



120 Malabar Road, SE - Palm Bay, FL 32907 (321-952-3400)  
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Mayor  
WILLIAM CAPOTE

Deputy Mayor  
TRES HOLTON

Councilmembers  
HARRY SANTIAGO, JR.  
JEFF BAILEY  
BRIAN ANDERSON

# AGENDA

## REGULAR COUNCIL MEETING NO. 2018-21

### THURSDAY

September 6, 2018 - 7:00 P.M.  
City Hall Council Chambers

#### CALL TO ORDER:

#### INVOCATION:

#### PLEDGE OF ALLEGIANCE:

#### ROLL CALL:

#### ANNOUNCEMENTS:

1. Two (2) vacancies on the Community Development Advisory Board (represents 'for-profit provider' and 'actively engage in home building' positions).++
2. One (1) vacancy on the Infrastructure Advisory and Oversight Board (represents 'at-large' position).++
3. One (1) term expiring on the Melbourne-Tillman Water Control District Board (member shall be resident of the Melbourne-Tillman Water Control District).+

#### 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. Attendance Awareness Month – September 2018.

#### ADOPTION OF MINUTES:

- \* 1. Regular Council Meeting No. 2018-16; July 5, 2018.
- \* 2. Regular Council Meeting No. 2018-17; July 19, 2018.

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

**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. 2018-31, 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 final Planned Unit Development (PUD) of a single-family residential subdivision to be known as Sabal Key PUD (10.73 acres)(Case No. PUD-12-2018, Holiday Builders, Inc.), final reading.
2. Ordinance No. 2018-32, establishing a temporary moratorium prohibiting applications for development for properties identified as the Downtown District within the Bayfront Community Redevelopment District, final reading.
3. Ordinance No. 2018-33, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'District Regulations' and 'Off-Street Parking and Loading Requirements', by revising provisions related to off-street parking and providing for reference within RM-20 (Multiple-Family Residential District) zoning (Case No. T-14-2018, City of Palm Bay), final reading.
4. Ordinance No. 2018-34, amending the Code of Ordinances, Chapter 177, Fire Prevention and Protection, Subchapter 'Buildings and Structures', in order to comply with the National Fire Protection Association regulations (Case No. T-16-2018, City of Palm Bay), final reading.
5. Ordinance No. 2018-35, amending the Code of Ordinances, Chapter 184, Subdivisions, in order to comply with the National Fire Protection Association regulations (Case No. T-16-2018, City of Palm Bay), final reading.
6. Ordinance No. 2018-36, granting an economic development ad valorem tax exemption to Project Rainbow, final reading.
7. Ordinance No. 2018-41, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Babcock Street, in the vicinity north of Centerlane Road, from Calumet Farms PUD Use to Rural Single Family Use (372.19 acres)(Case No. CP-11-2018, Babcock LLC), first reading.
- ♣8. Ordinance No. 2018-42, rezoning property located east of and adjacent to Babcock Street, in the vicinity north of Centerlane Road, from GU (General Use District (Brevard County)) to GU (General Use Holding District) (372.19 acres)(Case No. CPZ-11-2018, Babcock LLC), first reading.
- ♣9. Resolution No. 2018-38, granting a conditional use to allow the operation of a proposed canine day care and related services in GC (General Commercial District) zoning (0.71 acres)(Case No. CU-15-2018, Big Paws, Little Paws, Inc.).
10. Resolution No. 2018-39, imposing special assessments related to the construction and funding of the Port Malabar Unit 31 Road Improvement Project.
  - a) Consideration of Uniform Collection Agreement with the Brevard County Tax Collector.
11. Resolution No. 2018-40, imposing special assessments related to the construction and funding of the Port Malabar Unit 32 Road Improvement Project.
  - a) Consideration of Uniform Collection Agreement with the Brevard County Tax Collector.

12. Request by Construction Engineering Group for an amendment to the Comprehensive Plan Future Land Use Element to modify Policy FLU-8.3H in order to increase the maximum density from 429 to 459 residential units for Brentwood Lakes PUD, based on 3.2 units per acre (Case No. CP-12-2018). **(WITHDRAWN)**
13. Request by D.R. Horton, Inc., for a final development plan for Phase III of an approved Planned Unit Development (PUD) known as Brentwood Lakes South, to allow for a change in density from 85 single-family residential lots to 127 single-family residential lots, which property is located south of and adjacent to Malabar Road, in the vicinity south of Wading Bird Circle (37.015 acres)(Case No. PUD-11-2018). **(WITHDRAWN)**

## **PROCUREMENTS:**

### **Award of Bid:**

- \* 1. Ground storage tank rehabilitation, North Regional Water Treatment Plant, Change Order No. 2 – IFB No. 41-0-2017 – Utilities Department (Crom Engineering and Construction Services - \$60,410).

### **Miscellaneous:**

- \* 1. “Cooperative Purchase”, re-approval of two (2) unfulfilled vehicle purchases (Florida Sheriff’s Association contract) – Growth Management Department, Building Division (Terry Deland Nissan - \$46,264).
- \* 2. “Cooperative Purchase”, one (1) vehicle (Florida Sheriff’s Association contract) – Office of the City Attorney (Prestige Ford - \$18,490).

## **COUNCIL REPORTS:**

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

- \* 1. Resolution No. 2018-41, memorializing the interfund advance from the Building Fund to the Environmental Fee Fund.
- \* 2. Ordinance No. 2018-43, amending the Fiscal Year 2017-2018 budget by appropriating and allocating certain monies (fourth budget amendment).
- \* 3. Consideration of travel and training for specified City employees.

## **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.**

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

**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.**

**Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than noon two (2) business days prior to the meeting.**