



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. 2016-13

THURSDAY

June 2, 2016 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

Pastor Jim Campbell – First Baptist Church of Melbourne, Bay West Campus

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENT:

1. One (1) vacancy on the Community Development Advisory Board (represents 'residential home building' 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.

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. 2016-34, rezoning property located west of and adjacent to Lehigh Avenue, in the vicinity south of Malabar Road, from RC (Restricted Commercial District) to RS-1 (Single-Family Residential District) (0.23 acres)(Case No. CPZ-8-2016, John and Pamela Thrasher), final reading.

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

2. Ordinance No. 2016-35, vacating a portion of the rear public utility and drainage easement located within Lot 13, Block 2201, Port Malabar Unit 28 (Case No. VE-5-2016, Dawn Sigman), final reading.
- ♣3. Ordinance No. 2016-36, rezoning property located west of and adjacent to Dixie Highway, in the vicinity north of Riverview Drive and south of Overlook Drive, from RM-20 (Multiple-Family Residential District) and RS-2 (Single-Family Residential District) to PUD (Planned Unit Development) for a multi-family residential subdivision to be known as The Terraces PUD (6.86 acres)(Case No. PUD-10-2016, Palm Bay 2, LLC), final reading.
- ♣4. Request by Dimitrios Makos for a variance to allow an existing home to encroach the 25-foot side corner setback; and to allow a proposed fence to encroach the 25-foot side corner setback by a maximum of 7.7 feet in RS-1 (Single-Family Residential District) zoning (0.25 acres)(Case No. V-13-2016) **(CONTINUED FROM RCM – 05/19/16)**.
5. Ordinance No. 2016-37, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, by creating a new subchapter to be titled 'Chronic Nuisances' (Case No. T-17-2016, City of Palm Bay), first reading.
6. Ordinance No. 2016-38, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of St. Andre Boulevard and Wingham Drive from Commercial Use to Industrial Use (9.48 acres)(Case No. CP-9-2016, City of Palm Bay), only one reading required.
- ♣7. Ordinance No. 2016-39, rezoning property located at the southeast corner of St. Andre Boulevard and Wingham Drive from NC (Neighborhood Commercial District) to HI (Heavy Industrial District) (9.48 acres)(Case No. CPZ-9-2016, City of Palm Bay), first reading.
- ♣8. Request by McDonald's Corporation for a variance to allow a reduction in the required number of parking spaces in CC (Community Commercial District) zoning (0.95 acres)(Case No. V-16-2016).

PROCUREMENTS:

Contract:

- * 1. Web-based benefits administration system agreement, renewal – Human Resources Department (BenTek - \$34,992).

Waive of Bid Process and Award:

- * 1. Professional engineering services, St. Johns Heritage Parkway (emergency purchase) – Growth Management Department (Construction Engineering Group - \$30,850).

Miscellaneous:

- * 1. General civil, roadway, traffic engineering continuing consultant services, master agreements and rate schedules (B.S.E. Consultants, Inc.; Ghyabi and Associates; Infrastructure Engineers, Inc.; MBV Engineering, Inc.; and Metric Engineering, Inc.).
- * 2. Bayfront stormwater re-design, TO 16-1007 – Bayfront Community Redevelopment Agency (MBV Engineering, Inc. - \$59,348).
- * 3. Permit renewal and mechanical integrity testing assistance, North Regional deep injection well, TO 16-04 – Utilities Department (Wade Trim - \$60,308).

- * 4. “Other Agency” contracts, video detection system (Road Program equipment and supplies) – Public Works Department (Transportation Control Systems, Inc. – up to \$65,000).

UNFINISHED AND OLD BUSINESS:

1. Appointment of two (2) members to the Community Development Advisory Board.

COUNCIL REPORTS:

NEW BUSINESS: (Ordinances are for first reading.)

- * 1. Resolution No. 2016-20, amending Resolution No. 2016-10, authorizing the Mayor to execute a Subordination of City Utility Interests with the Florida Department of Transportation as it relates to the widening of Babcock Street, from Malabar Road to Palm Bay Road.
- * 2. Resolution No. 2016-21, amending Resolution No. 2016-17, supporting the initiative of the Space Coast and Treasure Coast Regional League of Cities ‘Indian River Lagoon Regional Compact: One Lagoon – One Community – One Voice’.
- * 3. Resolution No. 2016-22, rescinding Resolution No. 2012-23, which authorized the closure of Gaynor Drive between Gantry and Fairbanks Streets.
- * 4. Resolution No. 2016-23, amending Resolution No. 2015-44, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code.
- * 5. Resolution No. 2016-24, amending Resolution No. 2015-47, as amended, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay.
- * 6. Resolution No. 2016-25, amending Resolution No. 2015-48, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2015-2016 through 2019-2020.
- * 7. Ordinance No. 2016-40, amending the Fiscal Year 2015-2016 budget by appropriating and allocating certain monies (third budget amendment).
- * 8. Consideration of an amendment to the Interlocal Agreement with the Brevard County Board of County Commissioners as it relates to the Palm Bay Regional Park, the Greater Palm Bay Senior Center, and the operational responsibilities of the Palm Bay Aquatic Center.
- * 9. Consideration of an agreement with the School Board of Brevard County for school resource officers at Bayside High, Heritage High, and Southwest Middle Schools.
- * 10. Consideration of expenditures from the Police Department's Law Enforcement Trust Fund (\$6,554).
- 11. Consideration of scheduling workshops for June 2016.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Consideration of a settlement agreement with UMB Bank, N.A. as it relates to the former Municipal Charter School (Patriot campus) property.

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.