



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. 2017-04

### THURSDAY

February 2, 2017 - 7:00 P.M.  
City Hall Council Chambers

#### CALL TO ORDER:

#### INVOCATION:

Father Jeremiah Payne – St. Joseph Catholic School, Palm Bay

#### PLEDGE OF ALLEGIANCE:

#### ROLL CALL:

#### ANNOUNCEMENTS:

1. Two (2) terms expiring on the Building and Construction Advisory Committee (represents 'at-large' positions).++
2. Two (2) terms expiring on the Recreation Advisory Board (represents 'at-large' positions).++

#### 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.

#### RECOGNITION AND PROCLAMATIONS:

1. The Healthiest Weight Florida Initiative.
2. Catholic Schools' Week – January 29-February 4, 2017.
3. Congenital Heart Defect Awareness Week – February 7-14, 2017.
4. Retirement of Brevard County Court Judge A. B. Majeed; presentation of Key to the City.

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

**PRESENTATION:**

1. Chris Robinson, First Friday by the Bay – update.

**ADOPTION OF MINUTES:**

- \* 1. Regular Council Meeting No. 2017-01; January 5, 2017.
- \* 2. Special Council Meeting No. 2017-02; January 19, 2017.
- \* 3. Regular Council Meeting No. 2017-03; January 19, 2017.

**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. 2017-10, vacating a portion of the rear public utility and drainage easement located within Lot 8, Block 13, Port Malabar Country Club Unit 2 (Case No. VE-1-2017, Guy Hartford), final reading.
2. Ordinance No. 2017-11, vacating a portion of the rear public utility and drainage easement located within Lot 29, Block 1622, Port Malabar Unit 32 (Case No. VE-2-2017, William Oloughlin), final reading.
3. Ordinance No. 2017-01, providing for the annexation of certain real property located north of and adjacent to Micco Road, in the vicinity west of Dottie Drive, into the City (122.7 acres) (Case No. A-1-2017, Wheeler Farms, Inc.), first reading. **(CONTINUED FROM RCM – 01/05/17)**
4. Ordinance No. 2017-02, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Micco Road, in the vicinity west of Dottie Drive, from Residential One Use (Brevard County) to Single Family Residential Use (122.7 acres)(Case No. CP-23-2016, Wheeler Farms, Inc.), first reading. **(CONTINUED FROM RCM – 01/05/17)**
- ♣5. Ordinance No. 2017-03, rezoning property located north of and adjacent to Micco Road, in the vicinity west of Dottie Drive, from GU (General Use District) (Brevard County) to RR (Rural Residential District) (122.7 acres)(Case No. CPZ-23-2016, Wheeler Farms, Inc.), first reading. **(CONTINUED FROM RCM – 01/05/17)**
6. Ordinance No. 2017-12, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Cascade Avenue, in the vicinity south of Malabar Road, from Single Family Residential Use to Commercial Use (0.48 acres)(Case No. CP-1-2017, Emerson Development Partners, LLC), first reading.
- ♣7. Ordinance No. 2017-13, rezoning property located south of and adjacent to Malabar Road, in the vicinity between Emerson Drive and Cascade Avenue, from RS-1 (Single-Family Residential District) and RC (Restricted Commercial District) to CC (Community Commercial District) (2.05 acres)(Case No. CPZ-1-2017, Emerson Development Partners, LLC), first reading.

- ♣8. Resolution No. 2017-02, granting a conditional use for retail automotive gas/fuel sales in CC (Community Commercial District) zoning (2.05 acres)(Case No. CU-1-2017, Emerson Development Partners, LLC).
- 9. Ordinance No. 2017-14, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Off-Street Parking and Loading Requirements', in order to adopt standards for off-site parking and storage lots for all commercial, institutional and industrial zoned properties (Case No. T-3-2017, City of Palm Bay), first reading.
- 10. Ordinance No. 2017-15, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Off-Street Parking and Loading Requirements', in order to adopt lighting standards for all non-single family residential properties (Case No. T-4-2017, City of Palm Bay), first reading.
- 11. Ordinance No. 2017-16, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development', by modifying the procedures for bonding and for the approval of preliminary and final development plans (Case No. T-5-2017, City of Palm Bay), first reading.
- 12. Resolution No. 2017-03, electing to use the uniform method of collecting non-ad valorem special assessments levied within the incorporated area of the city.
- 13. Request by Eric Addington for a final subdivision to be known as Sanibel Cove Subdivision in RS-2 (Single-Family Residential District) zoning (16.74 acres)(Case No. FS-2-2016) **(RESCHEDULED TO P&Z – 02/01/17).**

## **PROCUREMENTS:**

### **Award of Bid:**

- \* 1. Emergency generator modifications, North Regional Water Reclamation Facility – IFB No. 20-0-2017 – Utilities Department (Eau Gallie Electric - \$163,372).

### **Miscellaneous:**

- \* 1. "Other Agency" contracts, liquid sodium hypochlorite (Tampa Bay Water contract) – Utilities Department (Odyssey Manufacturing Company – \$160,000).

## **UNFINISHED AND OLD BUSINESS:**

- 1. Appointment of one (1) member to the Enterprise Zone Development Agency ('local business' position).

## **COUNCIL REPORTS:**

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

- 1. Ordinance No. 2017-17, amending the Code of Ordinances, Chapter 51, Public Hearings, providing for limitations on continuances of scheduled public hearings.
- \* 2. Consideration of utilizing Recreation Impact Fees for various improvements to Tony Rosa Community Center.

- \* 3. Acknowledgement of the City's preliminary quarterly financial report for October – December 2016.

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

1. Reconsideration of employment contract with Gregg Lynk, City Manager.

**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.