



Mayor
WILLIAM CAPOTE

Deputy Mayor
BRIAN ANDERSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
KENNY JOHNSON

120 Malabar Road, SE - Palm Bay, FL 32907
(321-952-3400)
www.palmbayflorida.org

AGENDA

REGULAR COUNCIL MEETING 2019-20

THURSDAY

September 5, 2019 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++
2. Two (2) vacancies on the Business Improvement District (must be located within the District) representing one (1) 'institution of higher education (college or university)' and one (1) 'bank or financial institution'.++
3. One (1) vacancy on the Youth Advisory Board (represents an adult advisory member thirty (30) years and older).++
4. One (1) term expiring on the Melbourne-Tillman Water Control District (represents resident of the 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.

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

PROCLAMATION:

1. “Space Coast Salutes Our Military” bumper sticker campaign, Economic Development Commission of Florida’s Space Coast.

ADOPTION OF MINUTES:

- *1. Regular Council Meeting 2019-19; August 13, 2019.

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 three (3) minutes each.

PUBLIC HEARINGS:

1. Ordinance 2019-47, vacating a portion of the rear public utility and drainage easement located within Lot 8, Block 61, Port Malabar Unit 4 (Case VE-5-2019, Christine Stevens and Juan Delgado), final reading.
2. Ordinance 2019-48, vacating a portion of the rear public utility and drainage easement located within Lots 13 and 14, Block 806, Port Malabar Unit 16 (Case VE-6-2019, Christopher Carroll), final reading.
3. Ordinance 2019-49, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by amending provisions related to death and disability benefits, final reading.
4. Ordinance 2019-50, amending the Code of Ordinances, Chapter 64, Business Improvement District, Subchapter ‘Creation of City of Palm Bay Business Improvement District’, by modifying provisions related to the governing body, final reading. **(Councilman Santiago)**
5. Ordinance 2019-46, vacating a portion of the rear public utility and drainage easement located within Lots 21 and 22, Block 854, Port Malabar Unit 17 (Case VE-4-2019, Laura Gullo), first reading. **(CONTINUED FROM RCM 08-13-19)**
6. Ordinance 2019-55, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Castile Road, in the vicinity north of Jupiter Boulevard, from Recreation and Open Space Use to Single Family Residential Use (1.32 acres)(Case CP-11-2019, Elizabeth Persaud), only one reading required.
7. Request to amend the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Cricket Drive, in the vicinity between Nolan Street and Nogales Avenue, from Single Family Residential Use to Multiple Family Residential Use (20.36 acres)(Case CP-9-2019, Cricket Drive Apartments (Construction Engineering Group, LLC). **(WITHDRAWN)**

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

8. Request for Preliminary Development Plan approval of a proposed Planned Unit Development (PUD) to be known as “Cricket Drive Apartments” on property located north of and adjacent to Cricket Drive, in the vicinity between Nolan Street and Nogales Avenue (20.36 acres)(Case PD-15-2019, Cricket Drive Apartments (Construction Engineering Group, LLC). **(WITHDRAWN)**

PROCUREMENT:

Miscellaneous:

- *1. “Cooperative Purchase”, combination sewer cleaning/vacuuming machine and chassis (Florida Sheriff’s Association contract) – Utilities Department (Southern Sewer Equipment Sales - \$362,630).

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) “at-large” member to the Recreation Advisory Board.

COUNCIL REPORTS:

NEW BUSINESS: (Ordinance is for first reading.)

- *1. Resolution 2019-28, providing for the renaming of West Oaks Park located at 1161 Lamplighter Drive as ‘Lynne Manion Nungesser Park’.
- *2. Resolution 2019-29, providing for a substantial amendment to the City’s U.S. Department of Housing and Urban Development’s (HUD) Neighborhood Stabilization Program 1 (NSP1) Action Plan.
- *3. Ordinance 2019-56, amending the Fiscal Year 2018-2019 budget by appropriating and allocating certain monies (fourth budget amendment).
- *4. Consideration of an interlocal agreement between the City of Palm Bay, the Bayfront Community Redevelopment Agency, and Brevard County to work toward enhancing activities for road maintenance, construction and reconstruction.
- *5. Consideration of the Sovereignty Submerged Lands Lease agreement five-year term renewal with the State of Florida for Pelican Harbor Marina located at 4220 Dixie Highway, redefining the use of the property and providing for the adjusted annual lease rate (\$4,433 annually).
- *6. Consideration of utilizing the Bureau of Justice, Justice Assistance Grant program funds to purchase replacement SWAT ballistic vests/helmets and a replacement traffic radar trailer for the Police Department (\$38,106).
- *7. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended June 30, 2019.
- *8. Acknowledgement of the City’s monthly financial report for June 2019.

- *9. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$11,645).
- *10. 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.

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 (Section 286.0105, Florida Statutes). 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.

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.**



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk *tmj*

DATE: September 5, 2019

RE: Final Reading of Ordinances 2019-47, 2019-48, 2019-49 and 2019-50

Public hearings are to be held on the above subject ordinances and the captions of each read for the second and final time at tonight's Council meeting.

If you should have any questions or desire additional information, please advise.

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to adopt Ordinances 2019-47, 2019-48, 2019-49 and 2019-50.

/tjl

ORDINANCE 2019-47

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 8, BLOCK 61, PORT MALABAR UNIT 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 22, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christine Stevens and Juan Delgado have requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 8, Block 61, Port Malabar Unit 4, according to the plat thereof as recorded in Plat Book 14, Page 22, of the Public Records of Brevard County, Florida, Section 25, Township 28S, Range 37E, being more particularly described as follows:

The westerly 8.00 feet of the easterly 20.00 feet of Lot 8, Block 61, Port Malabar Unit 4; according to the plat thereof as recorded in Plat Book 14, Page 22, of the Public Records of Brevard County, Florida, less and except the northerly 6.00 feet and the southerly 6.00 feet thereof; containing 504.00 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2019-19, held on, August 13, 2019; and read in title only and duly enacted at Meeting 2019-____, held on, _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Christine Stevens and Juan Delgado
Case No.: VE-5-2019

cc: (date) Applicant
Case File
Brevard County Recording

ORDINANCE 2019-48

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 13 AND 14, BLOCK 806, PORT MALABAR UNIT 16, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 94, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christopher Carroll has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lots 13 and 14, Block 806, Port Malabar Unit 16, according to the plat thereof as recorded in Plat Book 15, Page 94, of the Public Records of Brevard County, Florida, Section 16, Township 29S, Range 37E, being more particularly described as follows:

The north 8.00 feet of the south 20.00 feet, less the east and west 6.00 feet thereof said Lots 13 and 14; containing 1,232.00 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2019-19, held on, August 13, 2019; and read in title only and duly enacted at Meeting 2019-____, held on, _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Christopher Carroll
Case No.: VE-6-2019

cc: (date) Applicant
Case File
Brevard County Recording

ORDINANCE 2019-49

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 55, POLICE AND FIREFIGHTERS RETIREMENT PENSION PLAN, BY AMENDING PROVISIONS RELATED TO DEATH AND DISABILITY BENEFITS; IMPLEMENTING THE CONCLUSIVE CANCER PRESUMPTION ESTABLISHED BY SECTION 112.1816, FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after years of study, the National Institute for Occupational Safety and Health (NIOSH) concluded that firefighters are at a higher risk of developing twenty-one enumerated types of cancer, and

WHEREAS, the Florida Legislature, in recognition of this elevated cancer risk, has created a conclusive duty-related cancer presumption, and

WHEREAS, Senate Bill 426 (SB 426) amends Chapter 112, Florida Statutes, by creating Section 112.1816, governing disability and death benefits for firefighters, and

WHEREAS, SB 426 governs all Firefighter Pension Plans in Florida, and

WHEREAS, the Board of Trustees of the Firefighter Pension Plan has prepared this ordinance to implement SB 426, effective July 1, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 55, Police and Firefighters Retirement Pension Plan, Section 55.08, Death, is hereby amended and shall henceforth read as follows:

“Section 55.08 DEATH.

* * *

(C) Pre-retirement death benefits for firefighter members.

(1) Death in the line of duty.

* * *

(b) Presumptions.

* * *

3. A firefighter shall be considered to have died in the line of duty if he or she dies as a result of cancer or circumstances that arise out of the treatment of cancer.

* * *”

SECTION 2. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 55, Police and Firefighters Retirement Pension Plan, Section 55.09, Disability, is hereby amended and shall henceforth read as follows:

“Section 55.09 DISABILITY.

* * *

(B) *In-line-of-duty presumption:*

* * *

(3) Diagnosis of cancer or the circumstances that arise out of the treatment of cancer. A firefighter shall be considered totally and permanently disabled in the line of duty if he or she meets the Plan’s definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer.

* * *”

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2019-19, held on August 13, 2019; and read in title only and duly enacted at Meeting No. 2019- , held on August , 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Words in red shall be deleted; words in blue words shall be included. Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.

ORDINANCE 2019-50

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE V, LEGISLATIVE, CHAPTER 64, BUSINESS IMPROVEMENT DISTRICT, SUBCHAPTER 'CREATION OF CITY OF PALM BAY BUSINESS IMPROVEMENT DISTRICT', BY MODIFYING PROVISIONS RELATED TO THE GOVERNING BODY OF THE DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title V, Legislative, Chapter 64, Business Improvement District, Subchapter 'Creation of City of Palm Bay Business Improvement District', Section 64.12, Governing body; Meetings; Records, is hereby amended and shall henceforth read as follows:

"Section 64.12 GOVERNING BODY; MEETINGS; RECORDS.

(A) The Board shall be the governing body of the District. The Board shall be composed of ~~eleven (11)~~ ~~seven (7)~~ voting members, ~~consisting of the five (5) current City Councilmembers and six (6) members~~ appointed by the City Council. On or before ~~May 1, 2019~~ ~~October 1, 2019~~, the ~~six (6)~~ ~~seven (7)~~ appointed members shall be appointed by the City Council by subsequent resolution.

(B) ~~The term of office of the City Councilmembers serving on the Board shall be coterminous with their term of office on the City Council.~~ The term of office of each appointed member shall be four (4) years. There shall be no limitations on the ability of any appointed member to serve consecutive or multiple terms.

(C) The composition of the appointed members shall be as follows:

(1) One (1) appointed member shall represent an institution of higher education (college or university) located within the District.

(2) One (1) appointed member shall represent a bank or financial institution located within the District.

(3) One (1) appointed member shall represent a major employer located within the District.

(34) Two (2) appointed members shall represent businesses located within the District. At least one such member shall represent a small business (fewer than fifty (50) employees) located within the District.

(45) Two (2) at-large appointed members owning a commercial property or operating a business within the District. Preferably members of the Palm Bay Chamber of Commerce.

(D) At any meeting of the Board, the presence of five (5) four (4) members shall constitute a quorum. After a quorum has been established, a simple majority of the quorum may transact any official business of the District. Members attending a meeting telephonically, by video, or by any means other than being physically present shall not count toward the quorum.

* * *

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2019-19, held on August 13, 2019; and read in title only and duly enacted at Meeting No. 2019- , held on , 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK


Reviewed by CAO: _____

Words in red shall be deleted; words in blue words shall be included. Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Request to Vacate Easement – Laura Gullo

Laura Gullo has submitted an application to vacate the South 10 feet of the North 20 feet of the East 70.8 feet of Lot 21, Block 854, Port Malabar Unit 17, and South 10 of the North 20 feet of the West 74.0 feet of Lot 22, Block 854, Port Malabar Unit 17, to allow for an inground pool and screen enclosure.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion for approval of the request, per the recommendation section of the Staff Report.

Attachment: 1) Case No. VE-4-2019 (available upon request)

JA/ab

ORDINANCE 2019-46

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOTS 21 AND 22, BLOCK 854, PORT MALABAR UNIT 17, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 103, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Laura Gullo has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lots 21 and 22, Block 854, Port Malabar Unit 17, according to the plat thereof as recorded in Plat Book 15, Page 103, of the Public Records of Brevard County, Florida, Section 20, Township 29S, Range 37E, being more particularly described as follows:

Being the south 10.0 feet of the north 20.0 feet, of the east 70.8 feet of Lot 21, Block 854, Port Malabar Unit 17; and being the south 10.0 feet of the north 20.0 feet, of the west 74.0 feet of Lot 20, Block 854, Port Malabar Unit 17; according to the plat thereof as recorded in Plat Book 15, Page 103, of the Public Records of Brevard County, Florida; containing 1,448.0 square feet, more or less.

SECTION 2. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2019-____, held on, _____, 2019; and read in title only
and duly enacted at Meeting 2019-____, held on, _____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____


Applicant: Laura Gullo
Case No.: VE-4-2019

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Comprehensive Plan Future Land Use Map Amendment Request – Elizabeth J. Persaud

Ms. Elizabeth J. Persaud has submitted an application seeking a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 1.32 acres from Recreation and Open Space Use to Single Family Residential Use.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-11-2019, pursuant to Chapter 163, Florida Statutes.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, pursuant to Chapter 163, Florida Statutes.

Attachments: 1) Case CP-11-2019, with board minutes (available upon request)
 2) Ordinance

PJM/cp/ab

ORDINANCE 2019-55

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on August 7, 2019, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on September 5, 2019, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Recreation and Open Space Use to Single Family Residential Use, which property is legally described as follows:

Tract "E", Port Malabar Unit 9, according to the plat thereof as recorded in Plat Book 15, Page 7, of the Public Records of Brevard County, Florida; Section 5, Township 29S, Range 37E; containing 1.32 acres, more or less.

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

Read in title only and duly enacted at Meeting 2019-__, held on ____, 2019.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____


Applicant: Elizabeth Persaud
Case: CP-11-2019

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Utilities Department Purchase of a Combination Sewer Cleaning/Vacuuming Machine, Utilizing Florida Sheriff's Contract Bid #FSA18-VEH16.0, Specifications #53 and #15

The Utilities Department is seeking approval to purchase one (1) 2019 Vac Con Combination Sewer Cleaning/Vacuuming Machine mounted on a 2019 Freightliner truck chassis. This is a FY 2019 budgeted item. The new sewer cleaner will increase efficiency and productivity for the maintenance of the collection system. Additionally, it will decrease the potential for discharges.

The Combination Sewer Cleaning/Vacuuming Machine and Chassis will be procured utilizing the Florida Sheriff's Association (FSA) Contract FSA18-VEH16.0, Cab & Chassis Trucks and Heavy Equipment, valid through September 30, 2019. Quotes were requested from two of the FSA awarded vendors for specification #53. The quotes were for the base unit, options and chassis; minus manufacturer or vendor discount. Utilities department staff reviewed the quotes and the low quote is acceptable.

Description	Cost
2019 Vac Con Combination Sewer Cleaning/Vacuuming Machine (base)	\$181,891.00
Options	\$137,122.00
2019 Freightliner Chassis	\$102,650.00
Repeat Customer Discount 14%	(\$ 59,032.82)
Total	\$362,630.18

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The

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City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the public notice requirements and the need to utilize the methods of selection processes included in this Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by nonparticipation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation. Any such contracts equal to or in excess of \$100,000 shall go to the City Council for approval.

REQUESTING DEPARTMENTS:

Utilities Department and Procurement Department

FISCAL IMPACT:

The total expenditure will be \$362,630.18, funds are available in the Utilities Department operating account 421-8030-535-6404.

RECOMMENDATION:

Motion to approve and authorize the purchase of the 2019 Vac Con Combination Sewer Cleaning/Vacuuming Machine mounted on a 2019 Freightliner truck chassis utilizing the Florida Sheriff's Association Contract FSA18-VEH16.0, Cab & Chassis Trucks and Heavy Equipment, from Southern Sewer Equipment Sales located in Fort Pierce, Florida.

Attachments: *All attachments available upon request*

- 1) Southern Sewer Equipment Sales Quote Response
- 2) FSA Specification #53
- 3) FSA Specification #15
- 4) Environmental Products Group, Inc. Quote Response



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: September 5, 2019

RE: One (1) Appointment – Recreation Advisory Board

As you may recall, Donovan Davidson resigned from the above subject board. The vacancy has been announced at several regular Council meetings and applications solicited for the same.

The following application has been received:

Randy Foster
1837 Palm Place Drive, NE

REQUESTING DEPARTMENT(S):
Legislative Department

FISCAL IMPACT:
None

RECOMMENDATION:
Motion to approve the appointment of one (1) member to serve on the Recreation Advisory Board.


/jcd

Attachment: Randy Foster Application (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Park Renaming of West Oaks Park

On July 9, 2019, the Parks and Recreation Department was contacted by Timothy Nungesser requesting to name a Park after his Mother Lynne Manion Nungesser, former Deputy Chief of Police for the City of Palm Bay.

At the August 6, 2019 regular meeting, the Recreation Advisory Board voted to recommend to the Council that West Oaks Park be renamed to Lynne Manion Nungesser Parks. This recommendation follows the Guidelines for Naming Parks and Recreation Facilities adopted by Council in that it is memorializing a deceased person for her extraordinary gifts and services to the community.

Lynne passed away this past Mother's Day, May 12, 2019, at the age of 63. She spent the majority of her life, nearly 41 years, working for the City. During her time with the Department, she championed the Police Athletic League and worked to help field a team to represent the City of Palm Bay. If she wasn't at work, she was always at the ball field. She loved not just the police department and her many colleagues and friends, she also enjoyed spending time at the baseball park.

Police Career - City of Palm Bay

- Hired as a records clerk by Palm Bay Police Department on November 16, 1973.
- Became a sworn police officer on January 5, 1975.
- Moved to work briefly for the Homestead Police Department in 1977 and then returned a short time later.
- Promoted to detective on February 6, 1978.
- Assumed the role of field training officer on January 30, 1982.

September 5, 2019

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- Promoted to Sergeant on November 2, 1984.
- Promotion to Lieutenant on December 6, 1986.
- Promotion to Captain on December 16, 1989.
- Promotion to Major on December 25, 1995.
- Promotion to Deputy Chief on June 1, 2002.
- Retired as Deputy Chief on November 3, 2006.

Non-Sworn Service to City of Palm Bay

- Appointed to the role of Executive Assistant to the Chief overseeing the Police Department budget on November 30, 2006.
- Final retirement from Palm Bay Police on March 21, 2014.

REQUESTING DEPARTMENT:

Parks and Recreation

FISCAL IMPACT:

There is no fiscal impact other than the minimal cost of updating the entrance sign.

RECOMMENDATION:

Motion to approve the renaming of West Oaks Park to Lynne Manion Nungesser Park.

Attachments:	1) Recreation Advisory Board Meeting Minutes (available upon request)
	2) Guidelines for Naming Parks and Recreational Facilities (available upon request)
FP/LP/ab	3) Resolution

RESOLUTION 2019-28

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE RENAMING OF WEST OAKS PARK LOCATED AT 1161 LAMPLIGHTER DRIVE NW AS 'LYNNE MANION NUNGESSER PARK'; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made to the City of Palm Bay to name a park in honor of Lynne Manion Nungesser, a deceased Palm Bay employee, and

WHEREAS, Ms. Nungesser was a long-standing member of the command staff within the Police Department; championed the Police Athletic League, finding a team to represent the City; was very active in baseball activities; and served the City of Palm Bay for a total of forty (40) years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this resolution.

SECTION 2. The City Council of the City of Palm Bay hereby renames West Oaks Park, located at 1161 Lamplighter Drive, as 'Lynne Manion Nungesser Park'.

SECTION 3. This Resolution shall take effect immediately upon the enactment date.

This Resolution was duly enacted at Meeting 2019-____, by the City Council of the City of Palm Bay, Brevard County, Florida, held on _____, 2019.

William Capote, MAYOR


ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Approval of Substantial Amendment to Neighborhood Stabilization Program 1 (NSP1) Action Plan

Attached is a Resolution for consideration of a proposed substantial amendment to the city's HUD Neighborhood Stabilization Program 1 (NSP1) Action Plan, reducing funding of an activity named **Rehabilitation ARP <50%** in the amount of \$475,000.00 and adding a new activity, to be named **New Construction Rental**.

HUD NSP regulations identify redevelopment of demolished or vacant properties as an eligible use. And both HUD and Florida Housing Finance Corporation recognize use of NSP funding for local contribution to a Low-Income Housing Tax Credit multifamily affordable rental development.

Florida Housing Finance Corporation is currently recognizing a new strategic local contribution that's being referred to as a Mega-Contribution. Florida Housing has placed a maximum award amount of the Mega-Contribution at no more than \$354,000.00. Florida Housing is also indicating that developments submitted for tax-credit financing that contain a Mega-Contribution are automatically awarded tax credits for their proposed development.

At this time, at least two multifamily developers have approached staff concerning commitment of a Mega-Contribution to their proposed multifamily developments. Florida Housing Finance Corporation allows a local jurisdiction to provide only one Mega-Contribution per tax-credit offering.

Once approved by City Council and HUD, staff will issue a Notice of Funding Availability requesting applications from any tax-credit developer desiring a local contribution in the upcoming tax-credit

offering. Deadline for submission of this upcoming tax-credit offering is October 26, 2019.

REQUESTING DEPARTMENT:

Housing & Community Development Division - Growth Management

FISCAL IMPACT:

There is no fiscal impact

RECOMMENDATION:

Motion to approve HUD Substantial Amendment of the City's NSP1 Action Plan

Attachment: 1) Resolution

NJ/ab

RESOLUTION 2019-29

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) ACTION PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay was an entitlement community for the U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization Program 1 (NSP1) and received an allocation of funding in the amount of \$5,208,104 from HUD, and

WHEREAS, the City of Palm Bay wishes to amend an NSP-funded activity and utilize that funding for a new activity, and

WHEREAS, the City of Palm Bay desires to amend the NSP1 Action Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The NSP1 Action Plan is hereby amended as follows:

AMENDMENT 1 – REDUCTION OF EXISTING ACTIVITY

Activity Name: Rehabilitation ARP <50%

Existing Budget: \$1,056,113.06

New Budget: \$ 581,113.06

AMENDMENT 2 – INTRODUCTION OF NEW ACTIVITY

Activity Name: New Construction Rental

Existing Budget: \$ 0.00

New Budget: \$ 475,000.00

SECTION 2. The provisions within this Resolution shall take effect immediately upon the enactment date.

This Resolution was duly enacted at Meeting 2019-__, by the City Council of the City of Palm Bay, Brevard County, Florida, held on ____, 2019.

William Capote, MAYOR


ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: FY 2019 Fourth Budget Amendment

Summary of the proposed budget amendment:

General Fund (001)

Revenues – Total \$358,987:

- FEMA Hazard Mitigation Grant Program awarded for hardening of Fire Stations 2, 3 and 4; approved by Council 06/20/2019 – **\$313,436**.
- Recognize Federal Grant revenue for FEMA reimbursements related to Hurricane Irma – **\$39,044**.
- Recognize State Grant revenue for FEMA reimbursements related to Hurricane Irma – **\$6,507**.

Expenditures – Total \$363,236:

- FEMA Hazard Mitigation Grant Program funding for replacement of windows, doors and roof for Fire Stations 2, 3 and 4; approved by Council 06/20/2019 – **\$313,436**.
- Usage of Fire Department Full-Time Salaries/Wages, due to position vacancies (\$56,250), for city-match portion of the Hazard Mitigation Grant Program \$56,250; approved by Council 06/20/2019 – **Net Impact \$0**.
- Usage of Fire Department Full-Time Salaries/Wages, due to position vacancies (\$106,207), to reimburse the Facilities Department for unanticipated repairs for Fire Station 3 \$22,901, to

purchase AV3000 Masks for SCBA \$28,355, to transfer to the Fleet Services Fund for the purchase of one (1) Squad Vehicle for Station 1 \$43,852 and to purchase equipment including radios, tools and supplies \$11,099; approved by Council 06/20/2019 – **Net Impact \$0.**

- Transfer Police Department Full-Time Salaries/Wages savings due to unfilled positions, turnover and retirements (\$286,420) to the Fleet Services Fund to purchase ten (10) police marked replacement vehicles, lighting and accessories \$286,420; approved by Council 06/20/2019 – **Net Impact \$0.**
- Transfer Police Department Full-Time Salaries/Wages savings (\$28,029) to the Fleet Services Fund to purchase one (1) vehicle originally purchased for the Fire Marshal position by the Building Department \$28,029; approved by Council 08/01/19– **Net Impact \$0.**
- Appropriate funding to the Legislative Department Miscellaneous Reimbursements G/L Account that was omitted from the FY 2019 Approved Budget in error - **\$7,800.**
- Appropriate funds to cover FY19 Credit Card Acceptance fees incurred for the online payment of impact fees by Developers through the Building Department's module; neither the Building Fund or Impact Fee funds are allowed to pay for this type expense - **\$42,000.**

Law Enforcement Trust Fund (101)

Expenditures – Total \$20,120:

- LETF 19-08 – Donate \$500 to the Florida Missing Children's Day and \$650 to the National Night Out; approved by Council 06/20/2019 – **\$1,150.**
- LETF 19-07 – Purchase two (2) chopper mowers to use solely for the range and training facility \$8,970 and purchase one (1) Police working canine \$10,000; approved by Council 05/16/2019 – **\$18,970.**

Fire Impact Fee Fund (153)

Expenditures – Total \$183,824:

- Fire Station 5 (18FD01) remodel; approved by Council on 05/16/19 – **\$125,000.**
- Purchase new Harris Symphony Console and Equipment for Fire Dispatch at the Communications Center; approved by Council on 06/06/19 – **\$58,825.**

Transportation Impact Fee (TIF) Fund (155)

Expenditures – Total \$84,500:

- Purchase of six (6) vacant lots on Malabar Road for future Right of Way road expansion and associated appraisal costs; approved by Council on 06/20/19 – **\$84,500.**

Bayfront Community Redevelopment Trust Fund (181)

Revenues – Total \$990,848:

- Transfer unused bond proceeds from the BCRA Loan Fund – **\$990,848.**

Expenditures – Total \$990,848:

- Usage of the unused bond proceeds to prepay a portion of the outstanding debt – **\$990,848.**

Bayfront CRA (06 Bond) CIP Fund (303)

Expenditures - Total \$0:

- Transfer of the unused bond proceeds, budgeted in the Land Acquisition GL account, to prepay a portion of the outstanding debt in the BCRA Fund– **\$990,848.**
- Reduce Land Acquisition (project 16CR02) due to unused bond proceeds – **(\$990,848).**

GO Road Program Fund (309)

Revenues – Total \$54,200,641:

- Recording of incoming General Obligation Bond, Series 2019 revenue – **\$54,200,641.**

Expenditures - Total \$3,145,839:

- Road Bond re-paving and re-construction of two (2) locations - Eldron Blvd. (19GO02) \$1,922,577 and Unit 41 (19GO03) \$1,223,262 – **\$3,145,839.**

Utilities Renewal/Replacement Fund (424)

Expenditures - Total \$381,104:

- Additional funding needed for WWTP Digester 6 Rehab (18WS09) and WWTP Bar Screen Replacement (18WS14); approved by Council 08/01/19 – **\$381,104.**

Building Fund (451)

Revenues – Total \$28,029:

- Transfer in from General Fund for police vehicle purchase from Building Department; approved by Council 06/20/2019 – **\$28,029.**

Expenditures – Total \$120,000:

- Additional funding needed to cover costs of increased services of the contract for Building Inspectors due to shortage; approved by Council on 02/21/19 – **\$120,000.**

Fleet Services Fund (521)

Revenues – Total \$330,272:

- Transfer from General Fund to purchase one (1) Squad Vehicle for Station 1; approved by Council 06/20/2019 & 08/01/19 – **\$43,852.**
- Transfer from General Fund to purchase ten (10) police marked replacement vehicles, lighting and accessories that are past their life cycle; approved by Council 06/20/2019 – **\$286,420.**

Expenditures – Total \$330,272:

- Purchase one (1) Squad Vehicle for Station 1; approved by Council 06/20/2019 & 08/01/19 – **\$43,852.**
- Purchase ten (10) police marked replacement vehicles, lighting and accessories that are past their life cycle; approved by Council 06/20/2019 – **\$286,420.**

REQUESTING DEPARTMENTS:

Finance Department, Bayfront Community Redevelopment Agency/BCRA, Growth Management Department, Fire Department, Legislative Department, Police Department, Public Works Department, and Utilities Department.

RECOMMENDATION:

Motion to adopt FY 2019 Fourth Budget Amendment Ordinance.

Attachment: 1) Ordinance

YM/ab

ORDINANCE 2019-56

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2019 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USE OF UNDESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: GENERAL FUND; LAW ENFORCEMENT TRUST FUND; TRANSPORTATION IMPACT FEE FUND; GO ROAD PROGRAM FUND; UTILITIES RENEWAL/REPLACEMENT FUND; AND BUILDING FUND; RECOGNIZING REVENUE FOR: FEMA HAZARD MITIGATION GRANT AND FEMA HURRICANE IRMA REIMBURSEMENTS; USAGE OF FIRE IMPACT FEES FOR FIRE DEPARTMENT REMODELING AND CAPITAL PURCHASE; TRANSFER OF BOND PROCEEDS FOR DEBT PREPAYMENT FROM THE BAYFRONT COMMUNITY REDEVELOPMENT AGENCY FUND TO THE BAYFRONT COMMUNITY REDEVELOPMENT TRUST FUND; RECORDING OF GENERAL OBLIGATION BOND PROCEEDS; TRANSFER FROM THE GENERAL FUND TO THE BUILDING FUND AND FLEET SERVICES FUND FOR CAPITAL PURCHASES; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by Ordinance, and

WHEREAS, transfers between funds and departments must be approved by City Council, and

WHEREAS, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay, Code of Ordinances provides for the transfer of funds and appropriation of unbudgeted funds.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the following funds:

	Revenues	Expenditures
General Fund (001)		
FEMA Hazard Mitigation Grant Program awarded for hardening of Fire Stations 2, 3, and 4	313,436	
FEMA Hazard Mitigation Grant Program funding for replacement of windows, doors and roof for Fire Stations 2, 3 and 4		313,436
Transfer Grant funds match to Buildings for FS 2, 3, and 4 repairs		56,250
Transfer salary savings in Fire Department for the Hazard Mitigation Grant Program match 25%		(56,250)
Transfer Fire Department personnel services budget to Fire operating, Facilities and Fleet for purchases		(106,207)
Transfer funds to Fleet Services Fund to purchase squad vehicle		43,852
Transfer to purchase tools/equipment		10,099
Transfer to purchase medical supplies		1,000
Reimburse Facilities for unanticipated repairs to Fire Station 3		22,901
Purchase AV3000 Masks for SCBA		28,355
Transfer savings from full-time salaries/wages salaries in Police Department to Purchase ten (10) police marked vehicles		(286,420)
Transfer funds to Fleet Services Fund to purchase ten (10) police marked vehicles		286,420
Transfer funds from unused salaries in Police Department to light vehicles account to purchase vehicle from the Building Department		(28,029)
Transfer to Building fund from Light vehicles for Police vehicle purchase		28,029
Recognize Federal Grant revenue for FEMA reimbursements related to Hurricane Irma	39,044	
Recognize State Grant revenue for FEMA reimbursements related to Hurricane Irma	6,507	
Transfer funds to FEMA related projects for reimbursements related to Hurricane Irma		45,551

Appropriate budget for Council misc. reimbursements that were excluded from the budget in error	7,800	
Reclass credit card acceptance fees since Building Fund is not allowed to incur the expenses	42,000	
Undesignated Fund Balance	49,800	
Fund Subtotal	408,787	408,787

Law Enforcement Trust Fund (101)

LETf 19-07; Purchase of two (2) chopper mowers	8,970	
LETf 19-07; Purchase Police Working K-9 replacement	10,000	
LETf 19-08; Donations - \$500 to Florida Missing Children's Day and \$650 to National Night out	1,150	
Undesignated Fund Balance	20,120	
Fund Subtotal	20,120	20,120

Fire Impact Fee Fund (153)

Appropriation of Funds from Fire Impact Fees towards remodeling costs for Fire Station 5	125,000	
Utilize Fire Impact Fees for interior remodeling, repair exterior and overall retrofitting of building for use as the fire station	125,000	
Appropriation of Funds from Fire Impact Fees to purchase Harris Symphony Premier Console package and related equipment	58,824	
Purchase Harris Symphony Console for additional telecommunicators to provide dispatch for Fire Rescue residents throughout the City	58,824	
Fund Subtotal	183,824	183,824

TIF/Transportation Impact Fee Fund (155)

Acquisition of ROW (6 Vacant Lots) on Malabar Road	84,500	
Undesignated Fund Balance	84,500	
Fund Subtotal	84,500	84,500

Bayfront Community Redevelopment Trust Fund (181)

Transfer from BCRA Loan Fund to prepay a portion of the outstanding debt	990,848	
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Transfer unused bond proceeds to prepay a portion of the outstanding debt		990,848	
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Fund Subtotal

	990,848	990,848
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Bayfront CRA (06 Bond) CIP Fund (303)

Transfer unused bond proceeds for Debt payment to BCRA Fund

990,848

Transfer to Land Acquisition for the BCRA Debt payment

(990,848)

Fund Subtotal

-	-
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GO Road Program (309)

Record incoming General Obligation Bond, Series 2019

54,200,641

Record funding for the General Obligation Bond in the reserves account

54,200,641

Road Bond re-paving/re-construction for Eldron Blvd./19GO02

1,922,577

Road Bond re-paving/re-construction for Unit 41/19GO03

1,223,262

Undesignated Fund Balance

3,145,839

Fund Subtotal

57,346,480	57,346,480
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Utilities Renewal/Replacement Fund (424)

Additional funding needed for 18WS09 (WWTP Digester 6 Rehab) and 18WS14 (WWTP Bar Screen Replacement) - bid package came in over budget

381,104

Undesignated Fund Balance

381,104

Fund Subtotal

381,104	381,104
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Building Fund (451)

Additional funds needed to cover required building inspectors and plan reviews due to shortage

120,000

Transfer from General Fund	28,029		
Undesignated Fund Balance	91,971		
Fund Subtotal		120,000	120,000
<u>Fleet Services Fund (521)</u>			
Transfer from General Fund for Squad Vehicle purchase	43,852		
Purchase a Squad Vehicle for Station 1			43,852
Transfer from General Fund for ten (10) police marked vehicles	286,420		
Purchase ten (10) police marked vehicles to replace vehicles, lighting and accessories			286,420
Fund Subtotal		330,272	330,272
Total		59,865,935	59,865,935

SECTION 2. The City Council adopts, ratifies, and approves the appropriations as listed above.

SECTION 3. The provisions within this Ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2019-____, held on, _____, 2019; and read in title only and duly enacted at Meeting 2019-____, held on, _____, 2019.

William Capote, MAYOR

ATTEST:


Terese M. Jones, CITY CLERK

Reviewed by CAO: _____



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Interlocal Agreement between Brevard County, City of Palm Bay and the Bayfront Community Redevelopment Agency

In 2017, Brevard County provided a draft Interlocal Agreement (ILA) to the City of Palm Bay for discussion. The initial ILA was intended to reduce or cease the County's future annual CRA tax increment finance (TIF) contributions to the Bayfront Redevelopment Trust Fund in order to utilize those funds for road maintenance, construction, and reconstruction, achieving their goals for advancing the County's road program. To that end, the ILA sought to redirect CRA funds towards improvement of County roads within the redevelopment district boundaries; however, no such roads exist within the boundaries of the CRA. Additionally, the draft ILA called for the early sunset of the CRA, which is scheduled to naturally expire in 2024.

For your review, the attached draft ILA provides for an expiration date of May 4, 2024. The ILA also states that the City and CRA agree not to expend funds towards administrative expenses or future redevelopment activities following the final bond debt payoff, scheduled for February 1, 2022, with the exception of the existing contractual obligation under the Redevelopment Incentive Agreement with NorthShore Development, LLC as well as any expenditures as required by the Special District Office of the Florida Department of Economic Opportunity or as provided under Chapter 163 Part III, Florida Statutes. Any remaining monies in the Bayfront Redevelopment Trust Fund at the end of the fiscal year following the payoff of the 2006 Bond shall be reimbursed to the respective general funds of the County and City.

REQUESTING DEPARTMENT:

Bayfront Community Redevelopment Agency

September 5, 2019

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FISCAL IMPACT:

There is no fiscal impact at this time. Following the 2006 Bond payoff, scheduled for February 1, 2022, the City's general fund could see a reimbursement of unexpended monies from the Bayfront Redevelopment Trust Fund.

RECOMMENDATION:

Motion to authorize the Mayor to execute the Interlocal Agreement between Brevard County, City of Palm Bay and the Bayfront Community Redevelopment Agency

Attachment: 1) Interlocal Agreement between Brevard County, City of Palm Bay and the Bayfront Community Redevelopment Agency (available upon request)

JJ/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: September 5, 2019

RE: Bureau of Justice Assistance – JAG Grant 2019

A handwritten signature in black ink, appearing to read "Lisa Morrell".

The Bureau of Justice Assistance released the local allocation under this formula grant for 2019 in the amount of \$38,106.

It is the Police Chief's recommendation to utilize this funding to purchase replacement SWAT ballistic vests and helmets along with a replacement traffic radar trailer. The SWAT Team is comprised of 23 members that utilizes lifesaving protective gear such as ballistic vests and helmets while participating in search warrants, hostage situations and other emergency situations. The current traffic radar trailer was originally purchased in 1999 and the computer was replaced in 2011. This trailer does not work efficiently and is no longer utilized on a regular basis. The protective gear has expiration dates after five years with several reaching their lifespan and the trailer is outdated.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

There is no Fiscal Impact for the 2019 JAG grant.

RECOMMENDATION:


Motion to approve the application for funding as outlined above.

LM/sv/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: PFM Asset Management Quarterly Investment Report – June 30, 2019

Enclosed is the City's PFM'S Investment Performance Review Report for the Quarter that ended June 30, 2019.

The City's Short Term and Investment Portfolios are of high credit quality and invested in U.S. Treasury, federal agency/GSE, federal agency/CMO, municipal, supranational, corporate, asset-backed and commercial paper securities.

The Investment Portfolio's quarterly total return performance of 1.24% outperformed the benchmark performance of 1.43% by 0.19%. Over the past year, the Portfolio earned 3.76%, versus 3.96% for the benchmark.

The Short-Term Portfolio ended the quarter with a Yield at Cost of 2.63%, beating the benchmark, the S&P Government Investment Pool 30 Day Gross Yield of 2.09% by 0.54%

Interest rates plummeted in the second quarter, with yields on intermediate-term maturity (2-5 year) Treasuries falling by about 50 basis points (0.50%) to the lowest levels since late 2017. Rates fell in response to slowing global growth expectations, weakness in manufacturing triggered by renewed trade disputes, muted inflation and expectations for multiple Federal Reserve (Fed) rate cuts in the second half of the year. Much of the yield curve remains inverted, with longer-term yields lower than short-term yields.

The City's overall portfolio had an Amortized Cost market value of \$115.8 million on June 30, 2019.

September 5, 2019

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The total portfolio Weighted Average Quarterly Yield to Maturity at Cost was 1.80%, compared to the benchmark, S&P Rated GIP Index Government 30 Day yield, of 2.43%. Florida Prime's average was 2.55%.

PFM is continuing to monitor incoming economic data, Fed policy and market relationships, adjusting the City's portfolio positioning as needed. While producing strong investment returns remains a priority, it is secondary to maintaining safety and liquidity.

The portfolios comply with the City's investment policy and Florida investment statutes.

REQUESTING DEPARTMENT:

Finance Department

RECOMMENDATION:

Motion to acknowledge receipt of the Investment Performance Review Report for the Quarter that ended June 30, 2019.

Attachment: 1) June 30, 2019 Quarterly Investment Report (available upon request)

YM/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Lisa Morrell, City Manager
DATE: September 5, 2019
RE: June 2019 Monthly Financial Report (Unaudited)

Attached for your information is the monthly financial report which will provide you with an overview of the City's financial activities which occurred through June 30, 2019. June is the ninth month of the fiscal year and represents 75% of the annual budget.

JUNE 2019 CASH & INVESTMENTS HIGHLIGHTS

General Fund

Total General Fund cash and investments are up \$3,714,293.59 or 22.4% from the same period last year. General Fund Cash & Investments at 06/30/19 totaled \$20,314,111.51. From its primary General Fund revenue source, the City has received through June 30th, \$31,701,069.05 or 1.01% of the budgeted Ad Valorem Taxes for FY19. Ad Valorem taxes budgeted for FY19 is \$31,445,752 million, a budgeted increase of \$2.8 million from last fiscal year.

In comparison to the prior year in June, General Fund revenues increased by \$3,363,148.46, while expenditures increased by \$5,637,661.45.

Grant Funds

The SHIP Fund had a cash balance of \$929,898.00 due to the repayment of funds from the NSP Grant and a partial return of funds returned to the Florida Housing Finance Corporation. Funding will be used to assist approved applicants with down payment and housing rehab projects.

Impact Fee Funds

Transportation Impact Fee cash and investments is up \$1.5 million from one year ago. Increase revenue received can only be use for expanded capacity, not road maintenance.

Road Maintenance Fund

Cash balances in the Road Maintenance Fund has decreased from \$2.5 million in June 2018 to \$2.2 million in June 2019.

Stormwater Utility Fund

Cash and investment balances in the Stormwater Fund on June 30, 2019, totaled \$10.6 million. Revenue collections in FY19 through the end of June totaled \$9,992,508. Revenue collections through the end of June included \$69,065.14 in delinquent taxes previously billed by the Brevard County Tax Collector's office and Palm Bay Utility.

2018 LOGT NOTE Proceeds

Of the \$8.9 million in funds borrowed and received in February 2018 for road construction at the new I-95 exit, plus interest earned, \$4.8 million was unspent as of June 30, 2019.

Citywide

The City's total cash and investments portfolio, increased to \$116,972,760.87 from \$100,721,332.06, an increase of \$16,251,428.81 or 16.1%, from June 2018 to June 2019. The increase in Citywide revenues is attributable to higher cash balances in funds such as General Fund, Transportation Impact Fee Fund, Building Fund, Stormwater Fund, and loan proceeds for the I-95 exit road under construction.

REQUESTING DEPARTMENT:

Finance Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to acknowledge receipt of the June 2019 Financial Report.

Attachment: 1) June 30, 2019 Monthly Financial Report (available upon request)

YM/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: September 5, 2019

RE: LETF 20-01

A handwritten signature in black ink, appearing to read "Lisa Morrell".

In accordance with Florida law, funding in the amount of \$11,645 is being requested from the Law Enforcement Trust Fund (LETF) designated fund balance for fiscal year 2019/2020.

The Police Department is requesting funding to send Lieutenant Mike Smith to the Southern Police Institute for the 85th Command Officer's Development Course that is scheduled for five two-week sessions from October 2019 through February 2020 in Clearmont, Florida. This course is the flagship continuing education course for law enforcement managers that will provide a foundation of practical law enforcement administration and complement the Administrative Officers Course. Due to the timing of this course, Southern Police Institute needs the registration payment of \$3,595 to be in September. Cost for lodging (\$8,950) and cost of per diem (\$2,100) for the five sessions will be \$8,050. The grand total for course, lodging and per diem equals \$11,645.

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

There is a designated fund balance of \$139,743 as of August 26, 2019.

RECOMMENDATION:

Motion to approve expenditures of LETF as described herein up to \$11,645.00.

Attachment: 1) Certification Statement (available upon request)

NM/SV/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

A handwritten signature in black ink, appearing to read "Lisa Morrell".

DATE: September 5, 2019

RE: Travel Request – Florida Brownfields Conference

The 2019 Southeast Regional Brownfields Conference will be held October 27 – 30, 2019 in Orlando, Florida and is hosted by the Florida Brownfields Association (FBA). This conference is a combined event for the southeast regional conference as well as the Florida brownfields conference. This annual conference provides an opportunity to learn more about local brownfields redevelopment programs and initiatives, management of redevelopment initiatives, how to obtain project funding, case studies, best practices, brownfield project successes and lessons learned. The conference will include several breakout sessions with panelist speakers.

The City previously applied for the U.S. Environmental Protection Agency (EPA) brownfields grant for the 2018 cycle. The City was not awarded a brownfields grant for that round but will apply again for the 2019 cycle, which is expected to open in October 2019.

REQUESTING DEPARTMENT:

Economic Development; Bayfront Community Redevelopment Agency

FISCAL IMPACT:

All travel and training is budgeted for Fiscal Year 2020 through Economic Development & External Affairs, accounts 001-3410-552-4001 (Travel & Mileage) and 5501 (Training) with an estimated cost of \$836.00. Council approval is required in advance to secure the early-bird rate for registration and hotel accommodation.

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

Attachment: 1) travel information (available upon request)

JJ/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk *tmj*

DATE: September 5, 2019

RE: Florida Association of City Clerks' 2019 Fall Academy
October 14-17, 2019
Daytona Beach Shores, Florida

In accordance with Administrative Code 1-33, the following training and travel is requested to be authorized by the City Council:

1. Deputy City Clerk to attend the Florida Association of City Clerks' Fall Academy in Daytona Beach Shores from October 14-17, 2019. Estimated cost is \$880. This is part of Mrs. Lefler's continuing professional education in order to receive her Certified Master Municipal Clerk certification.

If you should have any questions, please advise.

REQUESTING DEPARTMENT(S):
Legislative Department

FISCAL IMPACT:
Cost will be approximately \$880. Funding is available in the Legislative Department's operating accounts 001-1110-511-4001 and 001-1110-511-5501.

RECOMMENDATION:
Motion to approve travel for Deputy City Clerk as requested.


/ras

Attachment: Conference Itinerary (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager 

DATE: September 5, 2019

RE: Travel Request – Police Department

Per Admin Code AC 1-33 "Travel for City Business Restriction", if travel arises unexpectedly and is required by the circumstances to be completed prior to the next regular meeting of the City Council, the travel shall be approved by the City Manager and then placed on the next regular City Council Meeting. Therefore, the Police Department sent to the City Manager and was approved on August 15, 2019 and is now requesting acknowledgement and approval by Council for the following employee for travel:

Special Investigations Unit Agent Kyle Schuck travelled to Largo, FL August 25-30, 2019 to attend the Basic Narcotics Investigator School. The Registration was FREE. The Lodging Cost was estimated at \$0.00 he will be sharing a room with another officer and the per diem is estimated at \$235.00 with an approximate total of \$235.00. This will be paid out of the Special Investigations Unit Account (5014).

REQUESTING DEPARTMENT:
Police Department

FISCAL IMPACT:
The estimated expenditure is \$235.00 and will come out of the Special Investigations Unit Travel Account No. 001-5014-521-4001.

RECOMMENDATION:
Motion to acknowledge and approve travel as mentioned above.

Attachment: 1) Travel information (available upon request)

NM/ts/ab



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Lisa Morrell, City Manager
DATE: September 5, 2019
RE: Travel Request – Police Department

The Police Department is requesting permission for the following employees to travel for business purposes:

Sergeant Marlena Hentschel be traveling to Jacksonville, FL November 12-15, 2019 to attend the Sexual Assault Kit Initiative (SAKI). The Registration Cost is estimated at \$150.00, the Lodging Cost is estimated at \$375.00 and the per diem is estimated at \$208.00 with an approximate total of \$733.00. This will be paid out of the Uniform Services Division Account (5012).

Crime Scene Technician Phillip Clendenin be traveling to Gainesville, FL October 27- November 1, 2019 to attend the Human Remains Recover. The Registration Cost is estimated at \$625.00, the Lodging Cost is estimated at \$495.00 and the per diem is estimated at \$235.00 with an approximate total of \$1,355.00. This will be paid out of the Investigation Services Division Account (5013).

Lieutenant Michael Smith be traveling to Clermont, FL October 7, 2019 - February 14, 2020 to attend the Command Officer's Development through the Southern Police Institute. The Registration Cost is estimated at \$3,595.00, the Lodging Cost is estimated at \$5,950.00 and the per diem is estimated at \$2,100.00 with an approximate total of \$11,645.00. This will be paid out of the LETF Account (5040).

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

Funding is available in the Police Department Accounts as follows:

Registration (001-5012-521-5501)	\$150.00
Travel (001-5012-521-4001)	\$583.00
Registration (001-5013-521-5501)	\$625.00
Travel (001-5013-521-4001)	\$730.00
Registration (001-5040-521-5501)	\$3,595.00
Travel (001-5040-521-4001)	\$8,050.00
TOTAL	\$13,968.00

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

Attachment: 1) Travel information (available upon request)

NM/ts/ab