



120 Malabar Road, SE - Palm Bay, FL 32907 (321-952-3400)
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Mayor
WILLIAM CAPOTE

Deputy Mayor
JEFF BAILEY

Councilmembers
MICHELE PACCIONE
HARRY SANTIAGO, JR.
TRES HOLTON

AGENDA

REGULAR COUNCIL MEETING NO. 2016-10

THURSDAY

April 21, 2016 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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.

RECOGNITIONS:

1. Volunteer Program (one (1) year of service as City boardmember):
 - a) Enterprise Zone Development Agency – Aaron Pool;
 - b) Local Road Advisory Board – Don Jordan; Jonathan Piper; Angelina Iglesias; Hiram Grandoit.

PRESENTATIONS:

1. Paula Schroeder, Communications Manager, Aging Matters in Brevard – Wheels on Meals program.
2. Dave Ginsburg, Firefighters Benevolent Association – Donation to the American Red Cross.

ADOPTION OF MINUTES:

- * 1. Regular Council Meeting No. 2016-09; April 5, 2016.

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

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.

PUBLIC HEARINGS:

1. Ordinance No. 2016-15, amending the Code of Ordinances, Chapter 92, in order to update certain sections contained therein (Case No. T-6-2016, City of Palm Bay), for final reading.
2. Ordinance No. 2016-17, amending the Code of Ordinances, Chapter 185, in order to update certain sections contained therein (Case No. T-6-2016, City of Palm Bay), for final reading.
3. Ordinance No. 2016-20, amending the Fiscal Year 2015-2016 budget by appropriating and allocating certain monies (second budget amendment), for final reading.
4. Ordinance No. 2016-16, amending the Code of Ordinances, Chapter 170, in order to update certain sections contained therein (Case No. T-6-2016, City of Palm Bay), for first reading **(CONTINUED FROM RCM 04-05-16)**.
5. Ordinance No. 2016-18, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Palm Bay Road and Franklin Drive from Public/Semi-Public Use to Commercial Use (1.84 acres)(Case No. CP-2-2016, City of Palm Bay), only one reading required **(CONTINUED FROM RCM 04-05-16)**.
- ♣6. Ordinance No. 2016-19, rezoning property located at the southwest corner of Palm Bay Road and Franklin Drive from IU (Institutional Use District) to CC (Community Commercial District) (1.84 acres)(Case No. CPZ-2-2016, City of Palm Bay), for first reading **(CONTINUED FROM RCM 04-05-16)**.
7. Ordinance No. 2016-21, vacating a portion of the rear public utility and drainage easement located within Lot 23, Block 854, Port Malabar Unit 17 (Case No. VE-4-2016, Charles Gullo), for first reading.
8. Ordinance No. 2016-22, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Babcock Street, in the vicinity north of the proposed St. Johns Heritage Parkway, from Single Family Residential Use to Commercial Use (9.99 acres)(Case No. CP-3-2016, Waterstone Holdings, LLC), only one reading required.
9. Ordinance No. 2016-23, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Babcock Street, in the vicinity north of the proposed St. Johns Heritage Parkway, from Single Family Residential Use to Commercial Use (9.59 acres)(Case No. CP-4-2016, Cypress Bay Farms, LLC), only one reading required.
10. Ordinance No. 2016-24, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Babcock Street, in the vicinity north of the proposed St. Johns Heritage Parkway, from Single Family Residential Use to Commercial Use (3.54 acres)(Case No. CP-5-2016, Cypress Bay Farms, LLC), only one reading required.

11. Ordinance No. 2016-25, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Babcock Street, in the vicinity north of the proposed St. Johns Heritage Parkway, from Single Family Residential Use to Commercial Use (6.28 acres)(Case No. CP-6-2016, Waterstone Holdings, LLC), only one reading required.
- ♣12. Resolution No. 2016-16, granting a conditional use for retail automotive gas/fuel sales in HC (Highway Commercial District) zoning (1.01 acres)(Case No. CU-11-2016, Cumberland Farms, Inc.).
- ♣13. Request by Cumberland Farms, Inc. for a variance to allow a proposed accessory structure (fuel canopy) to encroach the 50-foot front setback; allow a proposed underground storage tank relief from the 40-foot setback requirement; allow relief from the 10-foot front parking setback requirement; and allow a proposed detached sign relief from the 10-foot front and side interior setbacks in HC (Highway Commercial District) zoning (1.01 acres)(Case No. V-12-2016).
- ♣14. Request by Carla and Timothy Hanlon for a variance to allow a proposed fence to encroach the 25-foot side corner setback; and to allow an existing home to encroach the 25-foot side corner setback in RS-1 (Single Family Residential District) zoning (0.23 acres)(Case No. V-7-2016).
- ♣15. Request by Eddie and Melissa Edwards for a variance to allow a proposed accessory structure (garage) to encroach the 10-foot rear setback and the 25-foot side corner setback in RE (Estate Residential District) zoning (0.38 acres)(Case No. V-8-2016).

PROCUREMENTS:

Award of Proposals:

- * 1. Hose pump equipment, North Regional Water Treatment Plant – RFP No. 06-0-2016 – Utilities Department (Flowrox Inc. - \$42,467).
- * 2. Road reconstruction/paving, St. Andre Boulevard – RFP No. 35-0-2016 – Public Works Department (DP Development of the Treasure Coast, LLC - \$1,350,177).
- * 3. Polymer feed equipment, North Regional Water Treatment Plant – RFP No. 41-0-2016 – Utilities Department (Prominent Fluid Controls - \$64,146).

Contract:

- * 1. Steel tank refurbishment (Clearmont Water Reclamation facility) and clarifier walkway bridge replacement (Clearmont Wastewater Treatment Plant), change order – Utilities Department (E&D Contracting Services, Inc. - \$21,203).

Miscellaneous:

- * 1. Mobile radios – Police Department (Communications International, Inc. - \$78,736).

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Building and Construction Advisory Committee.

COMMITTEE AND COUNCIL REPORTS:

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NEW BUSINESS:

1. Resolution No. 2016-17, supporting the initiative of the Volusia, Space Coast, and Treasure Coast League of Cities 'Indian River Lagoon Regional Compact: One Lagoon – One Community – One Voice' (Mayor Capote).
- * 2. Resolution No. 2016-18, as amended, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 36, Parks and Recreation.
- * 3. Consideration of the Reclaimed Water Rate Study prepared by Public Resources Management Group, Inc.
- * 4. Consideration of one (1) full-time position within the Growth Management Department.
5. Resolution No. 2016-09, establishing a policy for the preparation of an annual road priority list (**WITHDRAWN**).

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.