



Mayor
WILLIAM CAPOTE
Deputy Mayor
KENNY JOHNSON
Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

AGENDA

Regular Council Meeting 2020-40 Thursday

**November 19, 2020 - 7:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Two (2) terms expiring on the Infrastructure Advisory and Oversight Board (represents 'at-large' positions).+
2. One (1) vacancy on the Recreation Advisory Board (represents 'at-large' position).+
3. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++
4. Three (3) vacancies on the Disaster Relief Committee.++
5. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++

AGENDA REVISIONS:

CONSENT AGENDA:

There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

1. Adoption of Minutes: Regular Council Meeting 2020-36; October 15, 2020.
2. Adoption of Minutes: Special Council Meeting 2020-38; October 29, 2020.
3. Miscellaneous: Caterpillar equipment; parts, services and new equipment – Public Works Department (Ring Power Corporation - \$120,000, as needed (sole source)).

4. Resolution 2020-57, authorizing a Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for roadside and median maintenance of State right-of-way within City limits (Babcock Street (northern City limits to Malabar Road); Malabar Road (I-95 to eastern City limits); and US-1 (southern City limits to University Boulevard)) (\$99,651, three-year term).
5. Consideration of a budget amendment from Neighborhood Stabilization Program (NSP) Fund Balance to cover the cost of mowing maintenance for six (6) City-owned NSP properties for Fiscal Year 2020-2021 (\$4,600).
6. Consideration of appropriation of Fund Balance from the General Fund (\$70,000) and Building Fund (\$38,800) to cover the cost of credit card acceptance fees.
7. Consideration of appropriation of funds to the Building Division Operational Budget to install a door access system at the new office location (\$7,995).
8. Consideration of utilizing Fire Impact Fees to purchase an air compressor at Fire Station 5 (\$50,000).
9. Consideration of an additional full-time Fire Inspector position within the Fire Prevention Bureau (\$63,383).
10. Consideration of utilizing Police Impact Fees for the purchase of six (6) patrol vehicles and on-boarding expenditures for six (6) new entry level Patrol Officer positions awarded under the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant.
11. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$16,510).
12. Consideration of travel and training for specified City employees (Police Department).

RECOGNITIONS AND PROCLAMATIONS:

1. Proclamation: Sixteen (16) Days of Activism for the Elimination of Violence Against Women - November 25-December 10, 2020.

PRESENTATIONS:

1. Beverley Squire-Wiggins and Marianne Solomon, Homelessness Task Force - status update.

PUBLIC COMMENTS/RESPONSES:

Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.

PUBLIC HEARINGS:

1. Resolution 2020-56, granting a conditional use to allow for an automotive fuel dispensary in LI (Light Industrial and Warehousing District) zoning on property located in the vicinity east of Northview street and north of Robert J. Conlan Boulevard (3.41 acres) (Case CU-23-2020, Republic Services of Florida, LP) (Quasi-Judicial Proceeding). (CONTINUED FROM 11/05/20 RCM)
2. Ordinance 2020-76, amending the Code of Ordinances, Chapter 62, Road Maintenance District, by repealing the chapter in its entirety, final reading.
3. Ordinance 2020-77, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/building homes, final reading.
4. Ordinance 2020-78, amending the Fiscal Year 2019-2020 budget by appropriating and

allocating certain monies (fifth budget amendment), final reading.

5. Ordinance 2020-79, amending the Code of Ordinances, Chapter 171, Fair Share Impact Fees, Subchapter 'Water and Wastewater Impact Fees', by adjusting the capital charges and capital charge recovery fees and removing the annual indexing of amounts (Case T-25-2020, City of Palm Bay), final reading.
6. Consideration of a substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan.
7. Consideration of a technical revision to the substantial amendment to Community Development Block Grant prior years (Fiscal Years 2014, 2015, and 2016) Unspent Funds.

COMMITTEE AND COUNCIL REPORTS:

1. Committee/Council Reports

NEW BUSINESS:

1. Consideration of an addendum to the Avery Springs Subdivision utility agreement; and increase to quote from Hydra Service, Inc. for the purchase of pumps and electrical panel.

ADMINISTRATIVE AND LEGAL REPORTS:

PUBLIC COMMENTS/RESPONSES: Speakers are limited to 3 minutes.

ADJOURNMENT:

Quasi-judicial proceeding.

Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances).

In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for

screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 11/19/2020

RE: Two (2) terms expiring on the Infrastructure Advisory and Oversight Board (represents 'at-large' positions).+

The terms of David Wills and Don Jordan on the above board will expire on December 31, 2020. Each member represents an 'at-large' position.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for terms expiring to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on December 17, 2020.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 11/19/2020

RE: One (1) vacancy on the Recreation Advisory Board (represents 'at-large' position).+

Randy Foster represented the 'at-large' position on the Recreation Advisory Board. Due to his election to office as a councilmember, his seat on the Board is automatically vacated.

REQUESTING DEPARTMENT:

Legislative

FISCAL IMPACT:

None

RECOMMENDATION:

Request for vacancy to be announced at Thursday night's meeting and applications solicited for same. The appointment will be made at the December 17, 2020, regular Council meeting. The individual appointed to the position will complete Mr. Foster's term, which expires February 28, 2021.



LEGISLATIVE MEMORANDUM

DATE: 11/19/2020

RE: Adoption of Minutes: Regular Council Meeting 2020-36; October 15, 2020.

ATTACHMENTS:

Description

Minutes - RCM 2020-36

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-36

Held on Thursday, the 15th day of October 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:01 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
ACTING CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Juliet Misconi, Chief Procurement Officer; Fred Poppe, Director of Parks and Recreation; Christopher Little, Utilities Director; Laurence Bradley, Growth Management Director.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

- 1. Three (3) vacancies on the Disaster Relief Committee.++**
- 2. One (1) vacancy on the Code Enforcement Board.++**

- 3. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++**
- 4. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**
- 5. One (1) vacancy on the Community Development Advisory Board (can represent one of the following: 'for-profit provider', 'actively engaged in home building', 'employer within the City', or 'real estate professional').++**

AGENDA REVISION(S):

There were no agenda revisions.

CONSENT AGENDA:

All items of business reflected under Consent Agenda were considered and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Items 4, 5, 6 and 7, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

1. Adoption of Minutes: Special Council Meeting 2020-31; September 16, 2020.

The minutes, considered under Consent Agenda, were approved as presented.

2. Adoption of Minutes: Special Council Meeting 2020-33; September 23, 2020.

The minutes, considered under Consent Agenda, were approved as presented.

3. Award of Bid: Culvert pipe replacement, Units 2, 3, 4, 43, and 47 – IFB 80-0-2020 – Public Works Department (PRP Construction Group, LLC - \$278,959).

Staff Recommendation: Approve the award for culvert pipe replacement, Units 2, 3, 4, 43, and 47, to PRP Construction Group, LLC, in the amount of \$278,959.28.

The item, considered under Consent Agenda, was approved as recommended by City staff.

4. Miscellaneous: Road paving, Unit 42 and Garvey Road – Change Order 2 (IFB 29-0-2020) – Public Works Department (Asphalt Paving Systems - \$275,509).

Staff Recommendation: Approve Change Order 2 for road paving of Unit 42 and Garvey Road to Asphalt Paving Systems, in the amount of \$275,508.54.

Bill Battin, resident, commented that Garvey Road was made to handle speeding dump trucks and when the trucks passed each another, one side of the truck had to leave the roadway which was causing damage along the shoulder. Ms. Sherman would have staff research same.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve the Change Order as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

5. Ordinance 2020-71, amending the Code of Ordinances, Chapter 38, Procurement, by repealing Section 38.18, Local Business Price Preference, in its entirety, first reading.

The City Attorney read the ordinance in caption only.

Mrs. Misconi presented the request to Council.

Peter Filiberto, resident, asked that the item be tabled and felt this should be the decision of the new Council and possible new City Manager.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-71. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Ordinance 2020-72, amending the Code of Ordinances, Chapter 38, Procurement, by modifying provisions contained therein, first reading.

The City Attorney read the ordinance in caption only.

Mrs. Misconi presented the request to Council. She advised that the effective date for this ordinance would be January 1, 2021.

Peter Filiberto, resident, reiterated his request to table the item until after the election.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-72.

Deputy Mayor Johnson said that this ordinance was to assist the Procurement Department in doing its job. If the new Council desired to make changes, then they could do so.

Mr. Bailey agreed with Deputy Mayor Johnson. He added that the State would be re-reviewing the audit performed on the City and there were items that needed to be implemented prior to that time.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-75, amending the Code of Ordinances, Chapter 34, Human Resources, Subchapter 'Whistle-Blower's Ordinance', by including definitions and providing provisions for disclosure of information and investigation procedures and referral of complaints alleging retaliation to the Department of Administrative Hearings, first reading.

The City Attorney read the ordinance in caption only and presented the request to Council.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-75. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

8. Acknowledgement of the City's monthly financial report for August 2020.

The item, considered under Consent Agenda, was acknowledged by the City Council.

RECOGNITION(S) AND PROCLAMATION(S):

The proclamations were read.

1. Just Right Living Day - October 13, 2020.

2. Pregnancy and Infant Loss Awareness Month - October 2020. (Councilman Bailey)

PRESENTATION(S):

1. Parks and Recreation Department - Fred Poppe Campground Project.

Mr. Poppe provided an update on the Fred Poppe Campground project. He said the site would become a destination for visitors and assist in boosting the local economy. It would also add the element of camping to the City's recreational opportunities. Phase One would include 138 full hook-up sites, which would include water, electric and sewer; stormwater drainage system; lift station; dump station; and nature center. Future phases of the project would include restrooms, asphalt roads and curbing; sidewalks and campsite pads; playground; pavilion; welcome center; and Ranger station. Mr. Poppe provided financial projections for the next three years.

Mr. Bailey asked if staff had researched only having one egress due to the potential hazards that accompanied campsites, such as starter logs. Mr. Poppe answered that open fires would be prohibited and that most campgrounds only permitted chemical logs. Mr. Bailey said it was important to have 24/7 security coverage for safety as well as if anyone had questions during their stay. He felt more comfortable with the revenue projections after reviewing the financial data of Brevard County's campground. He wanted to ensure there was a high level of service for the residents and visitors.

Mr. Anderson asked that the financial projections and figures from Brevard County be posted on the City's website for the public.

Mr. Poppe answered questions posed by councilmembers.

Mr. Bailey said that the rules and regulations for camping had to be adhered to and no one should be staying for extended periods of time. He asked for another presentation once construction began and then Council could hear further about the policies at that time.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

Individuals made general comments.

1. David Wills, resident, expressed his dissatisfaction with Republic Services and said that they had been damaging numerous trash carts during pick-up. He asked if the residents had to purchase new trash carts or would they be replaced by Republic.
2. Butch Orend, resident, questioned yard waste and bulk pick-up on vacant lots and who would be responsible for removing same. He asked if he could opt out of recycling.

He also asked if the roads could be reassessed as it related to road paving. He said the streets in his unit were not scheduled until 2025 and he did not feel the existing roads would last that long.

3. Sabrina Anderson, resident, commented on the solid waste services. She said there was yard waste that had been left by Waste Management since June and Republic Services had picked it up. She questioned if Waste Management would be back charged for the extra debris left for the new company. She said Waste Management had already been paid to pick it up and they did not provide the service.

PUBLIC HEARING(S):

1. Ordinance 2020-70, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as 'Chaparral Phase II' on property located west of and adjacent to Melbourne Tillman Drainage District Canal 9, in the vicinity south of Malabar Road (13.24 acres) (Case FD-10-2020, Chaparral Properties, LLC) (Quasi-Judicial Proceeding), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, representative for the applicant, presented the request to Council.

Bill Battin, resident, commented on a letter received from an affected property owner in which they were concerned about flooding due to new homes being built higher than the existing homes. He hoped that the applicant would address those concerns, if necessary. Mr. Wise said the developer was working closely with the residents. He said that excess fill from Phase 1 did cause an issue, two complaints had been received and both were rectified.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-70. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Ordinance 2020-67, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Planned Unit Development (PUD)', by establishing language that will permit tiny homes on wheels and revising provisions contained therein (Case T-21-2020, City of Palm Bay), first reading. (Deputy Mayor Johnson) (CONTINUED FROM RCM - 10/01/20)

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. Deputy Mayor Johnson presented the request to Council.

Ms. Smith advised of proposed revisions to Sections 185.060 and 185.062, which read as follows: Connection to public sanitary sewer and public water required >>, if readily available as defined by the Mandatory Connection section of the Utility Code, §200.11(N) or upon approval of the Utilities Director after a consideration of (1) distance of development to connection and (2) potential detriment to the system<<.

Deputy Mayor Johnson presented the request to Council. Mr. Little elaborated on the necessity of the additional language to the ordinance. He explained that it would avoid conflicts between the Utilities Code and Land Development Code as it related to minor subdivisions, and would provide for the Utilities Director's review of the property to assess whether it was feasible to provide service to the location.

Mr. Bailey questioned the language as written as it was not clear. He said it implied that the Utilities Director was giving permission for the property owner to connect to the system. Mr. Little explained that the Utilities Code stated that services were considered readily available if located within two hundred (200) feet of the existing system. He said if services exceeded that distance, he would review and assess if there was an opportunity to loop the system and circulate the water through and still maintain water quality. Mr. Bailey felt the language needed to be reworded. He said that based on the two criteria of approval from the Director, it would provide that the Director had the ability to waive the requirement to connect. Mr. Little confirmed same. Ms. Smith said that the language, as is, required everyone to connect to the system and provided no exceptions. Staff decided to include the standard provisions that were within the Utilities Code. Mr. Little answered questions posed by councilmembers. Mr. Bailey asked that the language be rewritten to reflect that if there was a detriment to the system, the property owner/developer could not develop until a system was created to where it was no longer a detriment. Ms. Smith cautioned Council on enacting ordinances or policies which would inordinately burden the existing use of real property. Property owners had no control over the fact that there may be no utility lines to their property. Revising the language would cause many lots to be unbuildable and thereby creating potential liability to the City.

Bill Battin, resident, agreed with Councilman Bailey's comments. He said it should not matter if it was a PUD or Small Planned Unit Development (SPUD). The regulations

should be the same for both developments. He questioned how taxes would be assessed when the home was on wheels if taxes were based on the structure and not just the property.

Mr. Bradley clarified that the intent of the proposed language was because some uses did not have the ability to operate on a well and septic system. He said if there was a cluster of tiny homes on a parcel of land, they may not be able to function on a septic system. Mr. Bradley said that if someone applied for a PUD, they had to demonstrate the ability to handle the capacity.

Mr. Bailey asked that staff provide the taxation difference between a tiny home trailer versus a full-size trailer. It was his understanding that full-size trailers were taxed in some way at the State level, but if permanently on a site, it was a taxation to the City that would be part of the General Fund.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-67, with the revisions to Sections 185.060 and 185.062.

Mr. Bailey reiterated his concerns. He did not feel that having the homes on wheels was a proper use.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

3. Ordinance 2020-73, vacating a portion of the rear public utility and drainage easement located within Lot 13, Block 407, Port Malabar Unit 10 (Case VE-13-2020, Brian Murphy), first reading.

Staff recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-73. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

4. Ordinance 2020-74, vacating a portion of the rear public utility and drainage easement located within Lot 7, Block 1677, Port Malabar Unit 37 (Case VE-14-2020, Carmen Torres), first reading.

Staff recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-74. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

5. Resolution 2020-53, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a residential subdivision to be known as “Chaparral PUD”, which property is located west of and adjacent to Melbourne Tillman Drainage District Canal 9, in the vicinity south of Malabar Road (204.43 acres) (Case PD-24-2020, Chaparral Properties, LLC) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the resolution in caption only. The public hearing was opened. Jake Wise, representative for the applicant, presented the request to Council.

Bill Battin, resident, supported the project but did not agree if the developer were to seek stormwater mitigation credits for installing a retention pond.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Resolution 2020-53. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Ordinance 2020-58, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Building Code', by eliminating the requirement for a building permit for accessory structures 400 square feet or less in residential districts accessory to single-family dwellings and revising provisions contained therein (Case T-20-2020, City of Palm Bay), first reading. (CONTINUED TO P&Z - 11/04/20)

PROCUREMENTS:

1. Award of Bid: a.) Expansion/rehabilitation – IFB 73-0-2020 (Florida Design Contractors - \$9,700,000); b.) Well expansion – IFB 72-0-2020 (Applied Drilling Engineering, Inc. - \$685,800); and, c.) Engineering services – TO 01-2016-004 (Tetra Tech - \$543,351) - Utilities Department, South Regional Water Treat Plant.

Staff Recommendation: Approve the award for a.) Expansion/rehabilitation – IFB 73-0-2020 (Florida Design Contractors - \$9,700,000); b.) Well expansion – IFB 72-0-2020 (Applied Drilling Engineering, Inc. - \$685,800); and, c.) Engineering services – TO 01-2016-004 (Tetra Tech - \$543,351); South Regional Water Treat Plant.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to award the bids and approve the task order as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Award of Bid: Road bond paving, Units 24 and 25 – IFB 79-0-2020 – Public Works Department (Asphalt Paving System, Inc. - \$8,851,279).

Staff Recommendation: Approve the award for road bond paving, Units 24 and 25, to Asphalt Paving System, Inc., in the amount of \$8,851,279.08.

Motion by Mr. Anderson, seconded by Mr. Santiago, to award the bid as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

3. Contract: Amendment to RFP 03-0-2020, solid waste and recycling collection services – Public Works Department (Republic Services of Florida – no fiscal impact).

Staff Recommendation: Approve the amendment to RFP 03-0-2020, solid waste and recycling collection services with Republic Services of Florida (no fiscal impact).

Ms. Sherman presented the request to Council and advised of the amendments to the contract. She noted an additional revision to the contract, under Section 5.3, to read as follows: “The Contractor shall provide any existing customer >>currently paying for multiple carts<< the option to exchange two sixty-four-gallon Carts for one ninety-five gallon Cart without charge, one time during the period of January 1 – January 14, 2021.”

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the amendments to the contract as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Joanne Stanley, Municipal Service Manager, and Bryant Thornton, Director of Operations, Republic Services, provided an update to Council. Ms. Stanley said there had been some issues due to leftover bulk and yard waste prior to the start of the contract. Extra resources had been obtained to assist with those extra loads. She said that if any carts were damaged, Republic would provide replacements. Due to the short time frame from the contract award to the start of the contract, Republic had to lease vehicles for the pick-up services. The new trucks should be ready by January. Ms. Stanley said she would be obtaining customer phone numbers in order to perform a “call them all” to notify residents of their pick-up dates. Stickers would be provided to customers for the recycling bins.

Mr. Santiago asked if Republic could provide a schedule as to when the bulk waste would be picked up and in what areas. He felt it would give the residents some comfort that it was being addressed. Ms. Stanley said that due to the excess bulk waste prior to the contract, the trucks were being filled much faster which then delayed all other bulk waste pick-up. She said that with the additional trucks, she hoped that all bulk waste would be picked up within thirty (30) days. Mr. Santiago said he had received comments that residents were attempting to reach Republic and could not reach a live person, and customer service was not available on the weekends. Ms. Stanley said the Customer Resource Center was open on Saturdays until noon. She said that City staff and Republic's Customer Resource Center Supervisor were scheduled to meet the following week to address concerns. Mr. Santiago commented on the damage to carts and the strength of the claw on the trucks. Mr. Thornton said that as Republic staff was aware of an issue, the maintenance team would be notified, and the trucks would be adjusted accordingly.

There was discussion of having a transfer station in Palm Bay. Ms. Stanley said it was a long process and permitted through Brevard County but felt it could be an option for the future, if desired by the City.

Mr. Bailey said he met with City staff due to concerns of the contract. He had asked how many drivers were experienced with the trucks and machinery. The response he received was that approximately forty percent (40%) were hired with experience, ten percent (10%) were Republic drivers, and fifty percent (50%) were CDL drivers that were being trained in the industry. He thought there would have been more Waste Management drivers hired that knew the City and knew how to operate the trucks. He wondered if part of the problem was that so many people had to be trained or because most of the trucks were temporary. Mr. Thornton was confident in Republic's training of its employees. He felt volume was an issue, not productivity, and the number of trips made to the landfill on Sarno Road. Mr. Bailey said he knew there would be hiccups but felt it had been more than expected. He wanted to ensure that City staff was implementing enforcement of the contract and that the City was getting what it paid for. He felt that complaints should be tracked beginning the following week and evaluated accordingly, especially if related to issues from the previous vendor. He was confident that Republic would get everything up and running properly.

Mr. Anderson felt that Waste Management gave up on the City and they knew that the City was dissatisfied with their service. He believed the numerous complaints from residents were due to the lack of service for so long and maybe they felt it would continue with Republic. He said it was a monumental task for Republic to take on complete bulk and yard waste pick-up. Mr. Anderson said he was concerned with residents stating their garbage was not collected for two weeks. He questioned the cause of the missed pick-up. Mr. Thornton said there were challenges at the start of the contract. Republic now had three supervisors in the field and each truck was monitored via GPS to ensure that streets were properly looped. Mr. Anderson asked that information about collection days be relayed constantly on social media.

Mr. Bailey wanted the public to be aware that customers, especially those with multiple carts, had the option of receiving a larger cart (96 gallons), but would have to contact Republic to exchange their current cart(s) for the larger cart.

COMMITTEE AND COUNCIL REPORT(S):

Councilmembers addressed various subject matters, and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Bailey asked that Council consider implementing a time limit for the upcoming Special Council Meeting on October 29th. He said limits could be set for introduction, cross examination and closing remarks which would apply to the involved parties. Council concurred for the City Attorney to draft the time limit procedures, distribute to the involved parties, and Council would consider same at the special meeting.

NEW BUSINESS:

1. Consideration of utilizing Parks Impact Fees for the construction of a dog park at Riviera Park (\$150,000).

Staff Recommendation: Approve the utilization of Parks Impact Fees for the construction of a dog park at Riviera Park in the amount of \$150,000.

Bill Battin, resident, asked if the proposed dog park would have any negative impact on the existing dog park. He questioned why the allocation was not included in the projects for the department. Ms. Sherman said that the request to authorize the funding and the project would be included on future financial reports. She added that this park would not have a bearing on the existing dog park.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve the utilization of Parks Impact Fees as requested.

Mr. Anderson advised that the dog park would not eliminate the playground currently on site.

Deputy Mayor Johnson and Mr. Bailey questioned sponsorships and donations. Mr. Bailey was concerned about the cost.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

2. Consideration of Councilmembers attending the annual Florida League of Cities Legislative Conference, November 12-13, 2020, in Kissimmee.

Deputy Mayor Johnson announced that he would attend the conference. Mr. Bailey's attendance was tentative.

3. Consideration of scheduling a workshop for October 2020.

Council requested a workshop for staff to provide an update on the operational audit performed by the State. Staff recommended Thursday, October 22nd, with a modified start time of 7:00 PM in order to hold an executive session at 6:00 PM.

Ms. Smith requested an Executive Session on Thursday, October 22, 2020, at 6:00 P.M., for the following cases: Richard Gray v. City of Palm Bay and General Insurance Company (05-2019-CA-031191); Ricardo Madrigal v. City of Palm Bay (05-2019-CA-024925); Colleen Henry, Estate of Sheena Henry v. City of Palm Bay (05-2018-CA-040288); and Lori Armstrong, Estate of Kristopher Bass v. City of Palm Bay (05-2018-CA-040256).

Council concurred to schedule the Executive Session and workshop as requested.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:52 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

DATE: 11/19/2020

RE: Adoption of Minutes: Special Council Meeting 2020-38; October 29, 2020.

ATTACHMENTS:

Description

Minutes - SCM 2020-38

CITY OF PALM BAY, FLORIDA

SPECIAL COUNCIL MEETING 2020-38

Held on Thursday, the 29th day of October 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 6:02 P.M.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
ACTING CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director.

Proposed Procedures for Case CP-10-2019 and Case CPZ-10-2019 (Councilman Bailey).

The City Attorney advised that Councilman Bailey had proposed the following procedures for Council's consideration:

Case CP-10-2019

- Applicant's Presentation - thirty (30) minutes
- Staff's Presentation - thirty (30) minutes
- Aggrieved or Adversely Affected Person's Presentation - thirty (30) minutes
- Public Comment - three (3) minutes per person
- Applicant's Rebuttal - ten (10) minutes

Case CPZ-10-2019

- Applicant's Presentation - thirty (30) minutes
- Staff's Presentation - thirty (30) minutes

- Aggrieved or Adversely Affected Person's Presentation - thirty (30) minutes
- Public Comment - five (5) minutes per person
- Applicant's Rebuttal - ten (10) minutes

Cross examination would be limited to fifteen (15) minutes per witness.

The time limits may be modified by the City Council on its own motion or upon request of a party to the proceedings. The request shall detail the modified time desired and the subjects to be discussed during the additional time. A request for a modification of time should be considered by the City Council to assure all parties have an opportunity to participate without irrelevant, immaterial, or unduly repetitious evidence, undue repetition and delay. Witnesses may be called during presentation and rebuttal.

There were no public comments.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve procedures establishing time limits for Case CP-10-2019 and Case CPZ-10-2019.

Ms. Smith asked if Council preferred to have the attorneys cross examine any comments from the public or that questions would be directed to Council to cross examine. Council concurred that the attorneys would cross examine the public.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PUBLIC HEARING(S):

1. Ordinance 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading. (REHEARING) (CONTINUED FROM SCM - 10/06/20)

The City Attorney read the ordinance in caption only. Councilmembers announced ex parte communications.

The public hearing was opened.

Attorneys Cole Oliver and Keith Poliakoff, as well as other representatives for the applicant, presented the request to Council. Mr. Poliakoff said that he considered FAR

Chemical Research (FAR) as a participant to the proceeding and not a party pursuant to the City's Code of Ordinances (Code). He said there would be a one hundred-foot (100') buffer between the properties and expert testimony would confirm that even with the recent explosion on FAR's property, which occurred on the property line, the off-site debris field was only twenty (20) feet. Mr. Poliakoff said that if FAR agreed to pursue no further litigation, the applicant would agree to split the cost for a seven hundred (700) linear foot, twelve-foot (12') foot high Florida Department of Transportation wall between FAR and the proposed site.

Mr. Bailey said it was mentioned that there would be Class A apartments. He asked the class levels and if Class A was the highest level. Mr. Poliakoff said that was misstated as the class levels applied to commercial buildings. He said these would be market rate apartments equivalent to the Aqua Apartments at Northshore. Mr. Bailey asked the distance of the closest residence to FAR. Jake Wise, CEG Engineering and expert witness for the applicant, answered that there were properties located immediately to the north of the property. Mr. Bailey asked if there was a one hundred-foot (100') buffer from the property line to the existing residential properties. Mr. Wise responded that there was a public road right-of-way in between the properties in addition to the one hundred feet (100').

Attorney Cecelia Bonifay, Akerman and Associates and representative for FAR, as well as other representatives for the applicant, presented their opposition to Council. She noted her objection to all information submitted by MLEF that was irrelevant to the cases, such as real estate, FAR's history, etc., and stated the reasons that FAR was an aggrieved party. Ms. Bonifay said that neither request should be approved for the following reasons: the Bayfront Community Redevelopment (BCRD) Plan was never adopted as part of the City's Comprehensive Plan; the BCRD was inconsistent with the City's Comprehensive Plan; the project was not consistent or compatible with the City's Comprehensive Plan or Land Development Code; City Council was without authority to approve the land use amendment and rezoning without the recommendation of the Bayfront Community Redevelopment Agency (BCRA); the project was not contemplated within the BCRD Plan; and the project was inconsistent with the State of Florida Comprehensive Plan.

Carmen Rasnick, Professional Planner and expert witness for FAR, detailed the invalidity of the BCRD Plan with the Comprehensive Plan. She said the project could not serve as a transition between the commercial and industrial land uses, and reliance on non-confirming residences to justify the transition concept was improper. Ms. Rasnick provided further explanation as to why industrial was incompatible with residential and the numerous related inconsistencies.

Attorney Thu Pham, Akerman and Associates and representative for FAR, cited Section 163.370, Florida Statutes, which listed the powers of municipalities and community redevelopment agencies. She also cited sections from the BCRD Plan and explained how this project was not contemplated in the BCRD Plan. Approval of the requests would affect FAR's property rights which would implicate the Bert Harris Act and open the City to liability.

Dick Boskind, Boskind Development, Inc., submitted a virtual comment. He owned property that abutted the proposed site and opposed the requests. He suggested that, if approved, it should be limited Bayfront Mixed Use (BMU).

Mr. Bailey asked staff to address the comments about the cases not being presented to the BCRA pursuant to the BCRD Plan. Mr. Bradley said it was his understanding that the authority to review the zoning request lied with the Planning and Zoning Board which would make recommendation to City Council, not the BCRA. Mr. Bailey asked if the BCRD should have been adopted by resolution or ordinance. Ms. Smith said the BMU land use was adopted via ordinance and forwarded to the State for comment, as required. Mr. Bailey asked if the cited statute was relevant to the requests and if rezoning authority should have been given to the BCRA. Ms. Smith said the statute provided authority for municipalities to rezone property. She said there were certain issues that the City could not delegate. Although it was allowed, the City did not delegate authority for the BCRA to approve land uses.

Mr. Poliakoff and Brenda Yates, expert witness for the applicant, provided rebuttal to the aggrieved party's comments. Mr. Poliakoff stated his objection to the virtual comment as the individual was not present for cross-examination. He added that the City's Comprehensive Plan stated that compatibility was achieved by providing buffering and setbacks.

Mr. Bailey asked if the applicant would be agreeable to increasing the buffer beyond one hundred-feet (100'). Mr. Poliakoff said that a significant amount of property would be lost. The applicant had agreed to put in a full landscape buffer in addition to the one hundred-feet (100'), as well as erecting a twelve-foot wall if FAR agreed to split the cost. Mr. Bailey asked if the buffer could be increased where it was adjacent to residential. Mr. Poliakoff felt one hundred-feet (100') was more than enough as a residential structure was an additional 25-30 feet away from the property line. He did not want additional buffering to eat into the acreage of the property and cause a much less buildable area.

Mr. Anderson asked if the applicant would agree to pay the full cost of the wall. Mr. Poliakoff said the applicant would agree to same if FAR agreed to no further litigation.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-43.

Mr. Anderson felt this project fit the vision of the City. Mr. Santiago concurred and said the buffer was more than enough and there was no need for a wall. Deputy Mayor Johnson agreed with Councilmembers Anderson and Santiago.

Mr. Bailey felt the aggrieved party's arguments were lacking, but he would not support the request due to compatibility and he felt more buffering was needed.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

2. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heaving Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading. (Quasi-Judicial Proceeding) (REHEARING) (CONTINUED FROM SCM - 10/06/20)

The City Attorney read the ordinance in caption only. The public hearing was opened.

Attorney Keith Poliakoff, representative for the applicant, presented the request to Council and asked that all evidence and testimony from Case CP-10-2019 be entered into the record for this item. Brenda Yates, Certified Planner and expert witness for the applicant, explained how the land use category and rezoning had to be consistent with each other, and that the project complied with the Code.

Mr. Bailey asked if any other zoning district would be consistent with the approved land use. Mr. Bradley answered in the negative.

Attorney Cecelia Bonifay, Akerman and Associates and representative for FAR, presented their opposition to Council and asked that all evidence and testimony from Case CP-10-2019 be entered into the record for this item. She reiterated that this was

not consistent or compatible and added that a Planned Unit Development (PUD) could be included with the land use. Ms. Bonifay said that if Council was truly concerned about the buffer, she felt that an exhibit should be included delineating the one hundred-foot (100') buffer.

Mr. Poliakoff cross-examined Ms. Rasnick. He asked if she was paid to be present at the meeting. Ms. Rasnick answered in the negative. Mr. Poliakoff asked the standard buffer between commercial and industrial. Ms. Rasnick said it would depend on the Code of the municipality. Mr. Poliakoff asked what she felt the buffer should be. Ms. Rasnick said it depended on the two uses. If it was a chemical company, she felt it should be 1,000 feet; if it was an office company, one hundred-feet (100') would be acceptable.

The public hearing was closed.

As Councilman Anderson had questions for staff, the public hearing was reopened. Mr. Anderson asked for confirmation that the applicant proposed that no residential structures would be placed within the one hundred-feet (100') buffer and it was recommended by staff as well. Mr. Bradley confirmed same.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Mr. Santiago, to adopt Ordinance 2019-44. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:03 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Frank Watanabe, Public Works Director, City Engineer and Juliet Misconi, Chief Procurement Officer

DATE: 11/19/2020

RE: Miscellaneous: Caterpillar equipment; parts, services and new equipment – Public Works Department (Ring Power Corporation - \$120,000, as needed (sole source)).

The Fleet Services Division of the Public Works Department currently utilizes Ring Power Corporation as the sole source provider of parts and services for Caterpillar heavy equipment vehicle maintenance. Staff is requesting Council's approval of the sole source procurement of these items from Ring Power Corporation for ongoing maintenance, repairs, and replacements, as needed. Sole source purchases which exceed \$100,000.00 requires Council's approval.

REQUESTING DEPARTMENT:

Public Works, Procurement

FISCAL IMPACT:

Estimated annual expenditures for FY2021 are \$120,000.00. Funds are available in the Fleet Services Operating budget, account number 521-7070-519-5207, vehicle parts.

RECOMMENDATION:

Motion to approve the sole source annual purchases of parts, services, and new equipment on an "as-needed" basis from Ring Power Corporation in Palm Bay, Florida.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Frank Watanabe, Public Works Director, City Engineer

DATE: 11/19/2020

RE: Resolution 2020-57, authorizing a Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for roadside and median maintenance of State right-of-way within City limits (Babcock Street (northern City limits to Malabar Road); Malabar Road (I-95 to eastern City limits); and US-1 (southern City limits to University Boulevard)) (\$99,651, three-year term).

The City has previously entered into a Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) relative to roadside and median maintenance within the State right-of-way within the City limits. This current agreement will expire January 2, 2021.

The new MOA includes routine roadside and median maintenance activities such as mowing, edging, weeding, tree trimming, litter removal and road sweeping at three (3) State Route right-of-way locations:

- Babcock Street (SR 507) from northern City limit to Malabar Road (3.0 miles)
- Malabar Road (SR 514) from I-95 to the eastern City limits or Hospital Entrance (1.1 miles)
- US 1 (SR 5) from the Southern City limits to University Blvd (3.9 miles).

Details of the three (3) locations and the maintenance activities can be found in Exhibit B & C of contract.

The terms of the new agreement will continue for a period of three (3) years from the effective date and may be renewed for one (1) additional three-year term.

This agreement allows the City's Public Works Department to provide for a higher level of service for the routine maintenance of these facilities.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

FDOT will pay the City a total sum of \$33,217.00 annually. The total contract amount for the three-year term agreement will be \$99,651. The annual payment amount is a decrease by \$5,478 annually and \$16,434 of the total contract amount from the

current agreement amount of \$116,085.

Revenue is received in General Fund account # 001-0000-344-9001. Funds are budgeted in the Public Works Right-of-Way Beautification Division for the work to be performed with in-house staff and equipment.

RECOMMENDATION:

Motion to adopt the resolution authorizing the City Manager to execute the Highway Maintenance Memorandum of Agreement and subsequent renewals.

ATTACHMENTS:

Description

FDOT MOA Agreement ASJ36

Resolution 2020-57

FLORIDA DEPARTMENT OF TRANSPORTATION
HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT

REV. 03/16/2020

CONTRACT NO.: ASJ36

FINANCIAL PROJECT NO.: 244004-1-78-03

This AGREEMENT, entered this _____ day of _____, 20____, by and between the Florida Department of Transportation, a component agency of the State of Florida, hereinafter called the **DEPARTMENT** and City of Palm Bay, a municipal corporation duly enacted under the laws of the State of Florida, hereinafter called the **LOCAL GOVERNMENT**.

RECITALS

WHEREAS, as part of the continual updating of the State of Florida Highway System, the **DEPARTMENT**, for the purpose of safety and functionality, has constructed roadway, roadside areas, and medians on that part of the State Highway system within the limits of the **LOCAL GOVERNMENT** or adjacent to;

WHEREAS, the **LOCAL GOVERNMENT** acknowledges that there is mutual benefit in effectively maintaining these areas and the **LOCAL GOVERNMENT** is of the opinion that said roadway, roadside areas and median strips shall be attractively maintained;

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party;

WHEREAS, the **LOCAL GOVERNMENT**, by Resolution _____ dated the _____ day of _____, 20____ attached hereto as **EXHIBIT "A"**, which by reference hereto shall become a part hereof, desires to enter into this Agreement and authorizes its officers to do so.

NOW THEREFORE, for and in consideration of mutual benefits to flow each to each other, the parties covenant and agree as follows:

PROVISIONS

- 1) The **LOCAL GOVERNMENT** shall be responsible for routine maintenance activities of all roadway features within the **DEPARTMENT's** right of way having limits described in **EXHIBIT "B"**, or subsequent amended limits mutually agreed upon in writing by both parties. For the purpose of this Agreement, the maintenance activities to be performed by the **LOCAL GOVERNMENT** are defined in **EXHIBIT "C"**, or as defined by amended definitions agreed upon in writing by both parties.
- 2) The **LOCAL GOVERNMENT** shall perform the maintenance activities as described in **EXHIBIT "C"** in accordance with **DEPARTMENT** publications:
 - a) Maintenance Rating Program (MRP) Handbook, latest edition, which by reference hereto shall become a part hereof. The activities shall be performed in a manner that results in a minimum MRP score of 80.

- b) Standard Plans, current edition, which by reference hereto shall become a part hereof.
- 3) The **LOCAL GOVERNMENT** shall be responsible for monitoring maintenance operations and the maintenance of traffic (“MOT”) throughout the term of the Agreement in accordance with the latest edition of FDOT Standard Specifications, Section 102. The **LOCAL GOVERNMENT** is responsible for the development of a MOT plan and making any changes to that plan as necessary. The MOT plan shall be in accordance with the latest version of FDOT Standard Plans, Index 102-600 series.
- 4) The **DEPARTMENT** may, at its discretion, perform periodic inspections of any or all locations. If it is determined that any of the roadway features defined in **EXHIBIT “C”** are not being maintained as required by this Agreement, the **DEPARTMENT** will issue a notice of such deficiency to the **LOCAL GOVERNMENT’s** point of contact by email or certified mail. The **LOCAL GOVERNMENT** shall have thirty (30) days to correct the deficiency (ies) and to notify the **DEPARTMENT** by email or certified mail, that the deficiency (ies) has been corrected. If said deficiency or deficiencies are not corrected within this time period the **DEPARTMENT** may at its option, proceed as follows:
- a) Maintain the roadway features declared deficient with the **DEPARTMENT** or **DEPARTMENT** Contractor's material, equipment and personnel. The actual cost for such work will be deducted from payment to the **LOCAL GOVERNMENT**; or
 - b) Terminate this Agreement in accordance with the provisions of this Agreement.
- 5) In the event of a Governor Declared Emergency, a natural disaster or significant occurrence (hurricane, tornado, vehicle accident, hazardous waste spills, etc.) the **LOCAL GOVERNMENT** and the **DEPARTMENT** will cooperate and coordinate the use of their respective resources to provide for clean up, removal, and disposal of debris or other substances from the **DEPARTMENT’s** right of way described in **EXHIBIT “B”** or any amended limits mutually agreed upon in writing by both parties hereto. The **DEPARTMENT** will not deduct any payment to the **LOCAL GOVERNMENT**, costs for impairment of performance of any activity or part thereof defined in **EXHIBIT “C”**, as a result of such event and the redirection of **LOCAL GOVERNMENT** forces towards fulfillment of the responsibility under this article. This paragraph shall not be interpreted to reduce the **LOCAL GOVERNMENT’s** right to compensation or reimbursement from any other sources (i.e.: FEMA) for the debris removal or other activities of the **LOCAL GOVERNMENT** subsequent to a natural disaster or accident.
- 6) During the term of this Agreement, the **DEPARTMENT** may from time to time engage in transportation projects on the roads covered by this Agreement. Some of these projects may involve the **DEPARTMENT’s** construction contractor temporarily assuming maintenance responsibility for the limits of the project. In that event, the **DEPARTMENT** will notify the **LOCAL GOVERNMENT** of the limits of the project and the time frame for that project. During that time and for those limits, the **LOCAL GOVERNMENT** may be released from its obligation to perform maintenance on those roads and the compensation to be paid under this Agreement may be reduced for the duration of the construction project. The reduction in compensation shall be based on the formula used to initially compute the amount of compensation under this Agreement. The **LOCAL GOVERNMENT** will be notified of the amount of the reduction as part of the aforementioned notice.

TERM

- 1) After this Agreement has been executed by the parties, the **DEPARTMENT** will issue a Notice to Proceed to the **LOCAL GOVERNMENT** which may be sent by electronic mail at the **DEPARTMENT's discretion**. The term of this Agreement commences on the effective date of the Notice to Proceed and will continue for a period of three (3) years from the effective date on the Notice to Proceed. This Agreement may be renewed for a period that may not exceed one three (3) year term.
- 2) A renewal may be made at the discretion of the **DEPARTMENT** and will be subject to the same terms and conditions set forth in this Agreement. A renewal shall be contingent upon satisfactory performance evaluations by the **DEPARTMENT** and subject to the availability of funds. Renewals must be mutually agreed upon by both parties and in writing and must be executed prior to the expiration date of its preceding term.
- 3) In the event this Agreement extends beyond the **DEPARTMENT's** current Fiscal year that begins July 1 of each year and ends June 30 of each succeeding year, the **LOCAL GOVERNMENT** and the **DEPARTMENT** mutually agree that the State of Florida's performance and obligation to pay under this contract is contingent upon and annual appropriation by the Legislature. In addition, Section 339.135(6)(a), Florida Statutes, is incorporated by reference, and is set forth herein below as follows:

F.S. "339.135(6)(a)"- The Department, during any Fiscal Year, shall not expend money, incur any liability, or enter into any Contract which, by its terms, involves any expenditure of money in excess of the amounts budgeted as available for expenditure during such Fiscal Year. Any Contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid under such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such Contract or any other binding commitment of funds. Nothing herein shall prevent the making of Contracts for periods exceeding one (1) year, but any Contract so made shall be executory only for the value of services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all Contracts of the Department which are for an amount in excess of \$25,000 and having a term for a period of more than one year.

COMPENSATION

- 1) The **DEPARTMENT** agrees to pay the **LOCAL GOVERNMENT**, following a Notice to Proceed, compensation for the cost of maintenance as described in the Provisions Section of this Agreement. The payment will be for the amount of \$8304.25 per quarter, equating to \$33217.00 per year for the duration of the term.
- 2) Payment shall be made only after receipt of goods and services as provided in Section 215.422, Florida Statutes. Detailed quarterly invoices and any associated documents, including Maintenance Management Systems (MMS) breakdown of all activities, shall be submitted to the **DEPARTMENT's** Project Administrator: Kelly Moss. Delivery shall be effective upon receipt of a proper quarterly invoice and any required associated documents.
 - a) Upon receipt, the **DEPARTMENT** has seven (7) working days to inspect and approve the goods and services, unless otherwise specified herein. The **DEPARTMENT** has twenty (20) days to

deliver a request for payment (voucher) to the Department of Finance. The twenty (20) days are measured from the latter of the date the invoice is received, at the location stated herein, or the goods and services are received, inspected and approved.

- b) Any penalty for delay in payment shall be in accordance with Section 215.422, Florida Statutes. Section 215.422(5), Florida Statutes, provides that all purchasing Agreements between a State agency and a vendor, applicable to this section, shall include a statement of the vendor's rights and the State's responsibilities under this section. The vendor's rights shall include being provided with the name and telephone number of the Vendor Ombudsman within the Department of Financial Services.
- c) If payment is not available within forty (40) days, a separate interest penalty as established pursuant to Section 215.422, Florida Statutes, will be due and payable, in addition to the invoice amount, to the **LOCAL GOVERNMENT**. Interest penalties of less than one (\$1.00) dollar shall not be enforced unless the **LOCAL GOVERNMENT** requests payment. Invoices, which have been returned to the **LOCAL GOVERNMENT** because of **LOCAL GOVERNMENT** preparation errors, will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is received by the **DEPARTMENT**.
- d) A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for vendors who may be experiencing problems in obtaining timely payment(s) from the **DEPARTMENT**. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Department of Financial Services Consumer Hotline, 1-800-342-2762.

- 3) Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.
- 4) Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request of the **DEPARTMENT** at all times during the period of this Agreement and for three (3) years after final payment is made. Copies of these documents and records shall be furnished to the **DEPARTMENT** upon request. Records of costs incurred include the **LOCAL GOVERNMENT's** general accounting records and project records, together with supporting documents and records of the **LOCAL GOVERNMENT**, all subcontractors performing work, and all other records of the **LOCAL GOVERNMENT** and subcontractors considered necessary by the **DEPARTMENT** for a proper audit of costs.

CONDITIONS FOR TERMINATION

- 1) This Agreement or any part thereof is subject to termination at the discretion of the **DEPARTMENT** under any of the following conditions:
 - a) In the event the Legislature fails to make an annual appropriation to pay for the **LOCAL GOVERNMENT's** services to be performed hereunder.
 - b) The **LOCAL GOVERNMENT** has not complied with the provisions of this Agreement as described herein, or has demonstrated a pattern of repeated non-compliance.
 - c) The **DEPARTMENT** determines that the Agreement is no longer feasible.
- 2) Either party may terminate this Agreement in writing with thirty (30) days' notice.

NOTICES AND POINTS OF CONTACT

All correspondence regarding this Agreement shall be directed to the following points of contact:

a) For the **DEPARTMENT**:

Title: Contract Coordinator I

Name: Kelly Moss

Address: 555 Camp Road, Cocoa, FL 32927

Telephone: 321-634-6117

Email: kelly.moss@dot.state.fl.us

b) For the **LOCAL GOVERNMENT**:

Title: Public Works Director

Name: Frank Watanabe

Address: 1050 Malabar Rd. SW, Palm Bay, FL 32907

Telephone: 321-953-8996

Email: frank.watanabe@palmbayflorida.org

ADDITIONAL PROVISIONS AND LEGAL REQUIREMENTS

- 1) **LEGAL REQUIREMENTS.** This Agreement is executed and entered into in the State of Florida and will be construed, performed, and enforced in all respects in strict conformity with local, state, and federal laws, rules, and regulations.
 - a) If any term or provision of the Agreement is found to be illegal or unenforceable, the remainder of the Agreement will remain in full force and effect and such term or provision will be deemed stricken.
 - b) The **LOCAL GOVERNMENT** shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **LOCAL GOVERNMENT** in conjunction with this Agreement. Failure by the **LOCAL GOVERNMENT** to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the **DEPARTMENT**.
 - c) The **LOCAL GOVERNMENT** and the **DEPARTMENT** agree that the **LOCAL GOVERNMENT**, its employees, contractors, subcontractors, consultants, and sub consultants are not agents of the **DEPARTMENT** as a result of this Agreement.
 - d) The **LOCAL GOVERNMENT** shall not cause any liens or encumbrances to attach to any portion of the **DEPARTMENT**'s right-of-way.
 - e) Nothing herein shall be construed as a waiver of either party's sovereign immunity.
- 2) **PUBLIC ENTITY CRIME.** The **LOCAL GOVERNMENT** affirms that it is aware of the provisions of Section 287.133(2)(a), Florida Statutes. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or

consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of thirty six (36) months from the date of being placed on the convicted vendor list. The **LOCAL GOVERNMENT** agrees that it shall not violate Section 287.133(2)(a), Florida Statutes, and further acknowledges and agrees that any conviction during the term of this Agreement may result in the termination of this Agreement.

- 3) **UNAUTHORIZED ALIENS.** The **DEPARTMENT** will consider the employment of unauthorized aliens, by any contractor or subcontractor, as described by Section 274A(e) of the Immigration and Nationalization Act, cause for termination of this Agreement.
- 4) **NON-DISCRIMINATION.** The **LOCAL GOVERNMENT** will not discriminate against any employee employed in the performance of this Agreement, or against any applicant for employment because of age, ethnicity, race, religious belief, disability, national origin, or sex. The **LOCAL GOVERNMENT** shall provide a harassment-free workplace, with any allegation of harassment given priority attention and action by management. The **LOCAL GOVERNMENT** shall insert similar provisions in all contracts and subcontracts for services by this Agreement.
- 5) **DISCRIMINATORY VENDOR LIST.** The **LOCAL GOVERNMENT** affirms that it is aware of the provisions of Section 287.134(2)(a), Florida Statutes. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity. The **LOCAL GOVERNMENT** further agrees that it shall not violate Section 287.134(2)(a), Florida Statutes, and acknowledges and agrees that placement on the list during the term of this Agreement may result in the termination of this Agreement.
- 6) **ATTORNEY FEES.** Each Party shall bear its own attorney's fees and costs.
- 7) **TRAVEL.** There shall be no reimbursement for travel expenses under this Agreement.
- 8) **PRESERVATION OF REMEDIES.** No delay or omission to exercise any right, power, or remedy accruing to either Party upon breach or default by either Party under this Agreement, will impair any such right, power or remedy of either party; nor will such delay or omission be construed as a waiver of any breach or default or any similar breach or default.
- 9) **MODIFICATION.** This Agreement may not be modified unless done so in a writing executed by both Parties to this Agreement.
- 10) **NON-ASSIGNMENT.** The **LOCAL GOVERNMENT** may not assign, sublicense, or otherwise transfer its rights, duties, or obligations under this Agreement without the prior written consent of the **DEPARTMENT**. Any assignment, sublicense, or transfer occurring without the required prior written approval of the **DEPARTMENT** will be null and void. The **DEPARTMENT** will at all times be entitled to assign or transfer its rights, duties, or obligations under this Agreement to another governmental entity in the State of Florida, upon giving prior written notice to the **LOCAL GOVERNMENT**. In the event

that the **DEPARTMENT** approves transfer of the **LOCAL GOVERNMENT**'s obligations, the **LOCAL GOVERNMENT** remains responsible for all work performed and all expenses incurred in connection with this Agreement.

- 11) The **LOCAL GOVERNMENT** agrees to include the following indemnification in all contracts with contractors, subcontractors, consultants, and subconsultants, who perform work in connection with this Agreement:

“The contractor / subcontractor / consultant / subconsultant shall indemnify, defend, save and hold harmless the State of Florida, Department of Transportation and all of its officers, agents or employees from all suits, actions, claims, demands, liability of any nature whatsoever arising out of, because of, or due to any negligent act or occurrence of omission or commission of the contractor / subcontractor / consultant / subconsultant, its officers, agents or employees.”

- 12) **BINDING AGREEMENT.** This Agreement is binding upon and inures to the benefit of the Parties and their respective successors and assigns. Nothing in this Agreement is intended to confer any rights, privileges, benefits, obligations, or remedies upon any other person or entity except as expressly provided for in this Agreement.

- 13) **INTERPRETATION.** No term or provision of this Agreement shall be interpreted for or against any party because that party or that party's legal representative drafted the provision.

- 14) **ENTIRE AGREEMENT.** This Agreement, together with the attached exhibits and documents made a part by reference, embodies the entire agreement of the Parties. There are no provisions, terms, conditions, or obligations other than those contained in this Agreement. This Agreement supersedes all previous communication, representation, or agreement, either verbal or written, between the Parties. No amendment will be effective unless reduced to writing and signed by an authorized officer of the **LOCAL GOVERNMENT** and the authorized officer of the **DEPARTMENT** or his/her delegate.

- 15) **DUPLICATE ORIGINALS.** This Agreement may be executed in duplicate originals.

- 16) **E-VERIFY – the LOCAL GOVERNMENT shall:**

- a) utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the **LOCAL GOVERNMENT** during the term of the contract; and
- b) expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

The remainder of this page is intentionally left blank

17) The Parties agree to comply with s.20.055(5), Florida Statutes, and to incorporate in all subcontracts the obligation to comply with s.20.055(5), Florida Statutes.

EXECUTION

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

LOCAL GOVERNMENT:

By: _____

Printed Name & Title

Attest: _____

Printed Name & Title

Legal Approval: _____

DEPARTMENT:

By: _____

Alan Hyman, P.E., Director of Transportation Operations

Attest: _____

Printed Name & Title

Legal Approval: _____

EXHIBIT A

Resolution, following on next page.

EXHIBIT B

PROJECT LIMITS:

<u>SECTION</u>	<u>S.R.</u>	<u>LOCATION</u>	<u>LENGTH</u>
70010	5 (US-1)	From the south city limits just south of Overlook Dr. NE (MP 12.103) to south side of intersection of University Blvd. (MP 16.072)	3.969
70012	507	From Malabar Rd. (MP 0.000) to the north city limits just south of Lake in the Woods Dr./Sunlake Rd. intersection (MP 3.011)	3.011
70180	514	From east of I-95 (MP 2.670) to Palm Bay Hospital entrance (MP 3.803)	1.133

EXHIBIT C

MAINTENANCE ACTIVITIES:

(Maintenance Activities to be included and part of this Agreement will be checked in the INC. column)

<u>INC.</u>	<u>ACTIVITY</u>	<u>DESCRIPTION</u>
<input type="checkbox"/>	433	Sodding: Cutting and placing sod in areas along the roadside associated with reworking non-paved shoulders, slopes, ditches, median islands, utility strips and repairing washouts.
<input type="checkbox"/>	435	Seeding, Fertilizing and Mulching: Seeding, fertilizing, and mulching of the roadside.
<input type="checkbox"/>	436	Reworking Non-Paved Shoulders, Front Slopes, and Roadside Ditches (Mechanical): Reworking non-paved shoulders, front slopes, roadside ditches and turnouts either by the addition of suitable material and reshaping, or by cutting down built-up areas.
<input type="checkbox"/>	451	Clean Drainage Structures: Cleaning storm drains, French drains, manholes, side drains, cross drains, inlets, piped outfalls, box culverts, and other miscellaneous drain structures.
<input type="checkbox"/>	459	Concrete Sidewalk Repair: Repair or replacement of existing sections of concrete sidewalk.
<input type="checkbox"/>	461	Roadside Ditches – Clean and Reshape: Cleaning and reshaping of ditches other than outfalls.
<input checked="" type="checkbox"/>	471	Large Machine Mowing: Mowing of roadside areas with large mowers where conditions accommodate the efficient use of 7 foot and larger mowers, alone or in combination.
<input checked="" type="checkbox"/>	482	Slope Mowing: Grass, brush, and weed cutting along slopes too steep to safely mow or are inaccessible for conventional mowing tractors.
<input checked="" type="checkbox"/>	485	Small Machine Mowing: Mowing the roadside with small hand or riding mowers have a cutting width of 40 inches or less.
<input checked="" type="checkbox"/>	487	Manual Weed Control: Brush, weed, and grass cutting 100 mm (4”) or less in diameter performed with hand tools.
<input type="checkbox"/>	490	Fertilizing: Fertilizing to provide required nutrients to establish and maintain an acceptable roadside turf.
<input checked="" type="checkbox"/>	492	Tree Trimming & Removal: The trimming of the height and sides of trees and removal of undesirable trees (over 4 inches in diameter or trimming that cannot be done under Activity 487 Weed Control - Manual). To include the chipping and/or removal of all debris from work site.
<input type="checkbox"/>	493	Landscaped Area Maintenance: All efforts required for proper maintenance of landscaped areas, including litter removal, mowing, edging, fertilizing, weeding, mulching, etc.
<input checked="" type="checkbox"/>	494	Chemical Grass and Weed Control: The application (handgun, basal or cut stump) of herbicides to slopes, ditches, fence, guardrail, barrier wall, reinforced earthen walls, sidewalks, bridges, curb and gutter, obstructions, shoulders, and other areas not assessable to mowers. Not to include chemical applications within landscape or mitigation areas.

<input type="checkbox"/>	498	Storm Water Management: To maintain, to the maximum extent practicable, all surface/storm water management systems to a functioning state as designed and in compliance with the permit conditions and/or applicable rules and regulations.
<input type="checkbox"/>	527	Fence Repair: To provide highway safety and deter unauthorized and unrestrained access to highway facilities.
<input checked="" type="checkbox"/>	541	Roadside Litter Removal: Cleaning roadways and roadsides of debris, such as cans, bottles, paper, Adopt-A-Highway litter. Includes the hauling and disposal of litter. Does not include wayside parks, rest areas and service plaza barrels.
<input type="checkbox"/>	542	Road Sweeping (Manual): To remove debris from the roadway where mechanical means are not feasible before a drainage or safety problem is created or before it becomes unsightly.
<input checked="" type="checkbox"/>	543	Road Sweeping (mechanical): Machine sweeping of roadway to protect the facility from excessive accumulation of debris.
<input checked="" type="checkbox"/>	545	Edging & Sweeping: Removal of vegetation and debris from the curb, gutter and sidewalk.
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

RESOLUTION 2020-57

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE ROAD RIGHTS-OF-WAYS BY THE CITY OF PALM BAY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Transportation (FDOT), for the purpose of safety, has created roadway roadside areas and median strips on the part of the State Highway System within the limits of the City of Palm Bay (City), and

WHEREAS, the City desires that roadside areas and median strips should be attractively maintained, and

WHEREAS, the FDOT and the City mutually recognize the need for entering into an agreement designating and setting forth the responsibilities for maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council hereby authorizes the Mayor and/or City Manager to enter into a Highway Maintenance Memorandum of Agreement with the FDOT, and mutually agreed upon renewals or extensions.

SECTION 2. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2020.

ATTEST:

William Capote, MAYOR

Terese M. Jones, CITY CLERK

FDOT Contract ASJ36



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development

DATE: 11/19/2020

RE: Consideration of a budget amendment from Neighborhood Stabilization Program (NSP) Fund Balance to cover the cost of mowing maintenance for six (6) City-owned NSP properties for Fiscal Year 2020-2021 (\$4,600).

The Housing Division of the Community & Economic Development Department is requesting to allocate \$4,600 from the undesignated Neighborhood Stabilization Program (NSP) fund balance to cover the cost of mowing maintenance for Fiscal Year 2020-2021 for City-owned NSP properties located on Northview Street in Driskell Heights.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

The NSP Fund Balance account 123-0000-392-1001 will be reduced by \$4,600 and allocated to account 123-3351-554-3141 (Other Contractual Services).

RECOMMENDATION:

Motion to approve a budget amendment allocating \$4,600 to cover the cost of mowing maintenance for six (6) City-owned NSP properties for FY 2020-2021.

ATTACHMENTS:

Description

Budget Amendment

City Council Approval Date

Justification for Budget Amendment Request

--

Justification, if "No" →

Budget Office Representative

H.T.E. Entry Date
Entered By
Date Journalized



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Yvonne McDonald, Finance Director

DATE: 11/19/2020

RE: Consideration of appropriation of Fund Balance from the General Fund (\$70,000) and Building Fund (\$38,800) to cover the cost of credit card acceptance fees.

On January 3, 2019, City Council authorized staff to work with American Merchant Systems to determine if their software could be modified to allow credit card merchant fees to be paid as a service fee directly to AMS by the cardholder, eliminating this expense to the City. Based on FY18 actuals, General Fund and the Building Fund were incurring a total cost of approximately \$80,932 annually. In FY 20, actual cost was \$99,700. Of the \$99,700 paid for credit card acceptance, \$68,299 was paid by the General Fund for the acceptance of Impact Fees paid by Developers, since Impact Fee Funds are not permitted to cover this type of expenditure.

Talks with American Merchant Systems were placed on hold, once it was determined that Building was going to a new software, Trackit, which only worked with a different credit card merchant, Cardknox. Plans are for the General Fund and Building Fund credit card acceptance fees to be passed on to the credit card holder once the City switches to Cardknox. The transition to the new Building Department software is still pending, hence all fees are still to be absorbed by General Fund and the Building Fund. Because staff had expected the software transition to occur by October 1, 2020, no funds were budgeted and appropriated in FY 21 for the fees during the annual budget process.

Until which time fees are passed on to the cardholders, a budget of \$70,000 from General Fund and \$38,800 from Building is required to cover credit card acceptance expenses. Acceptance of credit card payments from Developers is on the rise due to: 1) Higher Police, Fire & Park Impact fees imposed in January 2020, 2) increased volume of new residential construction and 3) more payments being made online due to COVID-19. Depending on how long the City continues to cover the cost, additional funds may be required. Any budgeted funds not used once the fees are passed on to the cardholders, will return to the funds fund balance.

REQUESTING DEPARTMENT:
Finance, Building Department

FISCAL IMPACT:

Budget appropriation to be made on the 1st Budget Adjustment for FY 21. General Fund, \$70,000, G/L 001-9010-519-4922 and Building Fund, \$38,800, G/L 451-3120-524-4922

RECOMMENDATION:

Motion to authorize appropriation of Fund Balance from the General Fund and Building Fund to cover the cost of credit card acceptance fees.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Valentino Perez, Building Director

DATE: 11/19/2020

RE: Consideration of appropriation of funds to the Building Division Operational Budget to install a door access system at the new office location (\$7,995).

The City of Palm Bay Building Department is requesting to increase its operational budget account number 451-3120-524-5201, in order to cover the cost of installing a door access system at its new offices located at 190 Malabar Rd SW, Suite 105.

Installing this system will avoid making multiple copies of keys to distribute to city employees. This system would allow the same secure access system as other city buildings currently have, utilizing the same key fobs currently issued to employees.

The cost of this system will be \$7,995.00. The system will also require a \$50 per month cloud based monitoring fee, which will be absorbed by funds already requested.

This system will be able to be relocated to the new building when construction is complete.

REQUESTING DEPARTMENT:

Building Department

FISCAL IMPACT:

Transfer funds in the amount of \$7,995 are available in the Building Department Undesignated Fund Balance account 451-0000-392-3006 to Building Operating account 451-3120-524-5201.

RECOMMENDATION:

Motion to consider and approve the increase to Building Department Operational account to install the Door Access System.

ATTACHMENTS:

Description

Door Access System Quote



Your Local Security Experts!

Peter Burghardt
City of Palm Bay
Facilities Division Manager

Peter,

(Recommended)

Access Control for Temporary Building Department Building:

Securpoint Web Based Access Control Platform:

3- Two Door Panels

3- Doors with Readers, Maglocks, Request to Exit Buttons and Motions

2- Interior Doors with Readers and Door Strikes

100 Standard High Security Access Cards included

Total installed price \$7995.00 Plus Monthly Cloud Hosting service \$50.00 per month

In order to use the existing Emerge System the following upgrade must be completed prior to adding any other equipment to the existing system. The Emerge 5000 is a Legacy System and is no longer manufactured, The upgrade that is available will allow for limited additions to be made to the 5000 system but it is also in the process of being discontinued in the very near future and has been replaced with the Elite 3 system. The Elite 3 System will require that all panels be replaced at all locations.

(Not Recommended)

Update to Existing Emerge Access Control system:

Upgrade Module for Main Controller to Emerge 5000P (which is not the latest platform)

Database upgrade to operate with Emerge 5000P V4 (must have up to date back up of database) Factory Techs will convert existing database ,if possible, to work with newer operating system. This is unknown since the existing database has been modified by non factory certified technicians and there are known operating issues with the existing system.

Estimated Cost to Upgrade \$9495.00 plus cost to rebuild database.



321-676-7894 SecurPoint Corporation www.SecurPoint.net

Security System Access Control Fire Systems CCTV/Video Solutions

PO BOX 101052 Palm Bay, FL. 32910, FL. License EF0000116



Your Local Security Experts!

Temporary Building Department Access add-on

1- Emerge Expansion Module

3- 2 Door Access Control Modules

1- Power Supply for Maglocks and Strikes

3- Doors with Maglocks, Readers, Request to exit Motions and Buttons

2- Doors with Readers and Door Strikes

Estimated Cost after Main Controller is upgraded \$10,350.00

Scott Harp

SecurPoint Corporation

321-210-1706 Cell

321-676-7894 Office

scott@securpoint.net



HOME EXPERTS



321-676-7894 SecurPoint Corporation www.SecurPoint.net

Security System Access Control Fire Systems CCTV/Video Solutions

PO BOX 101052 Palm Bay, FL. 32910, FL. License EF0000116



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Leslie Hoog, Fire Chief

DATE: 11/19/2020

RE: Consideration of utilizing Fire Impact Fees to purchase an air compressor at Fire Station 5 (\$50,000).

Fire Rescue needs to purchase an air compressor for new Station 5. This is a critical piece of equipment that allows the department to re-fill air cylinders used on 911 calls. The call volume in this area has increased with growth and from that the call load has increased as well.

Adding to the potential call volume will be six new commercial businesses, one large apartment complex under construction in Station 5's run area and two more large housing complexes being built in their second due run area. This additional growth will naturally further impact call volume necessitating quicker turnaround time to service equipment.

In addition, our increase in fires shows a rise in demand for the compressor to be strategically located at Station 5 to meet these needs. Three other stations will benefit from the purchase and placement of this compressor due to its location. This is also critical to our basic functioning especially since the old air trailer has reached the end of its useful life, we will use this compressor to service all fire department air packs

REQUESTING DEPARTMENT:

Fire Department

FISCAL IMPACT:

Total project costs of \$50,000.00 to be appropriated to GL account 190-6050-522-6401/Machinery and Equipment from Fire Impact Fee Funds Fund Balance (Nexus 32909).

RECOMMENDATION:

Motion to approve the purchase of the Station 5 air compressor expending fire impact fees.

ATTACHMENTS:

Description

Compressor Quote



PMB422
3101 SW 34th Ave #905
Ocala, FL 34474-7447
352-694-7006
352-694-7226 (fax)
info@channel-innovations.com

October 19, 2020

Deputy Chief Anthony Gianantonio
Palm Bay Fire Department
Quote # 101Q8269B

Chief,

Per your conversation with Dan Moates and your request, please see the following BUDGETARY information for a new compressor system:

One - Mako model BAM06HE1 Breathing Air Module compressor package including:

- Four stage, air-cooled compressor (14 cfm @ 6000 psi)
- 10 Horsepower electric motor (230V/60Hz/1 phase)-specify voltage and phase at time of order
- UL listed electric panel
- Direct online IEC starter package
- PLC controller
- Instrumentation / controls:
 - High air temperature switch
 - Low oil pressure switch
 - Start/stop air pressure switch
- Gauge panel including:
 - Hour meter
 - High air temperature warning light
 - Low oil pressure warning light
 - High air pressure light
 - Emergency stop button
 - Final stage pressure gauge
- MK2C purification system
- CO/Moisture indicator kit
- Automatic condensate drain with muffler reservoir
- Enclosed, insulated, vertical cabinet
- Hinged access door in front
- Removable, hinged access doors on sides
- Electric CO monitor with compressor shutdown and calibration kit
- 1/4" JIC male outlet fitting

One - Mako model SSCFS3-4HP Three position, containment fill station including:

- Three position, front loading, containment fill station (capable of SCBA fills and SCUBA fills-31" max height)
- Latching front door with safety interlock
- Three fill whips with isolation valves, bleed valves and SCBA fill adapters
- Fill panel including:
 - Regulator with inlet and outlet gauges

- Safety relief valve on outlet of regulator set at 4700 psi
- One fill control valve and gauge
- Four bank cascade control with “to” and “from” valves
- Bypass valve
- Regulated auxiliary outlet with valve and high pressure male coupler
- Embedded silk screen air flow schematic
- SCBA to SCUBA adapter for fill chamber

One- Model # HC-60-4W, 6000 PSI, Four ISO Bottles with 10 year hydro test, 2036 CF, Wall Mounted, Breathing Air Storage System (complete with 4 cylinders with CGA-702 nuts and nipples, wall mounted rack with clamps, and all interconnecting hoses for cascade operation).

Warranty:

On new equipment, standard warranty is two years parts and labor. Channel Innovations is offering a five year/1000 hour warranty program for this compressor. The warranty will consist of two years parts and labor on the compressor with the remaining three years covering parts only on the compressor block and purification (1000 hour maximum applies). Please be advised that this warranty does not cover normal wear items. In order for this warranty to remain in effect, Channel Innovations must perform semi-annual service for the term of the warranty. Should these parameters not be followed then the warranty will revert back to the standard two years parts and labor.

System Net Price \$46,611.00

Pricing includes freight, delivery, start up and training at start up by CIC personnel. CIC will also pull an air sample at time of start up.

The 230 volt single phase power supply and compressor pigtail would need to be supplied by the customer.

An electrician will have to hook up the compressor to the station power once the unit is set in place to ensure all local codes are met.

In regards to the hose from the compressor room to the SCBA room, we charge \$10/ft plus labor.

If a regulator panel is needed in that same room, then we can build a wall mount set up with regulator and gauges for about \$1,200 installed.

Dan asked to also send over an update for the Oxygen fill stations we had quoted back in 2016. Price for a 2 position Oxygen containment fill station would run about \$8,500.00. This would include freight, delivery and installation. This would also include a metering valve and gauge on the fill station. We would plumb your existing set up to the fill station. We also have access to oxygen header systems that hook into your banks and then have all the proper valves for safe oxygen filling. If you are interested in the header systems, let me know.

We here at Channel Innovations trust that the above outlined and enclosed information will be suitable for the budgeting and purchasing needs of the Palm Bay Fire Department and further trust that should you need any additional information or assistance related to this project, that you contact us.

May we be of service?

Terms: Net 30 Days

F.O.B. Delivered

Lead Time: 8-10 Weeks ARO

Quote Valid: 90 Days

Sincerely,

Jason Lowe
Channel Innovations



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Leslie Hoog, Fire Chief

DATE: 11/19/2020

RE: Consideration of an additional full-time Fire Inspector position within the Fire Prevention Bureau (\$63,383).

This is a request to add a fire inspector to the fire prevention bureau. The current Fire Prevention Bureau consists of a Fire Marshal, Assistant Fire Marshal and two field Fire Inspectors.

Palm Bay Fire Rescue had a much bigger fire prevention bureau when the City was considerably smaller than currently. The Bureau previously had six inspectors, in addition to the Fire Marshal and Asst. Fire Marshal, to cover all the City's businesses. In 2008, the City eliminated most of the fire prevention bureau by laying off all personnel except the Fire Marshal and two inspectors as a cost cutting plan.

Since 2008, Palm Bay's Fire Prevention bureau has struggled to complete annual inspections on businesses and new businesses. The City presently has 3,218 known businesses that need annual inspections, but due to the shortage, these businesses are not inspected annually, and multiple businesses have been missed for years due to being short staffed.

This creates an unsafe situation for our citizens who patronize these businesses, and for our firefighters as well who may experience more potentially dangerous conditions than when inspections are made consistently.

The new Fire Inspector position will help improve the ability of staff to conduct inspections, which in turn will increase our level of service, improve turn around time for new businesses seeking BTRs and advance building safety for all occupants by ensuring fire codes are met. The importance of these critical positions cannot be stressed enough as our front-line defense against life and economic loss.

The estimate for salary and benefits is \$63,383, assuming a starting salary of \$37,803 and single plan health insurance selection. A portion of the salary is anticipated to be off-set by the revenue generated from inspections. Assuming a minimum of 4 inspections per day, 260 work days in a year, equates to 1,040 inspections per inspector. The lowest inspection fee charged is \$45.00, which would calculate out to approximately \$46,800 in revenue.

REQUESTING DEPARTMENT:

Fire Department

FISCAL IMPACT:

The cost of the proposed FTE addition for a single insurance employee is \$63,383.00

RECOMMENDATION:

Motion to approve the creation of one FTE Fire Inspector position.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Nelson Moya, Chief of Police

DATE: 11/19/2020

RE: Consideration of utilizing Police Impact Fees for the purchase of six (6) patrol vehicles and on-boarding expenditures for six (6) new entry level Patrol Officer positions awarded under the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant.

It is the desire of the Police Department to utilize Police Impact Fees for on-boarding expenditures for six (6) new entry-level Patrol Officer positions awarded under the Department of Justice (DOJ) Cops Hiring Program (CHP) Federal Grant. On July 16, 2020, City Council approved the CHP award agreement which provides federal funding for a portion of the salary and benefits for six new entry-level Police Officer positions with the remaining amount covered by local matching funds. On September 23, 2020, City Council approved the FY2021 Budget which included allocations under the General Fund (001) for both the revenues from federal funds and the local match expenditures related to the CHP federal grant. The new Police Officer positions also require on-boarding operating and capital expenditures not covered by the federal grant to include patrol vehicles (2021 Dodge Chargers outfitted as marked units), tools and equipment, and computer hardware/software. These additional expenditures were allocated to the appropriate funds and departments in the FY2021 Approved Budget for a total of \$288,084 or \$48,014 per officer position.

After additional research into what on-boarding expenditures may qualify for nexus/zip code funding, the Police Department is now requesting to amend the allocated funds from the FY2021 Approved Budget and return the qualifying budgeted expenditures (\$283,464) within the General Fund and Fleet Services Fund to the General Services Undesignated Fund Balance with the intent to cover these costs utilizing impact fees due to the department increasing its sworn strength showing the needed growth. Impact fees are collected according to the various nexus/zip codes within the city and required to be utilized for growth in those respective areas. This request is to utilize Impact Fees for the placement of one (1) officer in the 32907 nexus/zip code, one (1) officer in the 32908 nexus/zip code, and four (4) officers in the 32909 nexus/zip code. These placements are in correspondence to where personnel are anticipated to be needed due to movements in relation to the creation of the grant program, however all Patrol Officer assignments are subject to change depending on operational needs and crime trends. Additionally, newly hired patrol officers undergo a Field Training Program for a minimum of 16 weeks during which time they rotated between multiple Field Training Officers who work various shift and location assignments.

The allocations from the Impact Fee Funds for the patrol vehicles, tools, equipment, and computer hardware/software are as follows: \$52,541 from nexus/zip code 32907, \$52,541 from nexus/zip code 32908, and \$210,164 from nexus/zip code 32909 for a total request of \$315,246. The Impact Fee Funds are to be transferred to the appropriate operating or capital expenditure line items within their respect Police Impact Fee

Fund on the FY2021 Budget Amendment #1. The variance between the original budget allocation and requested Impact Fee funds is due to changes in vehicle related costs that occurred after October 1, 2020. This included a 26% increase in the base purchase price for 2021 Dodge Chargers. With the assistance of the Fleet Department, the revised vehicle proposals also include specification changes in an effort to minimize the overall impact of the price increases that occurred due to the effects of COVID-19 on the industry.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

Based upon review approved by the City Attorney Office, amend the FY 2021 Approved Budget amounts for on-boarding expenditures totaling \$283,464 which includes transfers to the Fleet Services fund totaling \$179,658 for vehicle purchases; funds are to be returned to General Fund Undesignated Fund Balance. Appropriate a total of \$315,246 of impact fees within the following nexus/zip code funds: Fund 183 (Nexus/Zip Code 32907) \$52,921; Fund 184 (Nexus/Zip Code 32908) \$52,921; and Fund 186 (Nexus/Zip Code 32909) \$211,684. Please see Attachment A for detailed General Ledger Account budget appropriations.

RECOMMENDATION:

Motion to approve the use of Police Impact Fees to pay for the purchase of six (6) 2021 Dodge Charger marked police vehicles and the on-boarding expenditures for the six (6) awarded DOJ CHP Federal Grant Police Officer positions.

ATTACHMENTS:

Description

**Attachment A - PD Impact Fee General Ledger Account Appropriations
Use of Impact Fees**

Item Request for 32907	Impact Fee Fund Expenditure Account	Amount
Uniforms	183-5050-521.52-04 OPERATING SUPPLIES / UNIFORMS/CLOTHING	\$ 1,748
Tools & Equipment	183-5050-521.52-06 OPERATING SUPPLIES / TOOLS/EQUIPMENT	\$ 12,582
Dodge Charger w/ rear seat and lighting	183-5050-521.64-03 MACHINERY AND EQUIPMENT / LIGHT VEHICLES	\$ 34,000
Tag/Title	183-5050-521.49-04 OTHER CURRENT CHARGES / TAGS/TITLES/PERMITS	\$ 130
Window Tinting	183-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 120
Seat covers	183-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 240
Sign Shop	183-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 340
Outlets	183-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 89
Invertor	183-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 200
Antenna	183-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 121
Laptop	183-5050-521.51-08 OFFICE SUPPLIES / COMPUTER HARDWARE	\$ 1,276
Air card service	183-5050-521.41-05 COMM & FREIGHT SERVICES / AIR CARDS	\$ 444
In Car Printer	183-5050-521.51-03 OFFICE SUPPLIES / COMPUTER SUPPLIES	\$ 240
Software & Maintenance	183-5050-521.46-04 REPAIR & MAINT SERVICES / COMPUTER SOFTWARE M	\$ 308
Licenses	183-5050-521.54-03 BOOKS, PUBL, SUBSCR, DUES / LICENSES/CERTIFIC	\$ 583
Flip Phone (Cell) Service	183-5050-521.41-02 COMM & FREIGHT SERVICES / CELLULAR SERVICES	\$ 120
		\$ 52,541

Item Request for 32908	Impact Fee Fund Expenditure Account	Amount
Uniforms	184-5050-521.52-04 OPERATING SUPPLIES / UNIFORMS/CLOTHING	\$ 1,748
Tools & Equipment	184-5050-521.52-06 OPERATING SUPPLIES / TOOLS/EQUIPMENT	\$ 12,582
Dodge Charger w/ rear seat and lighting	184-5050-521.64-03 MACHINERY AND EQUIPMENT / LIGHT VEHICLES	\$ 34,000
Tag/Title	184-5050-521.49-04 OTHER CURRENT CHARGES / TAGS/TITLES/PERMITS	\$ 130
Window Tinting	184-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 120
Seat covers	184-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 240
Sign Shop	184-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 340
Outlets	184-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 89
Invertor	184-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 200
Antenna	184-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 121
Laptop	184-5050-521.51-08 OFFICE SUPPLIES / COMPUTER HARDWARE	\$ 1,276
Air card service	184-5050-521.41-05 COMM & FREIGHT SERVICES / AIR CARDS	\$ 444
In Car Printer	184-5050-521.51-03 OFFICE SUPPLIES / COMPUTER SUPPLIES	\$ 240
Software & Maintenance	184-5050-521.46-04 REPAIR & MAINT SERVICES / COMPUTER SOFTWARE M	\$ 308
Licenses	184-5050-521.54-03 BOOKS, PUBL, SUBSCR, DUES / LICENSES/CERTIFIC	\$ 583
Flip Phone (Cell) Service	184-5050-521.41-02 COMM & FREIGHT SERVICES / CELLULAR SERVICES	\$ 120
		\$ 52,541

Item Request for 32909	Impact Fee Fund Expenditure Account	Amount
Uniforms	186-5050-521.52-04 OPERATING SUPPLIES / UNIFORMS/CLOTHING	\$ 6,992
Tools & Equipment	186-5050-521.52-06 OPERATING SUPPLIES / TOOLS/EQUIPMENT	\$ 50,328
Dodge Charger w/ rear seat and lighting	186-5050-521.64-03 MACHINERY AND EQUIPMENT / LIGHT VEHICLES	\$ 136,000
Tag/Title	186-5050-521.49-04 OTHER CURRENT CHARGES / TAGS/TITLES/PERMITS	\$ 520
Window Tinting	186-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 480
Seat covers	186-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 960
Sign Shop	186-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 1,360
Outlets	186-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 356
Invertor	186-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 800
Antenna	186-5050-521.46-22 REPAIR & MAINT SERVICES / VEHICLE REPAIR	\$ 484
Laptop	186-5050-521.51-08 OFFICE SUPPLIES / COMPUTER HARDWARE	\$ 5,104
Air card service	186-5050-521.41-05 COMM & FREIGHT SERVICES / AIR CARDS	\$ 1,776
In Car Printer	186-5050-521.51-03 OFFICE SUPPLIES / COMPUTER SUPPLIES	\$ 960
Software & Maintenance	186-5050-521.46-04 REPAIR & MAINT SERVICES / COMPUTER SOFTWARE M	\$ 1,232
Licenses	186-5050-521.54-03 BOOKS, PUBL, SUBSCR, DUES / LICENSES/CERTIFIC	\$ 2,332
Flip Phone (Cell) Service	186-5050-521.41-02 COMM & FREIGHT SERVICES / CELLULAR SERVICES	\$ 480
		\$ 210,164

TOTAL IMPACT FEE REQUEST: \$ 315,246

Jessica Hinchman

From: Greg Latulippe
Sent: Friday, September 18, 2020 2:47 PM
To: Angelica Collins
Cc: Sandy Virgin; Jessica Hinchman
Subject: Use of PD impact fees

Hi Angelica,

After consulting with Chief Moya and City Attorney Messenger, the Police Department will be using our impact fees to fund the vehicles, uniforms and tools and equipment for the 6 new police officers awarded through the COPS grant. Below is a break down of where the officers will be assigned and the funding requested. Please note that these assignments will be committed to these zip codes however they are subject to change based on current crime trends and operational necessity.

32909

- 4 officers- total funding requested \$181,324

32908

- 1 officer- total funding requested \$45,331

32907

- 1 officer- total funding requested \$45,331

Please let us know if there is any additional information you need. Have a great weekend!

Commander Greg Latulippe
Palm Bay Police Department
Support Services
321-952-3464



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Nelson Moya, Chief of Police

DATE: 11/19/2020

RE: Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$16,510).

In accordance with Florida law, funding in the amount of \$16,510 is being requested from the Law Enforcement Trust Fund (LETF) designated fund balance for fiscal year 2020/2021.

Funding in the amount of \$5,000 is needed to provide the initial funding for legal costs that are required to support the Asset Forfeiture Program for Fiscal Year 2020/2021. This funding will cover the costs for court fees, summons fees, legal advertisements, certified mailings, etc. on forfeiture cases conducted by the City Attorney's Office.

The Police Department is requesting monies to fund eight (8) Police Department employees to attend the FBI-LEEDA Executive Leadership Institute, a five-day course November 16 – 20, 2020. Funds are currently available in the training budget; however this request is to use LETF dollars instead. The Police Department places a strong emphasis on leadership and this course includes dynamic and inspiring training with the intention to prepare employees of the next generation to become leaders within the Police Department. FBI-LEEDA is a nationally recognized leader in law enforcement training and focuses on the concepts of credibility, command discipline, liability and dealing with problem employees. This will be hosted by the Department which will have significant cost savings by eliminating travel expenditures. Registration per person is \$695 with eight (8) in attendance brings the cost to \$5,560.

The Police Department would again like to host the annual Shop with a Cop Program called "Cops and Friends Reindeer Run." This year's event is scheduled for Thursday, December 17, 2020, at the Wal-Mart located at 1040 Malabar Rd SE. A committee of volunteers will prepare for the event and with the help from officers, volunteers, Walmart and the Palm Bay elementary schools, approximately 125 underprivileged children will be escorted by a police employee/volunteer to purchase holiday gifts for themselves and their families. \$5,825 is being requested for the purchase of gift cards to be added to the \$2,500 grant request (awaiting approval) from Wal-Mart. Additionally, \$125 is requested for the purchase of Reindeer Antlers for the children. The total LETF request for this event is \$5,950.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

Funding to cover the \$16,510 in expenditures is available in the Law Enforcement Trust Restricted Fund Balance.

RECOMMENDATION:

Motion to approve expenditures of LETF as described herein up to \$16,510.

ATTACHMENTS:


Description

LETF Certification Statement



CERTIFICATION STATEMENT

TO: Honorable Mayor and Members of the City Council

FROM: Nelson Moya, Police Chief 

DATE: November 19, 2020

SUBJECT: Law Enforcement Trust Fund (LEFT) Forfeiture Expenditures

I certify that the request for the use of the Law Enforcement Trust funds will be used for an authorized purpose pursuant to the provisions of Section 932.7055 of the Florida Statutes.

The following details the usage of the requested expenditures:

VENDOR/ORGANIZATION	ITEM DESCRIPTION	COST
Caliber Court	Court summon fees for forfeiture cases	Unknown
USPS	Certified/regular mail for forfeiture cases	Unknown
Hunt Insurance	Bond costs for forfeiture cases	Unknown
Brevard Circuit Court	Court fees for forfeiture cases	Unknown
Cape Publications/FL Today	Advertisement fees for forfeiture cases	Unknown
	Additional request for fees implemented by City Attorney's Office for forfeiture cases	\$5,000
FBI-LEEDA	Registration for 8 for Executive Leadership Institute	\$5,560
Walmart	Donation/Cops & Friends Reindeer Run	\$5,825
Dollar Tree	Reindeer Antlers	\$125
TOTAL		\$16,510



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Nelson Moya, Chief of Police

DATE: 11/19/2020

RE: Consideration of travel and training for specified City employees (Police Department).

Agent Thomas Baker and Agent Christopher Jones will be traveling to Jacksonville, FL from November 30, 2020 – December 4, 2020 to attend the Undercover Drug Enforcement Techniques Training Course. This training is encouraged for all officers who will be working undercover drug enforcement within the agency. It is designed to train the officer on the duties and responsibilities of the role, specifically in regards to the legal, operational and officer safety issues involved with Undercover Drug Investigations. The Registration Cost is \$1,590.00, the Lodging Cost is estimated at \$595.00, and the per diem is estimated at \$466.00 with an approximate total of \$2,651.00. This will be paid out of the Investigations Division (5013).

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

The total cost of travel is estimated at \$2,651.00 and is available in 001-5013-521-5501 (\$1,590) and 001-5013-521-4001 (\$1,061).

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

ATTACHMENTS:

Description

Travel Backup



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Contact/Ext

Control #

Request Date:

1465

Name: Thomas Baker		Destination: Jacksonville, FL			
Department/Division: POLICE/Investigations		Date of: 11/29/2020		Return: 12/4/2020	
001-5013-521-5501- \$795.00		Time of: 4:00PM		7:30PM	
Account To Be Charged: 001-5013-521-4001- \$945.00		Estimated Cost: before mileage reimbursement \$1,623.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY					
To attend Undercover Drug Enforcement Techniques at IPTM in Jacksonville, FL					
Date Approved By Council:					
Transportation: boldface or circle choice(s) POV - Estimated Mileage City Vehicle Common Carrier (complete below)					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	IPTM	Paid by Training P card		Vendor #	Check #
Due Date	12000 Alumni Dr				Date
Hand Carry Y N	Jacksonville, FL 32224		\$795.00		
	904-620-4786				
Lodging	Homewood Suites	Paid by Training P card		Vendor #	Check #
Due Date	10434 Midtown Parkway	Rate \$119.00			Date
Hand Carry Y N	Jacksonville, FL 32256	# Nights 5			
	Conf#	Share w/ Agt Jones	\$595.00		
Common Carrier (if applicable)				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
Other Expenses				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
Other Expenses	There are NO meals covered by this school			Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
PER DIEM ADVANCE				Vendor #	Check #
Refer to www.gsa.gov for rates - attach proof of rate (Lodging prepaid - receipt required)					Date
Breakfast 0	@ \$13.00	= \$0.00			
Lunch 5	@ \$14.00	= \$70.00			
Dinner 6	@ \$23.00	= \$138.00			
Incidentals 5	@ \$5.00	= \$25.00			
			\$233.00		

TRAVEL APPROVALS

Department Head

Date

Finance

Date

(if applicable)

City Manager

Date

(ATTACH TO EXPENSE REPORT UPON RETURN)



Course Catalog

Undercover Drug Enforcement Techniques

This course will provide essential training for undercover officers and cover team members who work in the dangerous and unpredictable field of undercover drug enforcement. From establishing your identity to conducting the buy to documenting your activities through affidavits and resulting search warrants, you will learn the many legal, operational and officer safety issues involved.

In addition to discussing the special needs and qualifications of undercover investigators, you will learn to develop a cover story and appearance, how to simulate drug use, how to use jargon and street slang, and ways to divert and dissuade suspicion. The use and management of confidential informants as well as the roles and responsibilities of cover team members will also be examined.

Role playing and actual field exercises are an important part of this course and will help you develop your appearance and approach to the different levels of drug traffickers. Some of these exercises may take place during evening hours.

Topics Include

- Overview of controlled substances
- Theory and philosophy of undercover methods
- Operational planning
- Identification and field-testing of drugs
- Undercover investigation techniques
- Surveillance techniques
- Stress and stress management
- Use and control of "flash-rolls"
- Use of confidential information and informants
- Legal aspects of undercover investigations
- Evidence presentation

Audience

Narcotic investigators, narcotics unit supervisors, specialized units dealing with narcotic investigations and drug unit commanders

Class is restricted to sworn law enforcement officers and those personnel assigned directly to law enforcement agencies.

Course Length

40 hours

Note(s)

This class includes evening exercises that will require students to work more than 40 hours for the training week. Please advise your agency of the additional training hours.



Institute of Police Technology and Management

Homewood Suites Jacksonville St. Johns Town Center

Homewood Suites Jacksonville St. Johns Town Center

Jacksonville South/St. Johns Town Center
10434 Midtown Parkway
Jacksonville, Florida 32246

Phone: (904) 641-7988

Fax: (904) 641-8488

[Visit Website](#)

Rates

\$109 single occupancy, per night, plus 13% tax (single occupancy)

\$119 double occupancy, per night, plus 13% tax

Blackout dates:

March 9-16

Oct. 30-Nov. 1

Note: Florida or federal tax exempt certificates must be presented at check-in to receive tax exempt status.

Reservations

Visit the hotel's website (link above) and use corporate ID code 0002665251, or call the hotel at (904) 641-7988 and tell them you are with IPTM. The IPTM rate is cheaper than the government rate.

Cancellations:

Cancellations must be made by 4 p.m. on the day of arrival to avoid penalty.

Hotel Amenities

- Complimentary full hot and cold breakfast buffet daily 6:30 to 9:30 a.m. (Monday-Friday) and 7 to 10 a.m. (Saturday-Sunday)
- Complimentary evening reception with salad bar, hot soup, lite dinner with beer and wine 5:30 to 7:30 p.m. (Monday-Thursday)
- Complimentary WiFi
- Complimentary grocery shopping service
- Complimentary fitness and business (fax/copy)
- Complimentary electronic USA Today®
- Fully-equipped kitchens
- Guest laundry room
- Outdoor pool
- Same day laundry and dry cleaning (M-F)

- Suite Shop® 24-hour food and snacks

Within Walking Distance

- Maggiano's Little Italy
- California Pizza Kitchen
- Cheesecake factory
- PF Changs
- J. Alexander's

Shuttle Service

The Homewood Suites **does not** offer shuttle service to/from IPTM.

Parking

Complimentary parking is available.

Distance to IPTM

The Homewood Suites is located 2.8 miles from IPTM.



Map and Directions



U.S. General Services Administration

FY 2021 Per Diem Rates for ZIP 32246

Meals & Incidentals (M&IE) Breakdown

Primary Destination	County	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & LastDay of Travel
Standard Rate	Applies for all locations without specified rates	\$55	\$13	\$14	\$23	\$5	\$41.25



CITY OF PALM BAY, FLORIDA

Travel Request/Advance Request

Contact/Ext

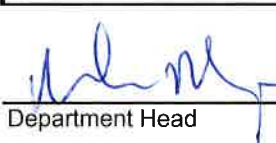
Control #

Request Date:

1465

Name: Christopher Jones		Destination: Jacksonville, FL			
Department/Division: POLICE/Investigations		Date of: 11/29/2020		Departure 12/4/2020	
001-5013-521-5501- \$795.00		Time of: 4:00PM		7:30PM	
Account To Be Charged: 001-5013-521-4001- \$233.00		Estimated Cost: before mileage reimbursement \$1,028.00			
Purpose of Travel (Specify Conference, School or Other Reason) - ATTACH ITINERARY					
To attend Undercover Drug Enforcement Techniques at IPTM in Jacksonville, FL					
Date Approved By Council:					
Transportation: boldface or circle choice(s) <div style="display: flex; justify-content: space-between;"> POV - Estimated Mileage City Vehicle </div> <div style="display: flex; justify-content: space-between;"> Common Carrier (complete below) </div>					
PREPAID EXPENSES	VENDOR/ADDRESS	EXPLANATION	AMOUNT	FINANCE USE ONLY	
Registration	IPTM 12000 Alumni Dr Jacksonville, FL 32224 904-620-4786	Paid by Training P card		Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$795.00		
Lodging	Homewood Suites 10434 Midtown Parkway Jacksonville, FL 32256	Paid by Training P card		Vendor #	Check #
Due Date		Rate \$119.00			Date
Hand Carry Y N		# Nights 0			
	Conf#	Share w/Agt Baker	\$0.00		
Common Carrier (if applicable)				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
Other Expenses				Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
Other Expenses	There are NO meals covered by this school			Vendor #	Check #
Due Date					Date
Hand Carry Y N			\$0.00		
PER DIEM ADVANCE				Vendor #	Check #
Refer to www.gsa.gov for rates - attach proof of rate (Lodging prepaid - receipt required)					
Breakfast 0	@	\$13.00 =	\$0.00		Date
Lunch 5	@	\$14.00 =	\$70.00		
Dinner 6	@	\$23.00 =	\$138.00		
Incidentals 5	@	\$5.00 =	\$25.00		
			\$233.00		

TRAVEL APPROVALS


11/13/20
 Department Head Date

Finance Date

(if applicable)

City Manager Date

(ATTACH TO EXPENSE REPORT UPON RETURN)



Course Catalog

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In addition to discussing the special needs and qualifications of undercover investigators, you will learn to develop a cover story and appearance, how to simulate drug use, how to use jargon and street slang, and ways to divert and dissuade suspicion. The use and management of confidential informants as well as the roles and responsibilities of cover team members will also be examined.

Role playing and actual field exercises are an important part of this course and will help you develop your appearance and approach to the different levels of drug traffickers. Some of these exercises may take place during evening hours.

Topics Include

- Overview of controlled substances
- Theory and philosophy of undercover methods
- Operational planning
- Identification and field-testing of drugs
- Undercover investigation techniques
- Surveillance techniques
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- Use and control of "flash-rolls"
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Class is restricted to sworn law enforcement officers and those personnel assigned directly to law enforcement agencies.

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\$119 double occupancy, per night, plus 13% tax

Blackout dates:

March 9-16

Oct. 30-Nov. 1

Note: Florida or federal tax exempt certificates must be presented at check-in to receive tax exempt status.

Reservations

Visit the hotel's website (link above) and use corporate ID code 0002665251, or call the hotel at (904) 641-7988 and tell them you are with IPTM. The IPTM rate is cheaper than the government rate.

Cancellations:

Cancellations must be made by 4 p.m. on the day of arrival to avoid penalty.

Hotel Amenities

- Complimentary full hot and cold breakfast buffet daily 6:30 to 9:30 a.m. (Monday-Friday) and 7 to 10 a.m. (Saturday-Sunday)
- Complimentary evening reception with salad bar, hot soup, lite dinner with beer and wine 5:30 to 7:30 p.m. (Monday-Thursday)
- Complimentary WiFi
- Complimentary grocery shopping service
- Complimentary fitness and business (fax/copy)
- Complimentary electronic USA Today®
- Fully-equipped kitchens
- Guest laundry room
- Outdoor pool
- Same day laundry and dry cleaning (M-F)

- Suite Shop® 24-hour food and snacks

Within Walking Distance

- Maggiano's Little Italy
- California Pizza Kitchen
- Cheesecake factory
- PF Changs
- J. Alexander's

Shuttle Service

The Homewood Suites **does not** offer shuttle service to/from IPTM.

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Complimentary parking is available.

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Map and Directions



U.S. General Services Administration

FY 2021 Per Diem Rates for ZIP 32246

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Standard Rate	Applies for all locations without specified rates	\$55	\$13	\$14	\$23	\$5	\$41.25



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 11/19/2020

RE: Resolution 2020-56, granting a conditional use to allow for an automotive fuel dispensary in LI (Light Industrial and Warehousing District) zoning on property located in the vicinity east of Northview street and north of Robert J. Conlan Boulevard (3.41 acres) (Case CU-23-2020, Republic Services of Florida, LP) (Quasi-Judicial Proceeding). (CONTINUED FROM 11/05/20 RCM)

Republic Services of Florida, LP (represented by Jake Wise of Construction Engineering Group, LLC) has submitted for a Conditional Use to allow for an automotive fuel dispensary. Republic Services is a solid waste collection company seeking to install a 10,000-gallon, above-ground fuel tank to fuel their fleet vehicles. The on-site fueling apparatus will be for their sole use and not open to the public. The property is located at the eastern terminus of Dorothea Fields Avenue NE, in the vicinity north of Robert J. Conlan Boulevard NE, specifically at 2575 Doreatha Fields Avenue NE.

Solid waste collection is considered an allowable business service use in the LI, Light Industrial and Warehousing zoning district. However, due to the site's proximity to existing residential properties, staff has provided recommendations in the staff report, including an alternate on-site fuel tank location, to shield the neighboring residential area. In the staff report, there is a suggested revised tank location that complies with staff's recommendation. The Public Works Department has also identified the Brevard County Natural Resources Management Department as the responsible party for ensuring compliance with Chapters 62-761 and 62-762, of the Florida Administrative Code, which regulates petroleum storage facilities. Republic Services must submit the above-ground storage tank specifications to the County for review and inspection of the facility.

Due to the site's close proximity to existing residential properties (to the west and northwest) staff recommends that an eight foot (8') high opaque fence be provided along the west and north property lines to screen the garbage trucks that will be stored and maneuvered upon the property on a daily basis.

City Council has the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Request for the City Council to determine if Case CU-23-2020 meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 5 to 1, subject to the 8-foot high opaque fence and buffering agreed upon, and staff's approval of the location of the fuel tank.

ATTACHMENTS:

Description

Case CU-23-2020

Proposed Fuel Tank Location Agreed Upon

Board Minutes

Resolution 2020-56



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

CU-23-2020

PLANNING & ZONING BOARD HEARING DATE

October 7, 2020

PROPERTY OWNER & APPLICANT

Republic Services of Florida, LP
Being Represented by Jake Wise of
Construction Engineering Group, LLC

PROPERTY LOCATION/ADDRESS

2725 Dorothea Fields Avenue NE 32905
Located at the eastern terminus of Dorothea Fields
Avenue NE, in the vicinity north of Robert J. Conlan
Boulevard NE

SUMMARY OF REQUEST

Conditional Use Approval for a for an Automotive Fuel Dispensary.

Existing Zoning

LI, Light Industrial and Warehousing District

Existing Land Use

Industrial Use

Site Improvements

Two (2) Existing Buildings and associated Parking Areas

Site Acreage

3.41 acres, more or less

SURROUNDING ZONING & USE OF LAND

North

LI, Light Industrial and Warehousing District, Undeveloped Land

East

LI, Light Industrial and Warehousing District, Undeveloped Land

South

LI, Light Industrial and Warehousing District, Undeveloped Land

West

RM-10, Single-, Two-, and Multi-Family Residential; Three (3)
Existing Residential Structures and Three (3) Vacant Residential
Lots

COMPREHENSIVE PLAN

COMPATIBILITY

Yes

BACKGROUND:

The subject property is located at the eastern terminus of Dorothea Fields Avenue, in the vicinity north of Robert J. Conlan Boulevard NE. Specifically, the property is Tax Parcel 19.0; located in Section 14, Township 28 south, Range 37 east, Brevard County, Florida. The size of the property is approximately 3.41 acres.

The property is presently developed land with two (2) existing buildings and associated parking areas. A 10,294 square foot building was constructed in 1974 and an additional 1,440 square foot building was built in 1987. The site was the former home of Diamond Community School, from 1994 to 2016, and the property is currently occupied by Couch's Waterproofing, Inc. (a Roofing Contractor).

The applicant, Republic Services, is requesting conditional use approval for an automotive fuel dispensary, as required by Section 185.045(D)(1) of the Palm Bay Code of Ordinances. The applicant is represented by their Civil Engineer, Jake Wise of CEG.

ANALYSIS:

The applicant, Republic Services, is a solid waste collection company that has recently moved into one of the buildings on the subject property. They are seeking approval to install a 10,000 gallon above ground fuel tank that will provide fuel to their fleet of vehicles. This is not a retail automotive fuel facility that will be open to the public, the on-site fueling apparatus is solely for use by the applicant.

CODE REQUIREMENTS:

To be granted conditional use approval, requests are evaluated upon items (A) through (I) of the General Requirements and Conditions of Section 185.087 of the Code of Ordinances. A review of these items is as follows:

Item (A): Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of emergency.

Sole access to the site is via the existing driveway onto Dorothea Fields Avenue. There are no other driveways proposed or anticipated at this time.

Item (B): Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

Based upon the uses of the property, which are considered as Industrial Activities in the City's Parking Code, one (1) parking space shall be provided for every employee, or one (1) space

for each 1,000 square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle operating from the premises. The number of employees and number of company vehicles must be provided at the time of formal site plan submission, for both businesses, to determine the minimum number of parking spaces required for operation. The site plan shall clearly indicate the parking spaces and delineate the dimensions of such parking areas.

Item (C): Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

The existing buildings are connected to the City's water distribution and sewer collection systems. No additional demand upon the existing system is expected. The property has both electric and phone services.

Item (D): Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.

Solid Waste collection services is considered an allowable business service use in the LI zoning district. However, due to the site's close proximity to existing residential properties (to the west and northwest) staff recommends that an eight foot (8') high opaque fence be provided along the west and north property lines to screen the garbage trucks that will be stored and maneuvered upon the property on a daily basis.

Item (E): Signs, if any, and proposed exterior lighting will be so designed and arranged to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.

Although no photometric plan or sign detail has been provided, it shall be noted that City codes require any and all lighting to be shielded and/or directed downward to avoid creating a nuisance to adjacent properties. Only one (1) detached sign would be allowed and it must meet all applicable location and dimension criteria.

Item (F): Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The yards and open space requirements of the Zoning Code have been met. No building or pavement expansions are proposed, and the tank will be located in the parking lot.

Item (G): The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.

Per City Code Section 185.045(D)(1)(a): All pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially owned land. No pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well. Upon review of the conceptual site plan, the proposed above ground tank location is approximately 121' east of the nearest residentially-owned land, 36' east of the nearest building, 25' west of the nearest property line, and almost 2 miles due north from the nearest municipal or public supply well.

However, due to the site's close proximity to existing residential properties (to the west) staff suggests that the tank be moved to the south side of the building that is located on the east side of the parking area. This will allow the existing 10,000 square foot building on the west side of the parking area to serve as a physical buffer in both sound and visual effect. An aerial map is included in this report, illustrating the suggested location.

Item (H): The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties.

As stated above, the facility is an allowable use in the LI zoning district. To ensure compatibility with adjacent properties, staff has recommended a "buffer" fence. It shall be noted that the facility is subject to the Noise Ordinance, which is applicable to all uses.

Item (I): Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

The Board and Council have the authority and right to impose any additional and justifiable safeguards, and/or conditions, to ensure that the facility operates safely and harmoniously with its surroundings.

Additional Staff Comments:

The Public Works Department (PWD) has identified the Brevard County Natural Resources Management Department as the responsible party for ensuring compliance with Chapter 62-761 and 62-762, of the Florida Administrative Code, which regulates petroleum storage facilities. Republic Services must submit the above-ground storage tank specifications to the County for review and inspection of the facility. The PWD has requested copies of the compliance documentation, once provided by the County, and that all inspection records be kept on-site.

STAFF CONCLUSION:

The Planning and Zoning Board and City Council must determine if the request meets the criteria of Section 185.087 of the Palm Bay Code of Ordinances.



Map for illustrative purposes only. Not to be construed
as binding or as a survey.

Map created by the Land Development Division



CASE NO. CU-23-2020

Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



AERIAL LOCATION MAP

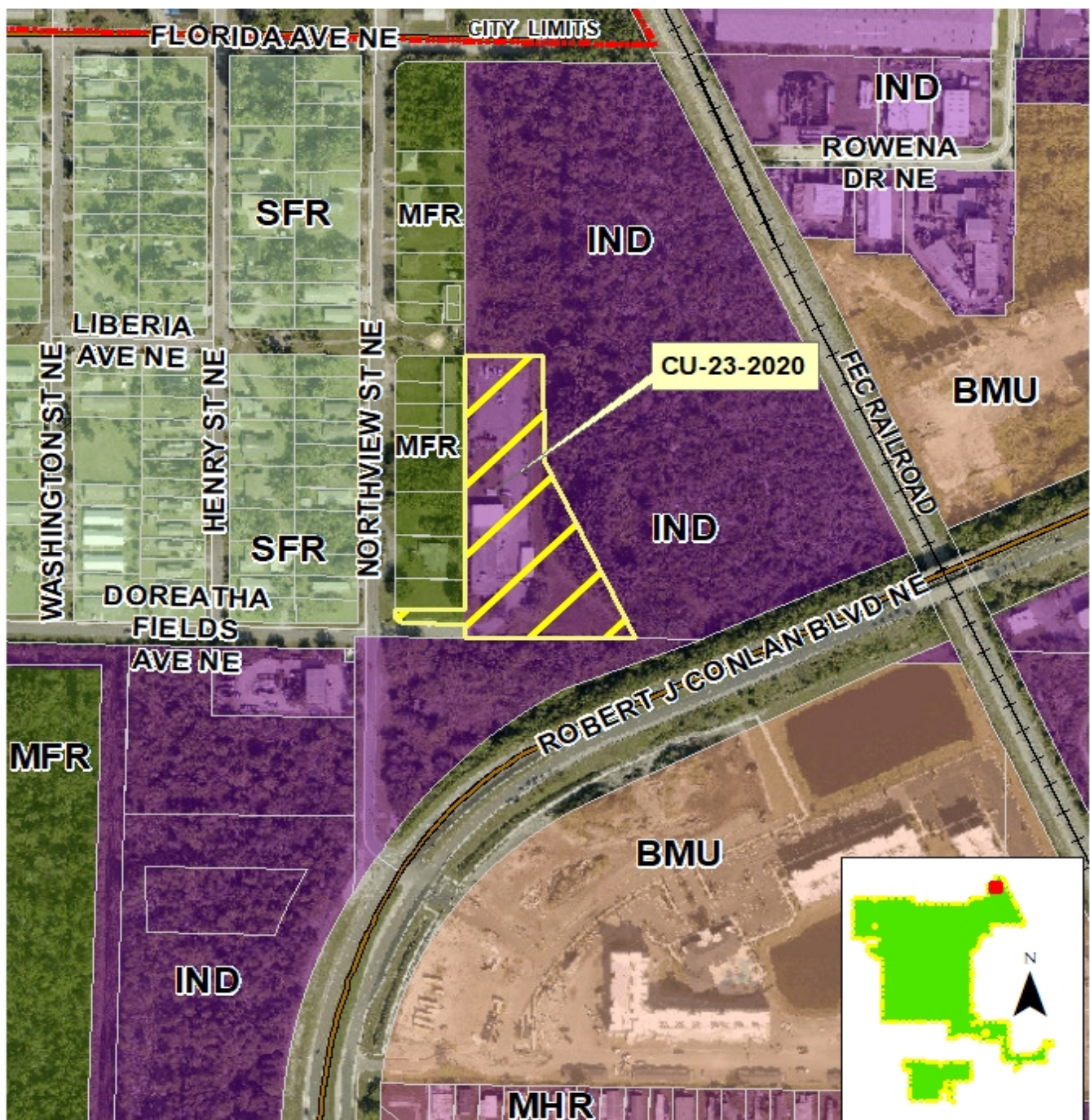
CASE CU-23-2020

Subject Property

North of and east of Doreatha Fields Avenue NE, in the vicinity east of Northview Street NE, specifically at 2575 Doreatha Fields Avenue NE



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



FUTURE LAND USE MAP

CASE CU-23-2020

Subject Property

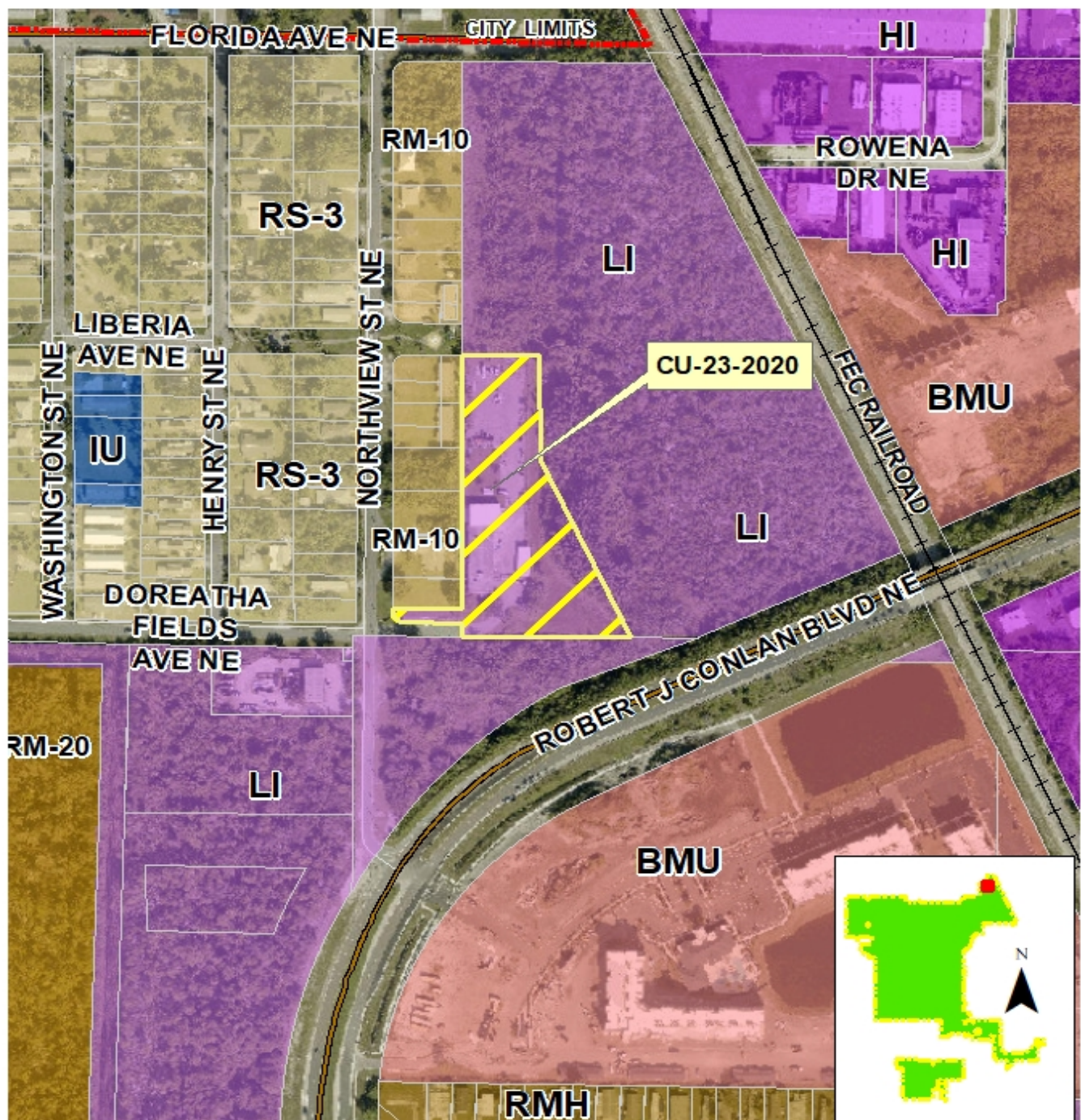
North of and east of Doreatha Fields Avenue NE, in the vicinity east of Northview Street NE, specifically at 2575 Doreatha Fields Avenue NE

Future Land Use Classification

IND – Industrial Use



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



ZONING MAP

CASE CU-23-2020

Subject Property

North of and east of Doreatha Fields Avenue NE, in the vicinity east of Northview Street NE, specifically at 2575 Doreatha Fields Avenue NE

Current Zoning Classification

LI – Light Industrial and Warehousing District



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

Landdevelopment@palmbayflorida.org

CONDITIONAL USE APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

PARCEL ID 28-37-14-00-19

TAX ACCOUNT NUMBER 2857737

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:

See attached

SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage): 3.41 acres

ZONING CLASSIFICATION AT PRESENT (ex.: RS-2, CC, etc.) L1

CONDITIONAL USE SOUGHT Installation of a fuel tank

CONDITIONAL USE REQUIREMENTS FOR SUBMITTAL (Section 185.087):

The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties per Section 185.085.

A SITE SKETCH TO SCALE MUST BE PROVIDED, AND ALSO PROVIDED ON MEMORY DRIVE, OF THE FOLLOWING:

- (A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

**CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 2 OF 3**

- (C) Adequate and properly located utilities that are available or may be reasonably provided to serve the proposed development.
- (D) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties.
- (E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (G) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity.
- (H) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including, but not limited to, reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both.

ADDITIONAL CONDITIONS MUST BE MET AND INCORPORATED INTO THE SITE SKETCH FOR THE SPECIFIC CONDITIONAL USE.

Additional criteria is listed in Section 185.088 and available from staff (check all that apply):

- ☐ **Church** (Sec. 185.088(A))
- ☐ **Club or Lodge** (Sec. 185.088(B))
- ☐ **Commercial Dog Kennel** (Sec. 185.088(C))
- ☐ **Planned Industrial Development** (industrially zoned site over 5 acres) (Sec. 185.088(D))
- ☐ **Public or Private School** (Sec. 185.088(E))
- ☐ **Self-Storage Facility** (Sec. 185.088(F))
- ☐ **Communication Tower and Facilities** (Sec. 185.088(G))
- ☐ **Dance Club** (Sec. 185.088(H))
- ☐ **Security Dwelling Unit** (Sec. 185.088(I))
- ☐ **Wedding Venue** (Sec. 185.088(J))
- ☐ **Event Hall** (Sec. 185.088(K))

CITY OF PALM BAY, FLORIDA
CONDITIONAL USE APPLICATION
PAGE 3 OF 3

THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:

- ☒ *\$650.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☒ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☒ Site Sketch (See page 1 for requirements). Site Sketch must also be provided on Memory Drive.
- ☒ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline.
- ☒ Citizen Participation Plan. Refer to Section 169.005 of the Land Development Code for guidelines.
- ☒ **Where the property owner is not the representative for the request, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.**

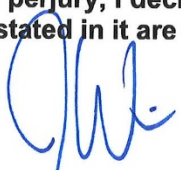
Name of Representative Jake Wise, PE- Construction Engineering Group, LLC

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing Conditional Use application and that the facts stated in it are true.

Representative

Owner-Signature



Date 8-31-20

Printed Name Jake Wise, PE- Construction Engineering Group, LLC

Full Address 2651 W Eau Gallie Blvd; Suite A; Melbourne, FL 32935

Telephone 321-610-1760

Email jwise@cegengineering.com

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

Revision G: 01/2020

AUG. 27th, 20 20

Re: Letter of Authorization

As the property owner of the site legally described as:

28-37-14-00-19

I, Owner Name:

Ocean Blue 3 LLC

Address:

2575 N.E. Doreatha Fields Ave. Palm Bay, FL 32905

Telephone:

321-956-0990

Email:

Kintz Ave @ Gmail. com

hereby authorize:

Representative:

Jake Wise PE- Construction Engineering Group, LLC

Address:

2651 W Eau Gallie Blvd Ste A, Melbourne, FL 32935

Telephone:

321-610-1760

Email:

jwise@cegengineering.com

to represent the request(s) for:

Conditional Use Application

[Signature]

(Property Owner Signature)

STATE OF

Florida

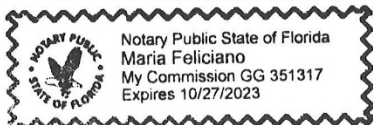
COUNTY OF

Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27 day of August, 20 20 by

Victor Couch

, property owner.



Maria Feliciano

, Notary Public

☒ Personally Known or ☐ Produced the Following Type of Identification:



CONCEPTUAL SITE PLAN

1"=40'

CIVIL LEGEND:



GENERAL STATEMENT:

PER CITY CODE SECTION 155-045 LI - LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT (D) (1) (a), A CONDITIONAL USE IS REQUIRED IN ORDER TO ADD A NEW FUEL TANK. THE SITE IS EXISTING AND A NEW 10,000 GALLON ABOVE GROUND FUEL TANK IS PROPOSED THAT MEETS OR EXCEEDS ALL CRITERIA IN THE CITY CODE. IT IS 25 FEET OR MORE FROM ALL PROPERTY LINES, MORE THAN 15 FEET FROM ANY BUILDINGS, MORE THAN 100 FEET FROM THE NEAREST RESIDENTIAL AND WELL OVER 1000 FEET FROM ANY MUNICIPAL OR PUBLIC SUPPLY WELL. THE SITE TO THE EAST IS VACANT AND THE TANK IS PROPOSED ALONG THAT PROPERTY LINE WITH NO ADJACENT BUILDINGS THERE. IS AMPLIFIED VEGETATIVE SCREENING TO THE EAST AS WELL. THE EXISTING BUILDINGS ON-SITE PROVIDE SCREENING FROM OTHER PROPERTIES TO THE WEST. THE TANK WILL BE PROPERLY LABELED WITH APPROPRIATE WARNING LABELS AND NO OTHER SIGNAGE IS PROPOSED. NO NEW LIGHTING IS PROPOSED. FUEL TANK PUMPING WILL NOT CREATE ANY NOISE OR ODORS. IT WILL BE USED AS A DIESEL STORAGE TANK WHICH SHOULD NOT HAVE ANY OFF-SITE ODORS. THE TANK IS SELF-CONTAINED WITH A CANOPY FOR SPILL AND WEATHER PROTECTION. THE TANK WILL BE INSTALLED BY A STATE OF FLORIDA LICENSED CONTRACTOR AND WILL BE TESTED, INSPECTED AND MEET ALL STATE REGULATIONS FOR SPILL AND OVERKILL PROTECTION.

CONTACT INFORMATION:

OWNER:
OCEAN BLUE 3 LLC
2575 NE DOREATHA FIELDS NE AVE
PALM BAY, FL 32909
ADDRESS:
TOWNSHIP: 28
RANGE: 37
SECTION: 14
PARCEL ID: 28-37-14-00-19
TAX ACCOUNT NUMBER: 2857737

CIVIL ENGINEER
CONSTRUCTION ENGINEERING GROUP, LLC
JAKE T. WISE, PE
2651 W. EAU CLAIRE BOULEVARD, SUITE A
MELBOURNE, FL 32935
TEL: (321)-610-1760
EMAIL: JWIS@CEENGINEERING.COM

SITE CHARACTERISTICS:

TOTAL ACREAGE: 3.41 AC
ZONING CLASSIFICATION: LI (LIGHT INDUSTRIAL)
FUTURE LAND USE: IND

CONDITIONAL USE CRITERIA:

(1) AUTOMOTIVE FUEL, PROPANE, AND NATURAL GAS DISPENSARIES AND REFUELING STATIONS SUBJECT TO THE FOLLOWING PROVISIONS:

(A) LOCATION OF FACILITIES: ALL PUMPS, STORAGE TANKS AND OTHER SERVICE ISLAND EQUIPMENT SHALL BE AT LEAST TWENTY (20) FEET FROM ALL PROPERTY LINES, FIFTEEN (15) FEET FROM ANY BUILDING AND ONE HUNDRED (100) FEET FROM THE NEAREST RESIDENTIALLY OWNED LAND. NO PUMP, STORAGE TANK OR OTHER EQUIPMENT SHALL BE LOCATED CLOSER THAN ONE THOUSAND (1,000) FEET FROM ANY MUNICIPAL OR PUBLIC SUPPLY WELL.

CONDITIONAL USE NOTES:

1. ABOVE GROUND 10,000 GAL FUEL STORAGE TANK IS PROPOSED.
2. NO OTHER SITE IMPROVEMENTS ARE PROPOSED AND NO NEW IMPROVEMENTS IS BEING ADDED (EXCEPT FROM SURROUNDING PERMITTING).
- 3.

USE	CODE MINIMUM SEPARATION	PROPOSED SEPARATION
RESIDENTIAL	100'	126'
BUILDING	15'	30'
PROPERTY LINE	20'	20'
MUNICIPAL WELL	1000'	>1,000'

NOTES:
CITY OF PALM BAY UTILITY DEPARTMENT IDENTIFIED THERE ARE NO MUNICIPAL WELLS IN THE VICINITY OF THE SITE.



LOCATION MAP
NTS

LEGAL DESCRIPTION:

PART OF W 1/2 OF NW 1/4 OF NE 1/4 & PART OF LOT 6 BLK B OF PS 18 PG 121 AS DESC IN ORB 3955 PG 3636



PHOTO OF PROPOSED FUEL TANK

REPUBLIC CONDITIONAL USE SITE PLAN
AT 2575 DOREATHA FIELDS AVE

DWG: RCU-01

DATE: 10/18/2020



CONSTRUCTION
ENGINEERING
GROUP
Consulting Engineers

2651 So Central Ave, Suite A
Melbourne, FL 32935
Tel: (321) 263-1201
www.ceengineering.com
COC# K202007

40' 0' 40' 80'

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-12

Held on Wednesday, October 7, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting included media technology communications (teleconference/video conference).

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

Adoption of Minutes occurred at this time.

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-10; September 2, 2020. Motion by Ms. Maragh, seconded by Ms. Jordan to approve the minutes as presented. The motion carried with members voting unanimously.

The board resumed consideration of items in the order shown on the agenda.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	Donny Felix	Absent	(Excused)
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Present	
	(School Board Appointee)		

Mr. Felix's absence was excused.

NEW BUSINESS:

1. ****CU-23-2020 – REPUBLIC SERVICES OF FLORIDA, LP
(JAKE WISE, P.E., REP.)**

Mr. Murphy presented the staff report for Case CU-23-2020. The applicant had requested a conditional use to allow a proposed automotive fuel dispensary in an LI, Light Industrial and Warehousing District. Staff concluded that the Planning and Zoning Board and City Council had to determine if the request met the criteria of Section 185.087 of the Palm Bay Code of Ordinances.

Mr. Jake Wise, P.E. of Construction Engineering Group, Inc. (civil engineer for the project and representative for the applicant) stated that Republic Services, a solid waste collection company, currently utilized the subject site as an allowable use of the property. The subject request was to place a fuel tank on the premises. Truck traffic was a concern discussed at the Citizen Participation Plan (CPP) meeting, which would be lessened by the agreed upon 8-foot high opaque fence to better buffer the residential area. The tank, however, could not be moved to the location proposed by staff because of how the refueling operation occurred in the evenings. An alternate tank location to address concerns would be provided prior to the City Council hearing. The proposed fuel tank would keep the fleet of large solid waste trucks from refueling at local gas stations.

Ms. Maragh wanted to know the concerns from the area residents regarding the fuel tank. Mr. Wise confirmed that there were safety concerns from the residents regarding the tank, especially with the recent explosion at the FAR Chemical plant to the east. He remarked on the safety devices and precautions that would be in place and introduced Mr. Wendall Stroderd (Tank Wizards, Inc.) as an expert witness on the matter.

Ms. Maragh asked about the implications of having a tank above the ground instead of belowground. Mr. Stroderd explained that aboveground tank failures were rare but were detected sooner, and that tanks were primarily placed underground for real estate. He described the safety features and processes in place for the proposed aboveground, double-walled steel tank. Preventive measures would include constant monitoring and monthly checks of overfill and leak detection systems, and

an annual third-party certification. A notification from the leak monitor system would occur well before a failure within the secondary tank. He also clarified that the proposed fuel tank was not the same as a gasoline tank since diesel was considered combustible and would not ignite on its own.

Mr. Warner questioned why the fuel tank location was a problem.

Mr. Boerema inquired whether any gasoline would be dispensed at the site. Mr. Stroderd stated that only diesel fuel would be dispensed.

Mr. Weinberg noted that the tank would also require approval from the Brevard County Natural Resources Management Department.

In reply to Mr. Warner, Mr. Wise remarked that specific setback and buffer criteria had been met or exceeded for the site, and that any relocated tank placement would continue to meet or exceed code criteria. A revised tank location would be determined prior to the City Council hearing.

Ms. Maragh asked if there were other options if the request was denied. Mr. Wise was not aware of other options.

The floor was opened for public comments.

Ms. Connie McClary (president of the Powell Subdivision Neighborhood Watch Association) spoke against the request. She stated that the waste collection company had snuck into the neighborhood and should have located within the Kirby Industrial Park if a fuel tank was desired. The company had 180 days to get out of their property lease. She commented on how a lit match or vehicle collision would still cause a diesel fuel tank to explode. Property values were going to drop, and trucks would cause road damage.

Ms. Camille Hadley (Little Growers, Inc. at Washington Street NE) spoke against the request. She stated that Little Growers was a community garden impacted by flooding, Glover Oil, FAR Chemical, the railroad, and now Republic Services who had arrived without the neighborhood's knowledge. There would be a health impact on the lungs and an environmental impact on the local water shed and the Indian River Lagoon. The City was only 38 percent developed, yet the facility was allowed

within a poor and fully developed neighborhood of color. She expounded on how the City had made promises to ensure that Republic Services followed Environmental Protection Agency (EPA) standards. The City, however, had exhibited an inefficient track record in the enforcement of regulations with FAR Chemical based on several violations, the recent explosion, and minor punitive damages for the loss of a life and air quality in the 2008 explosion. Allowing the fuel tank would give Republic Services permission to remain at the property, which the community would not support.

Ms. Margaret DeHart (resident at Pelham Street NE) spoke against the request. She stated that the community was blind-sided by the City and private lease agreements to allow Republic Services at the subject site. The community had fought a similar refueling request at the adjacent property in 2017. She questioned why the proposed fuel tank could not be placed on City-owned property since the garbage cans, recycle bins, and roll-up dumpsters were already being stored on City land for Republic Services. City-owned property was a better solution to the 58 dump trucks that would disrupt her community with noise, traffic, and road damage.

Ms. Shirley Broomfield (resident at Mayport Avenue NW) spoke against the request. She commented on how Republic Services had located within the middle of a residential neighborhood, and that their operation appeared to be more Heavy Industrial in use than Light Industrial. The facility was less than 500 feet from the rear of a home. The wetland behind the subject property was near the proposed tank location, and FAR Chemical abutted the wetland. She remarked on an alternative solution indicated by Republic Services at a neighborhood meeting that someone could come in to fuel the trucks onsite if the subject request was denied.

Ms. Alice Marie Johnson (resident at Northview Street NE) spoke against the request. She appealed to the board as fellow neighbors to have compassion on the community. She was grateful that the explosion at FAR Chemical had not been worse. Her concerns were about the air and noise pollution the proposed fuel tank would cause, and how rats, roaches, and wildlife would become a problem. She said that the decisions being made for the neighborhood should be about human life and not about the dollar.

The floor was closed for public comments, and there was no correspondence in the file.

In response to comments from the audience, Mr. Wise stated that he understood and respected the neighborhood concerns, and that Republic Services was working with the City and area residents on some of the issues. He reiterated safety precautions for the fuel tank, and how buffer requirements would be met or exceeded. Solid waste management was an allowable use for the site, and the property was chosen because of needed components for the operation. Bollards would protect the fuel tank from vehicles, and the wetland would not be impacted. He reiterated how diesel fuel was not flammable but combustible. He stated his agreement with staff's recommendation for an 8-foot high opaque fence, better buffers, and relocation of the fuel tank onsite.

Mr. Hill inquired whether there would be any provisions for underground catchment of spillage runoff while the tank was being refilled. Mr. Stroder explained the design of the catch basin and dispenser function that would eliminate spillage.

Motion by Ms. Jordan, seconded by Mr. Hill to submit Case CU-23-2020 to City Council for approval of a conditional use to allow for proposed automotive fuel dispensary in an LI, Light Industrial and Warehousing District, subject to the 8-foot high opaque fence and buffering agreed upon, and staff's approval of the fuel tank location. The motion carried with members voting as follows:

Mr. Weinberg	Aye
Ms. Jordan	Aye
Mr. Boerema	Aye
Mr. Hill	Aye
Ms. Maragh	Nay
Mr. Warner	Aye

RESOLUTION 2020-56

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, GRANTING A CONDITIONAL USE FOR AN AUTOMOTIVE FUEL DISPENSARY IN LI (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) ZONING; WHICH PROPERTY IS LOCATED IN THE VICINITY EAST OF NORTHVIEW STREET AND NORTH OF ROBERT J. CONLAN BOULEVARD, AND LEGALLY DESCRIBED HEREIN; GRANTING THE USE AS A CONDITIONAL USE; PROVIDING FOR CONSTRUCTION TO BE IN COMPLIANCE WITH THE SITE PLAN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application for a conditional use in LI (Light Industrial and Warehousing District) zoning to permit an automotive fuel dispensary on property legally described herein, has been made by Republic Services of Florida, LP, and

WHEREAS, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on October 7, 2020, which voted to recommend to the City Council approval, and

WHEREAS, all provisions applicable to the conditional use under Chapter 185, Zoning, Conditional Uses, Sections 185.085 and 185.086, and District Regulations, Section 185.045, of the Palm Bay Code of Ordinances, have been addressed by the applicant, and

WHEREAS, the City Council of the City of Palm Bay has determined that such conditional use will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby grants a conditional use for an automotive fuel dispensary on property zoned LI (Light Industrial and Warehousing District, which property is legally described as follows:

Tax Parcel 19, of the Public Records of Brevard County, Florida; Section 14, Township 28S, Range 37E; containing 3.41 acres, more or less.

SECTION 2. The conditional use is granted subject to the applicant complying with the following:

1. Constructing the structures relevant to the automotive fuel dispensary in accordance with the site plan which is, by reference, incorporated herein as Exhibit 'A'.
2. The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit 'B'.
3. An eight (8) foot high opaque fence be erected along the west and north property lines.
4. Relocation of the fuel tank onsite, according to approved staff location.
5. All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

SECTION 3.

1. The conditional use must be commenced within one (1) year from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s) which must remain active. Failure to commence such construction within one (1) year of issuance of the first permit shall void the conditional use.
2. Failure to make payment of the business tax within one (1) year shall void the conditional use.

SECTION 4. This Resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020-_____, of the City Council of the City of Palm Bay, Brevard County, Florida, held on _____, 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Resolution 2020-56

Applicant: Republic Services of Florida, LF
Case: CU-23-2020

cc: (date) Brevard County Recording
Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Yvonne McDonald, Finance Director

DATE: 11/19/2020

RE: Ordinance 2020-76, amending the Code of Ordinances, Chapter 62, Road Maintenance District, by repealing the chapter in its entirety, final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

In Fiscal Year 2011, under Ordinance 2011-27, the City created a dependent special district to be known as the "City of Palm Bay Road Maintenance District ("District"). The intended purpose of establishing the District was to provide a dedicated constant financial mechanism for road funding with the district. The District was to be comprised of all the lands within the corporate limits of the City of Palm Bay.

A direct levy from the District was placed on the tax bill. The creation of the District provided a separate line item on the 2012 property tax bill which was to show the portion of the property tax that was dedicated to road maintenance in the District.

The District, as established, was never used because it was later learned that a district cannot be comprised of all the lands included with the corporate limits of the City of Palm Bay. The area had to be more focused to meet the special benefits test. The Palm Bay Road Maintenance District line item on the annual tax bill since 2012 has never been utilized as a result of the later finding.

The purpose of the memo is to request the Repeal of Ordinance 2011-27 which established the District. Dissolution of the Special District will also remove the line item from the 2021 annual tax bill.

REQUESTING DEPARTMENT:

City Manager's Office, Finance, City Attorney's Office

FISCAL IMPACT:

Repealing of the Ordinance and termination of the District will eliminate that annual Special District registration fee of \$175.00 charged by the Florida Department of Economic Opportunity.

RECOMMENDATION:

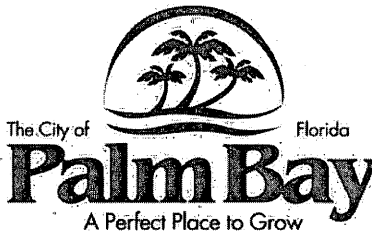
Motion to authorize repealing of Ordinance 2011-27, approve the termination of the Special District and notify the State of the dissolution of the District.

ATTACHMENTS:**Description**

RCM Legislative Memorandum 03-03-2011

Ordinance 2020-76

LEGISLATIVE MEMORANDUM



TO: Honorable Mayor and Members of the City Council

FROM: Lee R. Feldman, City Manager *L. R. Feldman*

DATE: March 3, 2011

RE: Creation of Special "Palm Bay Road Maintenance District"

The Fiscal Year 2011 budget contemplated the creation of a special district for the purpose of funding the annual road maintenance budget (currently fund at \$2,000,000 or 0.6413 mils). Due to the timing of property tax billing cycle, the actual establishment of the special district will not occur until FY 12. Therefore, the 0.6413 mils was added to the General Fund's levy of 6.8587 and then transferred to the Road Maintenance Trust Fund in FY 11. Beginning in FY 12, a direct levy from the district would be placed on the tax bill.

The City Attorney has drafted the attached ordinance creating the Palm Bay Road Maintenance District pursuant to Section 189.4041, Florida Statutes. Key features of the ordinance are:

- All the land within the corporate limits of the City of Palm Bay is included in the District.
- The Mayor and City Council shall serve as the governing body ("Board") of the District.
- The District may levy ad-valorem taxes, not to exceed one (1) mil, for the provision of road maintenance services within the District.
- The fiscal year of the District is from October 1 to September 30.

The creation of the District will provide a separate line item on the property tax bill which will show that portion of the property tax that will be dedicated to road maintenance in the District.

FISCAL IMPACT:

Creation of a special district, with one (1) mil of taxing authority, will limit the City's General Fund tax levy to nine (9) mils.

RECOMMENDATION:

Motion to adopt the proposed ordinance creating the Palm Bay Road Maintenance District.

LRF/tjl

Attachment: 1) Proposed Ordinance

ORDINANCE 2020-76

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 62, ROAD MAINTENANCE DISTRICT, BY REPEALING THE CHAPTER IN ITS ENTIRETY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR DELETION FROM THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 62, Road Maintenance District, is hereby repealed in its entirety:

~~“CHAPTER 62: ROAD MAINTENANCE DISTRICT~~

~~§ 62.01 TITLE.~~

~~There is hereby created a dependent special district to be known as the "City of Palm Bay Road Maintenance District", pursuant to Fla. Stat. § 189.4041.~~

~~§ 62.02 PURPOSE.~~

~~(A) The purpose of this chapter is to provide a dedicated constant financial mechanism for the funding of road maintenance within the area comprising the District. This District is created as a dependant district in order for the City Council to be directly involved with the implementation of the District's goals while providing separate and dedicated revenue for funding road maintenance. The creation of the District will enable the city to efficiently and effectively provide needed road maintenance within the city.~~

~~(B) The land comprising the City of Palm Bay Road Maintenance District is all of the lands included within the corporate limits of the City of Palm Bay, as the same may be expanded or contracted from time to time.~~

~~(C) The City of Palm Bay Road Maintenance District's ordinance may be amended from time to time as determined by its Board and the City Council.~~

~~(D) Notwithstanding that the city and district are separate legal entities, the district, as a dependent district of the city, shall be operated to further the public and municipal purposes of the city by providing road maintenance within the area comprising the district. Therefore, it shall not be a conflict of interest for any person~~

~~to serve both the city and the district as an official, employee, agent or consultant. The district and city officials and employees, when acting for the district, shall have the protection of sovereign immunity to the maximum extent allowed by law and the city shall have the protection of sovereign immunity to the maximum extent allowed by law with respect to any acts of any city officials or employees while they are providing services to or acting on behalf of the district.~~

~~(E) The creation of the district is consistent with the approved comprehensive plan of the city.~~

~~§ 62.03 PROVISIONS DECLARED SUPPLEMENTAL AND ADDITIONAL.~~

~~The provisions of this section relating to the powers of the City of Palm Bay Road Maintenance District and its ability to impose ad valorem taxes shall be deemed supplemental and additional to the home rule power of the city and other provisions of law that grant the city the authority to levy, impose, and collect special assessments, ad valorem taxes and other fees and charges. Nothing contained herein shall be construed to limit the city in any manner or preclude it from proceeding in the provision of road maintenance in any manner otherwise provided by law, including the home rule authority of the city.~~

~~§ 62.04 OFFICIALS OF THE DISTRICT.~~

~~(A) Governing Body. The City Council of the City of Palm Bay, sitting in an ex officio capacity, shall serve as the Board to the District.~~

~~(B) Executive Director. The City Manager shall serve as Executive Director to the District.~~

~~(C) Legal Counsel. The City Attorney or his designee shall serve as attorney of record to the District. Attorney's fees for services rendered may be borne by the District as approved by the Governing Body.~~

~~(D) Secretary. The City Clerk or her designee shall serve as the secretary of record to the District.~~

~~§ 62.05 POWERS OF THE DISTRICT.~~

~~(A) The City of Palm Bay Road Maintenance District shall have the following powers, together with all other powers necessary to effectively carry out the goal of providing road maintenance within the area comprising the District:~~

~~(1) To provide, study, plan, design, establish, acquire, construct, own, lease, operate, manage, maintain, dispose of, improve, and expand road facilities within the area comprising the District.~~

~~(2) To execute all contracts and other documents, adopt all proceedings and perform all acts determined by the Council as necessary or advisable to carry out the purposes of this section. The Mayor shall execute contracts and other documentation on behalf of the City of Palm Bay Road Maintenance District. Execution of contracts may be delegated to the City Manager when deemed appropriate.~~

~~(3) To fix, alter, levy, collect, and enforce rates, fees, charges, penalties, and fines from persons or property, or both, for the provision and use of services, facilities, and products of the City of Palm Bay Road Maintenance District or to pay the operating or financing costs of the District's facilities and services that are available to potential users.~~

~~(4) To contract for the service of engineers, accountants, attorneys, and other experts or consultants and such other agents and employees as the Board may require or deem appropriate from time to time.~~

~~(5) To acquire such lands and rights and interests therein; to acquire such personal property as may be deemed necessary and appropriate in connection with the acquisition, ownership, expansion, improvement, operation, and maintenance of the District's facilities; and to hold and dispose of all real and personal property under its control.~~

~~(6) To exercise exclusive jurisdiction, control, and supervision over the District's services, local improvements, and facilities and to make and enforce such rules and regulations for the maintenance, management, and operation of the District and its facilities and services as may be, in the judgment of the Board, necessary or desirable for the efficient operation of the District in accomplishing the purposes of this section.~~

~~(7) To enter into interlocal agreements or join with any other general or special purpose local governments, public agencies, or authorities in the exercise of common powers.~~

~~(8) To accomplish construction directly or by contracting with other entities, whether public or private, for all or any part of the construction of improvements to the District's facilities as determined by the Board in accordance with applicable law.~~

~~(9) To receive and accept from any federal or state agency grants or loans for or in the aid of the planning, construction, reconstruction, operation, promotion, or financing of the District's facilities or services and to receive and accept aid, contributions, or loans from any other source of money, labor, or~~

~~other things of value, to be held, used, and applied only for the purpose for which the grants, contributions, or loans may be made.~~

~~(10) To divide the District services and facilities into separate units, benefit areas, or subsystems for the purpose of imposing ad valorem taxes.~~

~~(11) To appoint advisory boards and committees to assist the Board in the exercise and performance of the powers and duties provided in this section.~~

~~(12) To sue and be sued in the name of the District and to participate as a party in any civil, administrative, or other action.~~

~~(13) To adopt and use a seal and authorize the use of a facsimile thereof.~~

~~(14) To employ or contract with any public entity or person to manage and operate the District and its facilities, or any portion thereof, upon such terms as the Board deems appropriate.~~

~~(15) Subject to such provisions and restrictions as may be set forth in any financing documents, to sell or otherwise dispose of the District's facilities, or any portion thereof, upon such terms as the Board deems appropriate, and to enter into acquisition or other agreements to effect such dispositions.~~

~~(16) To acquire by purchase, gift, devise, or otherwise, and to dispose of, real or personal property or any estate therein.~~

~~(17) To provide such deferred compensation, retirement benefits, or other benefits and programs as the Board deems appropriate.~~

~~(18) To maintain an office or offices at such place or places as the Board may designate from time to time.~~

~~(19) To hold, control, and acquire by donation, purchase, or eminent domain or dispose of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this section and to make use of such easements, dedications, and reservations for the purposes authorized in this article.~~

~~(20) To lease, as lessor or lessee, to or from any person, firm, corporation, association, or body, public or private, facilities or property of any nature to carry out the purposes authorized in this section.~~

~~(21) To borrow money and issue bonds, certificates, warrants, notes, obligations, or other evidence of indebtedness in accordance with Fla. Stat. Chapter 189.~~

~~(22) To apply for and accept grants, loans, and subsidies from any governmental entity for the acquisition, construction, operation, and maintenance of the District's facilities and services and to comply with all requirements and conditions imposed in connection therewith.~~

~~(23) To the extent allowed by law to the extent required to effectuate the purposes of this section, to exercise all privileges, immunities, and exemptions accorded municipalities and counties of the state under the provisions of the Constitution and laws of the state.~~

~~(24) To invest its moneys in such investments as directed by the Board in accordance with state law and which shall be consistent in all instances with the applicable provisions of the financing documents.~~

~~(25) To purchase such insurance as the Board deems appropriate.~~

~~(26) To prescribe and promulgate necessary rules and regulations consistent with the provisions of this section.~~

~~(27) To do all acts and to exercise all powers necessary, convenient, incidental, implied, or proper, both within and outside the boundaries of the District, in connection with any of the powers, duties, obligations, or purposes authorized by this chapter, general law, or any interlocal agreement entered into by the District.~~

~~(28) To make and adopt ordinances, resolutions or motions at duly noticed and publicly held meetings in conformance with applicable law.~~

~~(29) To use city employees and equipment in the provision of road maintenance within the District and to pay to the city the reasonable costs thereof incurred by the District.~~

~~(30) To levy ad valorem taxes, which is not to exceed one (1) mil, on all real property within the territorial limits of the District, which is subject to taxation, and to use said taxes for the provision of road maintenance within the area comprising the District or to pledge such taxes to the issuance of District indebtedness. The District shall levy and collect ad valorem taxes in accordance with Fla. Stat. Chapter 200, as amended from time to time.~~

~~(31) Nothing herein is intended to or shall be construed to limit the power of local self-government of a municipal corporation or conflict with the Constitution of the State or the City Charter of the City of Palm Bay.~~

~~§ 62.06 DISTRICT BUDGET.~~

~~(A) As a dependent special district of the city, the District's fiscal year shall begin on October 1 and end on September 30.~~

~~(B) The District shall annually adopt a budget in accordance with applicable law and have the authority to appropriate and expend revenue in accordance with that budget.~~

~~(C) All funds of the District shall be deposited in qualified public depositories, in accordance with Fla. Stat. Chapter 280, as it may be amended from time to time.~~

~~(D) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for directors, officers and employees shall be as set forth in this chapter and Fla. Stat. Chapters 112, 119, 189, and 286, as amended from time to time. The City Council, as directors for the District, shall not receive other compensation for their service on the District.~~

~~§ 62.07 BOARD ACTIONS; COMPLIANCE WITH LAW; AUTHORITY TO ADOPT POLICIES AND REGULATIONS.~~

~~(A) A record shall be kept of all meetings of the District and in such meetings a majority vote of the directors, providing that a quorum is present, shall be necessary to any affirmative action by the District Board.~~

~~(B) The District shall comply with the Sunshine laws of the state as set forth in Fla. Stat. Chapter 286, to preserve the right of the people to attend public meetings.~~

~~(C) The District shall comply with the public records laws of the state as set forth in Florida's Public Records Act, to preserve the right of the people to access public records.~~

~~(D) The District may adopt policies and regulations not inconsistent with any portion of this chapter or Fla. Stat. Chapter 189, as amended from time to time, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this section. The District shall have authority to provide all things necessary for the operation and provision of road maintenance within the District.~~

~~(E) The District's planning requirements shall be as set forth in this chapter and Fla. Stat. Chapter 189, as amended from time to time."~~

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the City of Palm Bay Code of Ordinances be revised to delete the language as specified above.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-_____, held on _____, 2020; and read in title only and duly enacted at Meeting 2020-_____, held on _____, 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY

Reviewed by CAO: _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP Growth Management Director

DATE: 11/19/2020

RE: Ordinance 2020-77, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/building homes, final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

On July 16, 2020, City Council unanimously approved Ordinance 2020-43. Since the approval, staff has identified an error within Section 184.15 (6). Within this section, the words "certificate of completion is granted" should in fact read "plat is recorded in the Brevard County Public Records". During the codification process the addition of this correct language was overlooked. The attached ordinance is intended to correct this oversight so that the appropriate process will be accurately described in the ordinance.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve the correction to Section 185.15 (6) as noted above (P&Z Case # T-13-2020).

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff report comments.

ATTACHMENTS:

Description

Council memo from July 2020

Staff Report

Copy of Ordinance 2020-43

Ordinance 2020-77



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 7/16/2020

RE: Ordinance 2020-43, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to the issuance of building permits for model homes and developer owner/builder homes (Case T-13-2020, City of Palm Bay), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15 Issuance of a Building Permit. The purpose of this amendment is to remove the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/builder homes.

National Homebuilders have recently requested the approval of model homes and developer-owned homes (aka speculation homes) to be permitted and constructed prior to issuance of the Certificate of Completion for the subdivision improvements. The purpose is to allow for "early-builds" to spur sales prior to the opening of the subdivision. If this provision is removed, the existing requirement for developers and/or builders to certify in writing that the title will remain in the builder's or developer's name until the subdivision Certificate of Completion is issued, must be amended to require that the title does not transfer ownership until the plat is recorded. Staff addresses both issues within the proposed ordinance.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to

approve Case T-13-2020, based on the analysis contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff report comments.

ATTACHMENTS:

Description

Case T-13-2020

Board Minutes

Ordinance 2020-43



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopmentweb@palmbayflorida.org

Prepared by

Patrick J. Murphy, Assistant Growth Management Director

CASE NUMBER

T-13-2020

PLANNING & ZONING BOARD HEARING DATE

June 3, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay; Growth Management
Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15 Issuance of a Building Permit. The purpose of this amendment is to remove the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/builder homes.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

City-Wide

COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 184: Subdivisions, Section 184.15 Issuance of a Building Permit. Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~striktthrough~~ format.

The applicant for this amendment is the City of Palm Bay

ANALYSIS:

The original Palm Bay Subdivision Code was adopted in February of 1996, via Ordinance No. 96-05. Overall the Chapter has been amended a total of five (5) times. These changes consisted of updates to development standards, submission requirements, creation of a minor subdivision process, and the inclusion of additional definitions.

Section 185.15 was created in 2005 and added to the subdivision chapter via Ordinance 2005-47. This specific section has been amended twice since its adoption. Once in 2016 to correct a scrivener's error and again in 2017 to increase the number of structures that could be allowed under these provisions.

Recent projects submitted by National Homebuilders have requested the approval of model homes and developer-owned homes (aka speculation homes) to be permitted and constructed prior to issuance of the Certificate of Completion (C of C) for the subdivision improvements. The purpose of which is to allow for "early-builds" to spur sales prior to the opening of the subdivision. Staff has heard their concerns with the ordinance.

An unfortunate hurdle to this practice is subsection (B)(1) that requires the subdivision plat to be recorded prior to issuance of the building permit for said structure(s). The fundamental purpose of plat recordation is for the sale of property. This is typically the last step in the subdivision process and thus, plat recordation for the express purpose of early building permit issuance, does not appear warranted.

However, if this provision is removed then the existing requirement [subsection (B)(7)] that developers and/or builders certify in writing that the title will remain in the builder's or developer's name until such time as the subdivision C of C is issued, must be amended to require the title not "change hands" until the plat is recorded.

Therefore, the purpose of this amendment is to effectuate these two (2) changes. All other existing criteria shall remain intact.

STAFF RECOMMENDATION:

Motion to approve Case T-13-2020, based on the Analysis contained in this staff report.

§ 184.15 ISSUANCE OF BUILDING PERMIT.

(A) No building permits shall be issued for any building in the subdivision, except as provided for below, until a certificate of completion has been issued by the City Engineer certifying that the subdivision improvements have been completed and the subdivision has been recorded with the County Clerk of Records. The City Engineer shall notify the City Building Division of when a subdivision has received a certificate of completion and thus is open for building.

(B) Model homes and developer owned/builder owned homes may be permitted prior to the subdivision improvements receiving a certificate of completion provided the following conditions are adhered to:

(1) ~~The subdivision has been recorded per State Statutes;~~

(2) >>(1)<< A stabilized, all weather roadway is provided for fire apparatus to access all structures proposed for permitting;

(3) >>(2)<< A water source for fire apparatus use shall be provided and approved by the City of Palm Bay Fire Marshal;

(4) >>(3)<< A waiver of liability shall be provided to the City;

(5) >>(4)<< All homes proposed for permitting under this section shall maintain a minimum of one hundred (100) feet distance from existing structures not within the subdivision;

(6) >>(5)<< A maximum of twenty-five (25) structures will be permitted under this section per subdivision;

(7) >>(6)<< Builders must certify in writing that title will remain in the builder's name or the developer's name until such time as the subdivision >>plat is recorded in the Brevard County Public Records<< ~~certificate of completion is granted~~. In no case shall a Certificate of Occupancy be granted for a home until the certificate of completion has been issued;

(8) >>(7)<< The builder must bond the estimated cost of demolition of the structures should the subdivision improvements not be completed and the building permit expires or is revoked. Said demolition must occur within one (1) year of notification from the City or the City shall demolish the structures utilizing the bond proceeds.



LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

Section 184.15

PROPOSED LANGUAGE (attach addendum if necessary):

See attached.

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

The purpose of this amendment is to authorize the construction of Model Homes without having to record the subdivision, if approved by the Growth Management Director.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Laurence Bradley Digitally signed by Laurence Bradley
DN: dc=org, dc=palmbayflorida, ou=Community
Planning & Economic Development, ou=Land
Development, cn=Laurence Bradley
Date: 2020.05.04 16:07:43 -04'00' Date 5/4/20

Printed Name of Applicant Laurence Bradley, AICP, Director of Growth Management

Full Address 120 Malabar Road SE, Palm Bay, FL 32909

Telephone 321-733-3042 Email laurence.bradley@palmbayflorida.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name _____

Full Address _____

Telephone _____ Email _____

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

ORDINANCE 2020-43

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 184, SUBDIVISIONS, BY REMOVING THE REQUIREMENT FOR RECORDATION OF THE SUBDIVISION PLAT PRIOR TO ISSUANCE OF BUILDING PERMITS FOR MODEL HOMES AND DEVELOPER OWNER/BUILDER HOMES, PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES, PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows

SECTION 1 The City of Palm Bay Code of Ordinances, Title XVII Land Development Code, Chapter 184, Subdivisions, Section 184 15 Issuance of Building Permit, is hereby amended and shall henceforth read as follows

"Section 184 15 ISSUANCE OF BUILDING PERMIT

* * *

(B) Model homes and developer owned/builder owned homes may be permitted prior to the subdivision improvements receiving a certificate of completion provided the following conditions are adhered to

(1) ~~The subdivision has been recorded per State Statutes:~~

(2) >>(1)<< A stabilized all weather roadway is provided for fire apparatus to access all structures proposed for permitting,

(3) >>(2)<< A water source for fire apparatus use shall be provided and approved by the City of Palm Bay Fire Marshal

(4) >>(3)<< A waiver of liability shall be provided to the City,

(5) >>(4)<< All homes proposed for permitting under this section shall maintain a minimum of one hundred (100) feet distance from existing structures not within the subdivision,

(6) >>(5)<< A maximum of twenty-five (25) structures will be permitted under this section per subdivision

(7) >>(6)<< Builders must certify in writing that title will remain in the builder's name or the developer's name until such time as the subdivision certificate of completion is granted. In no case shall a Certificate of Occupancy be granted for a home until the certificate of completion has been issued

(8) >>(7)<< The builder must bond the estimated cost of demolition of the structures should the subdivision improvements not be completed and the building permit expires or is revoked. Said demolition must occur within one (1) year of notification from the City or the City shall demolish the structures utilizing the bond proceeds "

SECTION 2 All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3 It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention

SECTION 4 If any portion, clause phrase sentence or classification of this ordinance is held or declared to be either unconstitutional invalid inapplicable inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance, it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage and that without the

inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof


SECTION 5 The provisions within this ordinance shall take effect immediately upon the enactment date

Read in title only at Meeting 2020 23, held on July 2, 2020, and read in title only and duly enacted at Meeting 2020 24 held on July 16 2020

ATTEST


Terese M. Jones, CITY CLERK

Reviewed by CAO 



William Capote MAYOR

Applicant City of Palm Bay
Case T 13 2020

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<) Deletions and additions constitute the proposed amendment Words remaining are now in effect and remain unchanged

**LEGISLATIVE MEMORANDUM**

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley AICP Growth Management Director

DATE: 7/16/2020

RE: Ordinance 2020-43 amending the Code of Ordinances Chapter 184 Subdivisions by removing the requirement for recordation of the subdivision plat prior to the issuance of building permits for model homes and developer owner/builder homes (Case T 13-2020, City of Palm Bay), final reading

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII Land Development Code, Chapter 184: Subdivisions, Section 184.15 Issuance of a Building Permit. The purpose of this amendment is to remove the requirement for recordation of the subdivision plat prior to issuance of building permits for model homes and developer owner/builder homes.

National Homebuilders have recently requested the approval of model homes and developer-owned homes (aka speculation homes) to be permitted and constructed prior to issuance of the Certificate of Completion for the subdivision improvements. The purpose is to allow for 'early-builds' to spur sales prior to the opening of the subdivision. If this provision is removed, the existing requirement for developers and/or builders to certify in writing that the title will remain in the builder's or developer's name until the subdivision Certificate of Completion is issued, must be amended to require that the title does not transfer ownership until the plat is recorded. Staff addresses both issues within the proposed ordinance.

REQUESTING DEPARTMENT

Growth Management

RECOMMENDATION:

Motion to
approve Case T-13-2020 based on the analysis contained in the staff report.

Planning and Zoning Board Recommendation

Unanimous approval of the request, subject to the staff report comments.

ATTACHMENTS:**Description**

Case T 13-2020

Board Minutes

Ordinance 2020-43



TRADER JAKE'S

Office of The
JUL 22 2020
City Clerk

July 2, 2020

**CITY OF PALM BAY
120 MALABAR RD. SE PALM BAY, FL 32907
AFFIDAVIT OF PUBLICATION**

COMES NOW Affiant, SUSAN BENJAMIN, and states:

1. Affiant is an owner of Trader Jake's newspaper with knowledge of the publication of the NOTICE OF PUBLIC HEARING in the above-styled cause.

2. Affiant further says that Trader Jakes is a newspaper published at Melbourne, in said Brevard County, Florida, and that the said Trader Jakes has heretofore been continuously published in said Brevard County, Florida, each week, for a period of 1 year next preceding the first publication of the attached copy of advertisement: and Affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

3. The NOTICE OF PUBLIC HEARING in the above-styled cause, a true and correct copy of which is included herein was published for one (1) week, specifically July 3, 2020

All of the matters set forth are true and correct. I understand that the penalty for making a false statement under oath includes fines and/or imprisonment.

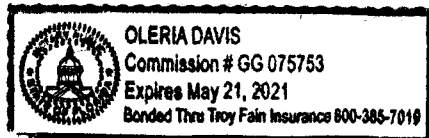

SUSAN BENJAMIN

STATE OF FLORIDA
COUNTY OF BREVARD

SWORN TO OR SUBSCRIBED before me,
on the 7 day of July, 2020,
the undersigned, by Susan Benjamin who
was sworn or took an oath.


NOTARY PUBLIC-STATE OF FLORIDA

Publication cost \$250
Ad/Invoice Number: 012942



NOTICE OF PUBLIC HEARING

CITY OF PALM BAY, FLORIDA

Notice is hereby given that the City Council of the City of Palm Bay, Florida, will hold a public hearing for the purpose of enacting Ordinances 2020-40, 2020-41, 2020-42 and 2020-43 at City Hall, 120 Malabar Road, SE, Palm Bay, on July 16, 2020, at 7:00 P.M., titled as shown:

ORDINANCE 2020-40

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 200, UTILITIES CODE, BY MODIFYING ABBREVIATIONS AND DEFINITIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-41

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XX, UTILITIES CODE, CHAPTER 201, SEWER USE, SUBCHAPTER 'PRETREATMENT OF WASTEWATER', BY INCLUDING PROVISIONS RELATED TO THE DENTAL AMALGAM PROGRAM; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-42

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2020 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USAGE OF UNDESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: GENERAL FUND; LAW ENFORCEMENT TRUST FUND; FIRE IMPACT FEE FUNDS; TRANSPORTATION IMPACT FEE FUNDS; UTILITIES OPERATING FUND; UTILITIES CONNECTION FEE FUND; UTILITIES RENEWAL/REPLACEMENT FUND; STORMWATER UTILITY FUND; AND FLEET SERVICES FUND; USAGE OF DESIGNATED FUND BALANCE IN THE SHIP GRANT FUND; RECOGNIZE THE FOLLOWING REVENUE, GRANTS AND AGREEMENTS: LOAN PROCEEDS FROM THE FLORIDA STATE REVOLVING LOAN FUND FOR CONSTRUCTION OF THE SOUTH REGIONAL WATER RECLAMATION FACILITY; AND CAPITAL LEASE FUNDING FOR THE PURCHASE OF POLICE VEHICLE REPLACEMENTS AND FIRE APPARATUS; TRANSFER FUNDS FROM THE GENERAL FUND TO THE FLEET SERVICES FUND FOR VEHICLE PURCHASES; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2020-43

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 184, SUBDIVISIONS, BY REMOVING THE REQUIREMENT FOR RECORDATION OF THE SUBDIVISION PLAT PRIOR TO ISSUANCE OF BUILDING PERMITS FOR MODEL HOMES AND DEVELOPER OWNER/BUILDER HOMES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that the City of Palm Bay shall hold the above public meeting on July 16, 2020, beginning at 7:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).

Interested parties are invited to submit written or oral communication on the aforementioned ordinances. Interested parties may appear in person, subject to legal and social distancing measures. Information regarding the virtual City Council meeting format can be found at www.palmbayflorida.org/agenda, or contact the Office of the City Clerk at (321) 952-3414.

If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

Terese M. Jones, CMC, City Clerk

ORDINANCE 2020-77

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 184, SUBDIVISIONS, BY REMOVING THE REQUIREMENT FOR RECORDATION OF THE SUBDIVISION PLAT PRIOR TO ISSUANCE OF BUILDING PERMITS FOR MODEL HOMES AND DEVELOPER OWNER/BUILDER HOMES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 184, Subdivisions, Section 184.15, Issuance of Building Permit, is hereby amended and shall henceforth read as follows:

“Section 184.15 ISSUANCE OF BUILDING PERMIT.

* * *

(B) Model homes and developer owned/builder owned homes may be permitted prior to the subdivision improvements receiving a certificate of completion provided the following conditions are adhered to:

* * *

(6) Builders must certify in writing that title will remain in the builder's name or the developer's name until such time as the subdivision certificate of completion is granted >>plat is recorded in the Brevard County Public Records<<. In no case shall a Certificate of Occupancy be granted for a home until the certificate of completion has been issued;

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-23, held on July 2, 2020; and read in title only and duly enacted at Meeting 2020-24, held on July 16, 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Ordinance 2020-

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-13-2020

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Yvonne McDonald, Finance Director

DATE: 11/19/2020

RE: Ordinance 2020-78, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (fifth budget amendment), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

SUMMARY:

Summary of the proposed budget amendment:

General Fund (001)

Expenditures – Total \$26,123

- Transfer to the Debt Service Fund for the correction to BA #2 entries for partial refunding of the 2013 T.S.O. Refunding Bond Fund (221) – **(\$1,750).**
- Transfer funds from the Department of the City Manager (\$3,618) to Parks Department \$3,618 for the purchase of bracket kits for the City Military Banner Program as a result of a Youth Advisory Board recommendation; approved by Council 07/16/2020 – Net Impact - **\$0.**
- Transfer unspent funds from the Department of the City Manager (\$769) to Public Works Department \$769 to complete the lettering on the buildings to match the signs for the City Hall Complex directional signage project; approved by Council 07/16/2020 – Net Impact - **\$0.**
- Transfer to the Debt Service Fund for the correction to BA #4 entries for the reduction in debt service funding required; \$27,873 to be appropriated back as cash has not been deducted – **\$27,873.**

Community Development Block Grant (CDBG) Fund (112)

Revenues – Total \$116,480

- Record incoming CDBG Grant revenue for expense reimbursement; approved by Council 06/20/2019 – **\$116,480.**

Expenditures – Total \$116,480

- Appropriate funds for Public Services and Public Facilities accounts for reimbursement to sub-recipients awarded funds for 2019/2020; approved by Council 06/20/2019 – **\$116,480.**

Home Improvement Grant Fund (114)

Revenues – Total \$53,086

- Record additional program income revenues for HOME Down Payment Assistance Program; approved by Council 10/01/2020 – **\$53,086.**

Expenditures – Total \$58,086

- Appropriate funds for Down Payment Assistance Program Project (16CD01) for eligible first-time home buyers from income revenues of \$53,086 in addition to \$5,000 from reserves; approved by Council 10/01/2020 – **\$58,086.**

Park Impact Fee Fund (154)

Revenues – Total \$21,034

- Transfer from Park Impact fees - 32907 for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds – **\$21,034.**

TIF/Transportation Impact Fee Fund (155)

Revenues – Total \$470,305

- Transfer from Transportation Impact fees - 32907 for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds – **\$382,727.**
- Transfer from Transportation Impact fees - 32907 for the return of funds transferred out of original Impact Fee at 09/19 to cover retainage paid out of original Impact Fee in 01/20 – **\$87,578.**

Bayfront Community Redevelopment Agency Fund (181)

Expenditures – Total \$0

- Project Closeout for 18CR03 (Pelican Harbor Redevelopment) (\$4,476) and return funds to reserves (\$4,476) – Net Impact - **\$0.**
- Project Closeout for 18CR06 (Liberia Park Phase 1) (\$12,397) and return funds to reserves \$12,397 – Net Impact - **\$0.**
- Project Closeout for 19CR01 (Signage/Improvements) (\$58,000) and return funds to reserves – \$58,000 – Net Impact - **\$0.**

Park Impact Fees-Nexus 32907 Fund (192)

Expenditures – Total \$21,034

- Transfer to Park Impact fees for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds – **\$21,034.**

Transportation Impact Fees-Nexus 32907 Fund (197)

Expenditures – Total \$470,305

- Transfer to Transportation Impact fees for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds – **\$382,727.**
- Transfer to Transportation Impact fees - 32907 for the return of funds transferred out of original Impact Fee at 09/19 to cover retainage paid out of original Impact Fee in 01/20 – **\$87,578.**

2013 T.S.O. Refunding Bond Fund (221)

Revenues – Total (\$1,750)

- Transfer reduction from the General Fund (001) for the correction to BA #2 entries for partial refunding of the 2013 T.S.O. Refunding Bond Fund (221) – **(\$1,750).**

Expenditures – Total (\$1,750)

- Correction to BA #2 entries for the issuance costs for the partial refunding of the 2013 T.S.O. Refunding Bond (221) – **(\$1,750).**

2019 T.S.O. Refinancing Bond Fund (229)

Expenditures – Total \$51,867,645

- Record 2019 Taxable Special Obligation (T.S.O.) Refinancing Bond (229) issuance costs \$11,827 and escrow payment \$51,855,818 – **\$51,867,645.**

I-95 Interchange Fund (306)

Expenditures – Total \$47,500

- Appropriate funding for required drainage easement to Fire Station Pond to comply with the St. John's River Water Management (SJRWMD) permit / Project 15PW11; approved by Council 08/01/2019 – **\$47,500.**

Road Maintenance CIP Fund (307)

Expenditures – Total \$0

- Project Closeout for 20RD02 (2020 Rejuvenation) (\$39,230) and return funds to reserves \$39,230 – Net Impact - **\$0.**
- Project Closeout for 20RD03 (Unit 45 Road Maintenance) (\$2,694,054) and return funds to reserves \$2,694,054 – Net Impact - **\$0.**

Connector Road I-95 Fund (308)

Expenditures – Total \$293,335

- Appropriate funding for required drainage easement to Fire Station Pond to comply with the St. John's River Water Management (SJRWMD) permit / Project 15PW11; approved by Council 08/01/2019 – **\$293,335.**

GO Road Program Fund (309)

Expenditures – Total \$2,037,686

- Provide additional budgeted funds for Road Bond paving for Port Malabar Road Paving Project 20GO10; approved by Council 03/07/2019 – **\$12,855.**
- Provide additional budgeted funds for Emerson Drive NE Road Paving Project 20GO11; approved by Council 02/06/2020 – **\$8,450.**
- Provide additional budgeted funds for ancillary items for Unit 46 Road Bond paving Project 20GO13; approved by Council 02/06/2020 – **\$8,450.**
- Provide funding for construction, advertising, geotechnical services, survey, and design costs for Unit 17 Road Paving Project 20GO17; approved by Council 02/06/2020 – **\$2,002,931.**
- Provide funding for geotechnical services for Port Malabar Paving East Project 20GO16; approved by Council 02/06/2020 – **\$5,000.**

Utilities Operating Fund (421)

Revenues – Total \$189,228

- Increase revenues due to the increase from fees paid for meters and installation costs; approved by Council 09/17/20 – **\$189,228.**

Expenditures – Total \$727,104

- Transfer funds from the Utilities Operating Fund to the Utilities R&R Fund for the North Regional Wastewater Treatment Plant (NRWWTP) Clarifier project 20WS21; approved by Council 09/03/20 – **\$647,302.**
- Appropriate funds for cost of new meter installations that have been higher than anticipated due to increased connections; approved by Council 09/03/20 – **\$113,400.**
- Project Closeout for 17WS02 (I-95/Parkway WM and FM) and return funds to Fund Balance – **(\$13,746).**

- Project Closeout for 20WS06 (NR Equipment Storage Building) and return funds to Fund Balance – (\$19,852).

Utility Connection Fee Fund (423)

Expenditures – Total (\$114,356)

- Additional funding needed for a second legal ad for project 18WS04 since the project was split out into two bids; approved by Council 02/06/20 – \$644.
- Project Closeout for 17WS08 (Regional Pump Station #2) and return funds to Fund Balance – (\$115,000).

Utility Renewal/Replacement Fund (424)

Revenues – Total \$647,302

- Transfer funds from the Utilities Operating Fund to the Utilities R&R Fund for the North Regional Wastewater Treatment Plant (NRWWTP) Clarifier project 20WS21; approved by Council 09/03/20 – \$647,302.

Expenditures – Total \$334,141

- Appropriate funds for the emergency replacement of the clarifier for the North Regional Wastewater Treatment Plant (NRWWTP) project 20WS21; approved by Council 09/03/20 – \$602,000.
- Project Closeout for 16WS01 (Treatment Unit Rehabilitation) and return funds to Fund Balance – (\$255,359).
- Project Closeout for 19WS21 (NRWTP Scada Upgrade) and return funds to Fund Balance – (\$12,500).

Building Fund (451)

Expenditures – Total \$25,000

- Appropriate funds for FY 20 security deposit and first month's rent to temporarily relocate Building Department staff due to insufficient space to accommodate all division employees safely; approved by Council 09/17/20 – \$25,000.

Stormwater Utility Fund (461)

Expenditures – Total \$0

- Project Closeout for 19SU04 (Ph II Pipe Rplcmt Unit 42) (\$51,815) and return funds to reserves \$51,815 – Net Impact - \$0.
- Project Closeout for 20SU03 (Pollack Park Stormwater) (\$740) and return funds to reserves \$740 – Net Impact - \$0.
- Project Closeout for 20SU09 (FY 20 Cured in Place Pipe) (\$68,999) and return funds to reserves \$68,999 – Net Impact - \$0.

FY 2020 Year-End Close-Out

A fiscal year-end close-out review of each fund, department, division by category and general ledger accounts reflecting a deficit of \$2,500 or greater was completed by the Finance Department. In addition to the previously stated summary of proposed budget amendments, revenue and expenditure appropriations are recorded to account for the following:

- Additional revenues generated exceeding the initially budgeted amount.
- Unbudgeted expenditures (personnel, operating, contributions, transfers and/or capital account line items) exceeding the initially budgeted amount not covered in the expenditure category total.

Please refer to the attached Exhibit B for a detailed breakdown of each department and fund year-end close-out appropriations.

REQUESTING DEPARTMENT:

Community & Economic Development, Growth Management, Utilities, Public Works, Parks & Recreation, Finance, Police Department, Fire Department

FISCAL IMPACT:

Please refer to Exhibit A and Exhibit B for Fiscal Impacts.

RECOMMENDATION:

Motion to adopt, by Ordinance, the FY 2020 Fifth Budget Amendment

ATTACHMENTS:

Description

Exhibit A - BA #5 Appropriations

Exhibit B - FY 2020 Year-End Close-Outs

Ordinance 2020-78

Summary of the Proposed Budget Amendment

	Revenues	Expenditures
General Fund (001)		
Transfer to Debt Service Fund for the correction of BA #2 entries for partial refunding of the 2012 T.S.O. Refunding Bond		(1,750)
Transfer from the Office of the City Manager to Parks Department for the purchase of brackets kits to support local military members and veterans		(3,618)
Transfer to the Parks Department from the Office of the City Manager the purchase of brackets kits to support local military members and veterans		3,618
Transfer from the Office of the City Manager to Public Works Department to complete lettering on buildings to match signs for City Hall Complex directional signage project		(769)
Transfer to Public Works Department from the Office of the City Manager to complete lettering on buildings to match signs for City Hall Complex directional signage project		769
Correction to BA #4 entry for the reduction in debt service funding due to the application of funds left over		27,873
Undesignated Fund Balance	26,123	
Fund Subtotal	26,123	26,123
Community Development Block Grant (CDBG) Fund (112)		
Appropriate funds for Public Services and Public Facilities accounts for reimbursement to sub-recipients awarded funds for 2019/2020		116,480
Record Incoming CDBG revenues for expense reimbursement	116,480	
Fund Subtotal	116,480	116,480
Home Investment Grant Fund (114)		
Record additional program income revenue	53,086	
Appropriate funds for Down Payment Assistance Program Project 16CD01 for eligible first-time home buyers		58,086
Reserves		(5,000)
Fund Subtotal	53,086	53,086
Park Impact Fee Fund (154)		
Reserves		21,034

Mayor and Council: FY 2020 Fifth Budget Amendment

November 05, 2020

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Exhibit A

Transfer from Park Impact fees - 32907 for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds	21,034	
Fund Subtotal	21,034	21,034
TIF/Transportation Impact Fee Fund (155)		
Reserves		470,305
Transfer from Transportation Impact fees - 32907 for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds	382,727	
Transfer from Transportation Impact fees - 32907 for the return of funds transferred out of original Impact Fee at 09/19 to cover retainage paid out of original Impact Fee in 01/20	87,578	
Fund Subtotal	470,305	470,305
Bayfront Community Redevelopment (BCRA) Fund (181)		
Closeout Project 18CR03 and return funds		(4,476)
Closeout Project 18CR06 and return funds		(12,397)
Closeout Project 19CR01 and return funds		(58,000)
Reserves		74,873
Fund Subtotal	0	0
Parks Impact Fee Fund - 32907 (192)		
Transfer to Park Impact fees for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds		21,034
Undesignated Fund Balance	21,034	
Fund Subtotal	21,034	21,034
Transportation Impact Fee Fund-32907 (197)		
Transfer to Transportation Impact fees for the return of excess funds budgeted and transferred at the end of FY 19 from original Impact Fee Funds		382,727
Transfer to Transportation Impact fees - 32907 for the return of funds transferred out of original Impact Fee at 09/19 to cover retainage paid out of original Impact Fee in 01/20		87,578
Undesignated Fund Balance	470,305	
Fund Subtotal	470,305	470,305

Mayor and Council: FY 2020 Fifth Budget Amendment

November 05, 2020

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Exhibit A

2013 T.S.O. Refunding Bond Fund (221)		
Issuance costs correction from BA #2 entries for partial refunding of the 2012 T.S.O. Refunding Bond		(1,750)
Transfer from the General Fund for the correction of BA #2 entries for partial refunding of the 2012 T.S.O. Refunding Bond	(1,750)	
Fund Subtotal	(1,750)	(1,750)
2019 T.S.O. Refinancing Bond Fund (229)		
Record the Issuance costs for the 2019 T.S.O. Refinancing Bond		11,827
Record the Reserves for the 2019 T.S.O. Refinancing Bond		(51,867,645)
Record the Cash Defeasance payment for the 2019 T.S.O. Refinancing Bond		51,855,818
Fund Subtotal	0	0
I-95 Interchange Fund (306)		
Appropriate funds for required 48" drainage easement to Fire Station Pond per agreement		47,500
Designated Fund Balance	47,500	
Fund Subtotal	47,500	47,500
Road Maintenance CIP Fund (307)		
Closeout project 20RD02 and return funds to reserves		(39,230)
Closeout project 20RD03 and return funds to reserves		(2,694,054)
Reserves		2,733,284
Fund Subtotal	0	0
Connector Road I-95 Fund (308)		
Appropriate funds for required 48" drainage easement to Fire Station Pond per agreement		293,335
Designated Fund Balance	293,335	
Fund Subtotal	293,335	293,335
GO Road Program (309)		
Additional budget for Road Bond Paving for Port Malabar Road Project 20GO10		12,855
Additional budget for Emerson Drive NE Project 20GO11		8,450
Additional budget for Unit 46 Road Bond Paving Project 20GO13		8,450

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Exhibit A

Funding for construction, advertising, geotechnical services, survey, and design costs for Unit 17 Road Paving Project 20GO17		2,002,931
Funding for geotechnical services for Port Malabar Paving East Project 20GO16		5,000
Undesignated Fund Balance	2,037,686	
Fund Subtotal	2,037,686	2,037,686
Utilities Operating Fund (421)		
Transfer to Utilities R&R Fund to maintain required Fund Balance for the amendment to Project 20WS21		647,302
Increase revenues for from fees paid and installation costs for meter services	189,228	
Appropriate funds for higher than anticipated costs of new meter installations		113,400
Reserves		75,828
Closeout project 17WS02 and return funds to fund balance		(13,746)
Closeout project 20WS06 and return funds to fund balance		(19,852)
Undesignated Fund Balance	647,302	
Designated Fund Balance	(33,598)	
Fund Subtotal	802,932	802,932
Utilities Connection Fee Fund (423)		
Additional funding needed for second legal ad for project 18WS04		644
Closeout project 17WS08 and return funds to fund balance		(115,000)
Undesignated Fund Balance	644	
Designated Fund Balance	(115,000)	
Fund Subtotal	(114,356)	(114,356)
Utilities Renewal/Replacement Fund (424)		
Funding for the emergency replacement of the NRWWTP Clarifier Project 20WS21		602,000
Transfer from Utilities Operating Fund to maintain required Fund Balance for the amendment to Project 20WS21	647,302	
Reserves		647,302
Closeout project 16WS01 and return funds to fund balance		(255,359)
Closeout project 19WS21 and return funds to fund balance		(12,500)
Undesignated Fund Balance	602,000	
Designated Fund Balance	(267,859)	
Fund Subtotal	981,443	981,443

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Exhibit A

Building Fund (451)		
FY 20 funding for temporary lease for relocation of Building Department staff		25,000
Undesignated Fund Balance	25,000	
Fund Subtotal	25,000	25,000
Stormwater Utility Fund (461)		
Closeout project 19SU04 and return funds to reserves		(51,815)
Closeout project 20SU03 and return funds to reserves		(740)
Closeout project 20SU09 and return funds to reserves		(68,999)
Reserves		121,554
Fund Subtotal	0	0
Total	5,250,157	5,250,157

FY 2020 Year-End Close-Out Appropriations – Budget Amendment #5

GENERAL FUND (001)			REVENUES	EXPENDITURES
GENERAL FUND		OPERATING MILLAGE	377,724	
GENERAL FUND		DELINQUENT OPERATING	151,615	
GENERAL FUND		PALM BAY WATER	91,957	
GENERAL FUND		WASTE MANAGEMENT	43,099	
GENERAL FUND		BREVARD COUNTY	38,943	
GENERAL FUND		ENGINEERING PLAN FEES	115,370	
GENERAL FUND		LIEN RESEARCH FEES	48,060	
GENERAL FUND		COLLECTION & DISPOSAL FEE	113,160	
GENERAL FUND		MOWING SERVICES	60,369	
GENERAL FUND		RIGHT-OF-WAY FEES	164,503	
GENERAL FUND		INTEREST INCOME	121,577	
GENERAL FUND		INTEREST ON RESERVES	35,097	
GENERAL FUND		UNDESIGNATED FUND BALANCE	(894,490)	
LEGISLATIVE	ADMINISTRATION	FULL-TIME SALARIES/WAGES		5,500
LEGISLATIVE	ADMINISTRATION	OTHER CONTRIBUTIONS		9
OFFICE OF CITY MANAGER	ADMINISTRATION	FULL-TIME SALARIES/WAGES		(8,862)
OFFICE OF CITY MANAGER	ADMINISTRATION	PART-TIME WAGES		6,362
OFFICE OF CITY MANAGER	PUBLIC INFORMATION	FULL-TIME SALARIES/WAGES		2,500
OFFICE OF CITY MANAGER	ADMINISTRATION	OTHER CONTRACTUAL SERVICE		7,000

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Exhibit B

OFFICE OF CITY MANAGER	ADMINISTRATION	CONSULTANT SERVICES		(7,000)
FINANCE	REVENUE	FULL-TIME SALARIES/WAGES		(17,000)
FINANCE	ACCOUNTING	FULL-TIME SALARIES/WAGES		6,700
FINANCE	ADMINISTRATION	SECURITY/MEDICARE		4,600
FINANCE	ADMINISTRATION	RETIREMENT - ICMA		5,700
FINANCE	ADMINISTRATION	FULL-TIME SALARIES/WAGES		63,000
HUMAN RESOURCES	ADMINISTRATION	IN-HOUSE TRAINING		(3,400)
HUMAN RESOURCES	ADMINISTRATION	TRAINING & EDUCATION COST		3,400
GROWTH MANAGEMENT	LAND DEVELOPMENT	FULL-TIME SALARIES/WAGES		(1,000)
GROWTH MANAGEMENT	ADMINISTRATION	FULL-TIME SALARIES/WAGES		1,000
COMMUNITY & ECON. DEV.	ADMINISTRATION	OTHER PROFESSIONAL SVC		(23,300)
COMMUNITY & ECON. DEV.	ADMINISTRATION	FULL-TIME SALARIES/WAGES		1,000
COMMUNITY & ECON. DEV.	ADMINISTRATION	FULL-TIME SALARIES/WAGES		9,700
COMMUNITY & ECON. DEV.	ADMINISTRATION	COMP TIME USED		1,000
COMMUNITY & ECON. DEV.	ADMINISTRATION	SOCIAL SECURITY/MEDICARE		1,400
COMMUNITY & ECON. DEV.	ADMINISTRATION	RETIREMENT - ICMA		1,100
COMMUNITY & ECON. DEV.	ADMINISTRATION	OTHER PROMO ACTIVITIES		9,100
PARKS & RECREATION	PARKS	FULL-TIME SALARIES/WAGES		(20,500)

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PARKS & RECREATION	ADMINISTRATION	FULL-TIME SALARIES/WAGES		5,000
PARKS & RECREATION	RECREATION	FULL-TIME SALARIES/WAGES		5,000
PARKS & RECREATION	PARKS	PART-TIME WAGES		10,500
PARKS & RECREATION	RECREATION	PART-TIME WAGES		(12,500)
PARKS & RECREATION	RECREATION	SPECIAL EVENTS		4,500
PARKS & RECREATION	RECREATION	OTHER PROMO ACTIVITIES		4,000
PARKS & RECREATION	RECREATION	FIRST FRIDAY EVENTS		4,000
PARKS & RECREATION	PARKS	ATHLETIC FIELD		(1,500)
PARKS & RECREATION	PARKS	UNIFORMS/CLOTHING		1,500
FACILITIES	FACILITY MAINTENANCE	A/C MAINTENANCE		(7,000)
FACILITIES	FACILITY MAINTENANCE	WATER & SEWER SERVICES		7,000
FACILITIES	FACILITY MAINTENANCE	BUILDING REPAIRS		(42,900)
FACILITIES	FACILITY MAINTENANCE	COUNTY DISPOSAL		25,000
FACILITIES	FACILITY MAINTENANCE	CONTROL ACCESS		3,500
FACILITIES	FACILITY MAINTENANCE	SAFETY EQUIPMENT		4,400
FACILITIES	FACILITY MAINTENANCE	TOOLS/EQUIPMENT		10,000
FACILITIES	FACILITY MAINTENANCE	FUELS/LUBRICANTS		(13,000)
FACILITIES	FACILITY MAINTENANCE	TOOLS/EQUIPMENT		13,000

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POLICE	UNIFORM SERVICES	FULL-TIME SALARIES/WAGES		(165,000)
POLICE	EXECUTIVE	FULL-TIME SALARIES/WAGES		25,500
POLICE	EXECUTIVE	PART-TIME WAGES		5,400
POLICE	EXECUTIVE	SOCIAL SECURITY/MEDICARE		7,400
POLICE	SUPPORT SERVICES	FULL-TIME SALARIES/WAGES		9,200
POLICE	SUPPORT SERVICES	RETIREMENT - ICMA		3,300
POLICE	UNIFORM SERVICES	COMP TIME USED		98,900
POLICE	UNIFORM SERVICES	OVERTIME		11,700
POLICE	UNIFORM SERVICES	INSURANCE BENEFITS CREDIT		3,600
POLICE	UNIFORM SERVICES	TRAVEL M&IE		(3,200)
POLICE	UNIFORM SERVICES	TOOLS/EQUIPMENT		3,200
POLICE	UNIFORM SERVICES	TRAINING & EDUCATION COST		(3,000)
POLICE	UNIFORM SERVICES	MISC OPERATING SUPPLIES		(3,000)
POLICE	UNIFORM SERVICES	BOOKS/SUBSCRIPTIONS		6,000
POLICE	INVESTIGATIONS	OVERTIME		(30,000)
POLICE	INVESTIGATIONS	FULL-TIME SALARIES/WAGES		(12,000)
POLICE	INVESTIGATIONS	COMP TIME USED		42,000
POLICE	INVESTIGATIONS	FULL-TIME SALARIES/WAGES		(6,000)
POLICE	INVESTIGATIONS	HOLIDAY PAY		4,000
POLICE	INVESTIGATIONS	EDUCATION-DEGREE		2,000

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POLICE	INVESTIGATIONS	TRAINING & EDUCATION COST		(5,000)
POLICE	INVESTIGATIONS	TRAVEL M&IE		(3,500)
POLICE	INVESTIGATIONS	TOOLS/EQUIPMENT		8,500
POLICE	COMM. CENTER	FULL-TIME SALARIES/WAGES		(114,300)
POLICE	COMM. CENTER	COMP TIME USED		16,000
POLICE	COMM. CENTER	PART-TIME WAGES		4,000
POLICE	COMM. CENTER	OVERTIME		73,000
POLICE	VICTIMS SERVICES	FULL-TIME SALARIES/WAGES		16,000
POLICE	VICTIMS SERVICES	SOCIAL SECURITY/MEDICARE		1,300
POLICE	VICTIMS SERVICES	RETIREMENT - ICMA		4,000
FIRE	EMERGENCY SERVICES	OXYGEN/MEDICAL SUPPLIES		(7,500)
FIRE	EMERGENCY SERVICES	UNIFORMS/CLOTHING		(4,000)
FIRE	EMERGENCY SERVICES	MACHINERY/EQUIP REPAIR		6,500
FIRE	EMERGENCY SERVICES	MISC OPERATING SUPPLIES		5,000
FIRE	EMERGENCY SERVICES	FULL-TIME SALARIES/WAGES		(130,400)
FIRE	EMERGENCY SERVICES	COMP TIME USED		18,000
FIRE	EMERGENCY SERVICES	INSURANCE BENEFITS CREDIT		3,500
FIRE	EMERGENCY SERVICES	CERTIFICATE / LICENSE		8,000

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FIRE	EMERGENCY SERVICES	EDUCATION-DEGREE		12,800
FIRE	EMERGENCY SERVICES	PARA SOLO / EMT		10,300
FIRE	EMERGENCY SERVICES	LIFE & HEALTH INSURANCE		3,800
FIRE	EMERGENCY SERVICES	SOCIAL SECURITY/MEDICARE		74,000
FIRE	EMERGENCY SERVICES	FULL-TIME SALARIES/WAGES		(150,000)
FIRE	EMERGENCY SERVICES	HOLIDAY PAY		(50,000)
FIRE	EMERGENCY SERVICES	FLSA / PREMIUM PAY		(34,000)
FIRE	EMERGENCY SERVICES	CLOTHING ALLOWANCE		(9,000)
FIRE	EMERGENCY SERVICES	RETIREMENT - ICMA		(9,000)
FIRE	EMERGENCY SERVICES	OVERTIME		460,000
PUBLIC WORKS	ADMINISTRATION	FULL-TIME SALARIES/WAGES		(24,100)
PUBLIC WORKS	ADMINISTRATION	FULL-TIME SALARIES/WAGES		19,000
PUBLIC WORKS	ENGINEERING	PART-TIME WAGES		2,500
PUBLIC WORKS	ENGINEERING	SOCIAL SECURITY/MEDICARE		2,600
PUBLIC WORKS	ENGINEERING	FULL-TIME SALARIES/WAGES		(32,000)
PUBLIC WORKS	ENGINEERING	OVERTIME		32,000

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PUBLIC WORKS	ENGINEERING	OTHER PROFESSIONAL SVC		(2,500)
PUBLIC WORKS	ENGINEERING	COPIER LEASE		2,500
PUBLIC WORKS	ROW BEAUTIFICATION	FULL-TIME SALARIES/WAGES		(7,200)
PUBLIC WORKS	ROW BEAUTIFICATION	OVERTIME		7,200
PUBLIC WORKS	TRAFFIC OPERATIONS	MISC OPERATING SUPPLIES		(3,000)
PUBLIC WORKS	TRAFFIC OPERATIONS	STREET/TRAFFIC LIGHTS		3,000
PUBLIC WORKS	INFRASTRUCTURE	FULL-TIME SALARIES/WAGES		(3,200)
PUBLIC WORKS	INFRASTRUCTURE	COMP TIME USED		3,200
GENERAL GOVERNMENT		OTHER CURRENT CHARGES		7,475
GENERAL GOVERNMENT		CREDIT CARD PROCESS FEES		30,000
GENERAL GOVERNMENT		COVID-19		153,000
GENERAL GOVERNMENT	TRANSFERS	TRANSFERS / TO COMMUNITY INVEST. FUND		(224,473)
GENERAL GOVERNMENT	TRANSFERS	TRANSFERS / TO COMMUNITY INVEST FUND		224,473
		FUND SUBTOTAL	466,984	466,984
PALM BAY MUNICIPAL FOUNDATION (103)			REVENUES	EXPENDITURES
		MAYOR'S BALL AWARDS/SCHOL		(14,000)
		OTHER CONTRIBUTIONS		14,000
		FUND SUBTOTAL	0	0

STATE HOUSING GRANT (SHIP) FUND (111)			REVENUES	EXPENDITURES
GROWTH MANEGEMENT	HANDS	FULL-TIME SALARIES/WAGES		8,000
GROWTH MANEGEMENT	HANDS	EMP HEALTH INS PREMIUMS		3,000
GROWTH MANEGEMENT	HANDS	ADMINISTRATIVE SERVICES		900
GROWTH MANEGEMENT	HANDS	BANK SERVICE FEES		800
GROWTH MANEGEMENT	HANDS	FUND BALANCE / UNDESIGNATED	12,700	
		FUND SUBTOTAL	12,700	12,700
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND (112)			REVENUES	EXPENDITURES
GROWTH MANEGEMENT	HANDS	FULL-TIME SALARIES/WAGES		(3,510)
GROWTH MANEGEMENT	HANDS	TERMINATION BENEFITS		3,510
		FUND SUBTOTAL	0	0
HOME INVESTMENT FUND (114)			REVENUES	EXPENDITURES
GROWTH MANEGEMENT	HANDS	AUDIT COSTS		133
GROWTH MANEGEMENT	HANDS	ADMINISTRATIVE SERVICES		154
GROWTH MANEGEMENT	HANDS	FUND BALANCE / UNDESIGNATED	287	
		FUND SUBTOTAL	287	287
NSP PROGRAM FUND (123)			REVENUES	EXPENDITURES
GROWTH MANEGEMENT	HANDS	ADMINISTRATIVE SERVICES		2,550

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GROWTH MANEGEMENT	HANDS	FUND BALANCE / UNDESIGNATED	2,550	
		FUND SUBTOTAL	2,550	2,550
DONATIONS FUND (131)			REVENUES	EXPENDITURES
FIRE		FIRE CONTRIBUTIONS	5,134	
POLICE		POLICE CONTRIBUTIONS	12,962	
FIRE		SPECIAL EVENTS		346
FIRE		MISC OPERATING SUPPLIES		4,160
FIRE		CITY TRAINING/EVENTS FOOD		628
POLICE		TRAVEL M&IE		7,463
POLICE		MISC OPERATING SUPPLIES		4,198
POLICE		CITY TRAINING/EVENTS FOOD		42
POLICE		TRAINING & EDUCATION COST		1,100
POLICE		OTHER CONTRIBUTIONS		2,500
POLICE		FUND BALANCE / DESIGNATED	2,341	
		FUND SUBTOTAL	20,437	20,437
POLICE IMPACT FEE FUND - NEXUS 32905 (180)			REVENUES	EXPENDITURES
POLICE		RESERVES		(50)
POLICE		BANK SERVICE FEES		50
		FUND SUBTOTAL	0	0

POLICE IMPACT FEE FUND - NEXUS 32907 (183)			REVENUES	EXPENDITURES
POLICE		RESERVES		(50)
POLICE		BANK SERVICE FEES		50
		FUND SUBTOTAL	0	0
POLICE IMPACT FEE FUND - NEXUS 32908 (184)			REVENUES	EXPENDITURES
POLICE		RESERVES		(50)
POLICE		BANK SERVICE FEES		50
		FUND SUBTOTAL	0	0
POLICE IMPACT FEE FUND - NEXUS 32909 (186)			REVENUES	EXPENDITURES
POLICE		RESERVES		(100)
POLICE		BANK SERVICE FEES		100
		FUND SUBTOTAL	0	0
FIRE IMPACT FEE FUND - NEXUS 32905 (187)			REVENUES	EXPENDITURES
FIRE		RESERVES		(100)
FIRE		BANK SERVICE FEES		100
		FUND SUBTOTAL	0	0
FIRE IMPACT FEE FUND - NEXUS 32907 (188)			REVENUES	EXPENDITURES
FIRE		RESERVES		(100)
FIRE		BANK SERVICE FEES		100
		FUND SUBTOTAL	0	0
FIRE IMPACT FEE FUND - NEXUS 32908 (189)			REVENUES	EXPENDITURES

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FIRE		RESERVES		(150)
FIRE		BANK SERVICE FEES		150
		FUND SUBTOTAL	0	0
FIRE IMPACT FEE FUND - NEXUS 32909 (190)			REVENUES	EXPENDITURES
FIRE		RESERVES		(4,300)
FIRE		BANK SERVICE FEES		200
FIRE		MISC OPERATING SUPPLIES		4,100
		FUND SUBTOTAL	0	0
PARKS IMPACT FEE FUND - NEXUS 32905 (192)			REVENUES	EXPENDITURES
PARKS & RECREATION		RESERVES		(250)
PARKS & RECREATION		BANK SERVICE FEES		250
		FUND SUBTOTAL	0	0
PARKS IMPACT FEE FUND - NEXUS 32908 (193)			REVENUES	EXPENDITURES
PARKS & RECREATION		RESERVES		(200)
PARKS & RECREATION		BANK SERVICE FEES		200
		FUND SUBTOTAL	0	0
PARKS IMPACT FEE FUND - NEXUS 32909 (194)			REVENUES	EXPENDITURES
PARKS & RECREATION		RESERVES		(600)
PARKS & RECREATION		BANK SERVICE FEES		600
		FUND SUBTOTAL	0	0

TRANSPORTATION IMPACT FEE FUND - NEXUS 32905 (196)			REVENUES	EXPENDITURES
PUBLIC WORKS		RESERVES		(500)
PUBLIC WORKS		BANK SERVICE FEES		500
		FUND SUBTOTAL	0	0
TRANSPORTATION IMPACT FEE FUND - NEXUS 32907 (197)			REVENUES	EXPENDITURES
PUBLIC WORKS		RESERVES		(300)
PUBLIC WORKS		BANK SERVICE FEES		300
		FUND SUBTOTAL	0	0
TRANSPORTATION IMPACT FEE FUND - NEXUS 32908 (198)			REVENUES	EXPENDITURES
PUBLIC WORKS		RESERVES		(650)
PUBLIC WORKS		BANK SERVICE FEES		650
		FUND SUBTOTAL	0	0
TRANSPORTATION IMPACT FEE FUND - NEXUS 32909 (199)			REVENUES	EXPENDITURES
PUBLIC WORKS		RESERVES		(800)
PUBLIC WORKS		BANK SERVICE FEES		800
		FUND SUBTOTAL	0	0
'10 PST REVENUE BONDS FUND (219)			REVENUES	EXPENDITURES
FINANCE		INTEREST INCOME	130	
FINANCE		PAYING AGENT FEES		130
		FUND SUBTOTAL	130	130

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I-95 INTERCHANGE CIP FUND (306)			REVENUES	EXPENDITURES
PUBLIC WORKS		RESERVES		(100)
PUBLIC WORKS		BANK SERVICE FEES		100
		FUND SUBTOTAL	0	0
CONNECTOR I-95 CIP FUND (308)			REVENUES	EXPENDITURES
PUBLIC WORKS		RESERVES		(50)
PUBLIC WORKS		BANK SERVICE FEES		50
		FUND SUBTOTAL	0	0
G.O. ROAD BOND FUND (309)			REVENUES	EXPENDITURES
PUBLIC WORKS		INTEREST INCOME	302,541	
PUBLIC WORKS		OTHER CURRENT CHARGES		900
PUBLIC WORKS		RESERVES		301,641
		FUND SUBTOTAL	302,541	302,541
UTILITIES OPERATING FUND (421)			REVENUES	EXPENDITURES
UTILITIES	ADMINISTRATION	TERMINATION BENEFITS		(31,500)
UTILITIES	ADMINISTRATION	VACATION PAYOUTS		14,000
UTILITIES	CUSTOMER SERVICE	VACATION PAYOUTS		9,000
UTILITIES	BUSINESS OEPRATIONS	VACATION PAYOUTS		6,500
UTILITIES	BUSINESS OEPRATIONS	TERMINATION BENEFITS		2,000
UTILITIES	ADMINISTRATION	TRAVEL M&IE		(4,000)

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UTILITIES	ADMINISTRATION	BANK SERVICE FEES		4,000
UTILITIES	ADMINISTRATION	DUES & MEMBERSHIPS		(5,000)
UTILITIES	ADMINISTRATION	TRAINING & EDUCATION COST		(7,000)
UTILITIES	ADMINISTRATION	OTHER PROFESSIONAL SVC		(20,000)
UTILITIES	ADMINISTRATION	INVENTORY ADJUSTMENT		12,000
UTILITIES	ADMINISTRATION	COVID-19		20,000
UTILITIES	CUSTOMER SERVICE	POSTAGE/FREIGHT/OTHER		(7,000)
UTILITIES	CUSTOMER SERVICE	CREDIT CARD PROCESS FEES		7,000
UTILITIES	ENGINEERING & CONSTR.	FULL-TIME SALARIES/WAGES		(4,000)
UTILITIES	ENGINEERING & CONSTR.	VACATION PAYOUTS		4,000
UTILITIES	MAINTENANCE	FULL-TIME SALARIES/WAGES		(3,500)
UTILITIES	MAINTENANCE	TERMINATION BENEFITS		3,500
UTILITIES	FIELD MAINTENANCE	FULL-TIME SALARIES/WAGES		(9,000)
UTILITIES	FIELD MAINTENANCE	TERMINATION BENEFITS		9,000
UTILITIES	LABORATORY	FULL-TIME SALARIES/WAGES		(3,000)
UTILITIES	LABORATORY	TERMINATION BENEFITS		3,000
UTILITIES	LABORATORY	OTHER MACH/EQUIP MAINT		(3,000)
UTILITIES	LABORATORY	LAB SUPPLIES		3,000
UTILITIES	WATER PLANT - NORTH. REG.	FULL-TIME SALARIES/WAGES		(13,500)
UTILITIES	WATER PLANT - NORTH. REG.	TERMINATION BENEFITS		13,500

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UTILITIES	WATER PLANT - SRWTF	FULL-TIME SALARIES/WAGES		(3,500)
UTILITIES	WATER PLANT - SRWTF	TERMINATION BENEFITS		3,500
UTILITIES	WATER PLANT - SRWTF	CHEMICALS		(3,000)
UTILITIES	WATER PLANT - SRWTF	LAB SUPPLIES		3,000
UTILITIES	WASTEWATER	FULL-TIME SALARIES/WAGES		(23,200)
UTILITIES	WASTEWATER	OVERTIME		10,500
UTILITIES	WASTEWATER	TERMINATION BENEFITS		7,000
UTILITIES	WASTEWATER	VACATION PAYOUTS		5,700
UTILITIES	WASTEWATER	MACHINERY/EQUIP REPAIR		(3,000)
UTILITIES	WASTEWATER	MISC OPERATING SUPPLIES		3,000
UTILITIES	WASTEWATER - NORTH. REG.	FULL-TIME SALARIES/WAGES		(16,000)
UTILITIES	WASTEWATER - NORTH. REG.	OVERTIME		10,000
UTILITIES	WASTEWATER - NORTH. REG.	TERMINATION BENEFITS		6,000
UTILITIES	WASTEWATER - NORTH. REG.	OUTSIDE LAB SERVICES		(11,500)
UTILITIES	WASTEWATER - NORTH. REG.	RESIDUAL REMOVAL		6,300
UTILITIES	WASTEWATER - NORTH. REG.	TOOLS/EQUIPMENT		5,200
		FUND SUBTOTAL	0	0

UTILITIES CONNECTION FEE FUND (423)			REVENUES	EXPENDITURES
UTILITIES		INTEREST ON SEWER CONNECT	2,100	
UTILITIES	WATER PROJECTS	BANK SERVICE FEES		600
UTILITIES	WASTEWATER PROJECTS	BANK SERVICE FEES		1,500
		FUND SUBTOTAL	2,100	2,100
UTILITIES MAIN LINE EXTENSION FUND (425)			REVENUES	EXPENDITURES
UTILITIES		INTEREST INCOME	850	
UTILITIES	COMBINED PROJECTS	BANK SERVICE FEES		850
		FUND SUBTOTAL	850	850
USA 1 ASSESSMENT FUND (431)			REVENUES	EXPENDITURES
UTILITIES		INTEREST INCOME	100	
UTILITIES		PAYING AGENT FEES		100
		FUND SUBTOTAL	100	100
BUILDING FUND (451)			REVENUES	EXPENDITURES
GROWTH MANAGEMENT	BUILDING	FULL-TIME SALARIES/WAGES		(32,400)
GROWTH MANAGEMENT	BUILDING	COMP TIME USED		2,900
GROWTH MANAGEMENT	BUILDING	PART-TIME WAGES		23,000
GROWTH MANAGEMENT	BUILDING	TERMINATION BENEFITS		6,500
GROWTH MANAGEMENT	BUILDING	COMPUTER SOFTWARE MAINT		(14,500)
GROWTH MANAGEMENT	BUILDING	ENGINEERING SERVICES		3,500

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GROWTH MANAGEMENT	BUILDING	OTHER PROFESSIONAL SVC		11,000
GROWTH MANAGEMENT	BUILDING	RESERVES		(18,900)
GROWTH MANAGEMENT	BUILDING	CREDIT CARD PROCESS FEES		7,900
GROWTH MANAGEMENT	BUILDING	COVID-19		11,000
		FUND SUBTOTAL	0	0
STORMWATER UTILITY (SWU) FUND (461)			REVENUES	EXPENDITURES
PUBLIC WORKS	ENGINEERING & SURVEY	TRAVEL M&IE		(300)
PUBLIC WORKS	STORMWATER	BANK SERVICE FEES		300
PUBLIC WORKS	ENGINEERING & SURVEY	FULL-TIME SALARIES/WAGES		(5,000)
PUBLIC WORKS	ENGINEERING & SURVEY	VACATION PAYOUTS		5,000
PUBLIC WORKS	ENGINEERING & SURVEY	LICENSES/CERTIFICATES		(3,000)
PUBLIC WORKS	ENGINEERING & SURVEY	TRAINING & EDUCATION COST		(1,400)
PUBLIC WORKS	ENGINEERING & SURVEY	OTHER CURRENT CHARGES		4,400
PUBLIC WORKS	PHYSICAL ENVIRONMENT	FULL-TIME SALARIES/WAGES		(54,700)
PUBLIC WORKS	CUSTOMER SERVICE	OVERTIME		40,000
PUBLIC WORKS	CUSTOMER SERVICE	SOCIAL SECURITY/MEDICARE		6,000
PUBLIC WORKS	PHYSICAL ENVIRONMENT	OVERTIME		3,800

Mayor and Council: FY 2020 Fifth Budget Amendment

November 05, 2020

Page | 18

Exhibit B

PUBLIC WORKS	PHYSICAL ENVIRONMENT	TRAINER/LEADER		4,900
PUBLIC WORKS	INFRASTRUCTURE	FULL-TIME SALARIES/WAGES		(6,900)
PUBLIC WORKS	INFRASTRUCTURE	TRAINER/LEADER		3,300
PUBLIC WORKS	INFRASTRUCTURE	SICK PAYOUTS		3,600
		FUND SUBTOTAL	0	0
SOLID WASTE FUND (471)			REVENUES	EXPENDITURES
PUBLIC WORKS	OPERATIONS	FULL-TIME SALARIES/WAGES		(6,000)
PUBLIC WORKS	OPERATIONS	TERMINATION BENEFITS		6,000
PUBLIC WORKS	OPERATIONS	COMPUTER SOFTWARE MAINT		(5,000)
PUBLIC WORKS	CUSTOMER SERVICE	POSTAGE/FREIGHT/OTHER		2,400
PUBLIC WORKS	CUSTOMER SERVICE	CREDIT CARD PROCESS FEES		2,600
		FUND SUBTOTAL	0	0
RISK MANAGEMENT FUND (512)			REVENUES	EXPENDITURES
OFFICE OF THE CITY ATTORNEY	RISK MANAGEMENT	FULL-TIME SALARIES/WAGES		(8,000)
OFFICE OF THE CITY ATTORNEY	RISK MANAGEMENT	FULL-TIME SALARIES/WAGES		8,000
OFFICE OF THE CITY ATTORNEY	RISK MANAGEMENT	TERMINATION BENEFITS		(8,500)
OFFICE OF THE CITY ATTORNEY	RISK MANAGEMENT	RETIREMENT - ICMA		8,500

OFFICE OF THE CITY ATTORNEY	RISK MANAGEMENT	WORKERS COMP CLAIMS		(35,000)
OFFICE OF THE CITY ATTORNEY	RISK MANAGEMENT	WORKERS COMP PAYMENTS		35,000
		FUND SUBTOTAL	0	0
OTHER EMPLOYEE BENEFITS FUND (513)			REVENUES	EXPENDITURES
HUMAN RESOURCES	BENEFITS	SUPPLEMENTAL INSURANCE		(15,100)
HUMAN RESOURCES	BENEFITS	CITY-PAID LIFE INSURANCE		3,200
HUMAN RESOURCES	BENEFITS	EE PAID LIFE INSURANCE		11,900
		FUND SUBTOTAL	0	0
FLEET SERVICES FUND (521)			REVENUES	EXPENDITURES
PUBLIC WORKS	FLEET SERVICES	FULL-TIME SALARIES/WAGES		(10,000)
PUBLIC WORKS	FLEET SERVICES	EMERGENCY PAY		4,000
PUBLIC WORKS	FLEET SERVICES	SOCIAL SECURITY/MEDICARE		3,400
PUBLIC WORKS	FLEET SERVICES	SICK PAYOUTS		2,600
PUBLIC WORKS	FLEET SERVICES	VEHICLE PARTS		(16,100)
PUBLIC WORKS	FLEET SERVICES	VEHICLE REPAIR		8,000
PUBLIC WORKS	FLEET SERVICES	MISC OPERATING SUPPLIES		5,300
PUBLIC WORKS	FLEET SERVICES	TOOLS/EQUIPMENT		2,800
		FUND SUBTOTAL	0	0
		ALL FUNDS TOTAL	808,679	808,679

ORDINANCE 2020-78

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2020 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USAGE OF UNDESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: GENERAL FUND; PARKS IMPACT FEE FUNDS; TRANSPORTATION IMPACT FEE FUNDS; G.O. ROAD PROGRAM FUND; UTILITIES CONNECTION FEE FUND; UTILITIES OPERATING FUND; AND THE BUILDING FUND; USAGE OF DESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: I-95 INTERCHANGE FUND; CONNECTOR ROAD I-95 FUND; UTILITIES OPERATING FUND; UTILITIES CONNECTION FEE FUND AND THE UTILITIES RENEWAL/REPLACEMENT FUND; RECOGNIZING THE FOLLOWING REVENUE: CDBG GRANT REIMBURSEMENT AND HOME DOWN PAYMENT ASSISTANCE PROGRAM INCOME; TRANSFER FROM THE GENERAL FUND TO THE DEBT SERVICE FUND FOR THE PARTIAL REFUNDING OF THE 2012 T.S.O. REFUNDING BOND; TRANSFER REMAINING FUNDS FROM THE ORIGINAL IMPACT FEES TO THE NEXUS PARKS AND TRANSPORTATION IMPACT FEES FUNDS; TRANSFER FROM THE UTILITIES OPERATING FUND TO THE UTILITIES RENEWAL/REPLACEMENT FUND TO MAINTAIN REQUIRED FUND BALANCE; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by Ordinance, and

WHEREAS, transfers between funds and departments must be approved by City Council, and

WHEREAS, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay, Code of Ordinances provides for the transfer of funds and appropriation of unbudgeted funds.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the following funds as outlined in the attached Exhibit 'A'.

SECTION 2. The City Council adopts, ratifies, and approves the appropriations as listed above.

SECTION 3. The provisions within this Ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-_____, held on _____, 2020; and read in title only and duly enacted at Meeting 2020-_____, held on _____, 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Laurence Bradley, AICP, Growth Management Director

DATE: 11/19/2020

RE: Ordinance 2020-79, amending the Code of Ordinances, Chapter 171, Fair Share Impact Fees, Subchapter 'Water and Wastewater Impact Fees', by adjusting the capital charges and capital charge recovery fees and removing the annual indexing of amounts (Case T-25-2020, City of Palm Bay), final reading.

A public hearing is to be held on the above subject ordinance and the caption read for the second and final time at tonight's Council meeting.

The City of Palm Bay (Utilities Department) has submitted a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171: Fair Share Impact Fees, Section 171.50, Water and Wastewater Impact Fees. The Utilities Department is seeking to change the fees and to strike references to the Engineering News Record (ENR) as a basis for establishing the fees. The purpose of the fees is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply, treatment and transmission system, the wastewater transmission, treatment, and effluent disposal system, and the reclaimed treatment and transmission system.

The proposed fees have been recommended by the Utilities Advisory Board (UAB).

REQUESTING DEPARTMENT:

Growth Management, Utilities

RECOMMENDATION:

Motion to approve Case T-25-2020, based on the Analysis contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request based on the Analysis contained in the staff report.

ATTACHMENTS:**Description**

Case T-25-2020

Board Minutes

Ordinance 2020-79



REVISED

STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

landdevelopmentweb@palmbayflorida.org

Prepared by

Laurence Bradley, AICP, Growth Management Director

CASE NUMBER

T-25-2020

PLANNING & ZONING BOARD HEARING DATE

October 7, 2020

PROPERTY OWNER & APPLICANT

City of Palm Bay; Utilities Department

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171: Fair Share Impact Fees, Section 171.50, Water and Wastewater Impact Fees, revised as noted.

Existing Zoning

Not Applicable

Existing Land Use

Not Applicable

Site Improvements

Not Applicable

Site Acreage

Not Applicable

APPLICABILITY

Citywide

COMPREHENSIVE PLAN COMPATIBILITY

Not specifically addressed

BACKGROUND:

A textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 174 >>171<<: Floodplain and Stormwater Management. Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in ~~strikethrough~~ format.

The applicant for this amendment is the City of Palm Bay.

ANALYSIS:

The Fair Share Impact Fees Section of the Land Development Code provides for the establishment of Impact Fees associated with new development. Subsection 171.50 establishes the impact fees associated with water and wastewater.

The Water and Wastewater Impact fees are written into the actual ordinance rather than adopted through a fee resolution, thus any changes to these fees require the ordinance to be modified. The Utilities Department, which oversees these fees, is requesting changes to the fees. Additionally, they are seeking to strike references to the Engineering News Record (ENR), as a basis for establishing these fees. The proposed fees have been recommended by the Utilities Advisory Board (UAB).

The changes, as proposed, do not appear to have any impacts to other sections of the Land Development Code or the Comprehensive Plan.

STAFF RECOMMENDATION:

Motion to approve Case T-25-2020, based on the Analysis contained in this staff report.

TITLE XVII: LAND DEVELOPMENT CODE

WATER AND WASTEWATER IMPACT FEES

§ 171.50 WATER AND WASTEWATER IMPACT FEES.

(A) *Adoption.* The City hereby adopts and establishes pursuant to general law, a water capital charge, and a wastewater capital charge as set forth in paragraph (1) herein below, the purpose of which will be to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply, treatment and transmission system, the wastewater transmission, treatment, and effluent disposal system, and the reclaimed treatment and transmission system.

(1) *Implementation.* The amount of each capital charge per equivalent residential connection (ERC) shall be effective ~~October 1, 2015~~ >>January 1, 2021<< as follows:

<i>Date</i>	<i>Water Capital Charge</i>	<i>Wastewater Capital Charge</i>
Oct. 1, 2015 >>January 1, 2021<<	\$2,151.39 >>\$2,049.00<<	\$3,139.20 >>\$3,300.00<<

~~(2) All capital charge amounts listed in subsection (1) above will be increased annually on October 1st of every year according to the Engineering News Record (ENR) City Cost Index for the Southeast region.~~

* * *

(9) The amount of each capital charge recovery usage component shall be effective ~~October 1, 2015~~ >>January 1, 2021<< as follows:

<i>Date</i>	<i>Water Capital Charge Recovery Usage Component</i>	<i>Wastewater Capital Charge Recovery Usage Component</i>
October 1, 2015 >>January 1, 2021<<	\$1.34 >>\$1.28<<	\$1.85 >>\$1.94<<

~~(10) All capital charge recovery usage components will be increased annually on October 1st of every year according to the Engineering News Record (ENR) City Cost Index for the Southeast region.~~

~~(11)~~>>(10)<< The above ERC Schedule applies to establishments being connected to the City of Palm Bay Utilities Water and Wastewater System.



LAND DEVELOPMENT DIVISION
120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042
Landdevelopment@palmbayflorida.org

CODE TEXTUAL AMENDMENT APPLICATION

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

ORDINANCE SECTION(S) PROPOSED TO BE CHANGED:

§ 171.50 WATER AND WASTEWATER IMPACT FEES

PROPOSED LANGUAGE (attach addendum if necessary):

See attached

JUSTIFICATION FOR PROPOSED CHANGE (attach other documents if necessary)

Changes to (A)(1) and (A)(9) - See attached Legislative Memorandum from the August 27, 2020 Utilities Advisory Board (UAB) meeting. The UAB made a motion to recommend the City Council to adopt the changes. The motion passed 4-0 with one member absent.

Changes to (A)(2) and (A)(10) - An automatic, annual increase based on the ENR CCI is not a good practice and could result in overcharging. The Utilities Department reviews the rates on an annual basis.

CITY OF PALM BAY, FLORIDA
CODE TEXTUAL AMENDMENT APPLICATION
PAGE 2 OF 2

THE APPLICATION FEE MUST BE SUBMITTED WITH APPLICATION TO PROCESS THIS REQUEST:

☐

***\$1,500.00 Application Fee. Make Check payable to "City of Palm Bay."**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing code textual amendment application and that the facts stated in it are true.

Signature of Applicant Christopher Little Digitally signed by Christopher Little
Date: 2020.09.02 15:41:03 -04'00' Date _____

Printed Name of Applicant Christopher A. Little, PE, Utilities Director

Full Address 250 Osmosis Drive SE, Palm Bay, FL 32909

Telephone 321-952-3410 Email christopher.little@pbfl.org

PERSON TO BE NOTIFIED (If different from above):

Printed Name N/A

Full Address N/A

Telephone N/A Email N/A

***NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**

Stantec Financial Services Presentation

Presented at October 7, 2020 Planning and Zoning Board Meeting



Water & Wastewater Capital Charges Study

October 7, 2020 – Planning and Zoning Board Meeting





Capital Charges

Different names... capacity fees, impact fees, capital charges, system development charges/fees, connection charges

Similar purpose... one-time fees for cost of capacity to new development

- New customers paying their share of expansion costs
- Excludes O&M, repair and rehabilitation costs

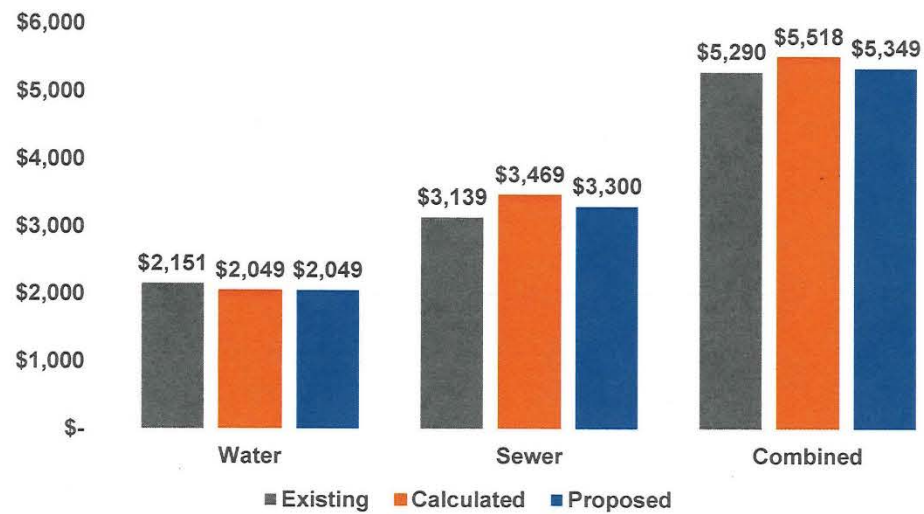
Cost Basis...

- Replacement cost new less depreciation (RCNLD) of existing Transmission assets
- Debt credit: back out transmission related debt paid with user fees to avoid double recovery of costs
- Plant expansions in 5-yr. CIP (6 MGD Water & 6 MGD WW)



Capital Charges

Results:



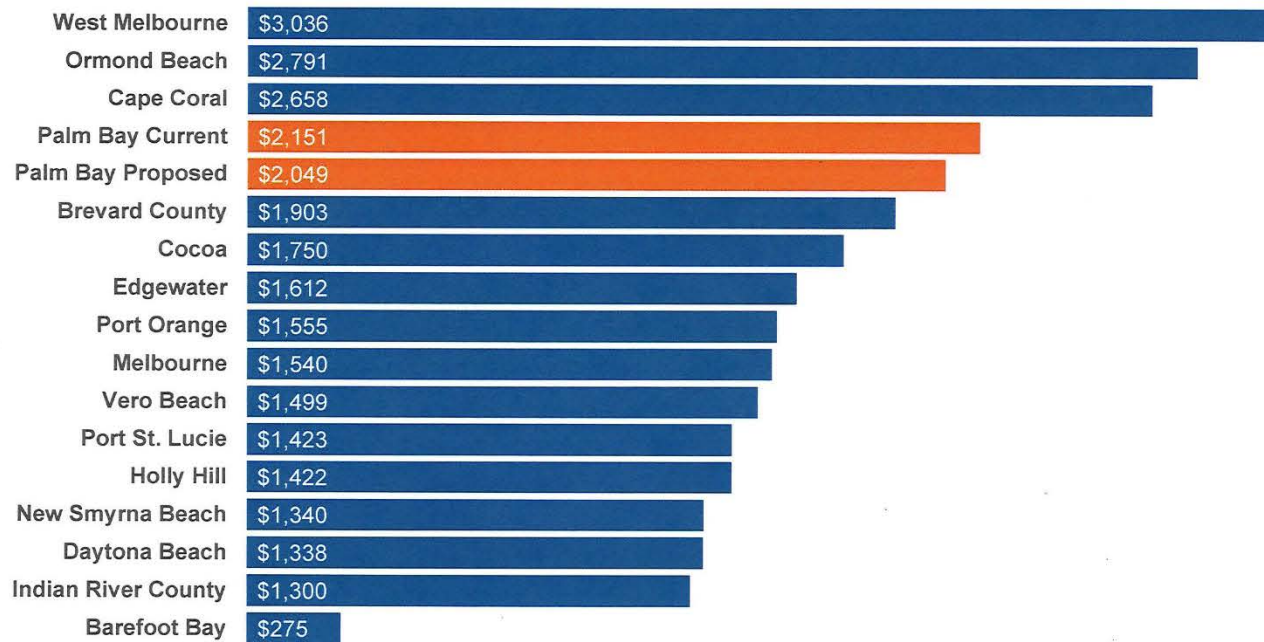
Findings:

- Current charges are generally aligned with costs
- Supports minor adjustments



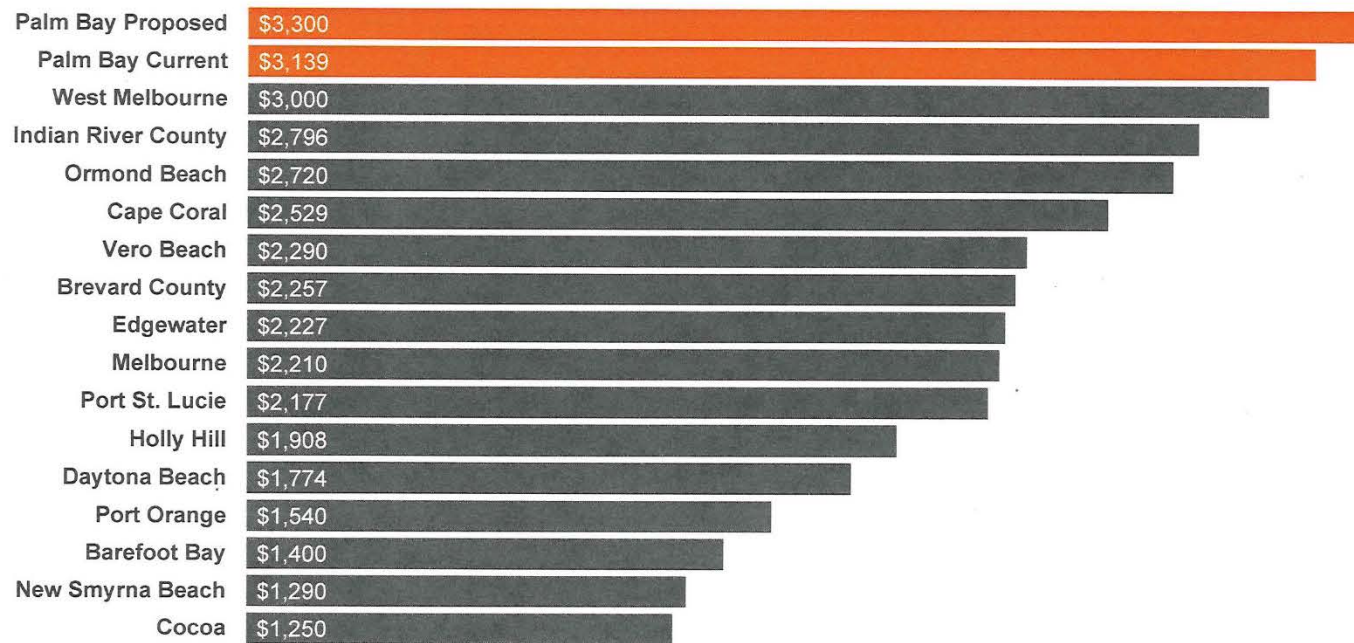


FY 2020 Water Impact Fee Comparison





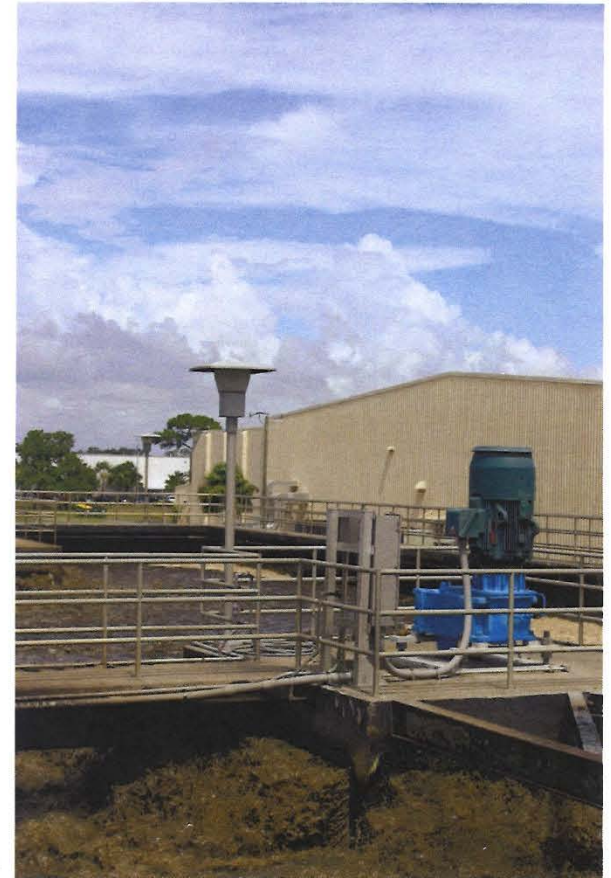
FY 2020 Sewer Impact Fee Comparison





Findings & Recommendations

- Current capital charges are generally aligned with costs
- Recommended capital charges:
 - Water: \$2,049 per ERU – (\$102) decrease
 - Sewer: \$3,300 per ERU – \$161 increase
- Periodically evaluate (3-5 years) to reflect current costs





Questions & Discussion

Jeff Dykstra

Managing Consultant, Stantec Financial Services

jeffrey.dykstra@stantec.com

CITY OF PALM BAY, FLORIDA
PLANNING AND ZONING BOARD/
LOCAL PLANNING AGENCY
REGULAR MEETING 2020-12

Held on Wednesday, October 7, 2020, in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting included media technology communications (teleconference/video conference).

Mr. Philip Weinberg called the meeting to order at approximately 7:00 p.m.

Mr. Donald Boerema led the Pledge of Allegiance to the Flag.

Adoption of Minutes occurred at this time.

1. Regular Planning and Zoning Board/Local Planning Agency Meeting 2020-10; September 2, 2020. Motion by Ms. Maragh, seconded by Ms. Jordan to approve the minutes as presented. The motion carried with members voting unanimously.

The board resumed consideration of items in the order shown on the agenda.

ROLL CALL:

CHAIRPERSON:	Philip Weinberg	Present	
VICE CHAIRPERSON:	Leeta Jordan	Present	
MEMBER:	Donald Boerema	Present	
MEMBER:	Donny Felix	Absent	(Excused)
MEMBER:	Richard Hill	Present	
MEMBER:	Khalilah Maragh	Present	
MEMBER:	Rainer Warner	Present	
NON-VOTING MEMBER:	David Karaffa	Present	
	(School Board Appointee)		

Mr. Felix's absence was excused.

Mr. Weinberg	Aye
Ms. Jordan	Nay
Mr. Boerema	Aye
Mr. Hill	Nay
Ms. Maragh	Aye
Mr. Warner	Aye

5. **T-25-2020 – CITY OF PALM BAY (UTILITIES DEPARTMENT)**

Mr. Bradley presented the staff report for Case T-25-2020. The applicant had requested a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171: Fair Share Impact Fees, Section 171.50 Water and Wastewater Impact Fees, to adopt proposed water and sewer impact fee adjustments and to establish January 1, 2021 as the date of implementation. Staff recommended Case T-25-2020 for approval, based on the Analysis contained in the staff report.

Ms. Maragh asked for further clarification regarding the amendment.

Mr. Little stated that City Council wanted developers to pay their fair share of impact fees for growth and expansion. He introduced Mr. Jeff Dykstra (managing consultant with Stantec Financial Services) to synopsise the Water and Wastewater Capital Charges Study. Mr. Dykstra gave a brief PowerPoint overview on how the current capital charges were generally aligned with costs, a recommendation to decrease water charges and increase sewer charges, and a recommendation to evaluate costs every three to five years. City Council had previously approved the user rate and impact fee charges.

Mr. Boerema asked if the costs were for new customers. Mr. Dykstra indicated that this was correct.

The floor was opened and closed for public comments; there were no comments from the audience and there was no correspondence in the file.

Motion by Mr. Boerema, seconded by Mr. Hill to submit Case T-25-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171: Fair Share Impact Fees, Section 171.50 Water and Wastewater Impact Fees, to adopt proposed water and sewer impact fee adjustments and to establish January 1, 2021 as the date of implementation, based on the Analysis contained in the staff report. The motion carried with members voting unanimously.

OTHER BUSINESS:

1. There was no other business discussed.

ADJOURNMENT:

The meeting was adjourned at approximately 8:58 p.m.

Philip Weinberg, CHAIRPERSON

Attest:

Chandra Powell, SECRETARY

****Quasi-Judicial Proceeding.**

ORDINANCE 2020-79

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 171, FAIR SHARE IMPACT FEES, SUBCHAPTER 'WATER AND WASTEWATER IMPACT FEES', BY REFLECTING THE INCREASE IN WATER AND WASTEWATER CAPITAL CHARGES; MODIFYING THE EFFECTIVE DATES FOR THE IMPACT FEES AND RECOVERY USAGE FEES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 171, Fair Share Impact Fees, Subchapter 'Water and Wastewater Impact Fees', is hereby amended and shall henceforth read as follows:

"Section 171.50 WATER AND WASTEWATER IMPACT FEES.

(A) *Adoption.* The City hereby adopts and establishes pursuant to general law, a water capital charge, and a wastewater capital charge as set forth in paragraph (1) herein below, the purpose of which will be to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply, treatment and transmission system, the wastewater transmission, treatment, and effluent disposal system, and the reclaimed treatment and transmission system.

(1) *Implementation.* The amount of each capital charge per equivalent residential connection (ERC) shall be effective ~~October 1, 2015~~ >>January 1, 2021<< as follows:

Date	Water Capital Charge	Wastewater Capital Charge
Oct. 1, 2015	\$2,151.39	\$3,139.20
>>January 1, 2021<<	>>\$2,049.00<<	>>\$3,300.00<<

~~(2) All capital charge amounts listed in subsection (1) above will be increased annually on October 1st of every year according to the Engineering News Record (ENR) City Cost Index for the Southeast region.~~

* * *

(D) *Determination of equivalent residential connection factors for water and wastewater services.*

* * *

(9) The amount of each capital charge recovery usage component shall be effective October 1, 2015 >>January 1, 2021<< as follows:

Date	Water Capital Charge Recovery Usage Component	Wastewater Capital Charge Recovery Usage Component
Oct. 1, 2015	\$1.34	\$1.85
>>January 1, 2021<<	>>\$1.28<<	>>\$1.94<<

~~(10) All capital charge recovery usage components will be increased annually on October 1st of every year according to the Engineering News Record (ENR) City Cost Index for the Southeast region.~~

(11 >>10<<) The above ERC Schedule applies to establishments being connected to the City of Palm Bay Utilities Water and Wastewater System.

* * *"

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative

or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect on January 1, 2021.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay

Case: T-25-2020

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>><<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development

DATE: 11/19/2020

RE: Consideration of a substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan.

The City received official notification by the U.S. Department of Housing & Urban Development (HUD) dated April 2, 2020 of allocations through the Coronavirus, Aid, Relief and Economic Security Act (CARES Act) in the amount of \$458,099 in CDBG-CV (Community Development Block Grant – Coronavirus) funds and \$67,066 in HOPWA (Housing Opportunities for Person with Aids) funds.

The City later received advanced notification by the office of U.S. Representative Bill Posey dated September 9, 2020 of the 3rd tranche of allocations through the Coronavirus, Aid, Relief and Economic Security Act (CARES Act) in the amount of \$491,218 in CDBG-CV3 (Community Development Block Grant – Coronavirus) funds.

Staff has prepared a Substantial Amendment to the Fiscal Year (FY) 2019-2020 Annual Action Plan to allocate CDBG-CV3 funding to eligible activities that **prevent, prepare for, and respond** to coronavirus as required by HUD. The Amendment is broad in nature, as recommended by HUD. Staff recommends the addition of two (2) new activities, Public Services related to COVID-19 and Assistance for Special Economic Development Activity and/or Affordable Housing Activities relate to COVID-19. Staff also recommends the allocation of CDBG-CV3 funding as follows: \$98,243.60 towards Planning & Administration (HUD allows a maximum of 20 percent of total allocation for administrative-related activities), \$147,365.40 towards Public Services related to COVID-19, and \$245,609.00 toward Assistance for Special Economic Development and/or Affordable Housing Activities related to COVID-19.

On April 9, 2020, HUD released a Summary of CARES Act Provisions for Coronavirus Response with CDBG-CV and CDBG Grants which includes the elimination of the 15 percent cap on the amount of grant funds that can be used for Public Service activities related to the prevention, preparation for and response to COVID-19.

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:

The allocation of \$491,218 in CDBG-CV3 funding under the CARES Act will result in an increase to the CDBG-CV3 Fund.

RECOMMENDATION:

Motion to approve a Substantial Amendment to Fiscal Year 2019-2020 Annual Action Plan allocating \$491,218 in CDBG-CV3 funding to HUD-eligible activities related to COVID-19.

ATTACHMENTS:

Description

Public Notice for CARES Act Amendment to FY 2019-2020 Annual Action Plan

Advanced Award Notification from U.S. House of Representative Bill Posey regarding CARES Act allocation of CDBG-CV3 funds

**CITY OF PALM BAY
PUBLIC NOTICE
CARES Act AMENDMENT
FY 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN**

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Action Plans that provide concise summary of the actions and activities that will be undertaken to address the priority needs and specific goals identified in the Consolidate Plan.

On March 16, 2020, President Trump created the Coronavirus Aid, Relief and Economic Security Act (CARES Act). The City of Palm Bay was officially notified by the U.S. Department of Housing & Urban Development (HUD) of its initial CDBG-CV allocation of \$458,099. The City of Palm Bay publicly noticed the Substantial Amendment for the initial CDBG-CV allocation on May 13, 2020 and it was approved by Palm Bay City Council on May 21, 2020.

On September 9, 2020, The City of Palm Bay was further notified by HUD of an additional allocation in the amount of \$491,218 in Community Development Block Grant – Coronavirus 3rd Tranche (CDBG-CV3) funds. This substantial amendment allocates CDBG-CV3 funds to eligible activities that prevent, prepare for and respond to coronavirus (COVID-19). On April 9, 2020, HUD released a Summary of CARES Act Provisions for Coronavirus Response with CDBG-CV3 and CDBG Grants which includes the elimination of the 15 percent cap on the amount of grant funds for eligible Public Service activities related to the prevention, preparation for and response to COVID-19.

The City of Palm Bay is hereby notifying the public of one (1) substantial amendment to allocate CDBG-CV3 funds to eligible programs and activities that prevent, prepare for and respond to COVID19. The amendment represented here-in applies only to the City of Palm Bay's Community Development Block Grant (CDBG) Program for the Fiscal Year (FY) 2019-2020 and does not affect other Annual Action Plans or any element of the Brevard County HOME Consortium's Five-Year Consolidated Plan.

AMENDMENT NO. 1 – FUNDING INCREASE

Activity Name: CDBG-CV3

Original Funding FY 2019-2020:	\$0.00
Amended Funding:	\$491,218.00
Total Funding:	\$491,218.00

AMENDMENT NO. 2 – Allocation of Funds to Planning & Administration (CV)

Activity Name: Planning & Administration (CV3)

Original Budget:	\$0.00
Budget Increase:	\$98,243.60
New Budget:	\$98,243.60

AMENDMENT NO. 3 – Allocation of Available Funds to Public Services related to COVID-19

Original Budget:	\$0.00
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Budget Increase:	\$147,365.40
New Budget:	\$147,365.40

AMENDMENT NO.4 – Allocation of Funds for Assistance Related to Special Economic Development and/or Affordable Housing Activities related to COVID-19

Original Budget:	\$0.00
Budget Increase:	\$245,609.00
New Budget:	\$245,609.00

The City of Palm Bay will hold a Public Hearing to review this change and to receive public comments at the regularly scheduled City Council Meeting to be held on Thursday, November 19, 2020 at 7:00 PM in Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, Florida 32907.

Persons with disabilities requiring special accommodations to participate in the Public Hearing or persons requiring information in a language other than English should call Sandra Urban, Housing Administrator, at 321-952-3408 or 7-1-1 (Florida Relay Services) at least forty-eight (48) hours prior to the Public Hearing.

Interested persons are encouraged to provide written comment to:

Sandra Urban, Housing Administrator

City of Palm Bay

120 Malabar Road SE, Palm Bay, FL 32907

sandra.urban@palmbayflorida.org

All comments received by November 2, 2020 will be considered. City Council will take action on the proposed CDBG Substantial Amendment at its meeting scheduled for Thursday, November 19, 2020 at 7:00 PM in City Council Chambers, Palm Bay City Hall, 120 Malabar Road SE, Palm Bay, FL 32907.

From: [Joan Junkala](#)
To: [Suzanne Sherman](#); [Sandra Urban](#)
Subject: Fwd: HUD Advance Award Notification: CDBG-CV3
Date: Wednesday, September 9, 2020 2:26:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Florida.xlsx](#)

Suzanne, FYI looks like Palm Bay maybe be getting additional funds under CDBG-CV3. I'll need to get more information on this from out HUD rep.

Joan A. Junkala-Brown
Director
Community & Economic Development
City of Palm Bay
(321) 616-5065 (cell)
(321) 726-2601 (office)

Please excuse brevity and typos.

Please excuse brevity and typos.
Sent from my iPhone.

From: Jackson, David <David.Jackson@mail.house.gov>
Sent: Wednesday, September 9, 2020 2:19:07 PM
To: Jackson, David <David.Jackson@mail.house.gov>
Subject: FW: HUD Advance Award Notification: CDBG-CV3

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Jackson, David <David.Jackson@mail.house.gov>
Sent: Wednesday, September 9, 2020 1:26 PM
To: Jackson, David <David.Jackson@mail.house.gov>
Subject: FW: HUD Advance Award Notification: CDBG-CV3
Importance: High

Good afternoon,

Attached is a notice that your city/county will be receiving CDBG CARES Act 3rd Tranche funding. Congratulations!

Cordially,

David

David Jackson

Director of Community Relations

U.S. Representative Bill Posey (FL-8)
Brevard County Government Center
2725 Judge Fran Jamieson Way, Bldg. C, Melbourne FL 32940
321-632-1776
321-639-8595 fax
David.jackson@mail.house.gov



Website: www.posey.house.gov

From: Burns, Stuart
Sent: Tuesday, September 8, 2020 2:38 PM
To: Gavin, Patrick ; Jackson, David
Subject: FW: HUD Advance Award Notification: CDBG-CV3

Looks like several grants in here for FL08

Stuart

From: "Herring, Sofia"
Date: Tuesday, September 8, 2020 at 2:36 PM
To: "Herring, Sofia"
Cc: "Disrud, Doug" , "Hinman, Alyssa"
Subject: HUD Advance Award Notification: CDBG-CV3

Good afternoon-

The Department of Housing and Urban Development has announced the Community Development Block Grant (CDBG) CARES Act 3rd Tranche. Please find attached details on individual awards and below for more information on the CDBG grants. This information is embargoed until Friday September 11th, but feel free to announce as soon as you'd like. Please reply all with any questions you may have.

Description: The CARES Act provided \$5 billion in supplemental Community Development Block Grant (CDBG) funding to prevent, prepare for, and respond to coronavirus. HUD previously announced the first \$2 billion in CARES Act funding for CDBG grantees and announced on May 11th the second tranche of \$1 billion which was required to be allocated just to state and insular area governments. This notice allocates the third tranche of CDBG CARES Act funding. The Congress provided the Secretary of Housing and Urban Development with discretion on how to allocate this remaining tranche of \$1,987,576,954 within the priority areas of the law. The formula allocation developed by HUD both meets the statutory requirements of the CARES Act and the President's Executive Order to focus funds toward places with households facing higher risk of eviction.

Thank you,

Sofia Herring | Staff Assistant

Republican Staff

House Committee on Appropriations

CDBGNAME		CDBGUO	CV3
E	State	GID	Allocation
Boca Raton	FL	120234	\$628,410
Boynton Beach	FL	120264	\$559,369
Bradenton	FL	120270	\$374,384
Cape Coral	FL	120402	\$808,604
Clearwater	FL	120492	\$858,968
Cocoa	FL	120516	\$133,363
Coconut Creek	FL	120534	\$325,803
Coral Springs	FL	120588	\$733,522
Crestview	FL	120612	\$153,311
Davie	FL	120684	\$660,193
Daytona Beach	FL	120690	\$599,913
Deerfield Beach	FL	120708	\$582,801
Delray Beach	FL	120732	\$521,181
Deltona	FL	120738	\$380,181
Ft Lauderdale	FL	120954	\$1,640,833
Ft Myers	FL	120966	\$548,584
Fort Pierce	FL	120996	\$373,187
Fort Walton Beach	FL	121008	\$198,719
Gainesville	FL	121038	\$1,001,999
Hialeah	FL	121236	\$1,866,906
Hollywood	FL	121320	\$1,125,498
Homestead City	FL	121344	\$527,823
Jupiter	FL	121512	\$340,665
Kissimmee	FL	121572	\$737,760
Lakeland	FL	121662	\$787,276
Largo	FL	121710	\$500,012
Lauderhill	FL	121728	\$519,251
Marco Island City	FL	121874	\$135,235
Margate	FL	121878	\$334,572

Melbourne	FL	121926	\$494,445
Miami	FL	121968	\$4,771,821
Miami Beach	FL	121974	\$1,553,629
Miami Gardens City	FL	121976	\$687,954
Miramar	FL	122022	\$686,423
North Miami	FL	122142	\$637,991
Ocala	FL	122214	\$422,871
Orlando	FL	122292	\$3,379,120
Palm Bay	FL	122358	\$491,218
Palm Beach Gardens	FL	122370	\$343,176
Palm Coast	FL	122374	\$340,392
Panama City	FL	122406	\$316,049
Pembroke Pines	FL	122448	\$855,566
Pensacola	FL	122466	\$463,126
Pinellas Park	FL	122502	\$330,715
Plantation	FL	122514	\$528,351
Pompano Beach	FL	122538	\$842,961
Port Orange	FL	122568	\$318,738
Port St Lucie	FL	122586	\$748,802
St. Cloud City	FL	122700	\$320,884
St Petersburg	FL	122724	\$1,594,534
Sanford	FL	122754	\$367,418
Sarasota	FL	122766	\$456,902
Sebastian City	FL	122808	\$91,600
Sunrise	FL	122958	\$599,957
Tallahassee	FL	123000	\$1,488,292
Tamarac	FL	123006	\$339,281
Tampa	FL	123012	\$3,075,937
Titusville	FL	123048	\$258,041
Wellington	FL	123213	\$297,908

Weston City	FL	123249	\$295,158
West Palm Beach	FL	123252	\$987,542
Brevard County	FL	129009	\$1,276,560
Broward County	FL	129011	\$2,395,015
Collier County	FL	129021	\$2,671,095
Jacksonville-Duval County	FL	129031	\$5,825,311
Escambia County	FL	129033	\$1,316,979
Hillsborough County	FL	129057	\$5,628,010
Lake County	FL	129069	\$1,220,597
Lee County	FL	129071	\$2,674,780
Manatee County	FL	129081	\$1,579,157
Marion County	FL	129083	\$1,025,481
Miami-Dade County	FL	129086	\$9,901,813
Orange County	FL	129095	\$8,156,612
Osceola County	FL	129097	\$1,925,901
Palm Beach County	FL	129099	\$5,386,951
Pasco County	FL	129101	\$1,996,434
Pinellas County	FL	129103	\$2,401,815
Polk County	FL	129105	\$2,812,299
St. Johns County	FL	129109	\$950,706
Sarasota County	FL	129115	\$1,616,645
Seminole County	FL	129117	\$2,006,356
Volusia County	FL	129127	\$1,506,290
FL Nonentitlement	FL	129999	\$20,150,795



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Joan Junkala-Brown, Community & Economic Development

DATE: 11/19/2020

RE: Consideration of a technical revision to the substantial amendment to Community Development Block Grant prior years (Fiscal Years 2014, 2015, and 2016) Unspent Funds.

On May 21, 2020, City Council approved a Substantial Amendment to the FY 2018 Annual Action Plan relating to unspent funds in the amount of \$431,527, which previously allocated for HUD-eligible Special Economic Development Activities. Staff recommended the reallocation of these unspent funds to the Palm Bay Fire Department for the acquisition of certain fire apparatus and life-saving equipment to meet the growing demands of Fire Stations 1 and 3, which respond to eligible low- and moderate-income areas of the City. This activity is eligible use of CDBG funds under 24 CFR 570.201(c) and 570.207(b)(1)(ii) and meets HUD regulations under Local Area Benefit.

The Substantial Amendment reallocated the \$431,527 to the acquisition of fire apparatus and life-saving equipment to as follows: Acquisition of Fire Tender for Fire Station 3 (\$261,200); Acquisition of Brush Truck for Fire Station 1 (\$107,502); and Acquisition of Life-Saving Equipment for Fire Stations 1 and 3 (\$62,825). The acquisition of these items was not budgeted within the City's capital improvement plan and determined as unlikely to be accommodated within the next several fiscal years.

Staff is bringing this Substantial Amendment back to City Council as a technical revision only. This technical revision seeks to clearly identify the Fiscal Year/Program Year Annual Action Plans and activities to be amended and to adequately document such within the HUD-required project file. This information is provided in the attachment.

Background: In early 2019, Housing Division staff issued a Notice of Funding Availability (NOFA) to solicit a subrecipient to carry out economic development related activities eligible under 24 CFR 570.201; however, received no eligible applications. In order to meet the timely expenditure of these funds by August 2, 2020 as required by the U.S. Housing & Urban Development (HUD), staff identified other HUD-eligible activities for the reallocation of prior year unspent funds.

REQUESTING DEPARTMENT:
Community & Economic Development

FISCAL IMPACT:

Funding of \$431,527 was expended against the following CDBG accounts: 112-3353-554-5206, 112-3353-554-6401 and 112-3353-554-6405 in FY 20. The grant funds are pending reimbursement to the City as of September 30, 2020.

RECOMMENDATION:

Motion to approve a Technical Revision to the previously approved Substantial Amendment to FY 2018 CDBG Annual Action Plan to reallocate \$431,527 for the acquisition of fire apparatus and life-saving equipment for Fire Stations 1 and 3.

ATTACHMENTS:**Description**

Substantial Amendment FY 2018 CDBG Annual Action Plan

**CITY OF PALM BAY
PUBLIC NOTICE
SUBSTANTIAL AMENDMENT TO 2014, 2015, AND 2016 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) ANNUAL ACTION PLANS**

The City of Palm Bay, as a member of the Brevard County HOME Consortium, has adopted a Five-Year Consolidated Plan that is carried out through Annual Actions Plans (AAP), which provides a concise summary of the actions and activities that will be undertaken to address the priority needs and specific goals identified in the Consolidated Plan.

The City of Palm Bay is hereby making a technical revision to the Substantial Amendment previously noticed and subsequently approved by Palm Bay City Council at the Regular Council Meeting held on May 21, 2020. The Substantial Amendment publicly noticed the reallocation of unexpended prior year Community Development Block Grant (CDBG) funds totaling \$431,527.00. This technical revision seeks to clearly identify the Fiscal Year/Program Year Annual Action Plans and activities to be amended. This Substantial Amendment applies only to the City of Palm Bay's Community Development Block Grant (CDBG) Program and does not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

AMENDMENT NO. 1 – FUNDING REDUCTION (Program Year 2014 AAP)

Public Improvements – Projects not started:

- PORT MALABAR SIDEWALK HANDICAP ACCESSIBILITY RETROFIT PROJECT - \$70,000
- DAYTONA DRIVE SIDEWALK HANDICAP ACCESSIBILITY RETROFIT PROJECT PHASE II - \$100,000

Public Services - Agencies which did not utilize full funding award:

- CHIDREN'S HUNGER PROJECT - \$11,575
- HELPING SENIORS OF BREVARD COUNTY, INC. - \$14,469
- NANA'S CHILDREN'S HOME, INC. - \$14,469

Affordable Housing – Program did not utilize full funding award:

- SINGLE UNIT RESIDENTIAL OWNER-OCCUPIED REHAB - \$159,503.72

Original Budget:	\$370,016.72
Reduction in Funding:	<u>\$370,016.72</u>
Total Amended Budget:	\$0.00

AMENDMENT NO. 2 – FUNDING REDUCTION (Program Year 2015 AAP)

Planning & Administration – Unexpended funds allocated to eligible administrative activities:

- CDBG GENERAL PROGRAM ADMINISTRATION - \$46,314.71

Original Budget:	\$46,314.71
Reduction in Funding:	<u>\$46,314.71</u>
Total Amended Budget:	\$0.00

AMENDMENT NO. 3 – FUNDING REDUCTION (Program Year 2016 AAP)

Planning & Administration – Unexpended funds allocated to eligible administrative activities:

- CDBG GENERAL PROGRAM ADMINISTRATION - \$15,195.57

Original Budget:	\$39,621.96
Reduction in Funding:	<u>\$15,195.57</u>
Total Amended Budget:	\$24,426.39**

*** Will be reallocated to another activity in a future substantial amendment.*

Amendments Nos. 1 – 3 reflect a total reduction in funding for Program Years 2014, 2015 and 2016 Annual Action Plans is \$431,527.00.

AMENDMENT NO. 4 – NEW ACTIVITY (Program Year 2019 AAP)

Activity Name: Acquisition of Fire Tender for Fire Station 3

New Budget: \$261,200.00

New funding received from reduction of funding to **2014 Funding Allocation** in the amount of **\$261,200**.

AMENDMENT NO. 3 – NEW ACTIVITY (Program Year 2019 AAP)

Activity Name: Acquisition of Brush Truck for Fire Station 1

New Budget: \$107,502.00

New funding received from reduction of funding to **2014, 2015, and 2016 Funding Allocation** in the amount of **\$107,502.00**.

AMENDMENT NO. 4 – NEW ACTIVITY (Program Year 2019 AAP)

Activity Name: Acquisition of Life Saving Equipment for Fire Stations 1 and 3

New Budget: \$62,825.00

New funding received from reduction of funding to **2015 and 2016 Funding Allocation** in the amount of **\$62,825.00**.

AMENDMENT NO. 3 – ALLOCATION OF AVAILABLE FUNDS

The City of Palm Bay has identified unspent, un-reallocated CDBG funds in the amount of **\$431,527**, for which the total \$431,527.00 is being reallocated to the following new CDBG-eligible activities: **Acquisition of Fire Tender Truck for Fire Station 3 (\$261,200.00)**, and **Acquisition of Brush Truck for Fire Station 1 (\$107,502.00)**, and **Acquisition of Life Saving Equipment for Fire Stations 1 and 3 (\$62,825.00)**.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese Jones, City Clerk

DATE: 11/19/2020

RE: Committee/Council Reports

Florida Puerto Rican Hispanic Chamber of Commerce

Committee Reports:

- Space Coast Transportation Planning Organization
- Space Coast League of Cities
- Tourist Development Council

Council Reports

REQUESTING DEPARTMENT:

Legislative



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, Acting City Manager

THRU: Christopher A. Little, P.E.

DATE: 11/19/2020

RE: Consideration of an addendum to the Avery Springs Subdivision utility agreement; and increase to quote from Hydra Service, Inc. for the purchase of pumps and electrical panel.

On June 4, 2020, City Council authorized the execution of a Utility Agreement for the Avery Springs Subdivision, which was subsequently executed on July 20, 2020. Included in this Agreement was the requirement that the Developer obtain City Site Plan approval and construct RPS-1 Phase 1 on behalf of the City for wastewater capital charge credits. It also included the City's piggyback purchase of pumps and electrical panels from Hydra Service Inc for Regional Pump Station #1 (RPS-1) Phase 1.

1. After execution of the Utility Agreement, the RPS-1 Phase 1 design was submitted to the City Departments for Site Plan review. The Melbourne Tillman Water Control District (MTWCD) and Public Works Department required design modifications to the stormwater system. The design modifications have increased the Developer's construction costs for RPS-1 by \$41,850.
2. After execution of the Utility Agreement, a purchase order in the amount of \$157,815 was issued to Hydra Service Inc for the RPS-1 Phase 1 pumps and electrical panel. During the Shop Drawing review process, it was discovered that Hydra Service relied upon the Utilities Department's Standards to provide the cost of the pumps and panels; however, they did not receive the detailed design plans and technical specifications to account for the site-specific design conditions. Upon discovery of this oversight, the Utilities Department requested a revised quote from Hydra Service Inc. The revised quote has been provided for the pumps and electrical panel and the quote has been increased by \$50,117, for a revised total of \$207,932. The RPS-1 Phase 1 stormwater design modifications will result in an increase of the Utility Agreement credit, from \$12,057.84 to \$53,907.84, that is due to the Developer. The credit shall be reimbursed to the Developer through wastewater capital charge credits, consistent with the previously approved Agreement.

REQUESTING DEPARTMENT:
Utilities

FISCAL IMPACT:

Total estimated cost for pumps and electrical panels will be increased by \$50,117, for a revised total of \$207,932. Funds are available in the Utilities Department's Operating Fund 421-8030-535-6327, project 16WS07.

RECOMMENDATION:

Motion to 1) authorize staff to execute the amendment to the Avery Springs Subdivision Utility Agreement; 2) approve the increase of the piggyback purchase of pumps and electrical panel from Hydra Service, Inc., utilizing the Orange County purchasing agreement.

ATTACHMENTS:**Description**

Addendum to Avery Springs Utility Agreement

Hydra Service Pump and Panel Quote

Legislative Memo June 4, 2020

**THIS INSTRUMENT PREPARED UNDER
THE DIRECTION OF AND SHOULD BE
RETURNED TO:**

Palm Bay Utilities Director
City of Palm Bay
250 Osmosis Drive SE
Palm Bay, FL 32909
321-952-3410

For Recording Purposes Only

ADDENDUM TO WATER AND WASTEWATER SYSTEM AGREEMENT

THIS ADDENDUM made and entered into this _____ day of _____, 2020, by and between **AVERY SPRINGS DEVELOPMENT GROUP, LLC., FEI/EIN #85-1441655**, authorized to do business in the State of Florida (hereafter "DEVELOPER") and **CITY OF PALM BAY, FLORIDA**, a municipal corporation created under the laws of the State of Florida (hereafter the "CITY").

WITNESSETH

WHEREAS, the CITY entered into a Water and Wastewater System Agreement on July 20, 2020, ("Agreement") with the DEVELOPER to serve the project known as Avery Springs Subdivision, which property is described in Exhibit "A" of the aforementioned Agreement; and

WHEREAS, the DEVELOPER was given credit towards the water and wastewater connection charges for the Avery Springs Subdivision in the amount of **\$824,943.16** plus additional wastewater capital charges credit in the amount of **\$12,057.84**, for a total credit amount of **\$837,001.00** in exchange for the DEVELOPER construction cost of Regional Pump Station No. 1, Phase 1; and

WHEREAS, the cost of the Regional Pump Station No. 1, Phase 1, has increased by **\$41,850.00** as the result of additional design modifications placed on the DEVELOPER by the CITY's Public Works Department and the Melbourne Tillman Water Control District; and

WHEREAS, the CITY desires to amend Section 6.4(g) of the aforementioned Agreement to adjust the cost of the Regional Pump Station No. 1, Phase 1; and

WHEREAS, the CITY desires to amend Section 6.5 of the aforementioned Agreement to adjust the language regarding the credit owed to the DEVELOPER.

NOW, THEREFORE, in consideration of the mutual obligations and promises herein contained and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, it is mutually agreed by and between the parties:

1. All other terms and conditions of the original Agreement dated July 20, 2020, other than specifically amended or added herein, shall remain in full force and effect.
2. The following amendment is hereby made as part of the original Agreement and Section 6.4 (g) is amended and restated to read as follows:

6.4

(g) The DEVELOPER's Contractor determined and the DEVELOPER's Engineer of Record certifies that the construction cost of Regional Pump Station No. 1, Phase 1 as provided in the Construction Drawings is **\$878,851.00**. The original, signed cost estimate is contained within Exhibit "C" of this Agreement. The itemized cost estimated for the required stormwater revisions is contained with Exhibit "E."

- (1) The CITY will provide two (2) submersible pumps and panel, as described in Exhibit "D" of this Agreement, to the DEVELOPER for placement within the CITY's Regional Pump Station No. 1 wet well.
- (2) The CITY will be solely responsible for construction of Regional Pump Station No. 1, Phase 2 improvements or any subsequent water or sewer expansions occurring on Tract J once Phase 1 improvements are complete.

3. The following amendment is hereby made as part of the original Agreement and Section 6.5 is amended and restated to read as follows:

6.5 Per Section 6.4, fees and charges owed to the CITY are **\$824,943.16** and the credit owed to the DEVELOPER is **\$878,851.00**. The CITY and DEVELOPER agree that a credit of **\$53,907.84** shall be reimbursed to the DEVELOPER through wastewater capital charge credits equal to **17.17 ERCs** for use on other developments within the CITY. The transfer of the **17.17 ERCs** by the DEVELOPER to another development within the City will be accomplished by written notification by the DEVELOPER to the CITY. There is no expiration date for the transfer of the **17.17 ERCs** to another development within the City.

IN WITNESS WHEREOF, DEVELOPER and the CITY have executed or have caused this Agreement, with the named Exhibits attached, if any, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement

ATTEST:

**CITY OF PALM BAY, FLORIDA, a
municipal corporation of the State of
Florida**

Terese Jones, City Clerk

By: _____
Suzanne Sherman,
Acting City Manager

Date _____

FOR THE USE AND RELIANCE
OF PALM BAY ONLY
APPROVED AS TO FORM.

Date: _____

Christopher A. Little, PE
Utilities Director

Signed sealed and delivered
In the presence of:

DEVELOPER:

**AVERY SPRINGS DEVELOPMENT
GROUP, LLC.**

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

By: _____

Print Name: _____

Title: _____

Date: _____

[CORPORATE SEAL]

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2020, by _____ of _____, which is authorized to do business in the State of Florida on behalf of the _____.

He/she is personally known to me or has produced _____ as identification and did (did not) take an oath.

NOTARY PUBLIC SEAL OR STAMP:

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC, STATE OF _____

MY COMMISSION EXPIRES ON: _____

EXHIBIT "E": STORMWATER REVISIONS ADDITIONAL COST

P.O. Box 1674
Melbourne, FL 32902-1674

Phone: (321) 724-1697
Fax: (321) 725-1444

Email: dslandmasters@gmail.com

To:	City Of Palm Bay	Contact:	
Address:	Palm Bay	Phone:	
		Fax:	
Project Name:	Avery Spring Regional Pump Station Storm Revision	Bid Number:	
Project Location:		Bid Date:	9/16/2020

Item Description	Estimated Quantity	Unit	Unit Price	Total Price
New Storm Drain				
24" RCP	105.00	LF	\$56.00	\$5,880.00
24" HDPE	45.00	LF	\$53.00	\$2,385.00
15" RCP	116.00	LF	\$50.50	\$5,858.00
12" PVC	12.00	LF	\$31.00	\$372.00
8" PVC	275.00	LF	\$27.00	\$7,425.00
6" Perforated Pipe	126.00	LF	\$45.00	\$5,670.00
6" Yard Drain	6.00	EACH	\$725.00	\$4,350.00
6" Trench Drain (NORTH)	24.00	LF	\$415.00	\$9,960.00
6" Trench Drain (SOUTH)	28.00	LF	\$415.00	\$11,620.00
5' Storm Manhole	1.00	EACH	\$5,445.00	\$5,445.00
4' Diameter Storm Manhole @8'-10'	2.00	EACH	\$4,300.00	\$8,600.00
Type C Ditch Bottom Inlet	2.00	EACH	\$3,990.00	\$7,980.00
Type V Gutter Inlet	1.00	EACH	\$5,490.00	\$5,490.00
24" MES (RIP RAP RUBBLE Included)	1.00	EACH	\$4,340.00	\$4,340.00
12" MES	1.00	EACH	\$1,050.00	\$1,050.00
Plug For Future Tie In 18" RCP	1.00	EACH	\$250.00	\$250.00

Total Price for above New Storm Drain Items: \$86,675.00

Original Storm Drain

6" PVC W/ Fittings	90.00	LF	(\$18.00)	(\$1,620.00)
15" HDPE	119.00	LF	(\$30.00)	(\$3,570.00)
18" HDPE	30.00	LF	(\$40.00)	(\$1,200.00)
24" HDPE	150.00	LF	(\$53.00)	(\$7,950.00)
Storm Manhole @12'-14'	1.00	EACH	(\$5,445.00)	(\$5,445.00)
Storm Manhole @6'-8'	2.00	EACH	(\$3,295.00)	(\$6,590.00)
Type 4 Curb Inlet	2.00	EACH	(\$5,790.00)	(\$11,580.00)
24" Headwall	1.00	EACH	(\$2,590.00)	(\$2,590.00)
24" End Pipe Treatment (MTDDC)	1.00	EACH	(\$1,900.00)	(\$1,900.00)
Rip Rap Rubble Flow Channel	1.00	LS	(\$2,380.00)	(\$2,380.00)

Total Price for above Original Storm Drain Items: (\$44,825.00)

Total Bid Price: \$41,850.00



Site Plan Review

Project: Palm Bay Regional Lift Station #1
Number: 1374
Contact: Chris Little
Date: July 20, 2020

LAND DEVELOPMENT-PLANNING – Chris Balter

1. The site was calculated to have a caliper 24" of Exceptional Specimen trees on site, which necessitates the planting of replacement 4 trees. This number can be drawn down by saving additional exceptional specimen trees on site, or upsizing the replacement tree DBH or alternatively "purchasing" the required number of replacement trees thru the Tree Bank program to be placed on offsite park/ municipal sites= 4 trees @\$350 per tree = \$1,400 or a combination thereof. If a combination is chosen, please include a landscape plan showing the location, size, and types of replacement trees on site.

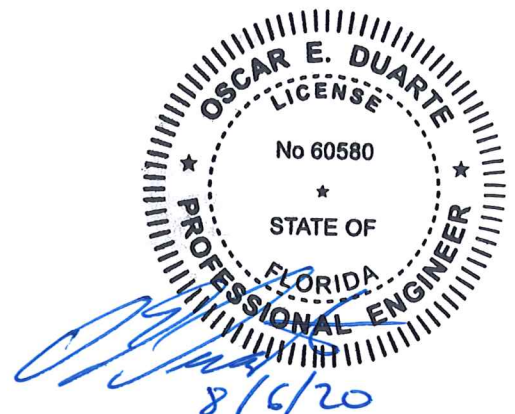
Response: Please refer to Sheet C-6 which has been modified to add the required trees.

2. Either a 6ft opaque fence will need to be provided around the project or landscaping will need to render the non-opaque fence opaque. Please show either choice on the plans.

Response: Please refer to Sheet D-3 which has been modified to include a vinyl fence detail. Additionally, a callout notes for a vinyl fence have been added to Sheets C-4 and C-6.

UTILITIES – Chris Little

1. No site plan comments.



PUBLIC WORKS – Natalie Shaber

Engineering Comments:

1. Stormwater Review Fee: Per City of Palm Bay Resolution 2019-34 the Stormwater Review Fee for new or modified development (0-5) acres is \$650.00. For projects that exceed 5 acres, an additional \$15.00 for each additional acre shall be added to the base fee of \$650; Code of Ordinances §174.07 (A). For the project, the Stormwater fee shall be \$650. BE ADVISED the resubmittal will not be routed for review if the fee is not included in this submittal.

Response: Please provide a chargeback form to the Utilities Director to address these fees.

2. Inspection Fee (On-site): Per City of Palm Bay Resolution No. 2019-34 (the City's Fee Resolution for FY 2019-2020) an Engineering Inspection Fee equal to 1.5% of the value of the on-site improvements is required. Please provide a signed and sealed Engineer's Cost Estimate of the site work that will be reviewed for consistency with current industry pricing. Once the Cost Estimate is approved you will be notified, and the fee can be submitted at that time. Note: The fee is required prior to issuance of the Building Permit.

Response: Under separate cover, the Utilities Director provided to Public Works a breakdown of stormwater and off-site construction costs. Provide a chargeback form to the Utilities Director to address these fees.

3. Inspection Fee (Right-of-way): Per City Resolution No. 2019-34 (the City's Fee Resolution for FY 2019-2020) an Engineering Inspection Fee equal to 0.5% of the value of the Public right-of-way improvements is required. Please provide a signed and sealed Engineer's Cost Estimate for the work in the Public right-of-way that will be reviewed for consistency with current industry pricing. Once the Cost Estimate is approved you will be notified, and the fee can be submitted at that time. Note: The fee is required prior to issuance of the Building Permit.

Response: Under separate cover, the Utilities Director provided to Public Works a breakdown of stormwater and off-site construction costs. Provide a chargeback form to the Utilities Director to address these fees.

4. Per discussion with Jake Wise PE, engineer of record for Avery Springs subdivision which includes the lift station parcel, the allowable impervious area for the lift station parcel is 80%. Impervious area includes both the drive aisle and any area that is beneath structures or equipment that prohibits/limits infiltration of runoff. Impervious area also includes compacted soil covered with gravel. Ensure that the impervious area is limited to 80% and provide a table on the cover sheet with a breakdown of pervious and impervious area for the site.

Response: Please refer to the breakdown of impervious area which has been added to the cover sheet. The total calculated impervious area for the proposed site is 54.6%.

5. All stormwater runoff from the lift station site shall be retained and attenuated within the Avery Springs stormwater management system. Sheet C5-flow arrows indicate direct discharge to MT Canal 20.

Response: The grading has been reconfigured to retain all stormwater runoff from the lift station site for treatment within the Avery Springs stormwater management system. As shown on revised Sheet C-5, trench drains have been added to retain stormwater flows.

6. Provide calculations demonstrating that the proposed outfall pipe size and slope provide the same discharge rate to Canal 20 from Hillcrest Ave.

Response: Please refer to the calculations provided in Attachment A.

7. Submit the MTWCD permit to traverse Canal 20 to connect the lift station to force main, and to discharge stormwater runoff to Canal 20 from Hillcrest Ave. prior to construction

Response: The MTWCD will be submitted prior to construction.

8. Please submit a Commercial Driveway permit application for the two driveways connecting to the public right-of-way. Per City of Palm Bay Resolution No. 2019-34(FY 2019-2020) The total permit application fee for the two new commercial driveways is \$412.00. The permits will be issued during the pre-sitework meeting.

Response: The application has been attached. Provide a chargeback form to the Utilities Director to address these fees.

9. On sheet C-4 the south driveway slope exceeds the 5% max slope; the slope is up to 12%. The north driveway has a 14%. Please update accordingly.

Response: As shown on revised Sheet C-4, site contours have been revised to reduce driveway slope to 5% for the south driveway and 8% for the north driveway.

10. On sheet C-4 and all applicable sheets; please remove the raised curbs within the public right-of-way. Please indicate that within the right-of-way the driveways are to have flush ribbon curbs only, per detail SDW-03 and SDW-04 shown on sheet D-5

Response: As shown on revised Sheet C-4, flush ribbon curbs have been added within the ROW.

11. On sheet C-4; between the driveways please remove the curb inlet from the edge of the roadway. Provide an inlet in the right-of-way swale per FDOT index 425-052

Response: Please refer to revised Sheet C-4 which now shows the required inlet type.

12. Sheet C-4; please remove the curb inlet from the edge of the roadway on the southwest corner of the side driveway. Consider installing a gutter inlet per FDOT index 425-040 or 425-041

Response: Please refer to revised Sheet C-4 which now shows the required inlet type.

13. Sheet C-4; provide size and type of pipe to be installed along the south side of the south driveway and clarify connection to the existing outfall pipe.

Response: Please refer to Sheets C-5 and C-10 for storm sewer pipe materials and sizes.

14. Sheet C-4; please provide ADS high performance pipe or RCP under the driveways depending on the coverage over the pipes.

Response: Please refer to Sheets C-5 and C-10 for storm sewer pipe materials and sizes.

15. Sheet C-4; on the north side of the north driveway please provide a mitered end section on the north end of the driveway culvert pipe.

Response: Headwall Detail SD-01 has been replaced with Mitered End Section Detail SD-03. In addition, the plans have been revised accordingly.

Traffic Comments:

1. No comments

Survey Comments:

1. Please show the proposed 5.0' Public Sidewalk Easement shown on the Preliminary Plat.

Response: Please refer to the revised Boundary & Topographic Survey attached.

2. Please provide a Quit-Claim Deed for the lift station site.

Response: Please refer to the revised Boundary & Topographic Survey attached.

3. Please explain how the survey is part of an unrecorded Plat or provide a metes and bounds legal description.

Response: Please refer to the revised Boundary & Topographic Survey attached.

4. Please provide a signed and sealed hard copy of the Boundary Survey per Note 6.

Response: Please refer to the revised Boundary & Topographic Survey attached.

5. Please verify the basis of bearings line is monumented on both ends.

Response: Information has been verified.

6. Please label or remove the dimension lines at the North end of Hillcrest Avenue.

Response: Please refer to the revised Boundary & Topographic Survey attached.

ATTACHMENT A – STORMWATER CALCULATIONS

STORM SEWER DESIGN

Mannings Formula

$$Q = V \cdot A = \left(\frac{1.49}{n} \right) \cdot A \cdot R^{2/3} \cdot S$$

V = Velocity, (ft/s)
A = Flow Area, (sf)
n = Manning's Roughness Coefficient
R = Hydraulic Radius, (ft)
S = Channel Slope, (ft/ft)

CANAL STORM SEWER NETWORK

US MH	DS MH	Pipe Dia (in)	Pipe Dia (ft)	Material	n	A (sf)	R	S	V (fps)	Q (cfs)	Required Capacity
Headwall	STM MH 3	24	2	Concrete	0.013	3.14	0.5	0.0335	13.2	41.52	41.53
CB 2	STM MH 3	15	1.25	Concrete	0.013	1.23	0.3125	0.111	17.6	21.58	10.00
STM 3	STM MH 2	27	2.25	Concrete	0.013	3.98	0.5625	0.0335	14.3	56.84	51.53
CB 1	STM MH 2	15	1.25	Concrete	0.013	1.23	0.3125	0.0285	8.9	10.93	10.00
-	STM MH 2	6	0.5	Corrugated HDPE	0.025	0.20	0.125	0.01	1.5	0.29	0.29
STM 2	Canal	30	2.5	Concrete	0.013	4.91	0.625	0.0335	15.3	75.27	61.82

Based on current max capacity of existing storm sewer highlighted in yellow below
10 cfs assumed max capacity of V Gutter Inlet

10 cfs assumed max capacity of V Gutter Inlet

EXISTING CMP STORM SEWER SHOWN FOR COMPARISON

Headwall	Canal	24	2	CMP	0.022	3.14	0.5	0.096	13.2	41.53
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ON SITE STORM SEWER NETWORK

US MH	DS MH	Pipe Dia (in)	Pipe Dia (ft)	Material	n	A (sf)	R	S	V (fps)	Q (cfs)	Required Capacity
-	CB 4	6	0.5	Corrugated HDPE	0.025	0.20	0.125	0.01	1.5	0.29	0.29
-	CB 4	6	0.5	Corrugated HDPE	0.025	0.20	0.125	0.01	1.5	0.29	0.29
CB 4	CB 3	15	1.25	Concrete	0.013	1.23	0.3125	0.0015	2.0	2.51	0.59
S Trench	CB 3	8	0.666666667	PVC	0.011	0.35	0.166667	0.01	4.1	1.43	0.25
CB 3	STM MH 1	15	1.25	Concrete	0.013	1.23	0.3125	0.0015	2.0	2.51	0.83
N Trench	STM MH 1	8	0.666666667	PVC	0.011	0.35	0.166667	0.01	4.1	1.43	0.21
STM MH 1	STM MH 7	18	1.5	Concrete	0.013	1.77	0.375	0.0061	4.7	8.23	1.04

Based on runoff calcs on next tab

Based on runoff calcs on next tab

Driveway Runoff

Rational Method

$$Q = C \cdot i \cdot A$$

Q = peak runoff quantity in cubic feet per second (unitless)

C = runoff coefficient

i = average intensity of precipitation in inches per hour

Item	Q (cfs)	C	I (in/hr)	A (acre)	Area (sf)
N Driveway	0.21	0.95	10.00	0.02	947
S Driveway	0.25	0.95	10.00	0.03	1,141



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Fax: 407 330 3404

Sales Representative
Contact Information
Cell Phone: 321-266-1079

TO:	City of Palm Bay	FROM:	John Scott- S2
ATTN:	Bob Hinkel/Tim Roberts	EMAIL:	jscott@hydraservice.net
PHONE	321-952-3400	DATE:	November 11, 2020
FAX:		QUOTE:	200130-3JSR2
EMAIL:	Bob.Hinkel@PalmBayFlorida.org	REF:	Palm Bay Regional LS 58hp Low Harmonic VFD 84hp
		ENG FIRM:	COPB

- 2 ABS Model XFP100J-CH1-PE430/4submersible pump , 4" discharge 556gpm@146'tdh, 35BHP@/57.7HP 480volt, 3phase, CH Impeller, with 50' power cords, 5Year Warranty, Premium Efficiency Motor
- 2 Lifting Chains - 316SS, 20' Lengths
- 2 Guide Rails 20' x 2" Diameter, Sch 40 SS (one piece)
- 2 Guide Rail Assemblies, 4" Discharge
- 2 Lifting Bales SS (Included with Pump)
- 2 Hardware Kits 316SS
- 2 Upper Guide Brackets, 316SS
- 1 (2)Yaskawa LOW HARMONICS VFDs,N3RXSS,Per City Of Palm Bay/WT Plans&Specs,TCP/IP Comm Cards
- 1 Hatch Cover 78" x 72", Single Door with Safety Grates
- 5 Float Switches-with 40' cables
- 1 Freight to Jobsite
- 1 Day Startup, with HydraService, Inc. Technician and Crane Truck
- 1 Santis Engineering Telemetry System including Antennae, Installation and Programming/Startup
- 1 Day VFD Programming and Training with Icon-Tech

Prices Per Orange County Contract

If Contractor to provide Telemetry, DEDUCT \$25,000.00 from below price

TOTAL PRICE, F.O.B. JOB, FREIGHT ALLOW **\$207,932.00** Excludes all
STATE OR LOCAL TAXES WHICH MAY APPLY. TERMS ARE NET **30** DAYS. PRICES ARE FIRM 30 DAYS
"HYDRA SERVICE INC TERMS & CONDITIONS APPLY" PAYMENT TERMS NET 30 DAYS.

ESTMTD DELIVERY **10to12** WEEKS AFTER RECEIPT IN OUR OFFICE OF COMPLETE
APPROVED SUBMITTAL DATA AND SIGNED PROPOSAL.

THESE TERMS ARE INDEPENDENT OF, AND ARE NOT CONTINGENT UPON THE TIME OR MANNER
IN WHICH PURCHASER MAY RECEIVE PAYMENT FROM OTHERS.

One Day startup is included, and required for warranty

Payment FOR MATERIALS WILL BE REQUIRED BEFORE THE AUTHORIZED START-UP IS CONDUCTED.

ACCEPTED DATE _____

11/11/20

NAME OF PURCHASER _____

John Scott

REVIEWED BY ABS PUMP REP. _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Christopher A. Little, P.E., Utilities Director

DATE: June 4, 2020

RE: Avery Springs Utility Agreement

SUMMARY:

In the Utilities Department's 2012 Wastewater Master Plan, the need was identified to construct a regional (master) lift station to support anticipated development in the Northwest portions of the City. On December 17, 2015, City Council approved Task Order 15-08 (Master Contract #2005-28) for the design and permitting of the Palm Vista Regional Lift Station. The lift station was anticipated to be placed at the Public Works facility located at 1050 Malabar Road.

On January 24, 2018, City Council approved Task Order 18-10 (Master Contract #2005-28), which included the redesign and re-siting of the Palm Vista Regional Lift Station, now referred to as Regional Pump Station #1 (RPS-1). The redesign included a change of pumping technology for the pump station and the installation of a smaller submersible pump station to support the proposed Avery Springs subdivision, located on three parcels which at that time were all owned by the City, across the street and to the northwest of the Public Works facility. The location for RPS-1 was agreed to be the southwest corner of the Avery Springs subdivision. Design and regulatory permitting of RPS-1 was completed in 2019. The Engineer's construction estimate is \$1,180,500.00.

On October 4, 2018, the parcels were sold by the City to Triangle Palm Bay LLC. In part, the sale was contingent on the City supplying RPS-1, as indicated in Task Order 18-10, to support the Avery Springs subdivision. The intent was for the Utilities Department to build RPS-1 concurrently with the Developer's site construction; however, the development was placed on hold indefinitely.

In March 2020, Triangle Palm Bay LLC notified the Utilities Department that they were ready to move forward with the construction of the Avery Springs subdivision. While developing the Utility Agreement, it was proposed that the Developer acquire the Site Plan Approval from the Growth Management Department and construct the first phase of RPS-1 as the two projects are directly linked.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Working with Triangle Palm Bay LLC and the City Attorney's Office, the Utilities Department has prepared a Utility Agreement for the Avery Springs subdivision. The Agreement requires the Developer to pay \$824,943.16 for 140 Equivalent Residential Connections (ERC), water and sewer mainline extension charges, inspection fees and miscellaneous charges. The Agreement further requires the Developer to install Phase 1 of RPS-1, at a cost of \$994,816 to the Utilities Department.

To minimize a credit owed to the Developer, the Utilities Department is proposing to directly purchase and furnish the 57.7 horsepower pumps and electrical panel required to support RPS-1. This equipment will be provided by Hydra Service, Inc., which is the authorized supplier of ABS pumps. ABS is one of only two pump manufacturers that the Utilities Department allows for use in the sewer collection system and is the manufacturer that the Developer wishes to utilize for the project.

By the City directly purchasing the ABS pumps and panel from Hydra Service, Inc., the Developer's RPS-1 installation cost is reduced to \$837,001.00. A final credit of \$12,057.84 would be owed to the Developer and would be reimbursed as wastewater impact fee credits for future projects.

In order to move forward with the Utility Agreement and to allow the Utilities Department to furnish the pumps and electrical panel, City Council approval is required.

REQUESTING DEPARTMENTS:

Utilities Department

FISCAL IMPACT:

Total estimated cost will be \$157,815.00. Funding is available in the Utilities Department's operating fund 421-8030-535-6327, project 16WS07.

RECOMMENDATION:

Motion to 1) authorize staff to execute the Avery Springs Subdivision Utility Agreement and for the Utilities Department to purchase and furnish the pumps and electrical panel required to support the RPS-1; 2) approve the piggyback purchase of pumps and electrical panel utilizing Orange County purchasing agreement.

Attachments: (all available upon request)

- 1) Task Order 15-08, Palm Vista Regional Lift Station Design and Permitting
- 2) Task Order 18-10, Regional Pump Station #1
- 3) Contractor's Construction Cost
- 4) 100% Engineer's Opinion of Probable Construction Cost
- 5) Avery Springs Utility Agreement
- 6) Hydra Service Inc Pump and Panel Quote