



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. 2017-09

THURSDAY

April 20, 2017 - 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.

PROCLAMATIONS:

1. Eugene C. Johnson Masonic Lodge #318, 73rd Annual Lodge Anniversary.
2. National Volunteer Week, April 23-29, 2017.

PRESENTATION:

1. Dr. Michael Grieves, Executive Director, CAMID at Florida Institute of Technology – update.

ADOPTION OF MINUTES:

- * 1. Regular Council Meeting No. 2017-07; March 16, 2017.
- * 2. Regular Council Meeting No. 2017-08; April 6, 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.

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

PUBLIC HEARINGS:

1. Ordinance No. 2017-30, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', in order to allow alcohol sales in a restaurant as a conditional use in NC (Neighborhood Commercial District) zoning (Case No. T-9-2017, Copper Chimney Grill & Bar), final reading.
2. Ordinance No. 2017-31, vacating a portion of the side public utility and drainage easement located within Lot 30, Block 328, Port Malabar Unit 9 (Case No. VE-3-2017, Dale Herscher), final reading **(RESCHEDULED TO RCM 05/04/17)**.
- ♣3. Resolution No. 2017-14, granting a conditional use to modify a binding site plan for additional commercial development on property located north of and adjacent to Malabar Road, west of Interstate 95, in CC (Community Commercial District) zoning (15.15 acres)(Case No. CU-10-2017, Gator Interchange Partners, LLLP).
4. Request by Evans Center, Inc., to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Florida Avenue and Pelham Street, from Single Family Residential Use to Public/Semi-Public Use (0.79 acres)(Case No. CP-12-2017) **(RESCHEDULED TO RCM 05/04/17)**.
5. Request by Michael Minick for site plan approval of an off-site parking lot on property located north of and adjacent to Georgia Street, in the vicinity west of Tango Avenue (0.42 acres)(Case No. SP-13-2017) **(RESCHEDULED TO P&Z – 05/03/17)**.

PROCUREMENTS:

Award of Bid:

- * 1. Basin 1 stormwater treatment project, Alternate 1 – IFB No. 26-0-2017 – Public Works Department (Jobear Contracting, Inc. - \$255,010).

Miscellaneous:

- * 1. Well, pump and motor rehabilitation services – Utilities Department (Aquifer Maintenance and Performance Systems, Inc. – Fiscal Year 2017 – \$200,000).
- * 2. Land development review, engineering and inspection continuing consultant services, agreement renewals – Growth Management Department (MBV Engineering, Inc.; B.S.E. Consultants, Inc.; and Bowman Consulting Group - \$137,000).

COMMITTEE AND COUNCIL REPORTS:

NEW BUSINESS: (Ordinances are for first readings.)

1. Ordinance No. 2017-32, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by including provisions related to in-service distributions **(CONTINUED FROM RCM – 04/06/17)**.
- * 2. Ordinance No. 2017-34, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by creating a new section establishing a firefighter share plan.

3. Ordinance No. 2017-35, establishing a procedure relating to the imposition of special assessments for the provision of services, facilities, programs and local improvements within the City.
4. Ordinance No. 2017-33, amending the Code of Ordinances, by creating Chapter 120, to be titled "Cannabis Dispensing Businesses".
- * 5. Consideration of utilizing Transportation Impact Fees for the purchase of traffic engineering software to support the increased growth within the city (\$6,477).
- * 6. Consideration of utilizing Recreation Impact Fees to procure engineering services for inspection of the Turkey Creek Sanctuary boardwalk (\$13,500).
- * 7. Consideration of the purchase, delivery and installation of office furniture within the Legislative Department (\$23,118).
- * 8. Acknowledgement of the City's monthly financial report for February 2017.
- * 9. Consideration of travel and training for specified City employees.
10. Consideration of:
 - a) Councilmembers attending Puerto Rico Day 2017 in Tallahassee, Florida, April 25-26, 2017.
 - b) Mayor Capote attending the 85th Annual U.S. Conference of Mayors in Miami Beach, Florida, June 23-26, 2017.

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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