



Mayor  
WILLIAM CAPOTE

Deputy Mayor  
KENNY JOHNSON

Councilmembers  
HARRY SANTIAGO, JR.  
JEFF BAILEY  
BRIAN ANDERSON

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

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# AGENDA

## REGULAR COUNCIL MEETING 2020-05

THURSDAY  
March 5, 2020 - 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').++
2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++
3. One (1) term expiring on the Police and Firefighters' Pension Board of Trustees (represents 'city resident who is not a beneficiary of the pension plan' position).++
4. Four (4) terms expiring on the Disaster Relief Committee.++

**AGENDA REVISION(S):**

**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

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**the Consent Agenda by Council and will be considered in the order that it appears on the agenda.**

**PROCLAMATION(S):**

1. Irish American Heritage Month, March 2020.
2. Bleeding Disorders Awareness Month, March 2020.

**PRESENTATION(S):**

1. Nelson Moya, Chief of Police – marijuana civil citations update.
2. Fred Poppe, Parks and Recreation Director – Parks update.

**ADOPTION OF MINUTES:**

- \*1. Regular Council Meeting 2020-04; February 20, 2020.

**PUBLIC COMMENT(S)/RESPONSE(S): (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 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), final reading.
2. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), final reading.
3. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), final reading.
4. Ordinance 2020-17, establishing a Community Development District to be known as "Everlands Community Development District" (50.4 acres), final reading.
5. Ordinance 2020-18, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from Public/Semi-Public Use to Single-Family Residential Use (11.71 acres)(Case CP-2-2020, Paul Yates), first reading.

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- ♣6. Ordinance 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), first reading.
- 7. Ordinance 2020-20, amending Ordinance 2019-68, which amended the Code of Ordinances, Chapter 178, Signs, by eliminating the time limit provisions related to the display of temporary signs (Case T-5-2020, City of Palm Bay), first reading.
- ♣8. Request by Christine Stevens and Juan Delgado for a variance to allow an existing accessory structure to encroach 4.5 feet into the eight-foot side interior setback; and an existing pool enclosure to encroach 2.5 feet into the ten-foot rear setback (0.24 acres)(Case V-4-2020).

#### **PROCUREMENT(S):**

##### **Award of Bid(s):**

- \*1. Rehabilitation, North Regional Water Reclamation Facility – IFB 14-0-2020 – Utilities Department (Eau Gallie Electric - \$2,156,000).

##### **Award of Proposal(s):**

- \*1. Commercial brokerage services – RFP 27-0-2020 – Community and Economic Development Department (Redevelopment Management Association, LLC).

##### **Miscellaneous:**

- \*1. 'Cooperative Purchase', LUCAS (automated chest compression) devices and accessories (National Association of State Procurement Officials contract) – Fire Department (Stryker Sales Corporation - \$117,232); authorize Chief Procurement Officer to execute the Participating Addendum to the Master Agreement with Stryker Sales Corporation.
- \*2. "Cooperative Purchase", Caterpillar diesel generator, Fire Station 3 (Sourcewell contract) – Fire Department (Ring Power - \$77,994).
- \*3. 'Cooperative Purchase', replacement vehicles (Florida Sheriffs Association contract) – Public Works Department (Duval Ford - \$177,815).
- \*4. Mobile belt filter press (BFP) services, dewatered biosolids, North Regional Wastewater Treatment Plant (emergency purchase), purchasing authority – Utilities Department (Synagro South, LLC – increase of \$50,711).

**UNFINISHED AND OLD BUSINESS:**

1. Appointment of one (1) member to the Community Development Advisory Board.
2. Appointment of one (1) adult member to the Youth Advisory Board.

**COUNCIL REPORT(S):**

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

1. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsanitary and Unsanitary Conditions' by modifying provisions contained therein. **(CONTINUED FROM RCM – 02/06/20)**
2. Consideration of appropriation from General Fund unallocated fund balance for the procurement of forensic audit services for the St. Johns Heritage Parkway Interchange Project (\$250,000).
- \*3. Consideration of appropriation from Utility Unreserved Retained Earnings to provide additional funding for biosolids transportation disposal and fuel tank cleaning/fuel treatment at the North Regional Wastewater Treatment Plant (\$103,900).
4. Consideration of certain Bayfront Community Redevelopment Agency and City-owned surplus commercial real estate for sale to the public.
- \*5. Consideration of the following related to single-family rehabilitation at 1386 Port Malabar Boulevard NE:
  - a) Funding of repairs utilizing two Local Housing Assistance Plan (LHAP) strategies -- State Housing Initiative Partnership (SHIP) Owner-Occupied Rehabilitation and Special Needs;
  - b) Exceeding the \$20,000 maximum award for Special Needs by \$5,000; and
  - c) Allocating \$25,000 from the Designated Fund Balance account to the Special Needs account.
- \*6. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 3097 Dairy Terrace NE.
- \*7. Consideration of a budget amendment allocating Designated Fund Balance to SHIP Single Family Rehabilitation account for 1200 Waco Boulevard SE, 789 Cleaves Street SE and 430 Heather Avenue NE (\$73,680).
- \*8. Consideration of an amendment to the grant agreement with the Florida Department of Emergency Management for the Hazard Mitigation Program for Fire Station hardening.
- \*9. Consideration of submitting an application for COPS Hiring Program Grant funds for additional sworn personnel for the Police Department.

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- \*10. Consideration of submitting an application for Federal Emergency Management Agency's Assistance to Firefighters Grant funds for Quint apparatus and air pack replacement.
- 11. Consideration of scheduling a special meeting for March 2020.

**ADMINISTRATIVE AND LEGAL REPORT(S):**

**PUBLIC COMMENT(S)/RESPONSE(S):** 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.**

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**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.**

## **CITY OF PALM BAY, FLORIDA**

### **REGULAR COUNCIL MEETING 2020-04**

Held on Thursday, the 20<sup>th</sup> day of February 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Pastor Ken Delgado, The House Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

#### **ROLL CALL:**

<b>MAYOR:</b>	William Capote	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Harry Santiago, Jr.	Present
<b>COUNCILMEMBER:</b>	Jeff Bailey	Present
<b>COUNCILMEMBER:</b>	Brian Anderson	Present
<b>CITY MANAGER:</b>	Lisa Morrell	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager; Joan Junkala-Brown, Director of Community and Economic Development.

#### **ANNOUNCEMENT(S):**

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. Four (4) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City' and 'real estate' positions).++**
- 2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**
- 3. One (1) vacancy on the Youth Advisory Board (represents 'adult over 30 years of age' positions).++**

**4. One (1) term expiring on the Police and Firefighters' Pension Board of Trustees (represents 'city resident who is not a beneficiary of the pension plan' position).+**

**5. Four (4) terms expiring on the Disaster Relief Committee.+**

**AGENDA REVISION(S):**

1. Mrs. Morrell announced the following:

a.) Item 4, under Public Hearings, related to accessory dwelling units, was an accompanying ordinance to the Comprehensive Plan Future Land Use Text Amendment Ordinance 2020-10, which was pending State review and comment. The item would be rescheduled to a future regular Council meeting, after receipt of comments from the State.

b.) Items 6 and 9, under New Business, related to the Code Compliance budget appropriation and SandPros purchase, were withdrawn by staff.

c.) The annual debt payments on the Legislative Memorandum for Item 3, Award of Bid(s), under Procurement(s), and for Item 1, under New Business, were revised. The fire apparatus truck changed to \$138,609.98 and the police pursuit vehicles changed to \$136,614.43. Under the Fiscal Impact, the total annual debt payment changed to \$275,224 or \$24,305 less than the amount currently budgeted.

d.) The total amount payable at the time of closing on the Legislative Memorandum for Item 3, Miscellaneous, under Procurement(s), changed to \$136,614.43.

e.) The cost estimate on the Legislative Memorandum on Item 8, under New Business, was revised to include upsizing the Force Main and the addition of telemetry to the Lift Station, changing the funds transfer request to \$359,717.97 (project cost estimate of \$327,016.34 plus 10% contingency). A septic to sewer illustration was also included.

**CONSENT AGENDA:**

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Items 2 and 8, under New Business, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.



**RECOGNITION(S) AND PROCLAMATION(S):**

The individuals were recognized, and the proclamation was read.

**1. Volunteer Program (one (1) year of service as City boardmember):**

- a.) Library Advisory Board – Annette Reid;
- b.) Sustainability Board – Donielle Rouse;
- c.) Youth Advisory Board – Michaela Chua, Kristi Howell, Linval Maragh III, Katrina Moringlanes, Alexzander Owens, Abigail Perez, Theresa Steelman, Joseph Stokes.

**2. Black History Month, February 2020.**

**PRESENTATION(S):**

- 1. Pastor Ken Delgado, The House Church – Family Christmas Extravaganza Event 2019.** Pastor Delgado provided an update on the Family Christmas Extravaganza.

**ADOPTION OF MINUTES:**

- \*1. Regular Council Meeting 2020-03; February 6, 2020.**

The minutes, considered under Consent Agenda, were approved as presented.

**PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)**

Individuals made general comments.

**PUBLIC HEARING(S):**

- 1. Ordinance 2020-09, vacating portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28 (Case VE-9-2019, Christine Stevens and Juan Delgado), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-09. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Ordinance 2020-11, amending the Code of Ordinances, Chapter 169, Land Development Code, to revise the provisions for administrative variances (Case T-1-2020, City of Palm Bay), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-11. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Ordinance 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'District Regulations', 'Planned Unit Development (PUD)', and 'Off-Street Parking and Loading Requirements' by including provisions related to "tiny homes" (Case T-2-2020, City of Palm Bay), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened.

Lynda Hauser, resident, said that if people were required to build structures for their cars with the tiny homes, they may not have the resources to buy reliable transportation, pay for college tuition, etc. She felt that ordinances should reflect a person's right to choose whether a garage or some other priority was more important to them. She supported the ordinance and asked Council to consider making allowances for those who did not need or want a garage.

Mrs. Morrell said that the language related to garages was addressed in Item 4, under Public Hearings. Tiny homes did not require a garage.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-12. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), final reading.**

The item, announced under Agenda Revisions, was tabled pending receipt of comments from the State on the accompanying Ordinance 2020-10.

**5. Ordinance 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-14. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-15. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Ordinance 2020-17, establishing a Community Development District to be known as “Everlands Community Development District” (50.4 acres), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Greg Pettibon, Lennar Homes, presented the request to Council.

Peter Filiberto, resident, asked that the developer and Council explore Low Impact Development. He asked if sewer and underground utilities were included in the plans, and if there would be any commercial property.

Bill Battin, resident, asked if the impact fees would stay within the Community Development District (CDD) or if the entire City would benefit from same. He asked what amenities were included in the plan.

Mr. Pettibon responded that one of the components of the financing was to fund public water and sewer to the CDD. Mrs. Morrell added that the police, fire, parks and transportation impact fees would be paid to the City. The CDD would then be able to take its public utility infrastructure debt for improving the area and charge it back to the users within the CDD.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-17. Mr. Bailey said he was hesitant on supporting requests such as this because it added another layer of bureaucracy to a residential area. He felt that CDDs would serve better in an area that had more mixed use or heavier commercial sites. He said that the plans should contain more commercial.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**9. Ordinance 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), final reading. (RESCHEDULED TO RCM – TBD, PENDING STATE REVIEW)**

**PROCUREMENT(S):**

**Award of Bid(s):**

**\*1. Nutrient removal facilities, North Regional Water Reclamation Facility – IFB 12-0-2020 – Utilities Department (TLC Diversified, Inc. - \$3,367,000).**

Staff Recommendation: Approve the award for nutrient removal facilities, North Regional Water Reclamation Facility, to TLC Diversified (Palmetto), in the amount of \$3,367,000.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*2. Reclaimed water high service pump area improvements, North Regional Water Reclamation Facility – IFB-16-0-2020 – Utilities Department (L7 Construction, Inc. - \$557,000).**

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment and approve the award for reclaimed water high service pump area improvements, North Regional Water Reclamation Facility, to L7 Construction, Inc. (Sanford), in the amount of \$557,000.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**3. Non-bank qualified, tax-exempt lease purchase financing, fire apparatus truck and police pursuit vehicles – IFB 26-0-2020 – Finance Department (Bank of America Public Capital Corp.; annual debt payment: \$136,514/10yrs (fire apparatus truck); \$138,610/5yrs (police pursuit vehicles)).**

Staff Recommendation: Approve the award of non-bank qualified, tax-exempt lease purchase financing to fund the lease/purchase of a fire apparatus truck and police pursuit vehicles to Bank of America Public Capital Corp. (Richmond, Virginia), with an annual debt payment of \$136,514.43 for a term of 10 years at an interest rate of 1.8522% for the fire apparatus truck and an annual debt payment of \$138,609.98 for a term of 5 years at an interest rate of 1.6008% for the police pursuit vehicles.

The item, announced under Agenda Revisions, was corrected as follows:

Staff Recommendation: Approve the award of non-bank qualified, tax-exempt lease purchase financing to fund the lease/purchase of a fire apparatus truck and police pursuit vehicles to Bank of America Public Capital Corp. (Richmond, Virginia), with an annual

debt payment of **\$138,609.98** for a term of 10 years at an interest rate of 1.8522% for the fire apparatus truck and an annual debt payment of **\$136,614.43** for a term of 5 years at an interest rate of 1.6008% for the police pursuit vehicles.

Bill Battin, resident, asked the balance owed on the previous ladder truck. Mrs. Morrell said nothing was owed on the existing ladder truck, but it was out of service and the City was utilizing other agencies' trucks pursuant to the Mutual Aid Agreement.

Mr. Bailey asked if the borrowed ladder trucks were housed at a City facility or only used when emergency calls were received. Mrs. Morrell answered that it was used during calls of service, came directly from the agency and was not stored on City property.

Motion by Mr. Santiago, seconded by Mr. Anderson, to approve the award as requested.

Mr. Bailey requested a report of how many times trucks were requested from other agencies, if impact fee funds could be used for the purchase and if the out-of-service truck would be scrapped or repaired.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

#### **Miscellaneous:**

**\*1. 'Cooperative Purchase', cured-in-place pipe lining, Stormwater Program (City of Orlando contract) – Public Works Department (Granite Inliner - \$385,297).**

Staff Recommendation: Approval to furnish and install cured-in-place pipe at 19 locations, as part of the Stormwater Program (Project 20SU09), utilizing the City of Orlando contract, with Granite Inliner, in the amount of \$385,297.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*2. 'Cooperative Purchase', cured-in-place pipe (CIPP) rehabilitation services, sewer mains (City of Daytona Beach contract) – Utilities Department (Insituform Technologies, LLC – estimated annual amount \$300,000).**

Staff Recommendation: Approve CIPP rehabilitation services of sewer mains, utilizing the City of Daytona Beach contract, with Insituform (Chesterfield, Missouri), in the estimated amount of \$300,000 for Fiscal Year 2020; and approve the renewal terms (if

exercised by the City of Daytona Beach) for up to four (4) additional one-year terms, in the estimated annual amounts of \$330,000 for Fiscal Year 2021, \$363,000 for Fiscal Year 2022, \$399,300 for Fiscal Year 2023, and \$439,230 for Fiscal Year 2024.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**3. 'Cooperative Purchase', Police Dodge Durango pursuit vehicles (Florida Sheriffs Association contract) with lighting and interior modifications (Broward County Sheriff Association contract) – Police Department (Alan Jay Fleet Sales; Strobes-R-Us; O-Reilly Auto Parts; Space Coast Auto Supply; Arts Window Tinting; Brevard County Tax Collector - \$139,522 for FY20; \$661,884 total, payable over five (5) years to Bank of America Public Capital Corp.).**

Staff Recommendation: Approve the purchase of eighteen (18) 2020 Dodge Durango police pursuit vehicles (utilizing the Florida Sheriffs Association contract – Alan Jay Fleet Sales) with lighting and interior modifications (utilizing the Broward County Sheriff Association contract – Strobes-R-Us, O-Reilly Auto Parts, Space Coast Auto Supply, Arts Window Tinting), upon closing of the lease purchase agreement with Bank of America (\$139,522, payable at closing, is budgeted in Fiscal Year 2020 for the first annual lease purchase payment).

The item, announced under Agenda Revisions, was corrected as follows:

Staff Recommendation: Approve the purchase of eighteen (18) 2020 Dodge Durango police pursuit vehicles (utilizing the Florida Sheriffs Association contract – Alan Jay Fleet Sales) with lighting and interior modifications (utilizing the Broward County Sheriff Association contract – Strobes-R-Us, O-Reilly Auto Parts, Space Coast Auto Supply, Arts Window Tinting), upon closing of the lease purchase agreement with Bank of America (**\$136,614.43**, payable at closing, is budgeted in Fiscal Year 2020 for the first annual lease purchase payment).

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the purchase and outfit of vehicles as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. 'Cooperative Purchase', SPH100 Aerial Platform (Sourcewell contract) – Fire Department (Sutphen Corporation - \$1,278,000 – upon closing of the lease purchasing financing).**

Staff Recommendation: Approve the purchase of a Sutphen SPH100 Aerial Platform Mid-Mount, utilizing the Sourcewell contract, from Sutphen Corporation (Dublin, Ohio) in the amount of \$1,278,000 (anticipated annual payment of \$138,609.98).

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the purchase as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

#### **UNFINISHED AND OLD BUSINESS:**

**1. Appointment of one (1) adult member to the Youth Advisory Board.**

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Christopher Duncan to the 'adult member' position on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Appointment of one (1) student member to the Youth Advisory Board.**

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Joshua Grady to the 'student member' position on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

#### **COMMITTEE AND COUNCIL REPORT(S):**

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

1. Mr. Anderson reappointed Phil Weinberg to the Space Coast Transportation Planning Organization's Citizens Advisory Committee (TPO CAC).

2. Mr. Bailey reported on the following:

a.) Reappointed James Boothroyd to the TPO CAC;

b.) Requested a workshop to further discuss the parking ordinance;

c.) Expressed concern that proper time would not be allowed for resident input on the solid waste proposals prior to Council consideration. He suggested a two-week time frame for citizens to review the proposals.



d.) Suggested the creation of a fact-finding committee, comprised of City residents, whose purpose would be to review other outside contracts and present information to Council prior to consideration of a final contract. He would work with staff on the specifics. Council concurred.

3. Mr. Santiago agreed with a workshop for the parking ordinance. He said the text amendments would be presented to the Planning and Zoning Board (P&Z) in April and then Council could have the workshop thereafter. Mr. Bailey preferred the workshop be held prior to P&Z to allow public input. Mr. Santiago did not want P&Z to possibly have further changes and then the language presented to Council may not be what Council desired. He said that, typically, the workshops would be held after P&Z. Mr. Bailey asked the City Clerk to research if other textual amendments, including the parking ordinance, had been discussed at a Council workshop prior to P&Z.

4. Deputy Mayor Johnson reported on the following:

a.) He had been communicating with staff for a resolution to fund the Road Maintenance Program. He suggested utilizing the Undesignated Fund Balance for same. Mr. Bailey agreed, but added that it would have to be a year-to-year budget decision as a resolution could not control future Councils or future budgets. Mr. Anderson said another option would be to establish that a certain percentage of the Undesignated Fund Balance be dedicated to the Road Maintenance Program.

b.) Reappointed Donny Felix and Roy Thomas (alternate) to the TPO CAC.

#### **NEW BUSINESS:**

#### **1. Resolution 2020-05, authorizing the lease purchase agreement of certain equipment with the Bank of America Public Capital Corp.**

The City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to adopt Resolution 2020-05. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Consideration of:**

**a.) renewal of lease agreement with the Greater Palm Bay Chamber of Commerce for property located at 4100 Dixie Highway NE (annual lease amount - \$10.00); and**

Staff Recommendation: Authorize the City Manager to execute the Lease Agreement with the Greater Palm Bay Chamber of Commerce for City-owned property located at 4100 Dixie Highway NE at the annual lease amount of \$10.00.

Nancy Peltonen, President/CEO of the Greater Palm Bay Chamber of Commerce (Chamber), provided an overview of the Chamber's mission, membership, and its presence both online and throughout the community. Individuals spoke in support of the Chamber.

Deputy Mayor Johnson asked staff's vision between the Economic Development Department and the Chamber. Mrs. Junkala-Brown said her vision was to continue to collaborate as far as business community, partnering to hold workshops that would be useful for businesses to grow and sustain, marketing within and outside of Brevard County, advocacy for legislative items, etc.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the Lease Agreement as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**b.) renewal of the Greater Palm Bay Chamber of Commerce Platinum membership annual dues for 2020 (\$15,000).**

Staff Recommendation: Approve the renewal of the Greater Palm Bay Chamber of Commerce Platinum membership annual dues for 2020 in the amount of \$15,000, from the City Manager's Office Operating Budget.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve the membership renewal as requested. Councilmembers thanked Ms. Peltonen and her staff for their service and continued partnership with the City. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**\*3. Consideration of ratifying the agreement with the National Association of Government Employees (NAGE) Local R-5-197 (White), October 1, 2019 – September 30, 2022.**

Staff Recommendation: Ratify the agreement with the National Association of Government Employees (NAGE) Local R-5-197 (White), commencing October 1, 2019, and expiring September 30, 2022.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*4. Consideration of Emergency Medical Services Grant Agreement awarded by the Board of County Commissioners of Brevard County (\$12,392).**

Staff Recommendation: Approve the Emergency Medical Services Grant Agreement awarded by the Board of County Commissioners of Brevard County in the amount of \$12,392 and authorize the City Manager to execute the agreement.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*5. Consideration of submitting grant applications to Federal Emergency Management Agency's (FEMA) Region IV Hazard Mitigation Program for hardening of Fire Stations 1 and 5.**

Staff Recommendation: Approval submittal of grant applications to Federal Emergency Management Agency's (FEMA) Region IV Hazard Mitigation Program for hardening of Fire Stations 1 and 5.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*6. Consideration of budget appropriation to the operating budget of the Code Compliance Division of the Growth Management Department to adequately meet the needs of the division (\$16,500).**

The item, announced under Agenda Revisions, was withdrawn by staff.

**\*7. Consideration of budget appropriation from the General Fund to the Building Fund to purchase four (4) used vehicles from Building Division for Code Compliance Division (\$51,670).**

Staff Recommendation: Approval of a budget appropriation from the General Fund to the Building Fund to purchase four (4) used vehicles from Building Division for Code Compliance Division in the amount of \$51,670.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**8. Consideration of budget appropriation for City sewer services at Fred Poppe Regional Park (\$249,718).**

Staff Recommendation: Approve funding in the amount of \$249,717.97 (project cost estimate of \$227,016.34 plus 10% contingency) for connecting failed sanitary systems at the Fred Poppe Dog Park, existing Scouting Campground, Soccer Complex Baseball Complex, and Softball Complex to existing City of Palm Bay sewer lines.

The item, announced under Agenda Revisions, was corrected as follows:

Staff Recommendation: Approve funding in the amount of **\$359,717.97** (project cost estimate of **\$327,016.34** plus 10% contingency) for connecting failed sanitary systems at the Fred Poppe Dog Park, existing Scouting Campground, Soccer Complex Baseball Complex, and Softball Complex to existing City of Palm Bay sewer lines.

Bill Battin, resident, asked the cost to repair the septic system and, if it could be repaired at a cheaper cost, then funding could be placed to expand the sewer system to adjacent neighborhoods. Mrs. Morrell said that as sewer was available, the City had to connect to the system.

Motion by Mr. Santiago, seconded by Mr. Anderson, to approve the budget appropriation for City sewer services at Fred Poppe Regional Park in the amount of \$249,718.

Motion by Mr. Santiago, seconded by Mr. Anderson, to approve the budget appropriation for City sewer services at Fred Poppe Regional Park with the amended amount of \$327,016.34.

Mr. Santiago withdrew his motion as the amount had to be corrected.

Motion by Mr. Santiago, seconded by Mr. Anderson, to approve the budget appropriation for City sewer services at Fred Poppe Regional Park with the amended amount of \$359,717.97.

Mr. Bailey said the City had the responsibility to maintain the park, so the expense had to be made, but added that this was another failure of promises made to Council by previous leadership to take over the Regional Park, Aquatic Center and Senior Center. Council was told that these acquisitions would be revenue neutral. He said that staff did not properly assess the pool and not only was there a major expense to repair it, but the pool was also closed for an entire season. He said there was no accountability from previous or current leadership.

Mr. Anderson asked if Brevard County had provided contributions for maintenance of the park. Mrs. Morrell said that the impact fees had already been paid so there was no expense from the City to pay those fees. Mr. Anderson thought that approximately \$126,000 had been received from Brevard County. He felt that once the park was up to where it needed to be, it would generate revenues. Mr. Bailey said that the contributions received were towards operations and were not for capital costs.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**\*9. Consideration of funds transfer to purchase two (2) used Sand Pros for ballfield maintenance (\$24,000).**

The item, announced under Agenda Revisions, was withdrawn by staff.

**\*10. Consideration of transfer from Fund Balance to Fire Department's Operating Budget for previously approved squad radio at Fire Station 1 (\$4,905).**

Staff Recommendation: Approve transfer from Fund Balance to Fire Department's Operating Budget for previously approved squad radio at Fire Station 1 in the amount of \$4,905.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*11. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$20,963).**

Staff Recommendation: Approve the expenditure of funds as specified in the City Manager's memorandum.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*12. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended December 31, 2019.**

The item, considered under Consent Agenda, was acknowledged by the City Council.

**\*13. Acknowledgement of the City's monthly financial report for December 2019.**

The item, considered under Consent Agenda, was acknowledged by the City Council.

**\*14. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Mrs. Morrell advised that the Certificate of Occupancy had been filed for the newly constructed hotels on Palm Bay Road and would be opening soon.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

1. Butch Orend, resident, asked that Council refrain from wearing clothing with the City of Palm Bay insignia, especially at political events. It implied that the City and/or Council supported such events.

2. David Jones, United Way of Brevard, requested a resolution in support of Brevard Zoo's efforts to bring a world class aquarium to Brevard County. Brevard County and numerous municipalities had already passed a resolution. Council concurred.

Mrs. Morrell said that the impact fees paid by Brevard County for Fred Poppe Regional Park was \$48,971.52 (related to Item 8, under New Business).

Mr. Santiago said that the City Attorney's Office would research Mr. Orend's comment and advise Council accordingly.

Mr. Anderson requested an update on Minton Road at the next regular Council meeting.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:07 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

\* Identifies items considered under the heading of Consent Agenda.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

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

**DATE:** March 5, 2020

**RE:** Final Reading of Ordinances 2020-14, 2020-15, 2020-16 and 2020-17

***SUMMARY:***

A public hearing is to be held on the above subject ordinances and the captions 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 2020-14, 2020-15, 2020-16 and 2020-17.

/tjl

Attachments





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** February 20, 2020

**RE:** Request to Vacate Easement – Raymond Lewandowski

Raymond Lewandowski has submitted an application to vacate the Southeasterly 8 feet of the Northwesterly 20 foot Public Utility and Drainage Easement, except the Northeasterly and Southwesterly 6 feet, thereof containing 544 square feet or 0.01 acres, more or less of Lot 19, Block 2649, Port Malabar Unit 50, according to the Plat thereof, as Recorded in Plat Book 23, Pages 4-21, of the Public Records of Brevard County, Florida, for a shed.

**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-1-2020 (available upon request)

The item, announced under Agenda Revisions, was tabled pending receipt of comments from the State on the accompanying Ordinance 2020-10.

**5. Ordinance 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-14. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-15. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Ordinance 2020-17, establishing a Community Development District to be known as “Everlands Community Development District” (50.4 acres), first reading.**

## **ORDINANCE 2020-14**

**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 19, BLOCK 2649, PORT MALABAR UNIT 50, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 7, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Raymond Lewandowski 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 Lot 19, Block 2649, Port Malabar Unit 50, according to the plat thereof as recorded in Plat Book 23, Page 7, of the Public Records of Brevard County, Florida, Section 18, Township 29S, Range 37E, being more particularly described as follows:

Commence at the northwest corner of said Lot 19 and run S 38°25'39" E along the westerly line of said Lot 19, a distance of 20.00 feet; thence N 51°34'21" E a distance of 6.00 feet to the Point of Beginning of the herein described easement; thence N 38°25'39" W a distance of 8.00 feet; thence N 51°34'21" E a distance of 68.00 feet; thence S 38°25'39" E a distance of 8.00 feet; thence S 51°34'21" W a distance of 68.00 feet to the Point of Beginning; containing 544 square feet or 0.01 acres, more or less.

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

Read in title only at Meeting 2020-04, held on February 20, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Raymond Lewandowski  
Case: VE-1-2020

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:** February 20, 2020

**RE:** Request to Vacate Easement – Stephen Stomber

Stephen Stomber has submitted an application to vacate the South 8 feet of the North 20 feet Public Utility and Drainage Easement, less and except the East and West 6 feet side easements, thereof containing 544 square feet or 0.01 acres, more or less of Lot 19, Block 208, Port Malabar Unit 7, according to the Plat thereof, as Recorded in Plat Book 14, Pages 125-135, of the Public Records of Brevard County, Florida, for an inground pool.

**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-2-2020 (available upon request)

The item, announced under Agenda Revisions, was tabled pending receipt of comments from the State on the accompanying Ordinance 2020-10.

**5. Ordinance 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-14. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-15. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Ordinance 2020-17, establishing a Community Development District to be known as “Everlands Community Development District” (50.4 acres), first reading.**

## **ORDINANCE 2020-15**

**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 19, BLOCK 208, PORT MALABAR UNIT 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 135, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Stephen Stomber 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 Lot 19, Block 208, Port Malabar Unit 7, according to the plat thereof as recorded in Plat Book 14, Page 135, of the Public Records of Brevard County, Florida, Section 31, Township 28S, Range 37E, being more particularly described as follows:

Being a portion of a 20.00 foot wide public utility and drainage easement lying within Lot 19, Block 208, Port Malabar Unit 7, according to the plat thereof, as recorded in Plat Book 14, Pages 125-135, of the Public Records of Brevard County, Florida, being more particularly described as follows: the south 8.00 feet of the north 20.00 foot wide public utility and drainage easement, less and except the east and west 6.00 feet wide side easements thereof lying within said Lot 19, Block 208; containing 544 square feet or 0.01 acres, more or less.

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

Read in title only at Meeting 2020-04, held on February 20, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Stephen Stomber  
Case: VE-2-2020

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:** February 20, 2020

**RE:** Request to Vacate Easement – David Curtis and/or Tanya Bickford

David Curtis and/or Tanya Bickford has submitted an application to vacate the South 10 feet of the North 20 feet Public Utility and Drainage Easement, less and except the East 6 feet and West 2050 feet, thereof containing 535 square feet or 0.01 acres, more or less of Lot 24, Block 1206, Port Malabar Unit 24, according to the Plat thereof, as Recorded in Plat Book 16, Pages 29-41, of the Public Records of Brevard County, Florida, for a shed.

**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-3-2020 (available upon request)

The item, announced under Agenda Revisions, was tabled pending receipt of comments from the State on the accompanying Ordinance 2020-10.

**5. Ordinance 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-14. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-15. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Ordinance 2020-17, establishing a Community Development District to be known as “Everlands Community Development District” (50.4 acres), first reading.**

## **ORDINANCE 2020-16**

**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 24, BLOCK 1206, PORT MALABAR UNIT 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, David Curtis and Tanya Bickford 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 24, Block 1206, Port Malabar Unit 24, according to the plat thereof as recorded in Plat Book 16, Page 37, of the Public Records of Brevard County, Florida, Section 32, Township 29S, Range 37E, being more particularly described as follows:

Commence at the northwest corner of said Lot 24 and run S 00°13'08" E, along the westerly line of Said Lot 24, a distance of 20.00 feet; thence, departing said westerly line, N 89°46'52" E a distance of 20.50 feet to the Point of Beginning of the herein described easement; thence N 00°13'08" W a distance of 10.00 feet; thence N 89°46'52" E a distance of 53.50 feet; thence S 00°13'08" E a distance of 10.00 feet; thence S 89°46'52" W a distance of 53.50 feet to the Point of Beginning; containing 535 square feet or 0.01 acres, more or less.

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

Read in title only at Meeting 2020-04, held on February 20, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

---

William Capote, MAYOR

ATTEST:

---

Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: David Curtis and Tanya Bickford  
Case: VE-3-2020

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:** February 20, 2020

**RE:** Petition to Establish a Community Development District (CDD) – Everlands

Palm Vista Preserve, LLC (Michael G. Meyers, Vice President, Lennar Homes, LLC, Representing) is petitioning the City Council to adopt an ordinance to establish the Everlands Community Development District (CDD) designating the land area for which the CDD would exercise special powers relating to, among other things, a water management system, sewer system, surface water management system, and landscaping improvements. Enactment of the Ordinance would grant the petition, establish the district, and consent to the exercise of the additional special powers by the district board of supervisors pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes.

A CDD, as defined by Chapter 190, F.S.

*Means a local unit of special-purpose government which is created pursuant to this act and limited to the performance of those specialized functions authorized by this act; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this act for the purpose of the delivery of urban community development services; and the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law.*

The proposed CDD is located within the Palm Vista Preserve Planned Unit Development (PUD) on approximately 50.4 acres, more or less, and generally located east of St. Johns Heritage Parkway, north of Malabar Road, south of Pace Drive NW, and west of Alpine Avenue NW, entirely within the

February 20, 2020

Page | 2

City of Palm Bay. The site is currently unimproved and is being planned for residential single-family development.

The petition was reviewed by the City Attorney's Office.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There is no fiscal impact to the City.

**RECOMMENDATION:**

Motion to approve and adopt an ordinance for the establishment of the Everlands Community Development District.

Attachments:

- 1) Application to Establish a Community Development District (available upon request)
- 2) Petition with Exhibits (available upon request)
- 3) Ordinance

The item, announced under Agenda Revisions, was tabled pending receipt of comments from the State on the accompanying Ordinance 2020-10.

**5. Ordinance 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-14. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-15. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**8. Ordinance 2020-17, establishing a Community Development District to be known as “Everlands Community Development District” (50.4 acres), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Greg Pettibon, Lennar Homes, presented the request to Council.

Peter Filiberto, resident, asked that the developer and Council explore Low Impact Development. He asked if sewer and underground utilities were included in the plans, and if there would be any commercial property.

Bill Battin, resident, asked if the impact fees would stay within the Community Development District (CDD) or if the entire City would benefit from same. He asked what amenities were included in the plan.

Mr. Pettibon responded that one of the components of the financing was to fund public water and sewer to the CDD. Mrs. Morrell added that the police, fire, parks and transportation impact fees would be paid to the City. The CDD would then be able to take its public utility infrastructure debt for improving the area and charge it back to the users within the CDD.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-17. Mr. Bailey said he was hesitant on supporting requests such as this because it added another layer of bureaucracy to a residential area. He felt that CDDs would serve better in an area that had more mixed use or heavier commercial sites. He said that the plans should contain more commercial.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

**9. Ordinance 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), final reading. (RESCHEDULED TO RCM – TBD, PENDING STATE REVIEW)**



## **ORDINANCE 2020-17**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS AND SPECIAL POWERS OF THE DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Palm Vista Preserve, LLC, a Florida limited liability company ("Petitioner"), has filed a Petition with the City of Palm Bay, Florida, requesting that the City Council of the City of Palm Bay, Florida ("City"), adopt an ordinance establishing the Everlands Community Development District ("District") pursuant to Chapter 190, Florida Statutes, and designating the real property described in Exhibit "A", attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery, and

**WHEREAS**, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit "A", which the City is not able to provide at a level and quality needed to service the District, thereby providing a solution to the City's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the City and its taxpayers, and

**WHEREAS**, the City has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, and

**WHEREAS**, the City has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes.

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

**SECTION 1.** Finding of Fact. The City hereby finds and states that:

(A) The "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;

(B) All statements contained in the Petition are true and correct;

(C) The creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City's Comprehensive Plan;

(D) The area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;

(E) The creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

(F) The proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

(G) The area that will be served by the District is amenable to separate, special-district government.

**SECTION 2.** Conclusions of Law.

- (A) This proceeding is governed by Chapter 190, Florida Statutes;
- (B) The City has jurisdiction pursuant to Section 190.005(2), Florida Statutes; and
- (C) The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes.

**SECTION 3.** Creation, Boundaries and Powers. There is hereby created the Chaparral of Palm Bay Community Development District for the area of land described in Exhibit "A", attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a), (d) and (f), and (3), Florida Statutes, and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Florida Statutes, including the special powers provided under Section 190.012(1), (2)(a), (d) and (f), and (3), Florida Statutes.

**SECTION 4.** Initial Board. The following five persons are designated as the initial members of the Board of Supervisors:

Jason Engelman  
Jeffrey Alexander  
Valerie McChesney  
Greg Pettibon  
Adam Picow

**SECTION 5.** Effective Date. The provisions within this ordinance shall be effective immediately upon the enactment date.

**SECTION 6.** Severability. If any section, subsection, sentence, clause, provision, or other part of this ordinance is held invalid for any reason, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Read in title only at Meeting No. 2020-04, held on February 20, 2020; and read in title only and duly enacted at Meeting No. 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Everlands Community Development District

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:** March 5, 2020

**RE:** Comprehensive Plan Amendment Request – Paul Yates

Mr. Paul Yates has applied for a large-scale Comprehensive Plan Future Land Use Map Amendment to change 11.71 acres of Public/Semi-Public Use (PSP) to Single-Family Residential Use (SFR). The subject property is bordered by single-family residential land uses on three sides. The intended use for the parcels is a small hobby farm. The proposed land use amendment would be considered compatible with the surrounding land uses as it is the same classification.

The following is a condition for the request:

- Future development will be restricted to the submitted Development Agreement. Specifically:
  1. Owner may use the property consistent with all permitted, conditional and accessory uses in the RR zoning district **EXCEPT** the following:
    - a. Public parks, playgrounds and other public recreational facilities.
    - b. Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.
    - c. Cemeteries.
    - d. Churches.
    - e. Antennas and transmitters.
    - f. Public and private schools.
    - g. Commercial dog kennels
  2. Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than 2 pigs for personal use as pets.

March 5, 2020

Page | 2

3. Owner may clear the land as necessary for Agricultural purposes.
4. Should the Owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the Owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No commercial deliveries will be permitted on Sunday.
5. A perimeter fence is permitted. There shall be maintained a 10-foot wide cleared area on the interior of the fence for maintenance purposes.
6. Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot wide cleared area around the perimeter, except for those areas where driveway shall be located.
7. No commercial wholesale nursery activity shall be permitted.
8. A future u-pick operation may be allowed as a conditional use under the RR district.
9. Should the subject property be rezoned from RR, Rural Residential then this Agreement shall automatically expire.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case CP-2-2020 subject to the staff comments and conditions contained in the staff report.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the staff comments and conditions contained in the staff report.

Attachments: (Available upon request)

- 1) Case CP-2-2020
- 2) Board minutes
- 3) Ordinance

PJM/cp/ab

## **ORDINANCE 2020-18**

**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 FUTURE LAND USE MAP SERIES NO. 2; 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 a public hearing on an amendment to the Comprehensive Plan on February 5, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on March 5, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity for review and comment, and

**WHEREAS**, the Florida Department of Economic Opportunity submitted a Comment Report regarding this amendment, and

**WHEREAS**, the City Council of the City of Palm Bay has considered the Comments provided and has addressed all items, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on **(DATE OF HEARING)**, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay desires to adopt said 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 Public/Semi-Public Use to Single-Family Residential Use, which property is legally described as follows:

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 acres, more or less.

**SECTION 2.** The Future Land Use Map Series Map No. 2 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. Future development will be restricted to the submitted Development Agreement. Specifically:

1) Owner may use the property consistent with all permitted, conditional and accessory uses in the RR (Rural Residential District) zoning EXCEPT the following:

- a) Public parks, playgrounds and other public recreational facilities;
- b) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way;
- c) Cemeteries;
- d) Churches;



- e) Antennas and transmitters;
  - f) Public and private schools; and
  - g) Commercial dog kennels.
- 2) Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than two (2) pigs for personal use as pets.
- 3) Owner may clear the land as necessary for agricultural purposes.
- 4) Should the owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No commercial deliveries will be permitted on Sunday.
- 5) A perimeter fence is permitted. There shall be maintained a 10-foot wide cleared area on the interior of the fence for maintenance purposes.
- 6) Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot wide cleared area around the perimeter, except for those areas where driveway shall be located.
- 7) No commercial wholesale nursery activity shall be permitted.
- 8) A future u-pick operation may be allowed as a conditional use under the RR (Rural Residential District) zoning.
- 9) Should the subject property be rezoned from RR (Rural Residential District) zoning, then the agreement shall automatically expire.

**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.** This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is

complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Paul Yates  
Case: CP-2-2020

cc: (date) Applicant  
Case File



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Comprehensive Plan Zoning Amendment Request – Paul Yates

Mr. Paul Yates has applied for a rezoning of the subject parcel from an RS-2, Single-Family Residential District to an RR, Rural Residential District. The applicant states the justification for the change is *“to change the zoning district to allow for a small hobby farm.”* The Rural Residential zoning district will allow for rural single-family residential living combined with limited agricultural activities. The RS-2 district does not permit agricultural activities.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case CPZ-2-2020, subject to the staff comments contained in the staff report.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

Attachments: (Available upon request)

- 1) Case CPZ-2-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

PJM/cp/ab

## **ORDINANCE 2020-19**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RR (RURAL RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO DALHART AVENUE, IN THE VICINITY BETWEEN GEARY STREET AND HARPER BOULEVARD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; 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 Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from RS-2 (Single-Family Residential District) to RR (Rural Residential District), being legally described as follows:

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 acres, more or less.

**SECTION 2.** The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon adoption, pending the enactment of Ordinance 2020-18.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## **LEGISLATIVE MEMORANDUM**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Textual-Amendment-Request – City of Palm Bay  
(Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 178: Signs, to eliminate the provisions concerning the time limits for Temporary Signs. The purpose of this application is to eliminate the time limits on Temporary Signs as originally requested by certain members of Council at the December 5, 2019 Regular Council Meeting.

The stated purpose of the Sign Ordinance is to promote public health, safety, and general welfare by establishing standards for the fabrication, erection, use, maintenance and alteration of signs within the City, that allow and encourage creativity, effectiveness and flexibility in the design and use of signs. Generally, sign ordinances may legally regulate through 'time, placement and manner' regulations so long as they remain content neutral.

Temporary Signs by their very nature are based on time limits. It should be noted that if there is no restriction on the amount of time for display then they could potentially remain in place long term with no end to their duration. It should also be noted that the Florida Building Code does not require permits for Temporary Signs.

**REQUESTING DEPARTMENT:**

Growth Management

March 5, 2020

Page | 2

**RECOMMENDATION:**

Staff recommends that the time limits on temporary signs not be eliminated but that the distinction between commercial and non-commercial signs should be eliminated.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

Attachments:        1) Case T-5-2020 (*all available upon request*)  
                             2) Board minutes (*all available upon request*)  
                             3) Ordinance

LB/cp/ab

## ORDINANCE 2020-20

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE 2019-68, WHICH AMENDED THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 178, SIGNS, BY ELIMINATING THE TIME LIMIT PROVISIONS RELATED TO THE DISPLAY OF TEMPORARY SIGNS; 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 XVII, Land Development Code, Chapter 178, Signs, Section 178.08, Definitions, is hereby amended and shall henceforth read as follows:

**“Section 178.08 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply. Unless specifically defined below or in Chapter 185 (Zoning Code), the words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

\* \* \*

**SIGN.**

\* \* \*

(2) **SIGNS** include the following defined classes of signs:

\* \* \*

(b) **TEMPORARY SIGN.** Any sign that is not a permanent sign.

(i) Temporary signs shall only be installed or placed with the express consent of the occupant or owner of the premises.

(ii) Temporary signs may only be placed on privately owned property.

(iii) Temporary signs shall follow the guidelines as outlined per each zoning district in the appendixes below.

~~(iv) Any temporary sign used in connection with a business shall:~~

~~a. be removed from public view while such business is closed or~~

~~b. not be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year.~~

~~(v) Any temporary sign not used in connection with a business shall not be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year.~~

~~(vi)~~ **>>(iv)<<** The following types of signs shall be temporary signs:

\* \* \*

**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 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>><<). 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:** March 5, 2020

**RE:** Variance Request – Christine Stevens and Juan M. Delgado Jr.

Ms. Christine Stevens and Mr. Juan M. Delgado Jr. have applied for an existing accessory structure to encroach 4.5 feet into the 8-foot side interior setback and an existing pool enclosure to encroach 2.5 feet into the 10-foot rear setback. The structures were installed by the previous owners.

The applicant must also obtain a vacating of easement for 2.5 feet into the 6-foot side easement and 2.5 feet into the 10-foot rear easement for the existing pool enclosure.

**REQUESTING DEPARTMENT:**

Growth Management

**CONCLUSION:**

City Council must determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

Attachments: (Available upon request)

- 1) Case V-4-2020
- 2) Board minutes

PJM/cp/ab



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Award of Invitation for Bid #14-0-2020/JG, North Regional Water Treatment Plant Rehabilitation

The Utilities Department will be replacing the generator and various pumps at the North Regional Water Treatment Plant (NRWTP) located at 1105 Clearmont Street, Palm Bay. The rehabilitation includes three work areas: 1) replacement of the generator, 2) replacement of the high service pumps, and 3) replacement of the filter transfer/backwash pumps. All the equipment to be replaced is over twenty-five (25) years old and beyond its useful life. This equipment is critical to the operation of the NRWTP and failure of the equipment would negatively impact the ability to provide potable water to our customers.

Seven (7) bids were received in response to the City's solicitation. Procurement staff have reviewed the bids for responsiveness. Utilities staff evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

The low bid is higher than budgeted funds. Staff has reviewed the necessity of this project and determined that it is a priority. In order to fund this project staff reviewed pending projects and determined that the North Regional Wastewater Treatment Plant Clarifier #2 project can be delayed to FY21. Funds from this project will be transferred to fund balance; and a budget amendment will be prepared to appropriate the necessary funds for the projects under this bid.

Staff recommends Eau Gallie Electric out of Melbourne, Florida as the contractor for North Regional Water Treatment Plant Rehabilitation project in the amount of \$2,156,000.

Local preference was not applied to this project, in accordance with Chapter 38.18 of the Code of Ordinances, because the bid is in excess of one million dollars (1,000,000).

March 5, 2020

Page | 2

**REQUESTING DEPARTMENTS:**

Utilities Department, Procurement Department

**FISCAL IMPACT:**

Total project award will be \$2,156,000, a budget amendment will be submitted to appropriate additional funding of \$474,786 to project 17WS04 and \$743,787 to project 18WS19. Pending approval of the budget amendment, funds will be available in the Utilities Department's renewal and replacement fund 424-8022-533-6221, projects 17WS04, 18WS06 and 18WS19.

**RECOMMENDATION:**

Motion to 1) approve appropriation of funds on the next scheduled budget amendment; and 2) approve award of IFB #14-0-2020/JG, North Regional Water Treatment Plant Rehabilitation to Eau Gallie Electric, located in Melbourne, Florida.

Attachment (available upon request)

1) Tabulation Sheet



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Award of Request for Proposal #27-0-2020, Commercial Brokerage Services

At the request of the Community and Economic Development Department, the Procurement Department solicited proposals on behalf of the City and the Bayfront Community Redevelopment Agency (CRA) for Commercial Brokerage Services. The intent of this solicitation was to seek firms with national, regional, and locally licensed commercial real estate brokerages that have the experience, nationwide network reach, infrastructure and personnel to market, secure and sell City-owned real estate, and providing for special consideration to commercial brokerages with experience in marketing marina and commercial waterfront development. Residential real estate brokerage services will be solicited separately at a later date.

Four (4) proposals were received in response to the City's solicitation. The Procurement Department reviewed the proposals for responsiveness and found one proposal non-responsive, as it did not meet the minimum requirements. The proposals which did meet the minimum requirements were Dreyer & Associates, Redevelopment Management Associates, LLC, and Southstar Realty Associates. The proposals were evaluated by a committee consisting of qualified staff from the City Manager's Office, City Attorney and Community & Economic Development Departments who assigned points for the non-price factors of Summary of Qualifications, Technical Response/Marketing Strategy and Quality of Proposal. Points for cost were determined by the Procurement Department. See attached Scoring-Ranking form.

Redevelopment Management Association, LLC (RMA) demonstrated the ability to successfully market and leverage government-owned surplus properties, not just for sale of the property but also to leverage private development and investment that meets with the vision and needs of the City and Palm Bay community. RMA's expertise includes skills, talent and capacity ranging from brokerage services to planning and land use development to economic development and redevelopment

March 5, 2020

Page | 2

projects. RMA's proposal demonstrated quality marketing and promotional materials for sale and development of property and utilized tools and software to put forth relevant data and demographics to reach a specific target audience.

Local preference was applied to two of the three respondents but did not impact the outcome of the ranking. Staff recommends Redevelopment Management Associates, LLC out of Pompano Beach, Florida for award as the selected commercial broker.

**REQUESTING DEPARTMENTS:**

Community & Economic Development, Procurement Department

**FISCAL IMPACT:**

There is not a direct funding impact for the award of this RFP. Commissions paid to the Commercial Broker will be paid from the proceeds of each sale.

**RECOMMENDATION:**

Motion to approve the award of RFP #27-0-2020/MS, Brokerage Services to Redevelopment Management Association, LLC of Pompano Beach, Florida for a twelve-month term contract, renewable by the Procurement Department for two (2) additional twelve-month terms, up to a cumulative total of thirty-six (36) months.

Attachments (available upon request):

- 1) Tabulation Sheet
- 2) Scoring-Ranking Sheets



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Cooperative Purchase Utilizing National Association of State Procurement Officials – Contract OK-SW-300, AED Unit and Accessories Term Contract with Stryker Sales Corporation for Purchase of LUCAS Devices (Automated Chest Compression Devices)

On October 4, 2018, Council approved the application submission of the Federal Emergency Management Agency Assistance to Firefighters Grant (AFG) application for automated chest compression devices. The grant requires matching funds of 10% of the total amount to be committed from the City if awarded. On September 18, 2019, Fire rescue received notification of the award. On January 2, 2020, Council approved the budget amendment recognizing the grant revenue, and 10% match from general funds.

Staff are requesting approval to utilize the National Association of State Procurement Officials (NASPO) Contract OK-SW-300, AED Units and Accessories Term Contract to purchase eight (8) LUCAS devices (automated chest compression devices) and accessories. This contract was awarded in October 2017 and expires on October 4, 2020. The vendor that is awarded the LUCAS devices is Stryker Sales Corporation out of Redmond, Washington. Staff reviewed this contract and determined it meets the needs of the Fire Department for automated chest compression devices. The Procurement Department reviewed two cooperative contracts and determined that the NASPO contract has the lowest, competitively solicited pricing. Utilization of the NASPO contract requires approval by the State of Florida Chief Procurement Officer, received via email on January 30, 2020. It also requires that the City to execute a Participating Addendum to the NASPO Master Agreement. The City Attorney's office has reviewed the Participating Addendum and modifications were made by Procurement staff; in addition, the FEMA AFG administrator's legal department is also reviewing

Mayor and Council: Cooperative Purchase off of NASPO Contract OK-SW-300 for Purchase of LUCAS Devices (Automated Chest Compression Devices)

March 5, 2020

Page | 2

to ensure the utilization of this cooperative complies with the Procurement Integrity section of the FEMA AFG; the purchase will not be made until the City receives the grant administrator's approval.

**REQUESTING DEPARTMENTS:**

Fire Department, Procurement Department

**FISCAL IMPACT:**

The total purchase price is \$117,231.90. Funding of \$93,012 is currently available in account 001-6012-522-6401 and \$24,219.90 is available in account 001-6012-522-5214.

**RECOMMENDATION:**

Motion to 1) approve the cooperative purchase of eight (8) LUCAS devices (automated chest compression devices) and accessories off the National Association of State Procurement Officials Contract OK-SW-300, AED Units and Accessories Term Contract, awarded to Stryker Sales Corporation out of Redmond, Washington; and 2) motion to allow the Chief Procurement Officer to execute the Participating Addendum to the Master Agreement with Stryker Sales Corporation.

Attachments: (available upon request)

1. Stryker Quote 10074013
2. Participating Addendum
3. Pricing Page from Contract OK-SW-300





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Cooperative Purchase of Generator at Fire Station 3 Utilizing the Sourcewell Contract 120617-CAT

On June 20, 2019, Council approved the grant agreement with the Florida Department of Emergency Management for the Hazard Mitigation Grant Program for fire station hardening of Fire Stations 2, 3, and 4, which includes replacement generators for Fire Stations 2 and 3. On January 2, 2020, a purchase order was issued to Ring Power for the generator at Fire Station 2 for \$68,332.00. Due to the increased actual costs of both generators vs. grant award amount, the purchase order for the generator for Fire Station 2 was processed until a contract modification was approved and received to increase the funding to allow the City to purchase both generators. On February 18, 2020, a contract modification to the grant agreement was received and a separate legislative memo recognizing the grant modification is scheduled for Council approval.

Staff is requesting to utilize the Sourcewell (formerly National Joint Partners Alliance or NJPA) Contract # 120617-CAT, which expires January 29, 2022, for the purchase of a Caterpillar Diesel Generator, Model D60-2LC from Ring Power located in Atlanta, Georgia. When combined with the original purchase order for Fire Station 2, this second generator purchase against the cooperative contract exceeds \$100,000 and requires Council approval.

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

March 5, 2020

Page | 2

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:**

Fire Department and Procurement Department

**FISCAL IMPACT:**

The total purchase is \$77,994.00. Funding of \$77,994.00 is currently available in account 001-6012-522-6401, project number 19FD01.

**RECOMMENDATION:**

Motion to approve the purchase of the Caterpillar Diesel Generator, Model D60-2LC, for Fire Station 3 from Ring Power in Atlanta, Georgia utilizing cooperative Sourcewell Contract 120617-CAT.

Attachments: (available upon request)

- 1) JB19112 Sourcewell Contract # 120617-CAT Quote
- 2) Sourcewell Contract Prices – Caterpillar Gen Disc List RFP Oct 2019



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Public Works Replacement Vehicle Purchase, Utilizing Florida Sheriff's Contract Bid # FSA 19-VEL27.0

The Public Works Department is seeking approval to purchase six (6) Ford ranger Super Cab 4X4 pickup trucks for inspectors and one (1) Ford F-150 Crew Cab 4x4 pickup truck for the survey crew. These vehicles will replace six (6) 2006 Chevrolet Colorado (vehicle # 6578, 6579, 6580, 6584, 6589, and 6590) and one (1) 2005 GMC 2500 (vehicle # 6571) pickup trucks. All these trucks are high mileage and have reached the end of their service life expectancy and are beyond economical repair. The Survey vehicle, # 6571, has experienced a complete engine failure. These vehicles are required to support the surveying, engineering design, and construction inspections for the Capital Pipe and Culvert replacements to mirror the City's road paving program.

### REQUESTING DEPARTMENTS:

Public Works Department

### FISCAL IMPACT:

Funding for this total projected cost will be \$177,815 is not included in the current fiscal year approved budget. Appropriation of the \$152,890 for five (5) Ford Rangers and one (1) Ford F-150 pick-up is requested from Stormwater Fund Undesignated Fund Balance to account 461-7081-541-6403 Light Vehicles and appropriation of \$24,925 for one (1) Ford Ranger pickup is being requested from Road Bond Undesignated Fund to account 309-7090-541-6403 Light Vehicles.

### RECOMMENDATION:

Motion to authorize staff to purchase the vehicles utilizing the Florida Sheriff's Contract Bid

Mayor and Council: Public Works Replacement Vehicle Purchase, FSA

March 5, 2020

Page | 2

#FSA-19-VEH27.0 with a total project cost of \$177,815.00.

**ATTACHMENTS:** (available upon request)

- 1) Florida Sheriff's Association Contract Bid # FSA 19-VEL27.0 Spec W1E Ford F150 Quotes
- 2) Florida Sheriff's Association Contract Bid # FSA 19-VEL27.0 Spec R1F Ford Ranger Quotes



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Emergency Procurement – North Regional Wastewater Treatment Plant,  
Dewatering Biosolids – Additional Expenditure

On December 19, 2019 Council approved the Emergency Purchase for a mobile belt filter press (BFP) service at a cost of \$0.0375 per gallon for six weeks of service. Based on our estimated gallons to be processed and the initial estimate, the emergency purchase was \$116,400.

The parts to repair the BFP were ordered December 9, 2019 with a lead time of 4-6 weeks. The shipment was delayed, which subsequently delayed the repair of the BFP and the service agreement with Synagro South, LLC, was extended to February 14, 2020. Due to this delay in the delivery of the parts and the need to extend the mobile BFP service, the expenditure for the mobile BFP service increased \$50,710.87, for a total of \$167,110.87.

Utilities Staff advised the Chief Procurement Officer of the need for an extension to the service agreement on January 17, 2020 and January 29, 2020.

Per City Code of Ordinance **38.12 EMERGENCY PURCHASES**: The Chief Procurement Officer may make or authorize emergency purchases as defined herein. In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager or the Chief Procurement Offices, the head of any department may purchase any required emergency supplies, materials, equipment or services. The head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery record together with a full justification and circumstances of the emergency. Records of

March 5, 2020

Page | 2

emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

**REQUESTING DEPARTMENTS:**

Utilities Department, Procurement Department

**FISCAL IMPACT:**

A budget amendment in the amount of \$50,711 will be submitted on the next scheduled Budget Amendment. Pending approval of the budget amendment, funds will be available in account 421-8034-535-3409.

**RECOMMENDATION:**

Motion to 1) approve appropriation of funds on the next scheduled budget amendment; and 2) approve the increase of \$50,710.87 for the emergency purchase of mobile BFP services from Synagro South, LLC, located in Baltimore, Maryland, total expenditure \$167,110.87.

Attachment (available upon request):

1) Legislative Memo December 19, 2019



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** December 19, 2019

**RE:** Emergency Procurement – North Regional Wastewater Treatment Plant, Dewatering Biosolids

The North Regional Wastewater Treatment Plant (NRWWTP) operates a belt filter press (BFP) to process waste activated sludge (biosolids) to a dewatered "cake" suitable for land application or landfill disposal. The BFP has failed and the parts required to repair the equipment have a lead time of 4-6 weeks. The NRWWTP does not have another legal method of disposal of liquid biosolids. A mandatory shut down of waste operations at the plant would occur in order to properly contain the accumulated biosolids. Therefore, during the time the BFP equipment is out of service, an alternate means of producing dewatered biosolids is required.

Synagro South, LLC, has provided a quote for a mobile BFP service. The quote includes mobilization/demobilization, mobile BFP and BFP operator. Utilities Department staff has estimated approximately 100,000 gallons will need to be processed per day, five days per week for a period of 6 weeks, for a total of 3 million gallons. The cost for the service is \$0.0375/gallon, plus mobilization and demobilization. The total estimated cost for the service for six weeks is \$116,400. Both parties have executed a mutually acceptable agreement, services are anticipated to begin on December 11, 2019.

Utilities Staff advised the City Manager and Chief Procurement Officer of this emergency on December 5, 2019. The City Manager advised City Council on December 6, 2019. The Utilities Department is also actively exploring establishing an interlocal agreement with adjacent Utilities Departments, including the City of Melbourne, as part of their emergency response plan for the future but will not have the agreement ready in time for the current need.

Per City Code of Ordinance **38.12 EMERGENCY PURCHASES**: In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager and the Chief Procurement Officer, the head of any department may purchase any required emergency supplies, materials, equipment or services. The head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery record together with a full justification and circumstances of the emergency. Records of emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

**REQUESTING DEPARTMENTS:**

Utilities Department, Procurement Department

**FISCAL IMPACT:**

A budget amendment in the amount of \$116,400 will be submitted on the next scheduled Budget Amendment. Pending approval of the budget amendment, funds will be available in account 421-8034-535-3409.

**RECOMMENDATION:**

Motion to 1) approve appropriation of funds on the next schedule budget amendment; and 2) approve the Emergency purchase of mobile BFP services from Synagro South, LLC, located in Baltimore, Maryland in the estimated amount of \$116,400.

Attachment: 1) Synagro Quote





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

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

**DATE:** March 5, 2020

**RE:** One (1) Appointment – Community Development Advisory Board

**SUMMARY:**

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

The aforementioned vacancy represents the 'real estate' position. The enacting legislation states that membership shall include persons from the fields as defined therein.

The following application has been received:

Kathleen Hogan  
321 Narragansett Street, NE 32907

**REQUESTING DEPARTMENT(S):**

Legislative Department

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the appointment of one (1) member to serve on the Community Development Advisory Board.

/jcd



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Terese M. Jones, City Clerk  
**DATE:** March 5, 2020  
**RE:** One (1) Appointment – Youth Advisory Board (Adult Member)

**SUMMARY:**

The vacancy has been announced at several regular Council meetings and applications solicited for the same.

The aforementioned vacancy represents the 'adult member (30 years and older)' position.

The following application has been received:

Tyisha Hinds  
249 Harvey Avenue, NE 32907

**REQUESTING DEPARTMENT(S):**

Legislative Department

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the appointment of one (1) adult member to serve on the Youth advisory Board.

/jcd



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Ordinance Changes to § 93 –Real Property Nuisances

There are a number of Code Sections in Chapter 93 which the Growth Management Department was requested to review. It should be noted that changes to §93.044 – Private Property Parking Regulations are not being requested at this time. This request includes the following Sections:

- 1) **§93.094 – Unimproved Real Property** (to revise the Nuisance Vegetation requirements & clarify that corrective actions can only be undertaken after the Code Board finds the property in violation)
- 2) **§93.06 – Duty of City Manager** (to eliminate 96-hour notices & to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation)
- 3) **§93.08 – Authority of City to Enter Property** (to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation)
- 4) **§93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest** (to eliminate 96-hour notices, to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation, and to make all liens subject to simple not compound interest).

The following is a detailed explanation of the changes:

- 1) **§93.094 – Unimproved Real Property.** The change to this section includes three paragraphs. The section on Nuisance Vegetation is being changed to make it more equitable by measuring fifteen from the property line rather than from the location of the neighboring house. Also, being added is a limitation to one violation every six months rather than every time that the grass reaches twenty-four inches in height. Also, two

paragraphs are being changed to clarify that the City can only take corrective action after the Code Board finds the property in violation. Growth Management was directed to make this last change by the City Attorney's office.

- 2) **§93.06 – Duty of City Manager.** This is another section that is being changed at the direction of the City Attorney's office which will now require all nuisance cases to be heard by the Code Board before the City can take corrective measures. The 96-hour notice requirement is being eliminated.
- 3) **§93.08 – Authority of City to Enter Property.** This is yet another section that is being changed to require Code Board review before the City takes any action on private property.
- 4) **§93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest** The first part of the changes to this section are identical to the changes in §93.06 as noted above. The second change in this section, at the request of the City Manager, is to change the interest on Nuisance Liens from compound interest to simple interest.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There may be some reduction in fines collected because the calculation of interest on liens is being changed from compound interest to simple interest.

**RECOMMENDATION:**

Motion to approve the proposed ordinance changes.

Attachments: 1) Ordinance Changes to § 93 –Real Property Nuisances

## ORDINANCE 2020-06

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 93, REAL PROPERTY NUISANCES, SUBCHAPTER 'UNSIGHTLY AND UNSANITARY CONDITIONS', BY MODIFYING PROVISIONS CONTAINED THEREIN; 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 IX, General Regulations, Chapter 93, Real Property Nuisances, Subchapter, Unsightly and Unsanitary Conditions, is hereby amended and shall henceforth read as follows:

### "UNSIGHTLY AND UNSANITARY CONDITIONS

\* \* \*

#### Section 93.04 UNIMPROVED REAL PROPERTY.

(A) (1) It shall be unlawful for owners of unimproved real property located within the city whose property line adjoins or abuts improved real property to either permit weeds, grass, undergrowth or other vegetative matter to grow thereon to a height of more than twenty-four inches (24") within ~~twenty-five feet (25')~~ **>>fifteen feet (15')<<** of the side and rear lot lines, ~~provided the lot line is within thirty feet (30') from a permitted residential dwelling unit or principal commercial structure.~~ **>>Each unimproved real property cited under this subsection shall only receive one violation within any six (6) month period.<<**

\* \* \*

(C) The City Manager, in order to preserve the health, safety, and welfare of the public, may, upon recommendation of the Fire Chief, authorize clearing the entire unimproved real property or portions thereof as the Fire Chief shall deem warranted. >>If such property has already been found to be in violation of this Chapter by the Code Enforcement Board.<<

(D) In the event the owner fails to maintain his/her property in accordance with the referenced standards herein, the city may perform such maintenance as may be necessary and shall not be responsible for any damage to other vegetation that is in the vicinity of such maintenance activity. >>If such property has already been found to be in violation of this Chapter by the Code Enforcement Board.<<

\* \* \*

#### Section 93.06 DUTY OF CITY MANAGER.

Upon the failure or refusal of the owner, tenant, lessee or occupant of any improved or unimproved property located within the city to comply with the provisions of this section, it shall be the duty of the City Manager or the City Managers designee to give notice, as herein provided, to the owner of such property to comply with the requirements of this section ~~within ninety-six (96) hours after the posting of such notice,~~ >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< setting forth in the notice the legal description for such properties, and the estimated cost of correcting the condition of such property or the removal or correction of the condition thereof found to be in violation of this subchapter and to proceed to have the condition thereof remedied upon failure of the owner, tenant, lessee or occupant to do so within the allotted time.

\* \* \*

#### Section 93.08 AUTHORITY OF CITY TO ENTER PROPERTY.

The city shall, through its employees, agents or contractors, be authorized to enter upon the property >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< to reasonably remedy the violations as provided herein. Entry upon the property under the right hereby granted shall not constitute trespass, and the City and its duly authorized agents or employees so entering shall not be liable to arrest or a civil action by reason of such entry.

Section 93.09 REMEDY BY CITY; COSTS TO BECOME A LIEN AGAINST PROPERTY; LIENS; INTEREST.

(A) Upon failure of the owner, tenant, lessee or occupant of property to remedy the conditions existing in violation of the requirements of this section >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< ~~within ninety-six (96) hours after posting of the notice to do so as provided herein,~~ the City Manager or the City Manager's designee shall proceed to have such conditions remedied by contract labor or direct labor or both.

(B) The owner of said property shall be notified by first class mail of the cost to remedy the violation, including any and all administrative costs and/or fees incurred. In addition, the owner(s) shall be informed of the city's intent to impose a lien on the property or other property of the owner to cover all costs and/or fees incurred by the city to remedy the violation. If payment is not received within thirty (30) days from the date of the notice to the owner, tenant, lessee or occupant indicating the total costs, the City Manager or the City Manager's designee shall impose a lien on the property or the owner's property in the amount of the cost for labor, administrative costs and fees incurred by the city. The lien may be recorded in the official records of Brevard County, Florida. Liens created under this subchapter shall remain liens co-equal with the liens of all state, county, district and municipal taxes, superior in dignity to all other liens, title and claims, except homestead rights, until paid, and shall bear >>simple<< ~~compound~~ interest annually at a rate not to exceed the legal rate allowed for such liens and may be foreclosed pursuant to the procedure set forth in Fla. Stat. Ch. 173.

(C) The City may also pursue enforcement of the provisions of this chapter by issuing a notice to appear to the owner, tenant or occupant of the property, requiring such person to appear in the County Court of Brevard County, Florida, thereby subjecting said person to the sanctions and penalties set forth in Chapter 10, § 10.99, Palm Bay Code of Ordinances.

\* \* \*

**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 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Within the exhibit, ~~strikethrough~~ words shall be deleted; words that will be included will be highlighted and placed in between two arrow symbols (>> <<). 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:** March 5, 2020

**RE:** Forensic Audit of St. Johns Heritage Parkway/Interchange Project

The State Auditor General recently concluded an operational audit for the City of Palm Bay for the time period of October 2016 through February 2018. The findings received from the Auditor General, specifically Findings 1 through 3, included concerns regarding aspects of the St. Johns Heritage Parkway/Interchange Project. Part of the City's response to Finding 1 included the following Corrective Action recommendation: "Building trust and confidence within our community, for our employees and City Council is a priority for City staff. As such, City Management recommends that City Council authorize a forensic audit on this project."

Staff is requesting Council consideration of funding for the purpose of a forensic audit of this project. A forensic audit will review this project more deeply than the City's annual financial audit or the Auditor General's operational audit. The goal of the forensic audit will be to determine any instances of fraud, misconduct, waste, conflicts of interest, or misappropriation connected with this project. Staff is requesting a preliminary budget of \$250,000 for this initiative. Adjustments to this estimate will be reviewed with City Council based on the results of the procurement process.

### **FISCAL IMPACT:**

Estimated impact of \$250,000, to be budgeted out of General Fund unallocated fund balance.

### **REQUESTING DEPARTMENT:**

City Manager's Office

### **RECOMMENDATION:**

Motion to authorize a budget of \$250,000 from General Fund unallocated fund balance for the procurement of forensic audit services for the St. Johns Heritage Parkway/Interchange Project.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Authorization to Appropriate Funding for – Biosolids Transportation and Disposal, and Fuel Tanking Cleaning - North Regional Wastewater Treatment Plant

The expenditures for the transportation and disposal of biosolids generated at the North Regional Wastewater Treatment Plant (NRWWTP) will exceed the FY20 budgeted amount. Under normal circumstances biosolids are transported for land application disposal. Due to repairs at the NRWWTP the biosolids are not meeting the requirements for land application disposal. Currently the only disposal location available for the biosolids is at the landfill. Disposal at the landfill results in an additional cost for the landfill tipping fee. This tipping fee is in addition to the regular transportation and disposal cost; this is billed at-cost and reimbursed to the vendor. The estimated additional cost for FY20 for biosolids transportation and disposal is \$98,500.

The fuel tanks for the generators at the NRWWTP and the North Regional Water Reclamation Facility (NRWRF) require cleaning and a fuel treatment. Fuel samples show sediment and water in the fuel, this could cause damage to the generators. This was not a budgeted expenditure for FY20. The cost for the fuel tank cleaning and fuel treatment will be \$5,400.

### **REQUESTING DEPARTMENT:**

Utilities Department

### **FISCAL IMPACT:**

A budget amendment will be submitted on the next scheduled Budget Amendment to appropriate \$103,900.00 from the Utility Fund's Unreserved Retained Earnings to account 421-8034-535-3414 (\$98,500 - biosolids) and account 421-8034-535-3409 (\$5,400 - tank cleaning).

March 5, 2020

Page | 2

**RECOMMENDATION:**

Motion to approve appropriation of \$103,900 from Utility Unreserved Retained Earnings on the next scheduled budget amendment to provide 1) additional funding for biosolids transportation disposal and 2) funding for the fuel tank cleaning and fuel treatment.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** City & CRA-owned Surplus Real Estate (commercial only)

In preparation for Council's consideration of contracting with a commercial real estate broker, City staff from Community & Economic Development, Growth Management, Utilities, Public Works, Facilities, Parks & Recreation, Fire and Police Departments have evaluated each commercial parcel owned by the City and CRA to determine whether they should be held by the City for future use or whether the parcel is suitable for private commercial development given the land size, zoning and future land use, floodplain, and various other property features.

Each commercial parcel on the attached list has been determined suitable and available for sale to the public for future commercial development.

### REQUESTING DEPARTMENTS:

Community & Economic Development

### FISCAL IMPACT:

There is no immediate fiscal impact. As properties are sold, the City and Bayfront CRA will incur commission on the sale of surplus real estate.

### RECOMMENDATION:

Motion to approve the list of City and Bayfront CRA-owned surplus commercial real estate available for sale to the public.

Attachment: 1) RFP 27-0-2020 Attachment A, List of Properties (available upon request)



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Request to utilize two LHAP/SHIP strategies to fund single-family rehabilitation to 1386 Port Malabar Blvd. NE

On May 18, 2017, City Council adopted Resolution 2017-20 approving the Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019, and 2019-2020. The City's LHAP provides a plan for expending State Housing Initiative Partnership (SHIP) housing grant funds, to include eligible activities (i.e. Owner-Occupied Rehabilitation, Purchase Assistance, Special Needs Programs), maximum award thresholds for such activities/programs, and meeting the requirements of SHIP-regulated set asides for income-eligibility and special need.

The LHAP provides for a maximum award of \$50,000 per homeowner under the SHIP Owner-Occupied Rehab Program, which addresses repairs or improvements needed for safety and sanitary habitation and/or correction of substantial code violation for very-low, low, and moderate-income residents. Additionally, the City's LHAP provides for a maximum award of \$20,000 for Special Needs (as defined by F.S. 420.907) repairs which require modifications to allow the household member with special needs to remain independent in their home. Due to the extent of the repairs required as well as the household modifications for accessibility, staff is requesting to utilize two LHAP strategies, Owner-Occupied Rehabilitation and Special Needs. The homeowner qualifies as very-low income and is eligible to be served under the SHIP Special Needs Program per Florida Statute. Per the LHAP, Special Needs-eligible applicants shall be given priority.

Staff is also requesting to exceed the Special Needs maximum by \$5,000 for a new total of \$75,000 (\$50,000 Rehab and \$25,000 Special Needs). The additional \$5,000 would allow the contractor to address multiple accessibility modifications to the home and the rental of a storage pod, which will allow the homeowner to remain in the home during construction and maintain physical accessibility

Mayor and Council: Request to utilize two LHAP/SHIP strategies to fund single-family rehabilitation to 1386 Port Malabar Blvd. NE

March 5, 2020

Page | 2

within the home. Currently, the Public Assistance Special Needs account (111-3353-554-3821) has a zero balance. Through this memo, staff is requesting to allocate \$25,000 from the Designated Fund Balance account (111-0000-392-2001) to the Special Needs account.

The single-family home located at 1386 Port Malabar Blvd. NE is in need of significant repairs as well as accessibility modifications for persons with special needs. These repairs include removal and replacement of broken sidewalk from the drive-way to the front porch, removal and replacement of deteriorating windows and screens as well as sliding glass door, front door and garage door, removal and replacement of roof shingles, repair of ceiling damage in multiple rooms within the house, repair of wall damage surrounding windows and within the living room, removal of carpet and replace with vinyl flooring, replace leaking sink, repairs to all bathroom and installation of handicapped stall and grab bars in master bath, replace electric panel, removal and replacement of HVAC, to name a few.

Because of the extent of the repairs needed, the estimates range from \$51,789.40 to \$70,419.00 without contingencies or other potential unknown factors which could be identified as contractors make repairs.

#### **REQUESTING DEPARTMENTS:**

Community & Economic Development

#### **FISCAL IMPACT:**

Housing & Community Development Division will expend no more than \$75,000, to include \$50,000 from the SHIP Single Family Rehab account (111-3353-554-3807) and \$25,000 from the SHIP Special Needs account (111-3353-554-3821). Attached is a Budget Amendment to allocate \$25,000 from the Designated Fund Balance account to the Special Needs account.

#### **RECOMMENDATION:**

Motion to approve staff to utilize two strategies, SHIP Owner Occupied Rehab and Special Needs, to fund repairs to 1386 Port Malabar Blvd. NE; motion to exceed the \$20,000 maximum award for Special Needs by \$5,000; and motion to approve the allocation of \$25,000 from the Designated Fund

Mayor and Council: Request to utilize two LHAP/SHIP strategies to fund single-family rehabilitation to 1386 Port Malabar Blvd. NE

March 5, 2020

Page | 3

Balance account to the Special Needs account.

Attachments: (available upon request)

- 1) Resolution 2017-20 LHAP 2017-2018, 2018-2019, and 2019-2020
- 2) Budget Amendment for SHIP Special Needs allocation



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Request to exceed maximum award for SHIP Owner-Occupied Rehabilitation under the approved Local Housing Assistance Plan

On May 18, 2017, City Council adopted Resolution 2017-20 approving the Local Housing Assistance Plan (LHAP) for Fiscal Years 2017-2018, 2018-2019, and 2019-2020. The City's LHAP provides a plan for expending State Housing Initiative Partnership (SHIP) housing grant funds, to include eligible activities (i.e. Owner-Occupied Rehabilitation and Purchase Assistance Programs), maximum award thresholds for such activities/programs, and identifying set asides for income-eligibility and special need.

The LHAP provides for a maximum award of \$50,000 per homeowner under the SHIP Owner-Occupied Rehab Program, which addresses repairs or improvements needed for safety and sanitary habitation and/or correction of substantial code violation for very-low, low, and moderate-income residents. Staff is requesting to exceed this maximum by another \$25,000 for a total of \$75,000 eligible to make necessary repairs to 3097 Dairy Terrace NE.

The single-family home located at 3097 Dairy Terrace is in need of significant repairs which include code compliance violations, entire HVAC, hot water heater, drywall and framing 24 inches from floor, flooring and baseboards due to extensive water damage, kitchen cabinets and countertops and window replacements to name a few.

Because of the extent of the repairs needed, the homeowner was unable to get three written estimates; however, she obtained two written no-bids and one estimate. The original inspection and estimate came in at approximately \$62,000 without contingencies or other potential unknown factors which could be identified as contractors make repairs.



Mayor and Council: Request to exceed maximum award for SHIP Owner-Occupied Rehabilitation under the approved Local Housing Assistance Plan

March 5, 2020

Page | 2

**REQUESTING DEPARTMENT:**

Community & Economic Development

**FISCAL IMPACT:**

The SHIP Single Family Rehab account (111-3353-554-3807) has an unencumbered balance of \$214,554.39 as of the date of this agenda.

**RECOMMENDATION:**

Motion to exceed the \$50,000 maximum award under the LHAP's SHIP Owner-Occupied Rehabilitation Program.

Attachment: (available upon request)

- 1) Resolution 2017-20 LHAP 2017-2018, 2018-2019, and 2019-2020



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Budget Amendment – SHIP Projects 20CD02, 20CD03, and 20CD04

Beginning Fiscal Year (FY) 2020, the Housing & Community Development Division created three projects for single family rehabilitation using State Housing Initiative Partnership (SHIP) grant funds for 1200 Waco Blvd., 789 Cleaves St., and 430 Heather Avenue totaling \$73,680. The Division is requesting the approval to allocate funds in the amount of \$73,680 to the SHIP Single-Family Rehab account (111-3353-554-3807) from Designated Fund Balance (111-0000-392-2001).

### REQUESTING DEPARTMENTS:

Community & Economic Development

### FISCAL IMPACT:

A total of \$73,680 originating from Designated Fund Balance (111-0000-392-2001) will be immediately expended on SHIP Single-Family Rehab (111-3353-554-3807) projects 20CD02, 20CD03, and 20CD04.

### RECOMMENDATION:

Motion to approve a budget amendment allocating \$73,680 from Designated Fund Balance to SHIP Single Family Rehab account for projects 20CD02, 20CD03, and 20CD04.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Approval of Modification to Grant Agreement with Florida Department of Emergency Management for the Hazard Mitigation Grant Program for Fire Station Hardening

On the June 20, 2019 regular City Council Meeting, Council approved the grant agreement between the City of Palm Bay and the Florida Department of Emergency Management and authorized the City Manager to execute the grant agreement. The total project amount was \$417,915, with a 25% required match of the total project amount of \$104,478.75. City Council also approved the transfer of unused budgeted salary funds to cover this grant match in FY19 (\$56,250) and the remaining grant match was approved in the adopted FY20 budget (\$48,228.75).

Since the submission of the initial grant application (August 6, 2018) and the approval of the grant agreement (June 20, 2019), the current quotes for the generator purchases for Stations 2 and 3 came in \$86,728 more than previously quoted. On the September 9, 2019, Council approved the transfer of \$21,682 from the original capital generator project to the Fire Station Hardening project, which met the 25% match requirement of the \$86,728 shortage.

The total amount of the grant modification is \$65,046 which is the remaining balance of the \$86,728 short fall, amending the total grant award to \$378,482.25.

**REQUESTING DEPARTMENT:**

Fire Department

**FISCAL IMPACT:**

The total match requirement of \$126,160.75 (\$56,250 and \$21,682 in FY19 and \$48,228.75 in FY20) has already been budgeted and appropriated.

March 5, 2020

Page | 2

**RECOMMENDATION:**

Motion to approve the modification to the grant agreement between the City of Palm Bay and Florida Department of Emergency Management and authorize the City Manager to execute the modification to the grant agreement.

Attachments: (available upon request)

1. Modification to Grant Agreement H0149 between the City of Palm Bay and Florida Department of Emergency Management.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Request for Approval to Apply for COPS Hiring Program Grant for Additional Sworn Personnel

The Police Department is seeking approval to apply for funds to hire additional sworn personnel through the Community Oriented Policing Services office's COPS Hiring Program (CHP) FY2020 grant. The CHP grant, with an application deadline of March 11, 2020, provides federal funding to "law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts." The CHP will provide up to 75% of salary and fringe benefits for entry level sworn police officer positions over a 36-month period with a maximum federal allocation of \$125,000 per awarded officer position. The program requires a minimum 25% local match for the first 12 months, and a sliding percentage to have the applicant agency fund a larger percentage of the salaries each following year. The grant also requires the applicant show a budget allocation for maintaining the awarded percentage with 100% funding for an additional 12 months upon completion of the grant.

With an overall approach to enhance community-oriented policing initiatives, the CHP also requires applicant agencies to identify a specific sub-category for their program proposal. The Palm Bay Police Department will be applying under the "Violent Crime" sub-category for a total of 6 sworn police officers. In 2015, approximately 25% of all UCR Part I violent crimes reported in the City of Palm Bay were firearm related. In the preliminary report for 2019, that percentage has increased to nearly one in every three violent crimes in Palm Bay involving a firearm. Furthermore, over the last two years 86% of all homicides in the city were the result of fatal gunshot injuries. While the total crime index has been on a decline with decreases ranging between 6.3% and 5.4% over the last two years, the Palm Bay Police Department projects a potential rise in crime due to an increased demand on police resources.

As a strategy to address the increase gun related violence now, the Palm Bay Police Department seeks to implement new community oriented policing strategies in select areas of the city. This program proposal includes an increase in staffing as the Palm Bay Police Department currently operates at a relatively low sworn-officer ratio in comparison to other Florida police departments. In 2018, the Florida Department of Law Enforcement noted a statewide average of 2.40 sworn officers

Mayor and Council: Request for Approval to Apply for COPS Hiring Program Grant for Additional Sworn Personnel

March 5, 2020

Page | 2

per 1,000 for police departments within the state. At that time, the Palm Bay Police Department was at a ratio of 1.40 sworn officers per 1,000 ranking it 245 out of 255 police departments in the state. Understanding the current economic limitations within City of Palm Bay, the Palm Bay Police Department is seeking approval to apply for this federal grant to assist in offsetting a portion of the fiscal impact for additional personnel. Balancing fiscal responsibility while still making the necessary resource allocations to meet the public safety demands of our growing community is the primary focus of engaging such grant opportunities.

If approved, the following is an estimated breakdown of costs associated with the PBPD CHP FY2020 grant proposal at this time:

**FEDERAL GRANT FUNDING BREAKDOWN:**

# of Officers	Grant FY1	Grant FY2	Grant FY3	GRANT FUNDING TOTAL
6	\$339,088	\$264,229	\$145,985	<b>\$750,000</b>

**LOCAL MATCH (CITY) GRANT BREAKDOWN:**

# of Officers	City FY1	City FY2	City FY3	CITY FUNDING TOTAL
6	\$226,060	\$310,793	\$439,679	<b>\$976,926</b>

**ADDITIONAL COSTS TO CITY:**

# of Officers	Vehicles	Officer Equipment & Re-Occurring Costs	Year 4 Salary	TOTAL ADDITIONAL COSTS TO CITY
6	\$226,060	\$310,793	\$439,679	<b>\$976,926</b>

**TOTAL COST TO CITY FOR GRANT PROPOSAL:**

FY #	City Grant Match	Vehicles	Officer Equipment & Re-Occurring Costs	ANNUAL COST TO CITY
1	\$226,060	\$171,696	\$98,778	\$496,534
2	\$310,793	-	\$18,642	\$329,435
3	\$439,679	-	\$18,642	\$458,321
4	\$597,269	-	\$18,642	\$615,911
<b>TOTALS:</b>	<b><u>\$1,574,195*</u></b>	<b><u>\$171,696</u></b>	<b><u>\$154,704</u></b>	<b><u>\$1,900,595</u></b>

*1-City Grant Match includes an estimated \$394 the city will owe due to the \$125,000 federal maximum being hit in FY3.*

**REQUESTING DEPARTMENTS:**

Police Department

Mayor and Council: Request for Approval to Apply for COPS Hiring Program Grant for Additional Sworn Personnel

March 5, 2020

Page | 3

**FISCAL IMPACT:**

The City will have to provide an estimated increase of \$1,574,195 in allocations to personnel services and \$154,704 to operational accounts within the Police Department's Uniform Services Division (5012) budget over the next four fiscal years (FY21-FY24). Additionally, a one-time budget allocation in FY21 will be required to the appropriate Fleet Services accounts in the estimated total of \$171,696, for the purchase and outfitting of six marked patrol vehicles for the awarded positions.

**RECOMMENDATION:**

Motion to approve the application submission of the COPS Hiring Program FY2020 grant proposal for Palm Bay Police Department.

Attachments: (available upon request)

- 1) COPS Hiring Program FY2020 Pre-Application.pdf
- 2) Congressman Bill Posey PBPD CHP Grant Letter of Support.pdf
- 3) COPS Hiring Program FY2020 City Council Briefing Presentation.ppt



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Lisa Morrell, City Manager

**DATE:** March 5, 2020

**RE:** Request for Approval to Apply for Federal Emergency Management Agency's Assistance to Firefighters Grant for Quint and Air Packs

Fire Rescue Department is seeking approval to apply to FEMA's Assistance to Firefighters Grant. The AFG allows for submissions under three categories. Fire Rescue is applying for two individual grants under the Operations and Safety categories. If the grant(s) is awarded it will require matching funds of 10% of the total cost of the item(s) requested to be committed from the City. The application submission deadline is March 13, 2019 at 5:00pm and award announcements are April 30, 2020.

The first grant request is for a Quint apparatus that is both an engine and an aerial device. The Quint comes with a 500-gallon water tank, a 1500gmp pump and an attached 75 ft. This apparatus is slated to be used for our future Station 7's response area. This second grant request is to address the critical need of air pack replacement. They are nearing the end of their lifespan and this grant will offset the financial impact of funding the full replacement program, in addition to allowing Fire Rescue to retain compliance with current NFPA 1981 standard.

The total amount of the grant application for the Quint is \$890,000 and 10% of the federal share is \$80,909.09. We would use Fire Impact fees to cover the match for this grant. The Quint was already identified for future Fire Station 7 in the Fire Rescue's Capital Improvement Projects (CIP) plan. This CIP plan was the data utilized by the recent Stantec Fire Impact Fee Study. Stantec's Impact Fee results were presented to City Council on June 20, 2019 for consideration of increased fire impact fees. On June 20, 2019 and October 3, 2019, City Council approved Stantec's recommendation to increase fire impact fees.



Mayor and Council: Cooperative Purchase from NASPO Contract OK-SW-300 for Purchase of LUCAS Devices (Automated Chest Compression Devices)

March 5, 2020

Page | 2

The total amount of the grant application for the Air Packs is \$288,859.50 and 10% of the federal share, \$26,259.95, would be matched by the City if approved and will be identified in Fire Rescue's capital budget request for FY 2021.

**REQUESTING DEPARTMENT:**

Fire Department

**FISCAL IMPACT:**

The City will have to provide matching funds in the amount of \$26,259.95 for the Air Packs and approve impact fees of \$80,909.09, for matching funds for the Quint, if the grants are awarded.

**RECOMMENDATION:**

Motion to approve the application submission of the Federal Emergency Management Agency's Assistance to Firefighters Grant application.

Attachments: (available upon request)

1. Notice of Funding Opportunity (NOFO) Fiscal Year 2019 Assistance to Firefighters Grant



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

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

**DATE:** March 5, 2020

**RE:** Request for a Special Meeting

**SUMMARY:**

Staff would like to schedule a special meeting on **Tuesday, March 31, 2020, at 6:00 P.M.** regarding the Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2019.

The matter is presented to Council for consideration at tonight's meeting. If you should have any questions, please advise.

**REQUESTING DEPARTMENT(S):**

Legislative Department

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Consensus to schedule the special meeting as requested.

/tjl