



120 Malabar Road SE  
Palm Bay, FL 32907  
(321) 952-3400  
[www.palmbayflorida.org](http://www.palmbayflorida.org)

**Mayor**  
ROB MEDINA  
**Deputy Mayor**  
DONNY FELIX  
**Councilmembers**  
KENNY JOHNSON  
RANDY FOSTER  
VACANT

## **AGENDA**

### **Regular Council Meeting 2024-05 Thursday**

**March 07, 2024 – 6:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

#### **CALL TO ORDER:**

#### **INVOCATION:**

1. Pastor David Fitzgerald – City Church, Palm Bay.

#### **PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ANNOUNCEMENTS:**

1. Four (4) vacancies on the Youth Advisory Board (represents 'student member' positions).++
2. Three (3) vacancies on the Youth Advisory Board (represents 'adult member' positions).++
3. Two (2) vacancies on the Disaster Relief Committee Executive Board.++
4. Two (2) terms expiring on the Police and Firefighters' Retirement Pension Plan, Board of Trustees (represents 'City resident' positions).++

#### **AGENDA REVISIONS:**

#### **PROCLAMATIONS AND RECOGNITIONS:**

1. Recognition: Presentation of the American Flag – honoring the service of Mary Thibert-Greene and Kenneth Greene. (Councilman Foster)
2. Proclamation: Irish American Heritage Month – March 2024.

3. Proclamation: Procurement Month – March 2024.

## **PRESENTATIONS:**

1. Jack Freeman, Kittleson and Associates – update on Malabar Road Widening PD&E Study.
2. Jack Freeman, Kittleson and Associates – Safe Streets for All (SS4A) grant application for Emerson Drive Pedestrian Safety Improvements.

## **PUBLIC COMMENTS/RESPONSES:**

**Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.**

## **APPROVAL OF CONSENT AGENDA:**

**There will be no separate discussion on those items listed under Consent Agenda. 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 under the agenda heading Consideration of Items Removed from Consent Agenda.**

1. Adoption of Minutes: Regular Council Meeting 2024-03; February 1, 2024.
2. Award of Bid: Fabrication of Skids – IFB 16-0-2024 – Fire Rescue (Chemical Containers, Inc. - \$234,800).
3. Consideration of participating in the Florida Department of Law Enforcement's State Assistance for Fentanyl Eradication (SAFE) Program in Fiscal Year 2023-2024.
4. Consideration of submitting a concept paper for the Florida Department of Transportation Speed and Aggressive Driving Grant – “Know Your Limits” Initiative Continuation.
5. Consideration of submitting a concept paper to the Florida Department of Transportation State Safety Office sub-grant program regarding pedestrian safety and equipment for School Crossing Guards.
6. Consideration of the Fiscal Year 2023-2024 HOME Disbursement Agreement with Brevard County (\$1,942,244).
7. Consideration of submitting a modification request to the Subrecipient Agreement No. I0147 under the Federally Funded Community Development Block Grant Mitigation Program (CDBG-MIT).
8. Consideration of a withdrawal from the Subrecipient Agreement No. I0148 with the State of Florida Department of Economic Opportunity (DEO) pertaining to the Community Development Block Grant Mitigation (CDBG-MIT) Program.

9. Consideration of Community Project Funding requests during the Fiscal Year 2024-2025 Federal Legislative Session.
10. Consideration of utilizing Undesignated Fund Balance to continue the City Flag Program.
11. Consideration of designating certain City-owned real estate generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01, Tax Account: 2832805) as surplus and listing for sale to the public.
12. Consideration of designating certain City-owned real estate located at 2230 Washington Street NE (Tax Account: 2826268) and 1200 Salina Street SE (Tax Account: 2932995) as surplus and donating said lots for affordable housing development.
13. Consideration of reallocating approved Fiscal Year 2023-2024 funding from vac and chaser trucks to procure a slope mower, trencher, and F-150 pick-up truck; and request for additional funding for previously approved trencher, loader, and one full-time Maintenance Worker within the Public Works Department.
14. Consideration of purchasing an additional vehicle for the Police Department utilizing savings from the Fiscal Year 2023-2024 General Fund Vehicles (\$48,000).
15. Consideration of one (1) new full-time equivalent (FTE) position for a General Crimes Unit Police Sergeant position within the Police Department (\$65,704 for remainder of Fiscal Year 2023-2024).
16. Acknowledgement of the City's monthly financial report for December 2023 (Unaudited).
17. Acknowledgement of the City's Budget Monitoring Report for the first quarter of Fiscal Year 2024 (Unaudited).

#### **PUBLIC HEARINGS:**

1. Ordinance 2024-06, vacating a portion of the side public utility and drainage easement located within Lot 13, Block 745, Port Malabar Unit 16 (Case VE-18-2023, K. Hovnanian Aspire at Palm Bay LLC), final reading.
2. Ordinance 2024-07, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to uses, setbacks and metal buildings (Case T24-00001, City of Palm Bay), final reading.
3. Consideration of a Final Order for the denial of Ordinance 2024-04, requesting a Final Development Plan for a proposed residential development consisting of a 126-unit townhome subdivision to be known as 'Bramblewood Townhomes' on property located east of and adjacent to Bramblewood Circle, in the vicinity south of Bayside Lakes Boulevard (20.02 acres) (Case FD23-00008, JWH Holdings, LLC). (CONTINUED FROM 02/15/24 RCM)
4. Ordinance 2024-08, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Robert J. Conlan Boulevard, in the vicinity south of Commerce Park Drive, from Commercial Use to Neighborhood Center Use (26.5 acres) (Case CP23-00020, Palm Bay Development Group, LLC), only one reading

required. (CONTINUED FROM 01/18/24 RCM)

5. Resolution 2024-04, granting approval of a Preliminary Development Plan for a proposed mixed-use subdivision to be known as 'Palm Bay Suites and Residences' in HC (Highway Commercial District) zoning, which property is located west of and adjacent to Robert J. Conlan Boulevard, in the vicinity south of Commerce Park Drive (26.5 acres) (PD23-00008, Palm Bay Development Group, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)
6. Ordinance 2024-09, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity northwest of the corner of Babcock Street and St. Johns Heritage Parkway from Commercial Use, Low Density Residential Use, and High Density Residential Use to Neighborhood Center use (27.72 acres) (Case CP23-00012, Kimaya, LLC), only one reading required. (CONTINUED FROM 01/18/24 RCM)
7. Resolution 2024-05, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a mixed-use development to be known as 'Palm Bay Pointe West', which property is located west of and adjacent to Babcock Street, in the vicinity north and south of the St. Johns Heritage Parkway (84.75 acres) (Case PD23-00005, Kimaya, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)
8. Ordinance 2024-10, granting approval of a Final Development Plan for a proposed mixed-use development to be known as 'Palm Bay Pointe West' on property located west of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (84.75 acres) (Case FD23-00012, Kimaya, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)
9. Resolution 2024-06, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a commercial subdivision to be known as 'Palm Bay Pointe East', which property is located east of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (42.95 acres) (Case PD23-00007, Kimaya, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)
10. Ordinance 2024-11, granting approval of a Final Development Plan for a proposed commercial subdivision to be known as 'Palm Bay Pointe East' on property located east of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (42.95 acres) (Case FD23-00010, Kimaya, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)
11. Resolution 2024-07, granting a conditional use to allow retail automotive gas/fuel sales in CC (Community Commercial District) zoning on property located at the northeast corner of Babcock Street and Valkaria Road (1.5 acres) (Case CU23-00017, Sunshine Petro, Inc.). (Quasi-Judicial Proceeding)

#### **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:**

#### **PROCUREMENTS:**

1. Award of Proposal: Prequalification for septic to sewer services (rebid) – RFP 07-0-2024 – Utilities Department (Drain Mechanics, LLC; Prime Construction Group, Inc.; Centerline Utilities, Inc.; and Total Plumbing, Inc.).

## **NEW BUSINESS:**

1. Consideration of a Land Exchange Agreement with Diaz Treasures, LLC for certain real property (2.77 acres).
2. Consideration of a co-sponsorship request from Eastwind Pentecostal Church for its first annual Easter Extravaganza on March 30, 2024, at Fred Poppe Regional Park.
3. Consideration of a co-sponsorship request from Supporting Our ASD Kids (SOAK) for its annual Get SOAKed for Autism event on April 6, 2024, at Fred Poppe Regional Park.

## **COUNCIL REPORTS:**

## **ADMINISTRATIVE AND LEGAL REPORTS:**

## **PUBLIC COMMENTS/RESPONSES:**

Public comments will be heard by the City Council on non-agenda issues. Speakers must complete 'Public Comment Cards' (orange) and are limited to three (3) minutes each.

## **ADJOURNMENT:**

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. (Section 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.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your

ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

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 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting

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