



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. 2017-27

TUESDAY

October 3, 2017 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

Pastor David Fitzgerald – Tomoka Christian Church, Palm Bay

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 Code Enforcement Board (represents 'at-large' position).++
3. Two (2) vacancies on the Community Development Advisory Board (represents 'employer within the city' and 'for-profit provider' 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.

PROCLAMATIONS:

1. Fire Prevention Week – October 8-14, 2017.
2. Community Planning Month – October 2017.

ADOPTION OF MINUTES:

- * 1. Special Council Meeting No. 2017-18; August 1, 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. 2017-01, 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.), final reading.
2. 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.), final reading.
- ♣3. 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.), final reading.
4. Ordinance No. 2017-18, providing for the annexation of certain real property located in the vicinity north of Emerson Drive, east of St. Johns Heritage Parkway, and west of Amador Avenue, into the City (10.00 acres) (Case No. A-2-2017, Lynn Gilchrist), final reading.
5. Ordinance No. 2017-19, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity north of Emerson Drive, east of St. Johns Heritage Parkway, and west of Amador Avenue, from Agricultural (Brevard County) to Rural Single Family Use (10.00 acres)(Case No. CP-2-2017, Lynn Gilchrist), final reading.
- ♣6. Ordinance No. 2017-20, rezoning property located in the vicinity north of Emerson Drive, east of St. Johns Heritage Parkway, and west of Amador Avenue, from GU (General Use District) (Brevard County) to GU (General Use Holding District) (10.00 acres)(Case No. CPZ-2-2017, Lynn Gilchrist), final reading.
7. 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), final reading.
8. Ordinance No. 2017-56, vacating a thirty-foot (30') easement surrounding Parcel 254, east of adjacent to Clearmont Street (Case No. VE-6-2017, Fred Boozer, Jr.), final reading.
9. Ordinance No. 2017-57, vacating a portion of the rear public utility and drainage easement located within Lot 6, Block 213, Port Malabar Unit 7 (Case No. VE-8-2017, Maria Diaz), final reading.
- ♣10. Ordinance No. 2017-63, rezoning property located south of and adjacent to Malabar Road, in the vicinity east of Allison Drive, from RR-1 (Rural Residential (Brevard County)) to PUD (Planned Unit Development) for a final Planned Unit Development (PUD) for the first phase of a residential subdivision to be known as Chaparral PUD (28.75 acres)(Case No. PUD-37-2017, Chaparral Properties, LLC), final reading.
11. Ordinance No. 2017-65, amending the Code of Ordinances, Chapter 120, Cannabis Dispensing Businesses, in order to comply with Section 381.986(11), Florida Statutes, final reading.
12. Ordinance No. 2017-66, amending the Code of Ordinances by creating Chapter 101, to be titled 'Communications Facilities in Public Rights-of-Way', final reading.

13. Ordinance No. 2017-67, amending the Fiscal Year 2016-2017 budget by appropriating and allocating certain monies (fourth budget amendment), final reading.
- ♣14. Ordinance No. 2017-68, rezoning property located north of and adjacent to Market Circle, in the vicinity west of Knecht Road, from RR (Rural Residential District) to RS-1 (Single Family Residential District) (5.38 acres)(Case No. Z-40-2017, Mark Petroni), first reading.
- ♣15. Request by Mark Petroni for preliminary subdivision approval to be known as Hawk's Ridge in RS-1 (Single Family Residential District) zoning (5.38 acres)(Case No. PS-1-2017).
- ♣16. Ordinance No. 2017-69, rezoning property located east of and adjacent to Riviera Drive, in the vicinity north of Newbern Street, from IU (Institutional Use District) to PUD (Planned Unit Development) for a proposed residential development to be known as Sabal Key (9.9 acres) (Case No. PUD-42-2017, Holiday Builders, Inc.), first reading.
17. Ordinance No. 2017-70, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', in order to permit wedding venues as a principal use within RR (Rural Residential District) zoning (Case No. T-43-2017, Troy Douglas), first reading.
18. Ordinance No. 2017-71, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2682, Port Malabar Unit 50 (Case No. VE-9-2017, Lucien Lavache and Edith Chery), first reading.
- ♣19. Request by Ray Lamboy for a variance to allow a proposed garage addition to encroach the eight-foot side interior setback by a maximum of 2.00 feet in RS-2 (Single-Family Residential District) zoning (0.23 acres)(Case No. V-41-2017).
20. Request by West Pointe Babcock, LLC to amend 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 Plantation Circle, from Single Family Residential Use to Commercial Use (2.89 acres)(Case No. CP-18-2017, West Pointe Babcock, LLC)(**WITHDRAWN**).
21. Request by West Pointe Babcock, LLC to rezone property located at the southeast corner of Babcock Street and Plantation Circle, from RR (Rural Residential District) to CC (Community Commercial District) (2.89 acres)(Case No. CPZ-18-2017)(**WITHDRAWN**).
22. Request by City of Palm Bay to amend the Code of Ordinances, Chapter 70, General Provisions, and Chapter 185, Zoning Code, in order to update the provisions for parking commercial and recreational vehicles in residential areas and to revise definitions within the applicable sections of the Code (Case No. T-39-2017)(**WITHDRAWN**).

PROCUREMENTS:

Award of Proposal:

- * 1. SCADA support services – RFP No. 55-0-2017 – Utilities Department (Santis Engineering, Inc. - \$200,000).

Miscellaneous:

- * 1. Full depth reclamation, and double-chip and seal (Fallkirk, Farber, Lake Port, and Lacey Avenues) (Polk County Pavement Management Alternative Methods contract) – Public Works Department/Road Maintenance Program (Asphalt Paving Systems - \$190,421).
- * 2. Caterpillar equipment, parts and services – Public Works Department (Ring Power Corporation - \$135,000 (sole source)).

COUNCIL REPORTS:

NEW BUSINESS: (Ordinances are for first reading.)

1. Resolution No. 2017-52, establishing a Disaster Relief Committee Executive Board (Mayor Capote).
- * 2. Resolution No. 2017-53, amending Resolution No. 2016-50, adopting the Title VI/Nondiscrimination Policy and Plan.
- * 3. Resolution No. 2017-54, amending the 2017-2020 State Housing Initiatives Partnership Local Housing Assistance Plan.
4. Resolution No. 2017-55, declaring the City of Palm Bay City Council the governing body of the Bayfront Community Redevelopment Agency.
5. Ordinance No. 2017-72, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Bayfront Community Redevelopment Agency', by modifying the composition of the Board of Commissioners.
- * 6. Consideration of a second amendment to the Impact Fee Credit Agreement with Town Center Partners, Ltd.
- * 7. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$7,000).
- * 8. Consideration of travel and training for specified City employees.
9. Consideration of scheduling a special meeting in October 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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