the grounds on which it is based.

This ~~notice-protest~~ must be received by the ~~FinancialAdministrative~~ Services ~~and Economic Development~~ Director or designee no later than three (3) business days after the City's Notice of Intent to Award. ~~At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.~~

- b. The ~~FinancialAdministrative~~ Services ~~& Economic Development~~ Director or designee shall respond in writing to the written protest in a timely manner, determine whether the protest is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (2) In any case where a bidder, ~~or interested bidder~~ wishes to appeal the ~~determination by the FinancialAdministrative~~ Services ~~& Economic Development~~ Director or designee's protest determination, the following action is required:
- a. The bidder ~~or interested bidder~~ must file a written appeal to the City Manager explaining in detail the nature of the appeal and the grounds on which it is based. This ~~notice-written appeal~~ must be received by the City Manager no later than three (3) business days after the ~~Financial~~ Services ~~Director or designee's & Economic Development Director's~~ written protest determination response. ~~At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.~~ Each written appeal must be accompanied by a bid protest appeal bond in the form of a certified check, cashier's check or money order made payable to the City of Palm Coast, in the amount not less than five percent (5%) of the lowest responsiveble bid and in an amount to secure any City damages or costs arising from the appeal, to be determined by the ~~FinancialAdministrative~~ Services ~~and Economic Development~~ Director or designee. In the case of request for qualifications where there is no bid amount, the bond amount shall be an amount to be determined by the Financial Services Director, however, in an amount and shall be no less than \$10,000.
  - b. Upon timely receipt of the formal written protest appeal and bid protest appeal bond, the City Manager shall respond in writing to the written appeal, determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (3) In any case where a bidder, ~~or interested bidder~~ wishes to appeal the determination by the City Manager, the following action is required:
- a. The bidder ~~or interested bidder~~ must file a written appeal to City Council, addressed to the City Clerk, explaining in detail the nature of the appeal and the grounds on which it is based. This notice must be received by the City Clerk no later than three (3) business days after the date of the City Manager's written response. ~~At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.~~
  - b. The City Clerk shall schedule the bid protest appeal to be heard at an upcoming City Council meeting and provide all relevant documents in the agenda package.
  - c. The bidder ~~or interested bidder~~ must attend the scheduled City Council meeting. City staff and the bidder ~~or interested bidder~~ will be provided an opportunity to

present evidence related to the bid protest appeal.

- d. At the scheduled City Council meeting, City Council will determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (4) Upon receipt by the Financial Services Director or designee of the written protest to the City's Notice of Intent to Award, the final bid award shall be delayed until the entirety of the protest procedure, as herein described, has been completed.

#### B. Award Protest Procedure

- (1) Should If the challenge is to the City Council make an award to a bidder, other than the bidder identified as selected in the Notice of Intent to Award, the only protest permitted is by the bidder with the right to protest the award and file a written appeal is the selected bidder identified as in the selected bidder in the Notice of Intent to Award who was not selected by City Council. A City Council decision not to make an not award the contract to any bidder is not appealable. Each written appeal must be accompanied by a bid protest appeal bond in the form of a certified check, cashier's check or money order made payable to the City of Palm Coast, in thean amount not less than five percent (5%) of the lowest responsiveble bid and in an amount to secure any City damages or costs arising from the appeal, to be determined by the Financial Services Director or designee. In the case of request for qualifications where there is no bid amount, the bond amount shall be an amount to be determined by the Financial Services Director, however, and shall be in an amount no less than \$10,000. The following action is required to protest an award:
  - a. The bidder must file a written appeal to City Council, addressed to the City Clerk, explaining in detail the nature of the appeal and the grounds upon which it is based. This notice must be received by the City Clerk no later than three (3) business days after the date of the City Council's award. At that time, the final bid award shall be delayed until the protest procedure, as herein described, has been completed, unless City Council decides to otherwise move forward with the award.
  - b. The City Clerk shall schedule the bid protest appeal to be heard at an upcoming City Council meeting and provide all relevant documents in the agenda package.
  - c. The protesting bidder must attend the scheduled City Council meeting. City staff and the bidder will be provided an opportunity to present their position on the bid protest appeal and evidence related to the City Council bid protest appeal.
  - d. At the scheduled City Council meeting, City Council mayshall determine whether the appeal is with or without merit, and revise their prior decision, if necessary, or City Council may, at its discretion, order that the appeal be heard by a Hearing Officer pursuant to Chapter 2, Article III, Division 3 of this Code of Ordinances at a Hearing Board meeting.
  - e. If the City Council refers the appeal to a Hearing Officer, the protesting bidder must attend the Hearing Officer hearing. If applicable, the bidder must attend the scheduled Hearing Board meeting. City staff and the bidder will be provided an opportunity to present their position on the bid protest appeal and evidence to the Hearing Officerrelated to the bid protest appeal. The Hearing Officer will determine

whether the appeal is with or without merit and provide a recommendation to the City Council as to whether or not the City Council should revise its prior decision.

- f. The City Council shall have final decision making authority on all award protest appeals.

If applicable, the Hearing Officer will determine whether the appeal is with or without merit, and may recommend that City Council revise their prior decision.

2. The bid ~~bond~~ protest bond shall be forfeited to the City if one of the following occurs:
  - a. The bid protest appeal is determined to be without merit or non-valid by the City Manager and no further appeal is filed;
  - b. The bid protest appeal is determined to be without merit or non-valid by the City Council, or
  - c. The bidder ~~or interested bidder~~ who filed the appeal did not attend the scheduled City Council meeting and/or Hearing Board Officer meeting, if applicable.

## **Sec. 2-30 – Local Business Preference**

- (1) Excepted as provided in this division or as may be exempted by applicable State or Federal law, a local business preference shall apply to all purchases or acquisitions of products, materials and services of the City of Palm Coast. Local Business ~~Priority~~ Preference applies to ~~Palm Coast~~ persons, firms, and/or corporations residing or located in the City of Palm Coast, which meet the established criteria, set forth below. In all quotes and formal solicitations covered in Section 2-24 of this division, qualified Palm Coast persons, firms, and/or corporations shall receive a local business preference. The Local Business Preference ~~The local business priority preference~~ as set forth herein shall apply and shall result in the otherwise qualified local Palm Coast business being awarded the contract, at the amount of the submitted quote or bid, if the local Palm Coast vendor's quote or bid is the next lowest bid and the bid amount is within the applicable percentage of the lowest bid submitted by a non-local business, as set forth herein.
- (2) If the Local Business ~~Priority~~ Preference does not result in the Palm Coast business being awarded the contract, then the Local Business Preference applies to ~~Flagler County~~ persons, firms, and/or corporations residing or located in Flagler County, which meet the established criteria, set forth below. In all quotes and formal solicitations covered in Section 2-24 of this division, qualified persons, firms, and/or corporations shall receive a local business preference. The Local Business Preference ~~The local business priority preference~~ as set forth herein shall apply and shall result in the otherwise qualified Flagler County ~~local~~ business being awarded the contract, at the amount of the submitted quote or bid, if the local vendor's quote or bid is the next lowest bid and the bid amount is within the applicable percentage of the lowest bid submitted by a non-local business, as set forth herein.
- (3) Local Business Preference Amounts and Limit are as follows:
  - a. Five percent (5%) of the net quote or bid price up to \$200,000.00 as referenced on the quote tabulation or bid price schedule.

- b. Three percent (3%) of the net bid price above \$200,000.00 as referenced on the bid price schedule.
- c. The total local business preference shall be limited to \$20,000.00 for each quote or project.

Example: Local Business Bid of \$250,000 would be provided a Local Business Preference of \$11,500.00.  $((5\% \times \$200,000.00) + (3\% \times \$50,000.00))$

- (4) To qualify as ~~aan~~ Palm Coast person, firm and/or corporation, a vendor must have its headquarters, manufacturing facility, or locally-owned franchise located in, or having a street address within, the legal boundaries of the City of Palm Coast for at least one (1) year immediately prior to the request for a quote or formal bid solicitation (Post office boxes do not qualify as a verifiable business address).
- (5) To qualify as ~~aan~~ Flagler County person, firm and/or corporation, a vendor must have its headquarters, manufacturing facility, or locally-owned franchise located in, or having a street address within, the legal boundaries of Flagler County for at least one (1) year immediately prior to the request for a quote or formal bid solicitation (Post office boxes do not qualify as a verifiable business address).
- (6) Local Business Preference shall not apply to:
  - Purchases that are funded in whole or part by assistance from any federal, state, or local agency that disallows local preference; Purchases exempt from obtaining quotes or soliciting formal proposals or bids as described in Sec. 2-25. – Exemptions to Quotes and Formal Solicitations.
- (7) The local business preference established in this section does not prohibit the right of the City Council or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals.
- (8) ~~Notwithstanding anything contained herein to the contrary, the City reserves its right to reject any quote, bid, or proposal deemed non-responsive or non-responsible at any time prior to award of a contract.~~
- (9) Application of local businesses preference to a particular purchase, contract, or category of contracts for which the City Council is the awarding authority may be waived upon written justification and recommendation by the City Manager and approval of the City Council.
- (10) The local business preference established in this section does not prohibit the City Council, or other authorized purchasing authority, from giving any other preference permitted by law in addition to the local business preference.

## **Sec. 2-32 – Public-Private Partnerships**

A. The submission by private entities and the processing by City of public-private partnership (P3) Proposals, whether solicited or unsolicited, shall be in accordance with Section 255.065 Florida

Statutes.

- B. The City Manager may establish a reasonable application fee for the submission of unsolicited P3 proposals. If the initial application fee does not cover the City's costs to evaluate the unsolicited proposal, the City Manager may request in writing the additional amounts required. The private entity must pay the requested additional amounts within 30 days after receipt of the noticed request. The City may stop its review of the unsolicited proposal if the private entity fails to pay the additional amounts. If the City does not evaluate the unsolicited proposal, the City must return the application fee.
- C. The City Manager or designee shall have the authority to decide whether to evaluate any unsolicited proposals. Should the City Manager or designee decide not to evaluate the unsolicited proposal, the City shall return the evaluation fee.
- D. The City Manager or designee shall have the authority to solicit proposals from other parties in accordance with Section 255.065 Florida Statutes for the same or similar P3 concept of any unsolicited proposal, whether or not the unsolicited proposal has been evaluated.

**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 Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance

**SECTION 4. 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 5. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

Approved on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Adopted on second reading after due public notice and hearing this \_\_\_\_\_ day of \_\_\_\_\_  
2021.

*ATTEST:*

CITY OF PALM COAST, FLORIDA

VIRGINIA A. SMITH, CITY CLERK

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY:

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WILLIAM E. REISCHMANN, JR., ESQ.

## City of Palm Coast, Florida Agenda Item

Agenda Date : OCTOBER 5, 2021

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	12104	<b>Account</b>
		<b>#</b>
<b>Subject</b>	RESOLUTION 2021-XX APPROVING THE FOURTH AMENDMENT TO THE FLAGLER COUNTY SHERIFF'S OFFICE INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES	
<b>Presenter : MS. DENISE BEVAN, CITY MANAGER</b>		
<b>Background :</b> <b>This item is for standard operations.</b>  At the September 22, 2021, Special Budget Hearing Meeting, City Council approved an additional ten deputies to provide law enforcement services within the City of Palm Coast. This agenda item is to memorialize the additional payments to the Flagler County Sheriff's Office for FY 2022.		
<b>Recommended Action :</b> <b>ADOPT RESOLUTION 2021-XX APPROVING THE FOURTH AMENDMENT TO THE FLAGLER COUNTY SHERIFF'S OFFICE INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES</b>		

**RESOLUTION 2021-\_\_\_\_\_**  
**FOURTH AMENDMENT INTERLOCAL AGREEMENT**  
**FLAGLER COUNTY SHERIFF'S OFFICE**  
**LAW ENFORCEMENT SERVICES**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE FOURTH AMENDMENT OF THE INTERLOCAL AGREEMENT WITH THE FLAGLER COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on September 22, 2021, City Council approved Resolution 2021-136 which approved FY 2022 for the City of Palm Coast and in part funding for ten additional law enforcement deputies for FY 2022; and

**WHEREAS**, the City desires to enter into the Fourth Amendment of the Interlocal Agreement with the Flagler County Sheriff for Law Enforcement Services for the ten additional law enforcement deputies; and

**WHEREAS**, the Sheriff desires to enter into the Fourth Amendment of the Interlocal Agreement for Law Enforcement Services with the City for the ten additional law enforcement deputies.

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

**SECTION 1. APPROVAL OF FOURTH AMENDMENT TO INTERLOCAL AGREEMENT.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the Fourth Amendment to the Interlocal Agreement for Law Enforcement Services with the Flagler County Sheriff's office, as attached hereto and incorporated herein by reference as Exhibit "A."

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Council of the City of Palm Coast hereby authorizes the Mayor to execute the Fourth Amendment of the Interlocal Agreement with the Flagler County Sheriff's office for Law Enforcement Services.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

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

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

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 5th day of October 2021.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
DAVID ALFIN, MAYOR

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

Approved as to form and legality

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

Attachment: Interlocal Agreement with the Flagler County Sheriff-4<sup>th</sup> amendment

## EXHIBIT A

<b>Position Title</b>	<b>Number of Positions</b>	<b>Contract Dollar Amount</b>
Commander	1	
Sergeants	3	
Corporals	2	
Deputies	35	
School Resource Deputy	1	
Annual Total		\$ 5,615,712
Monthly Total Starting October 1, 2021		\$ 467,976

### Town Center \*

<b>Position Title</b>	<b>Number of Positions</b>	<b>Contract Dollar Amount</b>
Deputy	1	\$ 114,075
Annual Total		\$ 114,075
Monthly Total FY 2022		\$ 9,507

\*FCSO shall invoice the City separately for the New Public/Private Partnership Deputy and City shall then pay the invoice upon receipt of payment of funds from Public Private Partnership with Town Center CDD. The P3 Deputy is not counted as a general fund expense.

Fully funded in the FY 2021-2022  
City of Palm Coast Budget as  
approved by the Palm Coast City Council:

Flagler County Sheriff's Office

\_\_\_\_\_  
David Alfin, Mayor

\_\_\_\_\_  
Rick Staly, Sheriff

## City of Palm Coast, Florida Agenda Item

Agenda Date: October 5, 2021

<b>Department</b>	PARK & RECREATION	<b>Amount</b>
<b>Item Key</b>	11577	<b>Account</b>
		<b>#</b>
<b>Subject</b>	RESOLUTION 2021-XX APPROVING THE CULTURAL ARTS GRANTS FOR THE FISCAL YEAR 2021-2022	
<b>Presenter: James Hirst</b>		
<b>Background:</b> <b><u>UPDATE FROM THE SEPTEMBER 14, 2021 WORKSHOP</u></b> This item was heard by the City Council at their September 14, 2021 Workshop. There were no changes suggested to this item. The Applications and the PowerPoint presentation are available in the City Clerk's office.  <b><u>ORIGINAL BACKGROUND FROM SEPTEMBER 14, 2021 WORKSHOP</u></b> The City of Palm Coast has been offering the annual Cultural Arts Financial Assistance Matching Grant program since 2002.  The Cultural Arts organizations in the power point have expressed a desire to receive grant monies from the City of Palm Coast for programs and/or events held in the City of Palm Coast. The City of Palm Coast has supported local non-profit organizations by awarding Cultural Arts Grants to eligible applicants for the past twenty years.  Twelve applications were received for Fiscal Year 2021-2022. This year, our team of City employees met on August 20 <sup>th</sup> , 2021 in a public meeting with the applicants. The committee reviewed the twelve applications to ensure they met the basic qualifications. Attached is the recommendation for Council review.		
<b>Recommended Action:</b> ADOPT RESOLUTION 2021-XX APPROVING THE CULTURAL ARTS GRANTS FOR A TOTAL OF \$30,000 FOR THE FISCAL YEAR 2021-2022.		

**RESOLUTION 2021-\_\_\_\_**  
**CULTURAL ARTS GRANTS**  
**FISCAL YEAR 2021-2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE ELIGIBILITY LIST FOR THE CULTURAL ARTS GRANTS; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENTS WITH THE APPROVED ORGANIZATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Cultural Arts organizations have expressed a desire to receive grant monies from the City of Palm Coast for programs and/or events held in the City of Palm Coast; and

**WHEREAS**, the City Council of the City of Palm Coast desires to provide monetary assistance to the Cultural Arts organizations providing quality and innovative programs and/or events to the citizens of the City of Palm Coast; and

**WHEREAS**, Cultural Arts organizations provide a valuable service to the citizens of Palm Coast.

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

**SECTION 1. APPROVAL.** The City Council of the City of Palm Coast hereby approves the eligibility list for the Cultural Arts Grants, 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 agreements between the City of Palm Coast and the approved organizations.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of 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 take effect immediately upon adoption by the City Council.

**DULY PASSED and ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 5<sup>th</sup> day of October 2021.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
DAVID ALFIN, MAYOR

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

Approved as to form and legality

\_\_\_\_\_  
WILLIAM E. REISCHMANN, JR., ESQ.

Attachment: Exhibit A-Cultural Arts Grants Eligibility List

## CULTURAL ARTS GRANT AGREEMENTS

FY 21-22

	Name of Organization	Contact and Title	Amount Requested	Amount Proposed
1	African American Cultural Society	William L. Seeney, Grant Admin.	\$3,000.00	\$2,600.00
2	Choral Arts Society	Betty Christian, Treasurer	\$3,000.00	\$2,600.00
3	City Lites	Meshella Woods or James Sims	\$3,000.00	\$2,600.00
4	City Repertory Theatre	Diane Ellertsen	\$3,000.00	\$2,600.00
5	Family Matters of Palm Coast	Denise L. Calderwood, Founder	\$2,400.00	\$1,400.00
6	Flagler Auditorium	Amelia Fulmer	\$3,000.00	\$2,600.00
7	Flagler Performing Arts Academy	Ann Paris, President	\$3,000.00	\$2,600.00
8	Gargiulo Art Foundation	Arlene C. Volpe, Director	\$3,000.00	\$2,600.00
9	Palm Coast Arts Foundation	Nancy Crouch, Exec. Director	\$3,000.00	\$2,600.00
10	Palm Coast Garden Club	Denise Garcia	\$3,000.00	\$2,600.00
11	Palm Coast Methodist Church	Bronnetta Hamilton, Admin. Coord.	\$3,000.00	\$2,600.00
12	The Green Room	Theresa Williams	\$3,000.00	\$2,600.00

Total		\$35,400.00	\$30,000.00
City Funds Budgeted	\$	30,000.00	

## City of Palm Coast, Florida Agenda Item

Agenda Date : October 5, 2021

<b>Department</b>	UTILITY	<b>Amount</b>	\$ 34,128.00
<b>Item Key</b>	11754	<b>Account</b>	# 54019087 052030
<b>Subject</b> RESOLUTION 2021-XX APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. FOR NSF NEAT ANIONIC POLYMER			
<b>Presenter : Peter Roussell</b>			
<b>Background :</b> <b>This item is for standard operations.</b>			
<p>The City's Utility Department / Water Operations Division utilizes anionic polymer at Water Treatment Plant #2 as a coagulant aid and sludge conditioner in the treatment processes. The City of Palm Coast bid the annual supply of NSF Neat Anionic Polymer through ITB-UT-21-52. This contract shall run from October 1, 2021 to September 30, 2022 for the first year and will include two additional one-year renewal options. The City received one (1) bid which was responsive and responsible</p>			
<p>City staff advertised and solicited bids for anionic polymer in accordance with the City's Purchasing Policy. City staff recommends that the City Council approve a master price agreement with Polydyne, Inc. of Riceboro, GA. The notice of intent to award and project bid overview are attached to this agenda item.</p>			
<p>Since this is a price agreement, City staff will purchase this item on an as-needed basis using budgeted funds appropriated by City Council. The Fiscal Year 2022 Budget includes \$34,128.00 within Utilities to purchase this item.</p>			
<b>SOURCE OF FUNDS WORKSHEET FY 2022</b>			
UTILITYFND WTRPLT#2 CHEMICALS 54019087 052030			\$649,945.00
Total Expended/Encumbered to Date.....			0.00
Pending Work Orders/Contracts.....			237,297.00
Current (WO/Contract).....			34,128.00
<b>Balance</b> .....			<b>\$378,520.00</b>
<b>Recommended Action :</b> <b>ADOPT RESOLUTION 2021-XX APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. FOR NSF NEAT ANIONIC POLYMER</b>			

**RESOLUTION 2021-\_\_\_\_**  
**NSF NEAT ANIONIC POLYMER**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. TO PURCHASE NSF NEAT ANIONIC POLYMER; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Polydyne, Inc. has expressed a desire to provide NSF Neat Anionic Polymer, to the City of Palm Coast; and

**WHEREAS**, the City Council of the City of Palm Coast desires to purchase NSF Neat Anionic Polymer from Polydyne, Inc.

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

**SECTION 1. APPROVAL OF CONTRACT.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the contract with Polydyne, Inc. for the purchase of NSF Neat Anionic Polymer, which is 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 the necessary documents.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of 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 take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 5<sup>th</sup> day of October 2021.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
DAVID ALFIN, MAYOR

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

Attachment: Exhibit “A” – Master Price Agreement-Polydyne, Inc.

Approved as to form and legality

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



Finance Department  
Budget & Procurement Office

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

## NOTICE OF INTENT TO AWARD

**Project:** ITB-UT-21-52 - NSF Neat Anionic Polymer for Water Treatment Plants

**Date:** 9/17/2021

**Appeal Deadline:** Appeals must be filed by 5:00 PM on 9/22/2021

Firm	Bid
Polydyne Inc. Riceboro, GA	\$0.99/lb.

The intent of the City of Palm Coast is to award ITB-UT-21-52 to Polydyne Inc.

Cc: Contract Coordinator, Project Manager, BPO Manager, Financial Services Director, Department Director.

*For questions regarding the NOIT please contact Procurement Coordinator [jkscott@palmcoastgov.com](mailto:jkscott@palmcoastgov.com).*

*Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast 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-UT-21-52 - NSF NEAT ANIONIC POLYMER FOR WATER TREATMENT PLANTS

## Project Overview

Project Details	
Reference ID	ITB-UT-21-52
Project Name	NSF NEAT ANIONIC POLYMER FOR WATER TREATMENT PLANTS
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Budget	\$0.00 - \$0.00
Project Description	This Invitation to Bid is issued for the purpose of securing a firm price per pound (delivered) for the purchase of emulsion NSF 60 approved anionic polymer to be used in both the belt press and clarification processes at Membrane Softening Water Treatment Plant #2 50 Citation Blvd., Palm Coast, FL 32164.
Open Date	Aug 18, 2021 8:00 AM EDT
Intent to Bid Due	Sep 02, 2021 2:00 PM EDT
Close Date	Sep 09, 2021 2:00 PM EDT

Awarded Suppliers	Reason	Score
Polydyne Inc.		100 pts



## Seal status

Requested Information	Unsealed on	Unsealed by
Price Schedule	Sep 09, 2021 2:20 PM EDT	Jesse Scott
References	Sep 09, 2021 2:20 PM EDT	Jesse Scott
Required Documents, Forms 1-6	Sep 09, 2021 2:20 PM EDT	Jesse Scott

## Conflict of Interest

# Declaration of Conflict of Interest, You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: \* has direct or indirect financial interest in the award of the contract to any proponent; \* is currently employed by, or is a consultant to or under contract to a proponent; \* is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, \* has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Donald Holcomb	Sep 09, 2021 2:39 PM EDT	No
Fred Greiner	Sep 09, 2021 2:27 PM EDT	No
Ryan Bellerive	Sep 17, 2021 9:41 AM EDT	No
Jesse Scott	Sep 09, 2021 2:20 PM EDT	No



## Project Criteria

Criteria	Points	Description
Admin Review	Pass/Fail	All documents completed and submitted as required and requested.
Technical Review	Pass/Fail	References checked. Technical specifications met.
Technical Price Review	Pass/Fail	Are prices reasonable? If yes, pass. If no, fail. (You do NOT fail if they are NOT the lowest price. You are only verifying if the price submitted is reasonable based upon your market knowledge.)
Admin Price Review	100 pts	Actual price bid
<b>Total</b>	<b>100 pts</b>	



## Scoring Summary

### Active Submissions

	Total	Admin Review	Technical Review	Technical Price Review	Admin Price Review
Supplier	/ 100 pts	Pass/Fail	Pass/Fail	Pass/Fail	/ 100 pts
Polydyne Inc.	100 pts	Pass	Pass	Pass	100 pts (\$0.99)

# City of Palm Coast, Florida

## Agenda Item

Agenda Date : October 5, 2021

<b>Department</b>	UTILITY	<b>Amount</b>	\$ 106,250.00
<b>Item Key</b>	11769	<b>Account</b>	# 54019083 052030 # 54019084-052030
<b>Subject</b>	RESOLUTION 2021-XX APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. FOR THE PURCHASE OF LIQUID POLYMER		
<b>Presenter : Danny Ashburn</b>			
<b>Background :</b> <b>This item is for standard operations.</b>			
<p>The City's Utility Department Wastewater Treatment Division utilizes liquid polymer which is used in the dewatering process in wastewater treatment. The City of Palm Coast bid the annual supply of liquid polymer in ITB-UT-21-51. Polydyne, Inc. was the low bid of C-6287 polymer at \$1.40 per pound for Wastewater Treatment Plant #1 and C-6286 polymer at \$1.40 per pound for Wastewater Treatment Plant #2.</p> <p>City staff advertised and solicited bids for anionic polymer in accordance with the City's Purchasing Policy. City staff recommends that the City Council approve a master price agreement with Polydyne, Inc. of Riceboro, GA. The notice of intent to award and project bid overview are attached to this agenda item.</p> <p>Since this is a price agreement, City staff will purchase this item on an as-needed basis using budgeted funds appropriated by City Council. The Fiscal Year 2022 Budget includes \$106,250.00 within Utilities to purchase this item.</p>			
<b>SOURCE OF FUNDS WORKSHEET FY 2022</b>			
UTILITYFND WWTP 1 CHEMICALS 54019083 052030			\$164,700.00
Total Expended/Encumbered to Date.....			0.00
Pending Work Orders/Contracts.....			0.00
Current (WO/Contract).....			82,000.00
<b>Balance</b> .....			<b>\$ 82,700.00</b>
UTILITYFND WWTP 2 CHEMICALS 54019084 052030			\$279,500.00
Total Expended/Encumbered to Date.....			0.00
Pending Work Orders/Contracts.....			0.00
Current (WO/Contract).....			24,250.00
<b>Balance</b> .....			<b>\$ 255,250.00</b>
<b>Recommended Action :</b> <b>ADOPT RESOLUTION 2021-XX APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. FOR THE PURCHASE OF LIQUID POLYMER</b>			

**RESOLUTION 2021-\_\_\_\_\_**  
**LIQUID POLYMER**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A MASTER PRICE AGREEMENT WITH POLYDYNE, INC. TO PURCHASE LIQUID POLYMER; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Polydyne, Inc. has expressed a desire to provide Liquid Polymer to the City of Palm Coast; and

**WHEREAS**, the City Council of the City of Palm Coast desires to approve a Master Price Agreement with Polydyne, Inc. for the purchase liquid polymer.

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

**SECTION 1. APPROVAL OF MASTER PRICE AGREEMENT.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the Master Price Agreement with Polydyne, Inc., for the purchase of Liquid Polymer, which is 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 the necessary documents.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of 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 take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 5<sup>th</sup> day of October 2021.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
DAVID ALFIN, MAYOR

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

Attachment: Exhibit “A” – Master Price Agreement-Polydyne, Inc.

Approved as to form and legality

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



Finance Department  
Budget & Procurement Office

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

## NOTICE OF INTENT TO AWARD

**Project:** ITB-UT-21-51 - LIQUID POLYMER FOR WASTEWATER PLANTS

**Date:** 9/16/2021

**Appeal Deadline:** Appeals must be filed by 5:00 PM on 9/21/2021

Firm	Bid
Polydyne Inc. Riceboro, GA	\$1.40/lb.

The intent of the City of Palm Coast is to award ITB-UT-21-51 to Polydyne Inc.

Cc: Contract Coordinator, Project Manager, BPO Manager, Financial Services Director, Department Director.

*For questions regarding the NOIT please contact Procurement Coordinator [jkscott@palmcoastgov.com](mailto:jkscott@palmcoastgov.com).*

*Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast 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-UT-21-51 - LIQUID POLYMER FOR WASTEWATER PLANTS

## Project Overview

Project Details	
Reference ID	ITB-UT-21-51
Project Name	LIQUID POLYMER FOR WASTEWATER PLANTS
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Budget	\$0.00 - \$0.00
Project Description	This Invitation to Bid is issued for the purpose of securing a firm price per tote (delivered) for the purchase of Liquid Polymer to be used at Wastewater Treatment Plant 1 and Wastewater Treatment Plant 2 locations.
Open Date	Aug 18, 2021 8:00 AM EDT
Intent to Bid Due	Sep 08, 2021 2:00 PM EDT
Close Date	Sep 09, 2021 2:00 PM EDT

Awarded Suppliers	Reason	Score
Polydyne Inc.		100 pts

## Seal status



Requested Information	Unsealed on	Unsealed by
Required Forms 1 - 6	Sep 09, 2021 2:36 PM EDT	Jesse Scott
Price Schedule	Sep 09, 2021 2:36 PM EDT	Jesse Scott
References	Sep 09, 2021 2:36 PM EDT	Jesse Scott

## Conflict of Interest

# Declaration of Conflict of Interest, You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: \* has direct or indirect financial interest in the award of the contract to any proponent; \* is currently employed by, or is a consultant to or under contract to a proponent; \* is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, \* has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Patrick Henderson	Sep 09, 2021 3:07 PM EDT	No
Fred Greiner	Sep 16, 2021 8:28 AM EDT	No
Jesse Scott	Sep 09, 2021 2:37 PM EDT	No
Gian Pubill	Sep 09, 2021 2:50 PM EDT	No



## Project Criteria

Criteria	Points	Description
Admin Review	Pass/Fail	All documents submitted and completed as requested.
Admin Price Review	100 pts	Price Entry from Bid
Technical Review Bid Documents	Pass/Fail	Review for Technical Data to include reference checks.
Technical Price Review	Pass/Fail	Are prices reasonable? If yes, pass. If no, fail.
<b>Total</b>	<b>100 pts</b>	



## Scoring Summary

### Active Submissions

	Total	Admin Review	Admin Price Review	Technical Review Bid Documents	Technical Price Review
Supplier	/ 100 pts	Pass/Fail	/ 100 pts	Pass/Fail	Pass/Fail
Polydyne Inc.	100 pts	Pass	100 pts (\$1.4)	Pass	Pass

## City of Palm Coast, Florida Agenda Item

Agenda Date : October 5, 2021

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	11705	<b>Account</b>
		<b>#</b>
<b>Subject</b>	WORKSHEET	
<b>Presenter :</b>		
<b>Background :</b>		
<b>Recommended Action :</b>		

			<b>October 12, 2021 WORKSHOP MEETING</b>	
1		Resolution	ERP Upgrade	Akins
2		Resolution	SCADA Security Project Phase II	Akins
3		Resolution	Office 365	Akins
4		Resolution	Whiteview Design Update	Cote
5		Presentation	Litter-Code Amendment, Prevention and Awareness	DeLorenzo
6		Presentation	Building/Planning Level of Service	DeLorenzo
7		Resolution	REV Grant	DeLorenzo
8		Resolution	Seminole Palms DO Agr	DeLorenzo/Tyner
9		Resolution	Contract IAFF	Fuller
10		Presentation	Update on National Citizen's Survey	Kershaw
11		Presentation	New legislation overview	Reischmann
			<b>October 19, 2021 BUSINESS MEETING</b>	
1		Resolution	ERP Upgrade	Akins
2		Resolution	SCADA Security Project Phase II	Akins
3		Resolution	Office 365	Akins
4		Resolution	ESRI Contract	Akins
5		Resolution	Whiteview Design Update	Cote
6		Resolution	REV Grant	DeLorenzo
7		Presentation	Update on CM Search	Fuller
8		Presentation	Employee Recognition	Fuller/Kershaw
9		Resolution	Torro Piggyback	Mancill
10		Ordinance	Flagler Village FLUM/REZONING	Papa
11		Ordinance	Seminole Palms FLUM/MPD	Papa
12		Resoluiton	Seminole Palms DO Agreement	Tyner/DeLorenzo
13		Resolution	Gables Final Plat	Tyner/Leap
14		Resolution	Tennis Pods Final Plat	Tyner/Leap
15		Presentation	COVID 19 Recovery Plan	NEFRC
			<b>Future</b>	
1		Resolution	Lease amendment colo facility	Akins
2		Presentation	Security Assessment Review	Akins
3		Resolution	Konica Minolta	Akins
4		Presentation	LDC Signs Chapter 9	CDD
5		Resolution	Advent Health Design Srv. Agreement OKR Ext.	Cote
6		Resolution	P1 Control Structure Rehab	Cote
7		Ordinance	Memorial Markers	Cote/Grunewald
8		Resolution	WTP 1 High Service Water Pump	Cote/Kronenburg
9		Ordinance	Boat code	DeLorenzo
10		Resolution	Easement Hardin Agreement	DeLorenzo
11		Ordinance 2nd	Slow Way Closure (Jan. 4, 2022)	DeLorenzo/Cote
12		Resolution	Interlocal Agreement Flagler County Marineland Acres	Flanagan
13		Resolution	MSA with Service Electric Company for Pole Repair	Flanagan/Roussell
14		Resolution	IAFF Contract	Fuller
15		Ordinance 1st	Animal Control amendment	Grossman
16		Ordinance	LDC Architectural Chapter 13	Hoover/Dawson
17		Presentation	Innovation District Initiatives	Johnston/DeLorenzo
18		Presentation	Council Priority Community Center Parking	Johnston
19		Ordinance	Logo	Kershaw
20		Resolution	GPS Monitoring	Mancill
21		Resolution	Fleet Software	Mancill
22		Ordinance	FLUM and Rezoning Seminole Trails	Papa---NOVEMBER
23		Presentation	Solid Waste Bid results	Schweers
24		Proclamation	Diabetes Awareness (Nov. 2)	Smith
25		Appointments	Council Liaisons (Nov. 16)	Smith
26		Appointment	Council Vice Mayor (Nov. 16)	Smith