



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. 2017-14

THURSDAY

June 1, 2017 - 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 financial institute or insurance entities').++
2. One (1) vacancy on the Community Development Advisory Board (represents 'real estate professional').++

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. Code Enforcement Officer Appreciation Week – June 5-9, 2017.

PRESENTATION:

1. John Denninghoff, P.E., Interim Assistant County Manager, Development and Public Services, Brevard County – St. Johns Heritage Parkway update.

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

ADOPTION OF MINUTES:

- * 1. Regular Council Meeting No. 2017-11; May 4, 2017.
- * 2. Regular Council Meeting No. 2017-12; May 18, 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. 2017-40, amending the Code of Ordinances, Chapter 184, Subdivisions, in order to adopt provisions for water and sewer in minor subdivisions (Case No. T-22-2017, City of Palm Bay), final reading.
2. Ordinance No. 2016-79, amending the City's Comprehensive Plan Future Land Use Element related to the density cap for Policy 8.31, Palm Vista (1,698 acres)(Case No. CP-25-2016, Len-Palm Vista, LLC), final reading. **(CONTINUED FROM RCM – 05/18/17)**
3. Ordinance No. 2017-38, amending the Code of Ordinances, Chapter 178, Signs, by repealing the chapter in its entirety, first reading. **(CONTINUED FROM RCM – 05/18/17)**
4. Ordinance No. 2017-39, amending the Code of Ordinances by creating Chapter 178, to be titled 'Signs' (Case No. T-15-2017. City of Palm Bay), first reading. **(CONTINUED FROM RCM – 05/18/17)**
5. Ordinance No. 2017-41, vacating a portion of the rear public utility and drainage easement located within Lot 12, Block 2159, Port Malabar Unit 42 (Case No. VE-5-2017, Frank Gabriel), first reading.
6. Ordinance No. 2017-42, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southeast corner of Babcock Street and the north segment of Plantation Circle, from Single Family Residential Use to Commercial Use (8.41 acres)(Case No. CP-13-2017, West Pointe Babcock, LLC), only one reading required.
- ♣7. Ordinance No. 2017-43, rezoning property located at the southeast corner of Babcock Street and the north segment of Plantation Circle, from RR (Rural Residential District) to CC (Community Commercial District) (8.41 acres)(Case No. CPZ-13-2017, West Pointe Babcock, LLC), first reading.
8. Ordinance No. 2017-44, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Lockheed Street and Mercury Avenue, from Recreation and Open Space Use to Multiple Family Residential Use (3.01 acres)(Case No. CP-14-2017, Mercury Avenue, LLC), only one reading required.
- ♣9. Request by Mercury Avenue, LLC for a variance to reduce the ratio used to determine the minimum number of required parking spaces from two (2) parking spaces per unit to one and a half (1.5) parking spaces per unit in RM-20 (Multiple-Family Residential District) zoning (2.77 acres)(Case No. V-18-2017).

10. Ordinance No. 2017-45, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property surrounded by Dozier Circle, in the vicinity west of Emerson Drive, from Recreation and Open Space Use to Single Family Residential Use (7.01 acres)(Case No. CP-15-2017, City of Palm Bay), only one reading required.
11. Ordinance No. 2017-46, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Dorchester Street, in the vicinity north of Malabar Road, from Recreation and Open Space Use to Single Family Residential Use (10.04 acres)(Case No. CP-16-2017, City of Palm Bay), first reading.
12. Ordinance No. 2017-47, amending the Code of Ordinances, Chapter 52, Boards, in order to adopt language that further clarifies the duties and responsibilities of the Planning and Zoning Board/Local Planning Agency (Case No. T-21-2017, City of Palm Bay), first reading.
- ♣13. Request by Nanette Lima for a variance to allow a proposed air conditioning unit and concrete pad to encroach the 12-foot side interior setback by a maximum of 5.0 feet in RE (Estate Residential District) zoning (0.34 acres)(Case No. V-16-2017).
14. Request by Rhue Dunston for a variance to waive the 1,000-foot separation requirement by a maximum 1,000 feet for a proposed foster care residential home in RS-2 (Single-Family Residential District) zoning (0.23 acres)(Case No. V-17-2017). **(WITHDRAWN)**
15. Request by Circle K Stores, Inc. for an amendment to an existing conditional use in order to expand retail automotive gas/fuel sales in CC (Community Commercial District) zoning (3.43 acres)(Case No. CU-20-2017). **(RESCHEDULED TO P&Z – 06/05/17)**

PROCUREMENTS:

Award of Bids:

- * 1. High pressure and high service pump variable frequency drive (VFD) replacements, South Regional Water Treatment Plant – IFB No. 46-0-2017 – Utilities Department (Hinterland Group, Inc. - \$175,000).
- * 2. Process air pipe replacement, North Regional Water Reclamation Facility – IFB No. 47-0-2017 – Utilities Department (L7 Construction, Inc. - \$271,400).

Contract:

- * 1. Water reclamation facility design, field services and stormwater management, South Regional Campus – Task Order No. 0006-2017 – Utilities Department (Wade Trim, Inc. - \$79,936).

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Community Development Advisory Board.

COUNCIL REPORTS:

NEW BUSINESS: (Ordinance is for first reading.)

- * 1. Ordinance No. 2017-48, amending the Fiscal Year 2016-2017 budget by appropriating and allocating certain monies (third budget amendment).
- 2. Consideration of executing the 2017 Civility Pledge to aid in restoring and promoting a proper decorum that facilitates free expression and healthy public debate. (Councilman Holton)
- 3. Consideration of revising Council's Policies and Procedures with regard to regulations for public meetings. (Councilman Holton)
- * 4. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$25,247).
- * 5. Consideration of travel and training for specified City employees.

ADMINISTRATIVE AND LEGAL REPORTS:

- * 1. Consideration of utilizing unbudgeted excess recovery funds to cover worker's compensation settlement expenses.

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.