



120 Malabar Road, SE - Palm Bay, FL 32907 (321-952-3400)  
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Mayor  
WILLIAM CAPOTE  
Deputy Mayor  
HARRY SANTIAGO, JR.  
Councilmembers  
TRES HOLTON  
JEFF BAILEY  
BRIAN ANDERSON

# AGENDA

## REGULAR COUNCIL MEETING NO. 2016-33

### THURSDAY

December 1, 2016 - 7:00 P.M.  
City Hall Council Chambers

#### CALL TO ORDER:

#### INVOCATION:

#### PLEDGE OF ALLEGIANCE:

#### ROLL CALL:

#### ANNOUNCEMENTS:

1. One (1) vacancy on the Enterprise Zone Development Agency (represents 'local business' position).++
2. One (1) term expiring on the Enterprise Zone Development Agency (represents 'at-large' position).++
3. Two (2) terms expiring on the Local Road Advisory Board (represents 'at-large' 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.

#### PROCLAMATION:

1. Family Christmas Extravaganza Day – December 17, 2016.

#### ADOPTION OF MINUTES:

- \* 1. Special Council Meeting No. 2016-29; November 1, 2016.
- \* 2. Regular Council Meeting No. 2016-30; November 3, 2016.
- \* 3. Regular Council Meeting No. 2016-31; November 17, 2016.
- \* 4. Special Council Meeting No. 2016-32; November 21, 2016.

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

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

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

## **PUBLIC HEARINGS:**

- ♣1. Ordinance No. 2016-54, rezoning property located at the northwest corner of Mariposa Drive and Port Malabar Boulevard, from RS-2 (Single-Family Residential District) to NC (Neighborhood Commercial District) (1.00 acre)(Case No. CPZ-20-2016, City of Palm Bay), final reading.
- ♣2. Resolution No. 2016-47, granting a conditional use for a planned industrial development (business park) in LI (Light Industrial and Warehousing District) zoning (5.20 acres)(Case No. CU-28-2016, The Hady Family Limited Partnership) **(CONTINUED FROM RCM – 11/17/16)**.
- ♣3. Ordinance No. 2016-83, rezoning property located east of and adjacent to Clearmont Street, in the vicinity north of Mandarin Drive from RM-20 (Multiple-Family Residential District) to RM-15 (Single-, Two-, Multiple-Family Residential District) (3.52 acres) (Case No. Z-38-2016, Fred Boozer, Jr.), first reading.
- 4. Ordinance No. 2016-84, amending the City's Comprehensive Plan Future Land Use Element related to Urban Service Boundaries, Capital Improvements Element, Transportation Element Map Series, and Transportation Element Policy tC-1.4F (Case No. CP-26-2016, City of Palm Bay), only one reading required.
- 5. Ordinance No. 2016-85, amending the Code of Ordinances, Chapter 51, in order to revise procedures within sections contained therein (Case No. T-41-2016, City of Palm Bay), first reading.
- 6. Ordinance No. 2016-86, amending the Code of Ordinances, Chapter 170, in order to revise certain provisions contained therein (Case No. T-41-2016, City of Palm Bay), first reading.
- 7. Ordinance No. 2016-87, amending the Code of Ordinances, Chapter 179, by including provisions for roadway surfacing (Case No. T-41-2016, City of Palm Bay), first reading.
- 8. Ordinance No. 2016-88, amending the Code of Ordinances, Chapter 185, in order to revise certain provisions contained therein (Case No. T-41-2016, City of Palm Bay), first reading.
- ♣9. Request by Harold Fahs for a variance to allow a proposed concrete carport to encroach the 25-foot side corner setback by a maximum of eleven (11) feet in RS-2 (Single-Family Residential District) zoning (0.26 acres)(Case No. V-25-2016).
- 10. Request for a conditional use to allow proposed construction of twenty-eight (28) multi-family residential units known as Clearmont Trace in RM-15 (Single-, Two-, Multiple-Family Residential District) zoning (3.52 acres)(Case No. CU-39-2016, Fred Boozer, Jr.). **(RESCHEDULED TO RCM – 12/15/16)**
- 11. Request by Johnny Imes for a variance to allow a proposed accessory structure (free-standing garage) to encroach the 25-foot side corner setback by a maximum of eight (8) feet in RS-2 (Single-Family Residential District) zoning (0.26 acres)(Case No. V-33-2016). **(WITHDRAWN)**

## **PROCUREMENTS:**

### **Award of Proposal:**

- \* 1. Surface aerator replacement, North Regional Wastewater Treatment Plant – RFP No. 51-0-2016 – Utilities Department (L7 Construction, Inc. - \$578,700).

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**Miscellaneous:**

- \* 1. Backup Programmable Logic Controllers, bypass switches and services for SCADA system, South Regional Water Treatment Plant – Utilities Department (Santis Engineering, Inc. - \$157,329).

**COUNCIL REPORTS:**

**NEW BUSINESS: (Ordinance is for first reading.)**

- \* 1. Ordinance No. 2016-89, amending the Fiscal Year 2016-2017 budget by appropriating and allocating certain monies (first budget amendment).
- \* 2. Consideration of utilizing Recreation Impact Fees for an accessibility audit of Palm Bay parks (\$40,000).
- \* 3. Consideration of a collective bargaining agreement with the National Association of Government Employees, Local R-5-197 (White).
- \* 4. Consideration of the City's state and federal legislative priorities.
- 5. Consideration of councilmembers serving as representatives to other agencies/ organizations.

**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. (§ 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.

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