



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

Mayor
WILLIAM CAPOTE

Deputy Mayor
BRIAN ANDERSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
KENNY JOHNSON

AGENDA

REGULAR COUNCIL MEETING 2019-27

THURSDAY

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENT(S):

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. One (1) vacancy on the Business Improvement District (must be located within the District) representing 'institution of higher education (college or university)'.++

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
TELEVIEWED ON THE SPACE COAST GOVERNMENT TV CHANNEL.

PROCLAMATION(S):

1. Alpha-One Awareness Month – November 2019.

PRESENTATION(S):

1. Alberta Clinkscales, President, Space Coast Cultural Arts and Business Organization Charities, Inc. – cultural arts and business facility in Palm Bay.

ADOPTION OF MINUTES:

- *1. Regular Council Meeting 2019-25; October 17, 2019.
- *2. Special Council Meeting 2019-26; October 21, 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 HEARING(S):

1. Ordinance 2019-61, vacating a portion of the rear public utility and drainage easement located within Lot 15, Block 2666, Port Malabar Unit 50 (Case VE-7-2019, Brenda Holtz), final reading.
- ♣2. Resolution 2019-44, granting approval of a final development plan for a portion of the proposed Regional Activity Center to be known as 'Emerald Lakes' in RAC (Regional Activity Center District) zoning on property located east and west of Interstate 95, in the vicinity between Grant and Micco Roads (896.27 acres) (FD-25-2019, Emerald Investment Holdings, Inc.).
- ♣3. Resolution 2019-45, granting a conditional use to allow a retail store occupying more than 5,000 square feet of gross floor area in NC (Neighborhood Commercial District) zoning (4.04 acres)(Case CU-24-2019, Concept Development, Inc.)
- ♣4. Request by West Pointe Babcock, LLC for preliminary subdivision approval for a proposed five-lot single-family subdivision to be known as 'Plantation Circle' in RR (Rural Residential District) zoning and a variance from connecting to the City's water and sewer system (8.41 acres)(Case PS-1-2019).
5. Request by Joan Johnson for a variance to allow a replacement Florida room and carport to encroach two feet into the 10-foot side corner setback (0.11 acres)(Case V-22-2019) **(RESCHEDULED TO P&Z – 11/06/19).**

6. Request by Harmony Landing for a conditional use for a proposed mixed-use development to allow for a restaurant and assisted living (Case CU-23-2019) **(WITHDRAWN)**.

PROCUREMENT(S):

Award of Bid(s):

- *1. Culvert pipe replacement, Units 23 and 56 – IFB 73-0-2019 – Public Works Department (Hinterland Group - \$567,489).

Award of Proposal(s):

- *1. Engineering services, Malabar Road widening project – RFQ 23-0-2019 – Public Works Department (Kittelson & Associates - \$1,354,666).

Contract(s):

- *1. OneSolution public safety software maintenance and services, purchasing authority – Communications and Information Technology Department (Superion, LLC – \$106,935).
- *2. Superion public administration software and services, purchasing authority – Communications and Information Technology Department (CentralSquare (dba Superion, LLC) – \$185,167).

Miscellaneous:

- *1. Temporary traffic signal, Babcock Street and St. Johns Heritage Parkway (Brevard County contract) – Public Works Department (Carr Construction – \$49,746).

COUNCIL REPORTS:

NEW BUSINESS: (Ordinances are for first reading)

1. Ordinance 2019-62, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees, and charges for the City's utilities system and services, first reading.
2. Ordinance 2019-63, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', by adjusting the permit fees and other charges related to the City's utilities wastewater system, first reading.
3. Ordinance 2019-64, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, first reading.

- *4. Ordinance 2019-65, amending the Fiscal Year 2018-2019 budget by appropriating and allocating certain monies (fifth budget amendment).
- *5. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$5,000).
- 6. Consideration of an interlocal agreement between the City of Palm Bay, the Bayfront Community Redevelopment Agency, and Brevard County. **(Councilman Bailey)**
- 7. Consideration of the Road Paving Program for Year 2.
- 8. Consideration of remaining in the Negotiating Class for the opioid litigation (Case 1:17-MD-2084).
- 9. Selection by councilmembers of a Deputy Mayor.

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

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

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.