



Mayor  
WILLIAM CAPOTE

Deputy Mayor  
KENNY JOHNSON

Councilmembers  
HARRY SANTIAGO, JR.  
JEFF BAILEY  
BRIAN ANDERSON

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# AGENDA

## REGULAR COUNCIL MEETING 2020-01

THURSDAY

January 2, 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' positions).++
2. One (1) term expiring on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++
3. One (1) vacancy on the Planning and Zoning Board (represents at-large position).++
4. Three (3) terms expiring on the Youth Advisory Board (represents youth board members at-large positions).+
5. Three (3) terms expiring on the Youth Advisory Board (represents adult over 30 years of age positions).+

**AGENDA REVISION(S):**

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

**CONSENT AGENDA:**

**There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(\*)). They will be enacted by the City Council on one motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.**

**PRESENTATION(S):**

1. Honeywell Energy Services Group – energy savings performance contract review.

**ADOPTION OF MINUTES:**

- \*1. Regular Council Meeting 2019-31; December 19, 2019.

**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 2019-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading.
- ♣2. Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading.
3. Ordinance 2019-68, amending the Code of Ordinances, Chapter 178, Signs, by providing additional provisions related to temporary signs, bench signs and signs in residential zoning districts (Case T-27-2019, City of Palm Bay), final reading.
- ♣4. Ordinance 2019-69, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as "The Courtyards at Waterstone" on property located south of and adjacent to Mara Loma Boulevard, in the vicinity west of Babcock Street (79.181 acres)(Case FD-19-2019, Waterstone Farms, LLC/Waterstone Holdings, LLC), final reading.

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5. Ordinance 2019-70, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2364, Port Malabar Unit 45 (Case VE-8-2019, Larry and Stephanie Mirador), final reading.
6. Consideration of the Comprehensive Development Agreement/Northshore Palm Bay Mixed-Use Development Agreement with Palm City Investments, F.H., LLC for Phase One of the Aqua mixed-use development project, final hearing.
7. Ordinance 2020-01, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from Single-Family Residential Use to Multiple-Family Residential Use (0.08 acres)(Case CP-14-2019, Steven Ciancio), only one reading required.
- ♣8. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), first reading.
- ♣9. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as "Palm Vista Everlands" on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), first reading.
- ♣10. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), first reading.
- ♣11. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), first reading.

## **PROCUREMENT(S):**

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

- \*1. Culvert pipe replacement, Unit 18 – IFB 08-0-2020 – Public Works Department (Timothy Rose Contracting - \$150,127).

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**Miscellaneous:**

- \*1. Culvert pipe replacement, Unit 42, Phase III – Change Order 3 – Public Works Department (Ferreira Construction, Southern Division – \$12,208).

**COUNCIL REPORT(S):**

**NEW BUSINESS: (Ordinances are for first reading.)**

- \*1. Resolution 2020-01, recognizing the importance of the 2020 Census and supporting participation in helping to ensure a complete, fair and accurate count.
- \*2. Resolution 2020-02, amending Resolution 2019-34, adopting rates, charges, and fees, for Fiscal Year 2019-2020, pursuant to the Code of Ordinances, Title XVII, Land Development Code.
- \*3. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein.
- \*4. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens.
- \*5. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment).
- \*6. Consideration of utilizing Fiscal Year 2019/2020 budget funds to lease/purchase eighteen (18) pursuit vehicles in lieu of the twenty-three (23) vehicles identified during the budget process.
- \*7. Consideration of transferring funds from Building Division Undesignated Fund Balance to contracted services of the Operating Budget to process permits, conduct inspections and plan review (\$299,102).
- \*8. Consideration of acceptance of the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-2019.
- \*9. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended September 30, 2019.
- \*10. Acknowledgement of the City's monthly financial report for September 2019.
- \*11. Acknowledgement of the City's monthly financial report for October 2019.
- 12. Consideration of councilmembers attending the Florida League of Cities Legislative Action Days in Tallahassee, Florida, from February 11-12, 2020.
- 13. Consideration of Council appointment to Economic Development Commission of Florida's Space Coast

**ADMINISTRATIVE AND LEGAL REPORTS:**

**PUBLIC COMMENTS/RESPONSES:** Speakers are limited to 3 minutes.

**ADJOURNMENT:**

**♣Quasi-judicial proceeding.**

**Councilmembers who are members of the Space Coast Transportation Planning Organization (TPO) may discuss TPO issues which may subsequently be addressed by the TPO.**

**If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.**

**Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding shall provide written notice to the City Clerk which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The required notice must be received by the Clerk no later than five (5) business days at the close of business, which is 5 p.m., before the hearing. (Section 59.03, Palm Bay Code of Ordinances).**

**In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.**

**Pursuant to Council Policies and Procedures, members of the public wishing to use electronic media when addressing City Council must provide the electronic file to staff for screening no later than 2:00 P.M. on the day of the meeting; audio presentations must be submitted to the City Clerk at least twenty-four (24) hours prior to the meeting.**

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## LEGISLATIVE MEMORANDUM

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

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

**DATE:** January 2, 2020

**RE:** Six (6) Terms Expiring – Youth Advisory Board

***SUMMARY:***

The terms of three (3) student members (Linval Maragh III, Alexzander Owens, Katrina Moringlanes) and three (3) adult members (Tara Marie Pariso, Theresa Steelman and Denise Bowes-Valcin) on the above board will expire on February 21, 2020.

***REQUESTING DEPARTMENT(S):***

Legislative Department

***FISCAL IMPACT:***

None.

***RECOMMENDATION:***

The terms expiring need to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on February 6, 2020.

/jcd

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

### **REGULAR COUNCIL MEETING 2019-31**

Held on Thursday, the 19<sup>th</sup> day of December 2019, 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 7:01 P.M.

Richard Spellman, resident, 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>DEPUTY CITY ATTORNEY:</b>	Jennifer Cockcroft	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager; Laurence Bailey, Growth Management Director; Chris Little, Utilities Director; Fred Poppe, Parks and Recreation Director.

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

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. One (1) term expiring on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**

**3. One (1) vacancy on the Planning and Zoning Board (represents at-large position).+**

**AGENDA REVISION(S):**

1. Mrs. Morrell announced that a revised Legislative Memorandum had been provided for Item 1, under New Business, which contained an adjustment to the number of customers that had sewer service available but had not connected – the number decreased from 2,043 to 1,404. Maps were also provided depicting the location of water and sewer availability and customers that had not connected.

**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 as presented with the removal of Item 1, Waive of Bid Process and Award, under Procurements, 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.

**ADOPTION OF MINUTES:**

**\*1. Regular Council Meeting 2019-30; December 5, 2019.**

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

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

Individuals commented on various issues.

**PUBLIC HEARING(S):**

**♣1. Ordinance 2019-67, rezoning property located west of and adjacent to Dixie Highway, in the vicinity south of Port Malabar Boulevard, from HC (Highway Commercial District) to BMU (Bayfront Mixed Use District) (4.33 acres)(Case CPZ-13-2019, Palm Bay Partners Holdings, LLC), final reading.**

The Deputy 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. Anderson, to adopt Ordinance 2019-67. 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 2019-68, amending the Code of Ordinances, Chapter 178, Signs, by providing additional provisions related to temporary signs, bench signs and signs in residential zoning districts (Case T-27-2019, City of Palm Bay), first reading. (CONTINUED FROM RCM – 12/05/19)**

The Planning and Zoning Board (P&Z) recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Mrs. Morrell presented the request to Council.

Steve Headley, resident, said that the ordinance restricted window signs. He cited case law related to same. He said that all regulations related to signs were based on content and that the time frames specified must be removed.

Mr. Bailey said that, after speaking with the City Attorney, the need for the case to be reheard by the Planning and Zoning Board was unnecessary. Mr. Anderson said that Council should make the decision and the temporary signs made it too vague.

Mr. Bradley suggested that the case be sent back to the Planning and Zoning Board. Mayor Capote agreed. Mrs. Morrell asked that Council adopt the ordinance as is, and the amendments would be presented to P&Z for Council's consideration in the future.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2019-68. 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 2019-69, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as "The Courtyards at Waterstone" on property located south of and adjacent to Mara Loma Boulevard, in the vicinity west of Babcock Street (79.181 acres)(Case FD-19-2019, Waterstone Farms, LLC/Waterstone Holdings, LLC), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the items contained in the Staff Report. The items shall be addressed as follows upon submission of the construction plans:

- 1) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 2) The minimum home size shall be provided in the Declarations of Covenants and Restrictions; and
- 3) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Tucker Byrd, representative for the applicant, presented the request to Council.

Bill Battin, resident, referred to the contract and requested the following: no disproportionate advantages or disadvantages for the developer at this time; and, did not want to see the City purchasing land so that the developer could manage its runoff.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve Ordinance 2019-69. 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 2019-70, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2364, Port Malabar Unit 45 (Case VE-8-2019, Larry and Stephanie Mirador), first reading.**

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2019-70. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**5. Consideration of the Comprehensive Development Agreement/Northshore Palm Bay Mixed-Use Development Agreement with Palm City Investments, F.H., LLC for Phase One of the Aqua mixed-use development project, first reading.**

The public hearing was opened. Attorney Cole Oliver, representative for the applicant, presented the request to Council.

Bill Battin, resident, questioned why this was just being presented for consideration. Mrs. Morrell agreed that this agreement should have been handled during the initiation of the project.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the development agreement.

Mr. Bailey said his biggest concern was that Council recently increased Parks and Police and Fire Impact Fees with an effective date of January 1, 2020, so that this developer would not have to pay those impact fees at a cost of over \$400,000. He would not support the request.

Mr. Anderson said that the project would bring in revenue of approximately \$42 million by 2024. He felt it was a win for the City. Mr. Bailey said that the City would not see any of those funds until the Community Redevelopment Agency expired, and there was the possibility that the apartments could become dilapidated by then. It should never be Council's priority to subsidize housing.

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

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

**PROCUREMENT(S):**

**Award of Bid(s):**

**\*1. Elevated walkway rehabilitation, North Regional Water Treatment Plant – IFB 13-0-2020 – Utilities Department (L7 Construction, Inc. - \$377,000).**

Staff Recommendation: Approve the bid for North Regional Water Treatment Plant's elevated walkway rehabilitation to L7 Construction, Inc. (Sanford), in the amount of \$377,000; and approve the appropriation of funds on the next budget amendment.

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

**Miscellaneous:**

**\*1. Nutrient removal facilities, North Regional Water Reclamation Facility, Amendment 3 (engineering services during solicitation process and construction) – TO 18-11 – Utilities Department (Wade Trim - \$154,034).**

Staff Recommendation: Approve Wade Trim Task Order 18-11 (Nutrient removal facilities, North Regional Water Reclamation Facility), Amendment 3, for engineering services during solicitation process and construction, in the amount of \$154,034; and approve appropriation of funds on the next budget amendment.

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

**Waive of Bid Process and Award:**

**1. Mobile belt filter press (BFP) services, dewatered biosolids, North Regional Wastewater Treatment Plant (emergency purchase) – Utilities Department (Synagro South, LLC - \$116,400, estimated).**

Staff Recommendation: Approve the emergency purchase of mobile belt filter press services for the North Regional Wastewater Treatment Plant to Synagro South, LLC, (Baltimore, Maryland), in the amount of \$116,400; and approve the appropriation of funds on the next budget amendment.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the emergency 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) member to the Business Improvement District.**

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appoint Robert Salonen to the 'institution of higher education' position on the Business Improvement District 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. Deputy Mayor Johnson asked that Council consider returning the \$1.7 million to the Tourist Development Council (TDC) which had been dedicated to the City's proposed campground. He did not feel that the City was prepared to move forward. Mr. Anderson was hopeful that the City could utilize some of the funding for other opportunities such as the closure of the four (4) City parks. Mr. Santiago said that, as a representative on the TDC, he was able to secure that funding for an additional year. He was unsure if it should be given back so freely as the City may not be able to obtain it again in the future if the funding was dedicated to other project(s) elsewhere in Brevard County. Mr. Bailey felt Council should look at other options. Deputy Mayor Johnson agreed to dedicating those monies towards other City projects. Mr. Santiago suggested that Councilman Anderson communicate Council's comments to the TDC and asked that staff provide options for the funding. Mrs. Morrell said that she had communicated with the TDC and it was suggested that the monies be returned and reapplying for a different type of grant. There would be no penalty for same. Mr. Santiago cautioned Council on returning the funding as there was no guarantee it would be given back to the City of Palm Bay.

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

**1. Ordinance 2019-71, amending the Code of Ordinances, by creating Chapter 203, “Mandatory Connection to Potable Water and Sewer Utilities”.**

The Deputy City Attorney read the ordinance in caption only.

Mr. Little explained the mandatory connection enforcement mechanism and policy throughout the State. The properties that would be immediately impacted included approximately 1,404 sewer available not connected (SANC) and approximately 2,371 water available not connected (WANC). Future properties would be subject to the ordinance as infill expansion occurred. He added that at this time, there were no immediate plans to extend water or sewer services to existing, built-out areas of the City.

Mr. Little explained the notification of availability and payment terms. The ordinance allowed for the use of financial plans/or incentives that were in effect at the time of connection to the system. For owner-occupied single-family residential homes, the Utilities Department offered a voluntary Connection Payment Agreement (CPA) for monthly payments up to a 5-year period without proving a hardship. The City was pursuing State funding to assist homeowners in offsetting the connection costs. Mr. Little advised of the sample costs based on current rates and fees:

➤ Sewer

- Septic System abandonment and plumbing from the building to the City’s right-of-way
  - \$2,000-\$6,000(by owner; based on complexity)
- Utilities Department connection costs (based on 80-foot front footage lot)
  - \$5,609(included line extension fee, capital charge, and deposit)
  - 5-Year CPA for line fees and capital charge would result in a monthly charge of \$101.83

➤ Water

- Well abandonment and plumbing from the building to the City’s right-of-way
  - \$1,000-\$3,000 (by owner; based on complexity)
  - The well could be repurposed for irrigation

- Utilities Department connection costs (based on 80-foot front footage lot)
  - \$4,454.32(includes line extension fee, capital charge, meter install and deposit)
  - 5-Year CPA for line fees and capital charge would result in a monthly charge of \$70.93

Mr. Little answered questions posed by councilmembers. Mr. Bailey asked if staff had considered a grandfather clause. Mr. Little answered in the negative.

Numerous individuals spoke against the ordinance. Mr. Little responded to comments.

Motion by Mr. Anderson, seconded by Mr. Bailey, to deny Ordinance 2019-71.

Mr. Anderson said that many families in the community could not handle this added expense. He felt it was an undue burden and he could not support the request, but he understood the value.

Mr. Bailey said that if Council were to move forward, the ordinance needed to include a grandfather clause. He said the people could not afford this expense. He further explained his reasons for not supporting the request.

Deputy Mayor Johnson asked Council to consider a workshop and have the staff from Indian River Lagoon (IRL) make a presentation regarding the impacts to the IRL. He was not opposed to tabling the item as there may be other funding sources to offset the costs. Mr. Anderson felt that the item should come back in 2-4 years once further development had been made then those new developments could pay the costs should the residents want it. Mr. Santiago supported a workshop with stakeholders (realtors, developers, etc.).

Mr. Bailey wanted to ensure that if the ordinance was not approved tonight and was approved at any point in the future, a notice to affected property owners should be provided.

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

**2. Request by Northshore Development, LLC for a Conditional Certificate of Occupancy for the leasing office/clubhouse and one residential apartment building.**

Staff Recommendation: Approve a Conditional Certificate of Occupancy for the leasing office/clubhouse and one residential apartment building after payment of total impact fee by Northshore Development, LLC.

Bill Battin, resident, did not agree with providing a break for the developer when the same should be offered to a private homeowner.

Mr. Bailey said the agreement with Northshore stated that all residency components shall be completed, and all Certificates of Occupancy issued by March 31, 2020. He asked if the developer would be able to meet that deadline. Miguel Reynaldos, Northshore Development, said that the delay occurred due to the Development Agreement (Item 5, Public Hearings) which should have been approved first. He said that all buildings should be completed by the deadline.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve a Conditional Certificate of Occupancy for the leasing office/clubhouse and one residential apartment building after payment of total impact fee by Northshore Development, LLC. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Request by Northshore Development, LLC for Parks Impact Fee credits in exchange for donation of certain property to be developed as a public dog park as part of Phase One of the Aqua mixed-use development project.**

Staff Recommendation: Approve Parks Impact Fee credits for Northshore Development, LLC, in exchange for donation of certain property to be developed as a public dog park as part of Phase One of the Aqua mixed-use development project.

Mr. Bailey asked if an appraisal had been performed on the property on its use as a parks and recreation space. Cole Oliver, Northshore Development, answered in the negative. Andrew Steel, Northshore Development, explained the various appraisals that had been done on the property.

Deputy Mayor Johnson asked if staff had any input since the City already had a large dog park within a City park. Mr. Poppe felt the parcel was too small for a public park. Mr. Santiago asked if there were areas in northeast that would be comparable to the City's existing dog park. Mr. Poppe confirmed same and answered further questions posed by councilmembers.



Bill Battin, resident, felt that the developer would build the dog park regardless if the City provided a tax credit. He agreed that the site was too small.

Mr. Bailey asked if the dog park was in the same location as when the project was originally proposed and why there was a request for a variance. Mrs. Morrell answered that the location was the same. Mr. Steel said that the variance was due to the actual space for the park was larger than just the enclosure for the dogs. It included the parking area and ingress/egress to the parking lot.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to deny the Parks Impact Fee credits for Northshore Development, LLC, in exchange for donation of certain property to be developed as a public dog park as part of Phase One of the Aqua mixed-use development project.

Mr. Bailey did not feel it was a public use and would be used more by the private residents. Deputy Mayor Johnson felt that if the City wanted another dog park, the City could handle same. Mr. Anderson said the existing dog park was in disarray. He felt this site added to the value of the City as a whole since the developer would maintain the site but it would be owned by the City. Mr. Santiago felt dog park was a little too small. He added that if the City was offering a credit, he wanted to know the appraised value. Mayor Capote said the park was an amenity being offered by developer to residents;

Motion carried with members voting as follows:

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

**\*4 Consideration of an interlocal agreement with Brevard County for public safety answering points (PSAPs).**

Staff Recommendation: Approve and authorize the execution of the Brevard County PSAPs.

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

**\*5. Consideration of an agreement with CardKnox, NYM Services, LLC dba Fidelity Payment Services and their banking provider, First Data Merchant Services, for credit card merchant fees to be paid as a convenience fee directly from the cardholder.**

Staff Recommendation: Approve an agreement with CardKnox, NYM Services, LLC dba Fidelity Payment Services and their banking provider, First Data Merchant Services, for credit card merchant fees to be paid as a convenience fee directly from the cardholder.

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

**\*6. Consideration of utilizing Police Impact Fees for the purchase of a new unmarked police vehicle assigned to the Crime Suppression Unit (\$26,020).**

Staff Recommendation: Approve the use of Police Impact Fees for the purchase of a new unmarked police vehicle (Nissan Pathfinder) assigned to the Crime Suppression Unit in the amount of \$26,020.

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

**\*7. 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.

**8. Consideration of appointment of 2020 Voting Delegate – Space Coast League of Cities/Outside Agency appointments.**

Councilmembers selected the following:

Space Coast League of Cities  
Deputy Mayor Johnson, Delegate  
William Capote, Alternate

Space Coast Transportation Planning Organization

Councilman Anderson  
Deputy Mayor Johnson  
Councilman Bailey  
Mr. Santiago, Alternate  
Mayor Capote, Alternate

Tourist Development Council

Councilman Anderson  
Councilman Santiago, Alternate

Ad Valorem Tax Abatement Council

Joan Junkala  
Councilman Bailey, Alternate

Risk Management Committee

Mayor Capote

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

**9. Discussion concerning the use of City vehicle for the Mayor. (Councilman Santiago)**

Councilman Santiago said he wanted to present the item as it was an issue within the operational audit. He felt that Council had to address it as a governmental body. If Council approved of the Mayor having a City vehicle, then it needed to be defined and direction given to staff. He explained there were two ways to handle the issue: 1) remove the \$200 monthly allotment provided to the Mayor; or 2) adhere to Section 3.6, Public Vehicle Use, of Council's Policies and Procedures.

Several residents spoke on the item, stating the current policy should be followed; the vehicle was essential to productivity of the elected official; and there should be security and protection for the elected officials.

Mr. Santiago provided a survey of other cities and their take home vehicle policies. There were not many cities that had take home vehicles for their elected officials.

Mayor Capote said that he had been driving a City vehicle for a few years and Council was aware of same and had no issue. He said that after the preliminary audit was received, he immediately went to the City Manager to relinquish the monthly allotment. The City Manager asked that he hold until the process was complete. The audit said a better policy needed to be in place for all City vehicles, not just for the Mayor.

Mr. Bailey agreed this was not the most significant finding in the audit, but all findings must be dealt with. He said Mayor was correct that Council was aware that believed that Council gave permission for use of a vehicle a couple of years ago. The concern was that policy stated it should not be used for personal use but that could not be proven. One of the findings was if personal use was being reported to the Internal Revenue Service. He said it did appear that the policies were violated as vehicle the was taken home.

Mr. Anderson said that the voters should make the decision as to whether any elected official possessed a City vehicle and if Council was to make that decision, it needed to be addressed in Council's Policies and Procedures. He said a decision needed to be made moving forward.

Deputy Mayor Johnson agreed with Councilman Bailey about consistency. He felt this could have been addressed better instead of pointing fingers. Mr. Bailey said as long as the vehicle was not taken home and was properly logged out, then there was no issue. He felt that Council should also review the take-home vehicle and monthly stipend policy and possibly reduce same.

Mayor Capote said that if any councilmember wanted to discuss an item from the audit, it should be placed on the agenda.

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

1. Mrs. Morrell announced that Larry Bradley, Growth Management Director, would replace Deputy Mayor Johnson as representative on the School Impact Fee Advisory Committee.

#### **PUBLIC COMMENTS/RESPONSES:**

Residents made general comments.

#### **ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 12:09 A.M. on Friday, December 20, 2019.

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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.
- ♣ Indicates quasi-judicial proceeding.



## LEGISLATIVE MEMORANDUM

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

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

**DATE:** January 2, 2020

**RE:** Final Reading of Ordinances 2019-43, 2019-44, 2019-68, 2019-69 and 2019-70

***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 2019-43, 2019-44, 2019-68, 2019-69 and 2019-70.

/tjl

Attachment

## **ORDINANCE 2019-43**

**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; 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 September 18, 2019, 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 October 3, 2019, 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 January 2, 2020, 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 Industrial Use and Commercial Use to Bayfront Mixed Use, which property is legally described herein as Exhibit "A".

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

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

- 1) Future development shall be restricted to a right-in right-out driveway connection to Robert J. Conlan Boulevard;
- 2) A Traffic Study shall be required and shall be reviewed during the administrative staff approval process to determine any impacts to the adjacent road network and any improvements necessary to mitigate such impacts, with emphasis on access management;
- 3) A Phase One environmental study shall be required at the time of any development proposal; and
- 4) No residential structures shall be placed within 100 feet of the existing businesses that front Rowena Drive.



**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 2019-24, held on October 3, 2019; and read in title only and duly enacted at Meeting 2019-\_\_\_, held on \_\_\_\_\_, 2019.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

Applicant: MLEF2-1, LLC

Case: CP-10-2019

cc: (date) Applicant  
Case File

## ORDINANCE 2019-44

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 HC (HIGHWAY COMMERCIAL DISTRICT) AND HI (HEAVY INDUSTRIAL DISTRICT) TO BMU (BAYFRONT MIXED USE DISTRICT); WHICH PROPERTY IS LOCATED WEST OF AND ADJACENT TO DIXIE HIGHWAY, IN THE VICINITY BETWEEN KINGSWOOD DRIVE AND ROBERT J. CONLAN 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 HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District), being legally described herein as Exhibit "A".

**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 2019-43.

Read in title only at Meeting 2019-24, held on October 3, 2019; and read in title only and duly enacted at Meeting 2019-\_\_\_, held on \_\_\_\_\_, 2019.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

## ORDINANCE 2019-68

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 178, SIGNS, IN ORDER TO PROVIDE ADDITIONAL PROVISIONS RELATED TO TEMPORARY SIGNS, BENCH SIGNS AND SIGNS IN RESIDENTIAL ZONING DISTRICTS; 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** includes 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.<<

(ii)>>(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.

(ii)>>(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.

(iii)>>(vi)<< The following types of signs shall be temporary signs:

\* \* \*

**SECTION 2.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 178, Signs, Section 178.13, Signs on Property Owned by a Governmental Body; Public Rights of Way; Public Places, is hereby amended and shall henceforth read as follows:

**“Section 178.13 SIGNS ON PROPERTY OWNED BY A GOVERNMENTAL BODY; PUBLIC RIGHTS OF WAY; PUBLIC PLACES.**

(A) *Property owned by Governmental Body.* No private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on property owned by a Governmental Body ~~without the prior written agreement of such Governmental Body~~. Only the Governmental Body owning such land, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such property.

(B) *Public Rights of Way.* Except as expressly provided otherwise by the Florida Department of Transportation with regard to rights of way within its control and/or jurisdiction, no private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on any public right of way>>, including utility poles<<. Only the Governmental Body responsible for the maintenance of such public right of way, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such a right of way.

\* \* \*

**SECTION 3.** 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 4.** 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 5.** 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 6.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2019-31, held on December 19, 2019; and read in title only and duly enacted at Meeting 2019-\_\_\_, held on \_\_\_, 2019.

---

William Capote, MAYOR

ATTEST:

---

Terese M. Jones, CITY CLERK

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

***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.***

## Appendix A: Schedule of Signs in Commercial Zoning Districts

<b>SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	At the Property Line	None
Awning	All	1 per street frontage	10% of wall Area	10 ft.	Attached	Int. or Ext.
Banner	All	Non-Regulated	Non-Regulated	25 ft.	Non-Regulated	None
Bench	All	1 per bench	3>>12<< sq. ft.	6 ft.	Non-Residential>>Residential<<	None
Billboard	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	At the Property Line	None
Electronic Message	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Internal
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Int/Ext
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	No
Human	All	1 per street	16 sq. ft.	10 ft.	No such	None

Sign Holder		frontage			Sign shall impede visibility for traffic safety	
Inflated	All	1 per street frontage	Non-Restricted.	25 ft.	10' from any Property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-Regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	No
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-way	External or Internal
Wall	All	1 per street frontage	Max 10% of Wall Area	Not Above Average Roofline	On the Principal Building	External
Window	All	1 per street frontage	10% of wall Area	Not Above Roofline	N/A	N/A



**Appendix B: Schedule of Signs in Industrial Zoning Districts**

<b>SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Awning	All	1 per street frontage	10% of Area	Not above than roof line	On the Principal Building	External or Internal
Banner	All	Non-Reg. per street frontage	Non-Regulated	25 ft.	Non-regulated	None
Bench	All	1 per bench	3>>12<< sq. ft.	6 ft.	Non-Residential	None
Billboard	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	See § <a href="#">178.17</a>	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property line	Ext. or Int.
Electronic Message	All	1 per street frontage	64 sq. ft.	10 @ 150' < ft. 25 @ + 150'	10' from any Property line	No Cinematic Movement 0 Lumens @ Property line.
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' @ 150' <, ft. 25 @ 150' >	10' from any Property line	Int/Ext.
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Human Sign	All	1 per street	16 sq. ft.	10 ft.	No such	None

Holder		frontage			sign shall impede vision for traffic safety	
Inflated	All	1 per street frontage	Non-Restricted>>Restricted<<	25 ft.	10' from any property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10 ft.	10' from any Property line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' @ 150 >'	10' from any Property line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' + 150 '	10' from any Property line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	External or Internal
Wall	All	1 per street frontage	10% of wall Placement.	Not Above the Average Roof Line	On the Principal Building	External
Window	All	1 per street frontage	10% Max. of Place	N/A	N/A	None

## Appendix C: Schedule of Signs in Residential Zoning Districts

<b>SCHEDULE OF SIGNS IN RESIDENTIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>
>>Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-residential	None<<
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property Line	None
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Subdivision	All	2 per street frontage	32 sq. ft.	10 ft.	Not within the 10' sight Visibility Triangle	Internal or External
Transit Shelter	Mixed Use Commercial /Residential	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	No External or Internal

**>>Appendix D: Schedule of Conditional Use Signs in Residential Zoning Districts**

<b>SCHEDULE OF CONDITIONAL USE SIGNS IN RESIDENTIAL ZONING DISTRICTS</b>						
<b>Sign Type</b>	<b>District(s)</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Placement</b>	<b>Illumination</b>
<b>Freestanding Frame</b>	<b>All</b>	<b>1 per street frontage</b>	<b>16 sq. ft.</b>	<b>10 sq. ft.</b>	<b>10' from any property line</b>	<b>External</b>
<b>Wall</b>	<b>All</b>	<b>1 per street frontage</b>	<b>Max 10% of wall area</b>	<b>Not above average roofline</b>	<b>On the principal building</b>	<b>External&lt;&lt;</b>

## **ORDINANCE 2019-69**

**A ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'THE COURTYARDS AT WATERSTONE' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED SOUTH OF AND ADJACENT TO MARA LOMA BOULEVARD, IN THE VICINITY WEST OF BABCOCK STREET, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 21, 2019, the City of Palm Bay granted approval of a Planned Unit Development (PUD) Preliminary Development Plan for a single-family development to be known as 'The Courtyards at Waterstone' through Resolution 2019-46 to Waterstone Farms, LLC/Waterstone Holdings, LLC, and

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning consisting of a 201-lot single-family residential subdivision to be known as 'The Courtyards at Waterstone' on property legally described herein, has been made by Waterstone Farms, LLC/Waterstone Holdings, LLC, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 4, 2019, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED 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 grants Final Development Plan approval for 'The Courtyards at Waterstone' on property zoned PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

**SECTION 2.** The final development plan is granted subject to the items contained in the Staff Report. The items shall be addressed as follows upon submission of the construction plans:

- 1) The property shall be developed in substantial conformance with the Final Development Plan which is, by reference, incorporated herein as Exhibit "B", except as may be modified by the conditions of approval;
- 2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "C";
- 3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions; and
- 5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase.
- 6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

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

Read in title only at Meeting 2019-31, held on December 19, 2019; and read in title only and duly enacted at Meeting 2019-\_\_\_, held on \_\_\_, 2020.

---

William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

Applicant: Waterstone Farms, LLC/Waterstone Holdings, LLC  
Case: FD-19-2019

cc: (date)      Applicant  
                         Case File  
                         Brevard County Recording

## **ORDINANCE 2019-70**

**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 17, BLOCK 2364, PORT MALABAR UNIT 45, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGE 7, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Larry and Stephanie Mirador 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 17, Block 2364, Port Malabar Unit 45, according to the plat thereof as recorded in Plat Book 22, Page 7, of the Public Records of Brevard County, Florida, Section 29, Township 28S, Range 37E, being more particularly described as follows:

Commence at the northeasterly corner of said Lot 17 and run S 57°32'04" W, along the northerly line of said Lot 17, a distance of 20.00 feet; thence S 32°27'56" E a distance of 6.00 feet to the Point of Beginning of the herein described easement; thence N 57°32'04" E a distance of 10.00 feet; thence S 32°27'56" E a distance of 108.00 feet; thence S 57°32'04" W a distance of 10.00 feet; thence N 32°27'56" W a distance of 108.00 feet to the Point of Beginning; containing 1080 square feet or 0.02 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 2019-31, held on December 19, 2019; and read in title only and duly enacted at Meeting 2019-\_\_\_, held on \_\_\_, 2020.

---

William Capote, MAYOR

ATTEST:

---

Terese M. Jones, CITY CLERK

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

Applicant: Larry and Stephanie Mirador  
Case: VE-8-2019

cc: (date)      Applicant  
                         Case File  
                         Brevard County Recording



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Second reading of Development Agreement between Palm City Investments, F.H., LLC and the City of Palm Bay

Northshore Development, LLC, a subsidiary of Palm City Investments, F.H., LLC, is currently constructing a mixed-use development project generally located at the intersection of Robert J. Conlan Boulevard and Northview Street NE. The site plan approved on December 18, 2018 provides for a mixed-use project consisting of two phases. Phase I provides for a 320-unit multi-family apartment complex known as Aqua Palm Bay Apartments, expected to be complete in March 2020. Phase II will consist of approximately 48,000 SF of commercial retail and restaurant space, with construction expected to begin in fall 2020. This Development Agreement is required for Phase I only.

The Development Agreement (DA) also provides for certain public improvements to include stormwater and transportation. Stormwater improvements include off-site drainage flow to on-site ponds for retention and treatment before discharging to existing City stormwater retention ponds for further retention and treatment. Stormwater improvements also include the reconstruction of an existing drainage ditch along the Florida East Coast (FEC) Railroad right-of-way (ROW). The developer and City are co-applicants on the St. John's River Water Management District permit for reconstruction of the ditch to accommodate existing stormwater flow as well as additional stormwater impact associated with this project.

Additional public improvements include improvements to Robert J. Conlan Boulevard. Improvements include the addition of a northbound right turn lane and a southbound left turn lane into the property at Northview Street NE as well as the installation of a traffic signal at the intersection of Robert J. Conlan Boulevard and Northview Street NE, expected to be complete and operational by March

January 2, 2020

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2020 (prior to final Certificate of Occupancy for Phase I).

The DA and all associated appendices provide for certain obligations of the City and the developer as well as timelines for such obligations. Additionally, the DA provides for eligible impact fee credits as allow by Chapter 171 Code of Ordinances of the City of Palm Bay. Per the Code, the developer is eligible for approximately \$866,610.26 in Transportation Impact Fee credits. The credit due to the developer for off-site public improvements is greater than the total Transportation Impact Fees due for on-site improvements (\$816,275.20). The developer is only eligible to claim credits in an amount not to exceed the value of impact fees due.

**REQUESTING DEPARTMENTS:**

Community & Economic Development

**FISCAL IMPACT:**

The total estimated fiscal impact of this Development Agreement is \$1,931,043.59 and includes the revenues to the General Fund associated with applicable impact fees, to include parks (\$138,358.40), police (\$8,985.60), and fire (\$62,121.60), Transportation Impact Fees (\$0), and Utility Impact Fees (per the Utility/Water and Wastewater Agreement executed on October 10, 2019, the current total value of utility impact fees estimated to be paid by October 10, 2024 is \$1,721,577.99).

**RECOMMENDATION:**

Motion to approve the second reading of the Development Agreement between Palm City Investments, F.H., LLC and the City of Palm Bay.

Attachment: 1) Northshore Palm Bay Mixed Use Development Agreement (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Comprehensive Plan Future Land Use Map Amendment Request – Steven Ciano

Mr. Steven Ciano has applied for a small-scale Comprehensive Plan Future Land Use (FLU) Map amendment to change 0.08 acres from Single Family Residential Use to Multiple Family Residential Use.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case CP-14-2019.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

Attachments:        1) Case CP-14-2019 (available upon request)  
                             2) Board minutes (available upon request)  
                             3) Ordinance

PJM/cp/ab

## **ORDINANCE 2020-01**

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

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on December 4, 2019, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on January 2, 2020, after public notice, and

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

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

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

Tax Parcel R.1, of the Public Records of Brevard County, Florida; Section 30, Township 28S, Range 38E; containing 0.08 acres, more or less.

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

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

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

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

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

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

Applicant: Steven Ciano  
Case: CP-14-2019

cc: (date) Applicant  
Case File



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Comprehensive Plan Zoning Amendment Request – Steven Ciano

Mr. Steven Ciano has applied for a rezoning from an RS-3, Single-Family Residential District to an RM-20, Multiple Family Residential District.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve this rezoning request to be consistent and compatible with the Future Land Use designation of Case CP-14-2019.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

**Attachments:**

- 1) Case CPZ-14-2019 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance

PJM/cp/ab

## ORDINANCE 2020-02

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-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO GRAN AVENUE, IN THE VICINITY EAST OF DIXIE HIGHWAY, 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-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District), being legally described as follows:

Tax Parcel R.1, of the Public Records of Brevard County, Florida; Section 30, Township 28S, Range 38E; containing 0.08 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 the enactment of Ordinance 2020-01.

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:** January 2, 2020

**RE:** Final Development Plan Request – Lennar Homes, Inc., Pace Drive Holdings LLC (Scott Glaubitz, Authorized Representative)

Lennar Homes, Inc., Pace Drive Holdings LLC (Scott Glaubitz, Authorized Representative) has applied for a Final Development Plan (FDP) for Planned Unit Development (PUD) approval of a 162-lot single-family development called Palm Vista Everlands.

Highlighted from the staff report, the FDP proposes a 162-unit single-family development that will be constructed in two phases. The proposed density is 3.21 units per acre, which is below the maximum density defined in the City's Comprehensive Plan for Single-Family Residential use up to (5 units per acre). Per the FDP, the typical lots within the residential development are 50' x 125'. The development will consist of a gated entrance with amenities including a covered patio with a pool, recreation and open space areas, stormwater management ponds, and private roadways.

**REQUESTING DEPARTMENT:**  
Growth Management

**RECOMMENDATION:**

Motion to approve Case FD-28-2019, subject to the items contained in the staff report. The items are to be addressed as follows upon submission of the construction plans:

- A. The setbacks shall be defined in the Declarations of Covenants & Restrictions and placed upon the subdivision plat.
- B. The minimum home size shall be provided in the Declarations of Covenants & Restrictions.
- C. The developer is required to apply for a "Conditional Letter of Map Amendment/Revision" (CLOMR). An approved LOMR will be required for this project upon completion of each phase.

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**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the items contained in the staff report.

Attachments:

- 1) Case FD-28-2019 (available upon request)
- 2) Board minutes (available upon request)
- 3) Ordinance

PJM/cp/ab

## **ORDINANCE 2020-03**

**A ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'PALM VISTA EVERLANDS' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ST. JOHNS HERITAGE PARKWAY AND PACE DRIVE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 15, 2018, the City of Palm Bay granted approval of a Planned Unit Development (PUD) Preliminary Development Plan for a single-family residential development to be known as 'Palm Vista Everlands PUD' through Resolution 2018-57 to Pace Drive Holdings, LLC, and

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning consisting of a 162-lot single-family residential development to be known as 'Palm Vista Everlands' on property legally described herein, has been made by Lennar Homes, Inc./Pace Drive Holdings, LLC, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 4, 2019, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED 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 grants Final Development Plan approval for 'Palm Vista Everlands' on property zoned PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

**SECTION 2.** The final development plan is granted subject to the items contained in the Staff Report. The items shall be addressed as follows upon submission of the construction plans:

- 1) The property shall be developed in substantial conformance with the Final Development Plan which is, by reference, incorporated herein as Exhibit "B", except as may be modified by the conditions of approval;
- 2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "C";
- 3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions; and
- 5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase.
- 6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 3.** 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: \_\_\_\_\_

Applicant: Lennar Homes, Inc./Pace Drive Holdings, LLC  
Case: FD-28-2019

cc: (date)      Applicant  
                         Case File  
                         Brevard County Recording



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Final Development Plan Request – Odyssey Charter School, Inc. (Jake Wise, P.E., Authorized Representative)

Odyssey Charter School, Inc. (Jake Wise, P.E., Authorized Representative) has applied for a Final Development Plan for Planned Unit Development (PUD) approval of a proposed expansion of the Odyssey Charter School to allow for a proposed development on 3.84 acres called Odyssey Charter School Parking and Playfield Expansion.

**REQUESTING DEPARTMENT:**

Growth Management

**CONCLUSION:**

City Council shall determine if the request meets the intent of the PUD zoning ordinance, and if the northward expansion of the school property would further the goals of protecting the health, safety, and welfare of the inhabitants of the City, as provided for in Chapter 185: Zoning Code (185.005).

Should the Board and Council decide to approve the FDP request, staff recommends that the following conditions be made a part of the approving ordinance:

1. Amendment of the Declaration of Covenants, Conditions and Restrictions for the Bayside Lakes Commercial Center to allow "hard improvements" (sidewalks and parking areas) within the 100' Preservation Easement located along the north of Tract I-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture the specific improvements shown on the conceptual site plan.

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2. The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate.
3. Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield (Tax Parcels L.1 and M).
4. The new parking lot and playfield shall not be provided any lighting.
5. Administrative site plan review and approval must be obtained prior to issuance of any building permits.
6. During the administrative site plan review process the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s) during the administrative site plan review process the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s)

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the staff recommendations and conditions contained in the staff report with the exception of item four that prohibited lighting in the parking lot and playfield; and subject to the condition that the faculty parking lot be gated; the light poles in the faculty parking lot be limited to ten feet in height; lighting be allowed for the playfield; and that the applicant and adjacent property owners would meet to determine the time restriction for lighting in the faculty parking lot and the playfield.

**Please note:** The applicant's representative met with several nearby residents to discuss the lighting conditions and the results of that meeting are attached.

Attachments:

- 1) Case FD-30-2019 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Email regarding discussed project lighting ( *available upon request*)
- 4) Ordinance

PJM/cp/ab

**ORDINANCE**

**FORTHCOMING**





## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Rezoning Request – David Moallem (Philip Nohrr, Esq., Authorized Representative)

Mr. David Moallem (Philip Nohrr, Esq., Authorized Representative) has applied for a rezoning from an RS-2, Single-Family Residential District to an IU, Institutional Use District.

**REQUESTING DEPARTMENT:**

Growth Management

**CONCLUSION:**

City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in the staff report.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

**Attachments:**

- 1) Case Z-29-2019 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance

PJM/cp/ab

## ORDINANCE 2020-05

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 IU (INSTITUTIONAL USE DISTRICT); WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO TISHMAN ROAD, IN THE VICINITY NORTH OF SAN FILIPPO DRIVE, 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 IU (Institutional Use District), being legally described as follows:

Tract "B" as a portion of Tract "A", Port Malabar Unit 24, according to the plat thereof as recorded in Plat Book 16, Page 32, of the Public Records of Brevard County, Florida; Section 32, Township 29S, Range 37E; containing 1.26 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 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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Award of Invitation for Bid #08-0-2020/JG – Culvert Pipe Replacement Unit 18

The award of bid is comprised of the removal, disposal, re-installation and restoration of multiple cross drain culvert pipes at twelve (12) locations throughout the City of Palm Bay's Port Malabar Unit (PMU) 18 as an identified stormwater project. Construction of these projects are all turn-key and will include all aspects of work.

Five (5) bids were received. The Procurement Department staff reviewed the bids for responsiveness. Public Works Department evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

The City's projected budget for this project bid was \$225,000. Public Works staff has reviewed the low bidder's Summary of Pay Items, proposed Subcontractors, Equipment List and References and is satisfied with the evidence provided by the contractor. Staff recommends Timothy Rose Contracting, Vero Beach, Florida for award of IFB #08-0-2020/JG – Culvert Pipe Replacement Unit 18 totaling \$150,127.

Local Preference was applied to the one (1) Brevard County vendor; however, the preference did not impact the outcome of the tabulation.

### REQUESTING DEPARTMENTS:

Public Works Department, Procurement Department

### FISCAL IMPACT:

The estimated budget for this project was \$225,000. The total project bid award will be \$150,127 , funds are available in the Stormwater Utility Fund account 461-7083-538-6309, project 20SU02.

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**RECOMMENDATION:**

Motion to approve award of IFB #08-0-2020/JG Culvert Pipe Replacement Unit 18 to Timothy Rose Contracting, Vero Beach, Florida.

Attachment: 1) Tabulation Sheet (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Approval of Change Order # 3 for Bid 57-0-2019, Unit 42 Phase III Pipe Replacement

The Culvert Pipe Replacement for Unit 42, Phase III, was awarded by City Council on August 1, 2019 for \$324,161 for the installation of twenty-nine (29) drainage culvert pipes. Change Order #1 was requested by the Public Works department and approved by the Chief Procurement Officer for additional pipes at two locations totaling \$28,740.74. Change Order #2 was requested by the Public Works department and approved by the Chief Procurement Officer for driveway repair and water main deflection totaling \$3,193.70. After start of construction, Public Works staff identified several additional headwalls at various pipe locations included in the plans yet not identified in the bid quantities for a value of \$12,207.82, which requires Council approval. In accordance with Procurement Code of Ordinance 38.07, the mandatory City Council approval amount for change orders shall be ten percent (10%) or \$100,000.00 whichever is lower.

Change Order #3 consists of the removal, disposal, re-installation, and restoration of the additional headwalls at several locations throughout the City of Palm Bay's Port Malabar Unit (PMU) 42. This is a turnkey project and shall include all incidentals required to complete the project such as utility relocations, material furnishings, and restoration work associated with the installation of the culvert pipes identified in the design plans.

The FDOT table are used to calculate concrete volume for headwalls. Based on the needed headwalls not included in the original bid that calculation was used to determine the total cubic yards of concrete needed and the cost. The cost increase totals \$12,207.82.

### REQUESTING DEPARTMENTS:

Public Works Department, Procurement Department

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**FISCAL IMPACT:**

The budget for this project is \$391,500.00. Total contract amount with change orders is \$368,303.26. Funding for the requested change order totaling \$12,207.82, is available in the Stormwater Utility Fund account 461-7083-538-6309, project 19SU10.

**RECOMMENDATION:**

Motion to approve Change Order #3 for Bid #57-0-2019/SB Culvert Pipe Replacement Unit 42 – Phase III to Ferreira Construction, Southern Division of Hobe Sound, Florida.

Attachments: (all available upon request)

- 1) Change Order #3
- 2) Executed Change Order #1
- 3) Executed Change Order #2



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** 2020 Census Participation

The 2020 Census kick-off date is April 1, 2020. In anticipation of the kick-off, the City has initiated community information distribution regarding the 2020 Census, the importance of the data collection, and how data impacts funding to local communities.

The United States Census will be transitioning to an electronic format for survey and data collection for the 2020 Census. The City anticipates coordinating support from other local organizations to provide space for kiosks or stations for collecting surveys electronically using the Census online portal, with a key focus on hard-to-count areas within Palm Bay.

The results of the 2020 Census will determine how federal funds are allocated to the City of Palm Bay for programs such as housing, schools, infrastructure, health care, and public safety to name a few. For housing programs alone, the City of Palm Bay received approximately \$1,104,902 in federal funding in 2019.

### REQUESTING DEPARTMENTS:

Community & Economic Development; City Manager's Office

### FISCAL IMPACT:

The fiscal impact is expected to be nominal at approximately \$1,000 from account 001-1216-512-4701 (Printing & Binding) to include marketing and promotional-related items such as utility bill inserts and printing of marketing materials. The City expects some costs related to staff resources disseminating or monitoring survey stations at City events.

**RECOMMENDATION:**

Motion to adopt Resolution recognizing and supporting the 2020 Census participation.

Attachment: 1) Resolution



## **RESOLUTION 2020-01**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY FLORIDA, RECOGNIZING THE IMPORTANCE OF THE 2020 CENSUS; SUPPORTING PARTICIPATION IN HELPING TO ENSURE A COMPLETE, FAIR, AND ACCURATE COUNT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the U.S. Census Bureau is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years, and

**WHEREAS**, the City of Palm Bay received \$1,104,902 in federal funding in 2019 and part of the basis for receiving these federal funds relies, in part, on census data, and

**WHEREAS**, census data also helps determine how many seats each state will have in the U.S. House of Representatives and is used in the redistricting of state legislatures, county boards of supervisors and city councils, and

**WHEREAS**, the decennial census is a huge undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count, and

**WHEREAS**, the U.S. Census Bureau is facing several challenges with the 2020 Census, which include declining response rates, technological change, and fiscal constraints, thus support from local government is critical, and

**WHEREAS**, the City of Palm Bay, in partnership with other local governments, the State, businesses, and community organizations, is committed to ensuring every resident is counted.

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

**SECTION 1.** The City of Palm Bay hereby recognizes the importance of the 2020 Census and supports participation in helping to ensure a complete, fair, and accurate count.

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

This resolution was duly enacted at Meeting No. 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, 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:** January 2, 2020

**RE:** Fee Schedule Adjustment for Private Providers

Section 553.791 of the Florida State Statutes requires local jurisdictions authorize building permit permittees to utilize private providers for plan review and inspection services in lieu of City staff professionals. Private providers must be fully licensed to perform the required reviews and inspections, and they are paid directly by the permittee. The private provider must provide the Building Official documents and reports stating plans as reviewed and work as performed complies with the Florida Building Code. The Building Official has the authority to approve and authorize the use of private providers based on staffing levels within the department.

The statute also states:

“It is the intent of the Legislature that owners and contractors pay reduced fees related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly.”

Based upon the above quoted requirement, the Growth Management Department has calculated that the Building Permit Fees and Plan Review Fees should be reduced by 15% when a permittee elects to utilize a private provider for plan review and/or inspections.

January 2, 2020

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A 15% reduction was derived by determining the average hourly rate for staff, plan reviewers and building inspectors, the average time expended for a typical plan review and inspection(s) services, the average administrative costs, and finally the average permit value for new construction.

Several different permits were analyzed using the methodology summarized above. The cost reductions ranged between 12 to 17 percent, based upon the established range, the Growth Management Director recommends a 15% reduction for building inspection and plan review fees when a private providers are utilized and noticed to the Growth Management Building Division.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

Based upon calculations performed by the Growth Management Department, a 15% reduction in Building Permit Fees and Plan Review Fees, as adopted by city council, can be applied to Private Providers as a counterbalance to the operational function not performed and conducted by City staff.

**RECOMMENDATION:**

Motion to approve revised fee resolution to provide a 15% reduction in fees for the use of private providers.

Attachment: 1) Revised Fee Schedule for Growth Management Resolution

LB

## **RESOLUTION 2020-02**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-34, ADOPTING RATES, CHARGES, AND FEES, FOR FISCAL YEAR 2019-2020, PURSUANT TO THE CITY OF PALM BAY, CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, provides for certain fees, rates, and charges to be established by resolution.

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

**SECTION 1.** Resolution 2019-34 is hereby amended by including adjustments to the fees, rates, and charges, for Fiscal Year 2019-2020, pursuant to the City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, which are, by reference, incorporated herein as Exhibit A.

**SECTION 2.** All resolutions or part of resolutions in conflict herewith are hereby superseded and rescinded.

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

This resolution was duly enacted at Meeting No. 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

## EXHIBIT 'A'

### Fiscal Year 2019-2020 Growth Management Department Fees Schedule

#### CHAPTER 170: CONSTRUCTION CODES AND REGULATIONS

	FY 19	FY 20
Building Permit Issuance	30.00	30.00
Building Permit Fee (unless specifically listed below)		
Value \$1,000 or less	30.00	30.00*
Value \$1,001 to \$50,000 (first \$1,000)	30.00	30.00*
Plus for every \$1,000 or fraction	6.00	6.00*
Value \$50,001 to \$100,000 (first \$50,000)	319.00	319.00*
Plus for every \$1,000 or fraction	5.00	5.00*
Value \$100,001 to \$500,000 (first 100,000)	569.00	569.00*
Plus for every \$1,000 or fraction	5.00	5.00*
Value \$500,001 and up (first 500,000)	2169.00	2169.00*
Plus for every \$1,000 or fraction	3.00	3.00*
Building Permit Fee - Mobile Homes	250.00	250.00*
Moving of a Building or Structure	150.00	150.00*
>>*Use of private providers shall reduce the above fees by 15% except when applied to fire permit and fire plan reviews<<		
Environmental Monitoring Fee	25.00	25.00
Demolition of Building or Structure	125.00	125.00
Plan Check Review Fees (1/2 building permit fee)	50%	50%
For every revision add	50.00	50.00
Residential	50.00	50.00
Commercial (per sheet)	40.00	40.00
Building Inspection Fee		
Residential	100.00	100.00
Commercial	100.00	100.00
Reinspection Fee (after failed inspection)		
Residential Permits		
Re-inspection	100.00	100.00
Commercial Permits		
Re-inspection	100.00	100.00
After 4 <sup>th</sup> failed inspection		400.00

City of Palm Bay, Florida  
Resolution 2019-02

	<b>FY 19</b>	<b>FY 20</b>
Roofing or Siding Repair - Single Family	100.00	100.00
New Roofing or Replacement Roofing or Siding - Single Family	150.00	150.00
Work Commenced without Permits (Note: double all fees or \$450.00 whichever is greater)	See Note	See Note
Non-Compliance Fine for<< Failure to Call for Final Inspection	75.00	75.00
Change of Contractor (each change)	40.00	40.00
City Construction and Demolition Surcharge		0.25%
Florida State Surcharge		2.5%
Refund of Permit Fees (if no inspections have occurred)	25.00	25.00
Subcontractor Fee (per subcontractor type)	40.00	40.00
Fire Permit Fee (1/2 of Building Permit Fee)	50%	50%
Fire Plan Review Fee (1/2 of Building Plan Review Fee)	50%	50%
Fire Inspection Fee - Mobile Vending	90.00	90.00
Fire Protection Systems		
Inspection of new sprinkler, standpipe, combination systems or any fire protection system for first 1,000 of contract value		15.00
Plus, for each additional \$1,000 or fraction thereof		5.00
Inspection of new fire pump installations		100.00
Underground Inspection		150.00
Underground Permit (if separated from sprinkler plan)		100.00
Inspection of repairs or alterations to existing fire pump installations		50.00
Plan-checking fees – new installation		200.00
Plan-checking fees – modification to existing systems		100.00

City of Palm Bay, Florida  
Resolution 2019-02

	<b>FY 19</b>	<b>FY 20</b>
Fire Alarm Systems		
Inspection first \$1,000 of contracted value		15.00
Plus for each additional \$1,000 or fraction thereof		5.00
Automatic Extinguishing System inspection/functional test		75.00
Plan-Checking Fees-New Installation		200.00
Plan-Checking Fees-Modifications to existing systems		100.00
Automatic extinguishing system plan check and permit		75.00
After second revision, plan checking fee for each revision		50.00
Re-inspection paid before next inspection		100.00
Emergency Light Inspection and Testing	50.00	50.00
Permit Extension	50.00	50.00
Master Plan per Model - Single Family	300.00	300.00

## **CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT**

	<b>FY 19</b>	<b>FY 20</b>
Floodplain Permit Fee	60.00	60.00
Stormwater Review Fee (new or modified development, up to 5 acres)	650.00	650.00
Over 5 acres in size (additional per acre)	15.00	15.00
4th to Final Review (per acre)	7.50	7.50
Inspection Fee (1.5% of the value of the site improvement)(due prior to construction)	1.5% of the value	1.5% of the value
Re-inspection fee	50.00	50.00
Single Family Residential Construction Drainage Permit	40.00	40.00
Hold Harmless Processing (new construction)	15.00	15.00
Lot Line Improvements Permits		
Review	43.00	43.00
Final Inspection	83.00	83.00



## CHAPTER 178: SIGNS

	<b>FY 19</b>	<b>FY 20</b>
Billboard Permit Fee	3500.00	3500.00
Annual Billboard Sign Inspection Fee	250.00	250.00
Annual Billboard Sign Plan Check Fees	25.00	25.00
After Third Revision	75.00	75.00
Failure to Call for Final Inspection	75.00	75.00
Change of Contractor	15.00	15.00
Refunds if No Inspections (Fee)	50.00	50.00
Sign Permit	25.00	25.00

## CHAPTER 179: STREETS AND OTHER RIGHTS-OF-WAY

	<b>FY 19</b>	<b>FY 20</b>
Creating or Vacating Easements or Drainage Rights of Way	182.00	182.00
Creating or Vacating Road Rights of Way	312.00	312.00
Driveway Permit		
Residential (construction in scattered lot subdivisions)	206.00	206.00
Residential (closed drainage (curb and gutter))	124.00	124.00
Commercial (all construction)	206.00	206.00
Revising Driveway or Temporary Driveways	75.00	75.00
Re-Inspections		
Open drainage (swale and pipe)	90.00	90.00
Closed drainage (curb and gutter)	57.00	57.00
Right of Way Use Permit	346.00	346.00
Single family residential irrigation permit	33.00	33.00
Water service connection permit		
No boring required	31.00	31.00
Boring required	140.00	140.00
Hold Harmless recording (irrigation/docks)	15.00	15.00
Each Street Cut	147.00	147.00

City of Palm Bay, Florida  
Resolution 2019-02

	<b>FY 19</b>	<b>FY 20</b>
Projects under Section 179.096(E) (additional)	264.00	264.00
As-built fee (greater than or equal to 6" line installed)		
Right of Way Restoration Inspection Public Works	20.00	20.00
Off-site Directional Sign Permit		
Processing and Design Fee	50.00	50.00
(Up to two signs on a multiple directional sign assembly)		
Processing and Design Fee	75.00	75.00
(Up to four signs (maximum allowed) on a multiple directional sign assembly. Valid for 5 years per ROW Use permit)		
Recreational and Cultural Sign		
Single Mounted Sign	150.00	150.00
Multiple Direction Sign	115.00	115.00

## **CHAPTER 180: TREES AND SHRUBBERY LANDSCAPING**

	<b>FY 19</b>	<b>FY 20</b>
Tree Site Work Permit		
Maximum Fee (per acre or fraction thereof)	250.00	250.00
Fee Per Tree Removed	20.00	20.00
Tree Mitigation - Replacement Fee per Tree	350.00	350.00

## **CHAPTER 184: SUBDIVISIONS**

	<b>FY 19</b>	<b>FY 20</b>
Subdivisions		
Pre-Application Conference	250.00	250.00
(Subdivision, Site Plan, Development Plan)		
Preliminary Plat Application	500.00	500.00
Minor Subdivision Application Plan Review (Administrative)	800.00	800.00
Major Subdivision Application Plan Review (Administrative)	1200.00	1200.00
Final Subdivision Plat Application	800.00	800.00
Vacation of Plat Application	250.00	250.00
Plat Review, City Surveyor	600.00	620.00
Inspection of Public Improvements (value)	0.5%	0.5%

## CHAPTER 185: ZONING CODE

	<b>FY 19</b>	<b>FY 20</b>
Zoning/Rezoning Application	650.00	650.00
Variance Application	350.00	350.00
Administrative Variance		50.00
Conditional Use Application	650.00	650.00
Code Text Amendment Application	1500.00	1500.00
Off-Site Parking Site Plan Application	300.00	300.00
Preliminary Development Plan Application	1000.00	1000.00
Final Development Plan Application	1500.00	1500.00
Comprehensive Plan Amendment or Future Land Use Map Amendment Application		
Large Scale (ten (10) acres or more)	2000.00	2000.00
Small Scale (less than ten (10) acres)	1200.00	1200.00
Text Amendment	2000.00	2000.00
Voluntary Annexation Request	2000.00	2000.00
Site Plan Application		
3 acres or less	850.00	850.00
Greater than 3 acres	1000.00	1000.00
Revision to Approved Plan (RTAP)	450.00	450.00
Appeal of Administrative Decisions	650.00	650.00
Zoning Verification Letter	50.00	50.00
Mobile Vending/Mobile Food Truck Permit		
Initial Application - One Location Fee/Year	250.00	250.00
Additional Locations – Fee/Year/Location	50.00	50.00

## CHAPTER 190: FLORIDA STATUTES

	<b>FY 19</b>	<b>FY 20</b>
Community Development Districts		
Initial Application	7500.00	7500.00
Amended Application	3750.00	3750.00
Dissolution Application	1500.00	1500.00

Notes: Impact fees are set by ordinance and are contained in the Palm Bay Code of Ordinances and updated on the City's website.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied Against Real Property

Several Code Sections in Chapter 93 were requested to review and update by the Growth Management Department. The final review includes the following updated sections and considerations for approval:

- 1) §93.031-- Maintenance and Appearance Standards. This section is changing to regulate the use of Storm Shutters. A new definition of storm shutters is being added to this section. Storm shutters will now be regulated so that they can only be in place seven days prior to and fourteen days after a named storm. This is a life safety issue because storm shutters create hazards for fire egress and/or access by public safety personnel.
- 2) §93.094 – Unimproved Real Property. The change to this section includes three paragraphs. The section on Nuisance Vegetation is requested for equitable application of properties by measuring fifteen from the property line rather than from the location of the neighboring house. A citation limitation is requested to be reformed from grass height of twenty-four inches to one violation every six months. Two paragraphs are being changed to clarify that the City can only take corrective action after the Code Board finds the property in violation, under advisement of the City Attorney's office.
- 3) §93.044 – Private Property Parking Regulations revisions include the vehicle operability for acceptable locations, an addition of no parking on an unimproved lot location as new and growing concern, language to clarify the maximum of two additional vehicles as well as the maximum of one additional inoperable/unlicensed vehicle in the enclosed rear yard location.

- 4) §93.06 – Duty of City Manager. This is another section that is being changed at the advisement 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.
- 5) §93.08 – Authority of City to Enter Property as advised by the City Attorney's Office to require Code Board review before the City takes any action on private property.
- 6) §93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest eliminates 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. Management recommends the interest calculation change from compound to simple for integrated software standards that reduce separate systems for accounts receivables and payment reconciliation processes.
- 7) § 118.07 – Collection of Liens. The final proposed change is part of §118 Liens Levied Against Real Property. This modification is requested to provide consistent language between §93 and §118 regarding the collection of only simple interest versus compound interest. While §118 does mention other types of liens such as sanitation and utility liens. In coordination with applicable departments there is no objection to the change, as interest is not applicable to those lien types, rather specific penalties are applied.

**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.

Attachment: 1) Proposed Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied Against Real Property

2) Attorney General memo (available upon request)

## 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 93.02 DEFINITIONS.

\* \* \*

>>**STORM SHUTTERS.** Any material whether solid (metal, wood, plastic, etc.) or flexible (screening, fabric or mesh, etc.) utilized with the express purpose of protecting glass doors and windows from damage from wind and debris during storms or hurricanes. Storm Shutters can either be permanently attached to a structure such as accordion shutters, closeable awnings and flaps, roll-up gates or they can be removable.<<

\* \* \*

#### Section 93.031 MAINTENANCE AND APPEARANCE STANDARDS.

(A) The owner and/or operator of all properties governed by this code shall maintain the exterior of the premises that they own or control in such a manner as

to conform with all city codes and ordinances, to avoid blighting influences on neighboring properties, and to avoid the creation of hazards to public health, safety and welfare.

\* \* \*

>>(3) Storm Shutters are not permitted to cover any window or door on any structure for more than seven (7) days prior to or fourteen (14) days after, the National Hurricane Center declares a storm watch or warning for a named storm to potentially occur within the City, County or adjoining Counties. Permanently attached storm shutters may be attached but must be opened outside of the days contained herein. Removeable storm shutters must be completely removed outside of the days contained herein.<<

\* \* \*

(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') 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.

\* \* \*

(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 93.044 PRIVATE PROPERTY PARKING REGULATIONS.

No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly,

disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(A) No vehicle >>(operable or inoperable)<< shall be parked:

\* \* \*

>>(3) On any unimproved lot.<<

(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. >>This is in addition to vehicles parked in garages, carports, paved driveways and adjacent to driveways on improved surfaces as noted in Section (A) (1) above.<<

\* \* \*

(C) Exceptions:

(1) >>A maximum of oOne (1) additional<< vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.

\* \* \*

#### 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.

---

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.***

## **ORDINANCE 2020-07**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XI, BUSINESS REGULATIONS, CHAPTER 118, LIENS LEVIED AGAINST PRIVATE PROPERTY, BY MODIFYING PROVISIONS RELATED TO THE COLLECTION OF LIENS; 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 XI, Business Regulations, Chapter 118, Liens Levied Against Private Property, Section 118.07, Collection of Liens, is hereby amended and shall henceforth read as follows:

“Section 118.07 COLLECTION OF LIENS.

All liens shall become due and payable thirty (30) days after the mailing of the notice of lien by the Finance Director or other designee of the City Manager, except in such cases where an appeal is filed pursuant to § 118.06, in which case the lien is due and payable thirty (30) days from the decision of the City Council. After the respective due dates above fixed, all unpaid liens shall become delinquent and shall thereafter bear ~~compound~~ >>simple<< interest at the ~~rate of twelve (12) percent per annum~~ >>prevailing statutory rate allowed by Florida law<<.”

**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.

---

William Capote, MAYOR

ATTEST:

---

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:** January 2, 2020

**RE:** FY 2020 First Budget Amendment

Summary of the proposed budget amendment:

### **General Fund (001)**

#### **Revenues – Total \$1,583,228**

- Recognize reimbursable FDOT Local Agency Program (LAP) Agreement – **\$1,354,667.**
- Recognize award of the Federal Emergency Management Association's Assistance to Firefighters Grant for Automated Chest Compression Devices (CPR); application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$106,487.**
- Transfer from Community Investment Fund (301) for project completion/closure of Bus Shelter Installation (13PW02); project was funded through the General Fund – **\$146,086.**
- BCRA Administrative Service Allocation reduction due to Resolution 2019-237 modifying the Bayfront CRA Board's delegation of authority following the full execution of the Interlocal Agreement between Brevard County, the City of Palm Bay and the Bayfront CRA on 11/07/2019 – **(\$24,012).**

#### **Expenditures – Total \$2,306,063**

- Budget Correction: a total of \$80,950 in FY 2020 funding for the Fire Dispatch Upgrade project (19FD02) was approved during the budget preparation process; however, only \$47,389 was accurately budgeted for in FY 2020. The following amounts will need to be appropriated to support the purchase/installation of the Zetron IPFSA equipment – **\$33,561.**
- Budget Correction: Appropriate the copier allocation funds to the Growth Management Department's Land Development Division incorrectly removed from the FY 2020 Approved Budget during the budget preparation process – **\$4,584.**

- Budget Correction: Purchase and support seven (7) iPads for the Growth Management Department's Code Division \$6,373 and budget TRAKiT System annual maintenance (Code Division-portion) expenses \$9,293 – **\$15,666.**
- Transfer available Miscellaneous Operating Supplies funds from the Fire Department (\$2,880) to the Information Technology Department \$2,880 for six (6) smart phones (standard cellular phone replacements) that support patient care applications – **Net Impact \$0.**
- Transfer available Pavement Markings funds from the Public Works Department (\$1,442) to the Information Technology Department \$1,442 for four (4) iPad Mini devices including unlimited cellular/data service to support CityWorks for the Traffic Operations Division – **Net Impact \$0.**
- Impact Fee Credit Card processing charges for online payments; Council approved on 01/03/2019 for General Fund to pass these credit card processing fees along to vendors rather than the General Fund absorbing these fees. However, the new software needed to institute this change has not been fully implemented and no budget was included in FY 2020 to cover these fees. This amendment is needed to fund the processing fees still being covered by General Fund – **\$50,000.**
- Fund the Police Department's eight (8) additional Telecommunicator FTE positions \$578,871 through Fire Department Personnel Expenditure savings (\$591,423) incurred with the elimination of the following vacant FTE positions: one (1) Fire Marshal, two (2) Administrative Secretaries, one (1) Fire Inspector, three (3) Telecommunicators and one (1) Records Specialist – **Net Impact (\$12,552).**
- Fund premiums paid for cancer diagnosis, treatment and death benefits as provided under F.S. 112.1816 pretraining to Firefighters, approved by Council 09/05/2019 – **\$10,231.**
- Palm Bay Aquatic Center (project 20PR01) renovations; approved by Council 12/05/2019 – **\$654,160.**
- Twin Lakes Playground equipment replacement (project 20PR02); funding supported by Insurance Company proceeds – **\$81,010.**

- PD&E Study – Engineering Services for Malabar Road from St. Johns Heritage Parkway to Minton Road; usage of FDOT LAP Agreement funding; approved by Council 11/07/2019 – **\$1,354,667.**
- Purchase of Automated Chest Compression Devices (CPR); usage of Federal Emergency Management Association's Assistance to Firefighters Grant; application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$106,487.**
- 10.00% required city-match to Federal Emergency Management Association's Assistance to Firefighters Grant; application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$10,649.**
- 2019 Holiday Party Funding – expenditures off-set by earned vending machines revenues to-date; approved by City Manager 09/09/2019 – **\$617.**
- Project completions/closures & return remaining funds to fund balance: City Hall Fire Panel (18FM02) (\$3,002); Honeywell Performance Contract (18FM03) (\$12); West Oaks Playground Replacement (19PR01) (\$3) – **(\$3,017).**

#### **Law Enforcement Trust Fund (101)**

##### ***Expenditures – Total \$37,349***

- LETF 20-01 – Course, Lodging & Per Diem for Police Lieutenant; approved by Council 09/05/2019 – **\$11,645.**
- LETF 20-02 – Asset Forfeiture Program legal costs; approved by Council 11/07/2019 – **\$5,000.**
- LETF 20-03 – Training & registration for 15 Police Department employees to attend FBI-LEEDA Supervisor Leadership Course \$10,425, donations to Cops & Friends Reindeer Run \$5,150 and purchase of currency scanner with maintenance \$5,129; approved by Council 11/07/2019 – **\$20,704.**

#### **State Housing Grant (SHIP) Fund (111)**

##### ***Revenues – Total \$673,055***

- Record funds received from the Florida Housing Finance Corporation as part of the previous year's funds disbursement held until SHIP compliance was restored – **\$673,055.**

***Expenditures – Total \$1,008,113***

- Allocate SHIP Funds to the following three (3) projects: Down Payment Assistance (project 16CD01) \$129,679; Single Family Rehab (project 20CD06) \$443,376; Emergency Rehab (project 20CD07) \$100,000; funding re-appropriated from FY 2019 BA #4 (funding was not assigned to project numbers in FY 2019) – **\$673,055**.
- Allocate SHIP Funds to the following two (2) projects to assist two (2) income-certified Down Payment assistance clients and six (6) income-certified Rehab assistance clients: Down Payment Assistance (project 16CD01) \$60,000; Single Family Rehab (project 20CD06) \$275,058 – **\$335,058**.

**Home Investment Grant (HOME) Fund (114)**

***Expenditures – Total (\$65,017)***

- Project completion/closure & return remaining funds to fund balance: Down Payment Assistance (16CD01) – **(\$65,017)**.

**Police Impact Fees Fund (152)**

***Revenues – Total (\$32,500)***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 180/Nexus 32905 \$726; Fund 183/Nexus 32907 \$6,538; Fund 184/Nexus 32908 \$7,264; and Fund 186/Nexus 32909 \$17,972 – **(\$32,500)**.

**Fire Impact Fees Fund (153)**

***Revenues – Total (\$212,500)***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 187/Nexus 32905 \$4,756; Fund 188/Nexus 32907 \$42,800; Fund 189/Nexus 32908 \$47,555; and Fund 190/Nexus 32909 \$117,389 – **(\$212,500)**.

**Parks Impact Fees Fund (153)**

***Revenues – Total (\$470,000)***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 191/Nexus 32905 \$10,531; Fund 192/Nexus 32907 \$94,782; Fund 193/Nexus 32908 \$105,313; and Fund 194/Nexus 32909 \$259,374 – **(\$470,000)**.



### **Transportation Impact Fees Fund (155)**

#### ***Revenues – Total (\$3,151,610)***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 196/Nexus 32905 \$33,421; Fund 197/Nexus 32907 \$335,489; Fund 198/Nexus 32908 \$334,211; and Fund 199/Nexus 32909 \$821,690 – **(\$1,524,811).**
- Relocation of the Transportation Impact Fee debt service transfer budgeted in FY 2020 to Fund 199/Nexus 32909 – **(\$1,626,799).**

### **Police Impact Fees-Nexus 32905 Fund (180)**

#### ***Revenues – Total \$726***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$726.**

### **Bayfront Community Redevelopment Fund (181)**

#### ***Expenditures – Total \$0***

- Brevard County Resolution 2019-237 modifying the Bayfront CRA Board's delegation of authority following the full execution of the Interlocal Agreement between Brevard County, the City of Palm Bay and the Bayfront CRA on 11/07/2019. The Resolution and Interlocal Agreement limits the Agency's ability to expend funds beyond existing debt and contractual obligations, legally required administration expenses, and land acquisition not to exceed \$330,218; approved by Council 12/05/2019. Personnel and Operating Expenditures reduced by a net value of \$449,164; available funding transferred to Fund's Reserves – **Net \$0**

### **Police Impact Fees-Nexus 32907 Fund (183)**

#### ***Revenues – Total \$6,538***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$6,538.**

**Police Impact Fees-Nexus 32908 Fund (184)**

***Revenues – Total \$7,264***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$7,264.**

**Police Impact Fees-Nexus 32909 Fund (186)**

***Revenues – Total \$17,972***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$17,972.**

**Fire Impact Fees-Nexus 32905 Fund (187)**

***Revenues – Total \$4,756***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$4,756.**

**Fire Impact Fees-Nexus 32907 Fund (188)**

***Revenues – Total \$42,800***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$42,800.**

**Fire Impact Fees-Nexus 32908 Fund (189)**

***Revenues – Total \$47,555***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$47,555.**

**Fire Impact Fees-Nexus 32909 Fund (190)**

***Revenues – Total \$117,389***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$117,389.**

**Parks Impact Fees-Nexus 32905 Fund (191)**

***Revenues – Total \$10,531***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$10,531.**

**Parks Impact Fee-Nexus 32907 Fund (192)**

***Revenues – Total \$94,782***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$94,782.**

***Expenditures – Total \$200,000***

- Wake Forest Basketball Courts (project 18PR04), driveway, parking lot and ADA sidewalk construction; approved by Council 10/03/2019 – **\$200,000.**

**Parks Impact Fees-Nexus 32908 Fund (193)**

***Revenues – Total \$105,313***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$105,313.**

**Parks Impact Fees-Nexus 32909 Fund (194)**

***Revenues – Total \$259,374***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$259,374.**

**Transportation Impact Fees-Nexus 32905 Fund (196)**

***Revenues – Total \$33,421***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$33,421.**

**Transportation Impact Fees-Nexus 32907 Fund (197)**

***Revenues – Total \$335,489***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$335,489.**

***Expenditures – Total \$84,500***

- Malabar Road Right-of-Way (ROW) Acquisition of six (6) vacant lots for future expansion and associated appraisal costs; funding re-appropriated from FY 2019 BA #4 (funding was not expensed in FY 2019); approved by Council 06/20/2019 – **\$84,500.**

**Transportation Impact Fee-Nexus 32908 Fund (198)**

***Revenues – Total \$334,211***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$334,211.**

***Expenditures – Total \$82,700***

- Malabar Road Right-of-Way (ROW) Acquisition of Lots 1 through 6, Block 1702, Port Malabar Unit 36; approved by Council 10/03/2019 – **\$82,700.**

**Transportation Impact Fees-Nexus 32909 Fund (199)**

***Revenues – Total \$2,448,489***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$821,690.**
- Relocation of Transportation Impact Fee debt service transfer budgeted in FY 2020 from Fund 155/Transportation Impact Fees – **\$1,626,799.**

**Community Investment Fund (301)**

***Expenditures – Total (\$146,086)***

- Project completion/closure: Bus Shelter Installation (13PW02); project was funded through the General Fund; transfer remaining funds to funding source – **(\$146,086).**

**Connector Road I-95 Fund (308)**

***Expenditures – Total \$49,746***

- Installation of Temporary Traffic Signal at Babcock Street and St. Johns Heritage Parkway (project 15PW11); approved by Council 11/07/2019 – **\$49,746.**

### **GO Road Program Fund (309)**

#### ***Expenditures – Total \$10,724,547***

- Fund projects RBP Unit 31 Road Restoration (20GO01) \$5,472,306 and RBP Unit 32 Road Restoration (20GO02) \$5,242,514; approved by Council 10/17/2019 – **\$10,714,820.**
- Additional funding to support Change Order No. 1 to Unit 41 Repaving project (19GO03); approved by Council 11/21/2019 – **\$9,727.**

### **Utilities Operating Fund (421)**

#### ***Revenues – Total \$3,489,648***

- Recognize the amendment to the Save Our Indian River Lagoon Project Cost-Share Funding Agreement (SOIRL 18-17); approved by Council 10/17/2019 – **\$3,489,648.**

#### ***Expenditures – Total \$2,234,900***

- Appropriate SOIRL 18-17 funding to the WRF Denitrification project (17WS16), approved by Council 10/17/2019 – **\$2,234,900.**

### **Utilities Connection Fee Fund (423)**

#### ***Expenditures – Total (\$109,267)***

- Project completions/closures & return remaining funds to fund balance: Cogan Drive WM and FM (17WS03) (\$69,856); Culver Drive Utility Relocation (19WS14) (\$39,411) – **(\$109,267).**

### **Utilities Renewal & Replacement Fund (424)**

#### ***Expenditures – Total (\$363,778)***

- North Regional Water Treatment Plant Elevated Walkway Rehabilitation project (14WS02) funding to address deteriorated walkways due to steel corrosion and erosion; approved by Council 12/19/2019 – **\$435,000.**
- Project completions/closures & return remaining funds to fund balance: Cherry Hills Manhole (19WS04) (\$500); SCADA Improvements (15WS07) (\$106); Culver Drive Utility Relocation (19WS14) (\$70,616) – **(\$71,222).**

**Utilities Main Line Extension Fee Fund (425)**

***Expenditures – Total (\$169,242)***

- Project completions/closures & return remaining funds to fund balance: PB Hospital Water Main (18WS07) (\$168,000); Water MLE - Franklin (19WS16) (\$1,242) – **(\$169,242).**

**REQUESTING DEPARTMENTS:**

Finance, Bayfront Community Redevelopment Agency, Community & Economic Development, Fire, Growth Management, Human Resources, Information Technology, Parks & Recreation, Police, Public Works, and Utilities.

**RECOMMENDATION:**

Motion to adopt FY 2020 First Budget Amendment Ordinance.

Attachments:        1) Ordinance  
                             2) Exhibit A – BA #1 Appropriations

CL/ac/ab

## **ORDINANCE 2020-08**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2020 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USE OF UNDESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: GENERAL FUND; LAW ENFORCEMENT TRUST FUND; PARKS IMPACT FEE FUND – NEXUS 32907; TRANSPORTATION IMPACT FEE FUND – NEXUS 32908; GO ROAD BOND PROGRAM FUND; AND UTILITIES RENEWAL AND REPLACEMENT FUND; USE OF DESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: STATE HOUSING GRANT FUND; AND CONNECTOR ROAD I-95 FUND; RECOGNIZING THE FOLLOWING GRANTS AND AGREEMENTS: REIMBURSABLE FDOT LOCAL AGENCY PROGRAM (LAP) AGREEMENT; FEMA ASSISTANCE TO FIREFIGHTERS GRANT FOR AUTOMATED CHEST COMPRESSION DEVICES; AND SAVE OUR INDIAN RIVER LAGOON (SOIRL 18-17) COST-SHARE FUNDING AGREEMENT AMENDMENT; TRANSFER OF IMPACT FEE FUNDING TO NEW NEXUS FUNDS SEPERATED BY ZIP CODE; RECORD AND ALLOCATE FUNDS RECEIVED FROM THE FLORIDA HOUSING FINANCE CORPORATION AS PART OF THE PREVIOUS YEAR’S FUNDS DISBURSEMENT HELD UNTIL SHIP COMPLIANCE WAS RESTORED; RECORD BCRA FUNDING TRANSFERS TO RESERVES PER BREVARD COUNTY RESOULTION 2019-237 AND INTERLOCAL AGREEMENTS LIMITING FUNDING EXPENDITURES BEYOND EXISTING DEBT/CONTRACTUAL OBLIGATIONS, LEGALLY REQUIRED ADMINISTRATION EXPENSES, AND LAND ACQUISITIONS NOT TO EXCEED \$330,218; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

**SECTION 2.** The City Council adopts, ratifies, and approves the appropriations as listed in Exhibit "A".

**SECTION 3.** 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: \_\_\_\_\_



## Summary of the Proposed Budget Amendment

Fund	Revenues	Expenditures
<b>General Fund (001)</b>		
Appropriate funding to cover Impact Fee credit card processing fees		50,000
Budget correction for dispatch upgrade of Zetron IPFSA from Approved Budget - only partially accounted for		33,561
Transfer funds from misc. operating supplies in Fire department for purchase of (6) smart phones		(2,880)
Transfer funds in to cellular services in IT department for (6) smart phones		2,880
Funding for 2019 Holiday party; expenditures offset by earnings from vending machines revenues to date		617
Personnel reorganization from CMO due to restructuring departments		(397,053)
Personnel reorganization to EDEA due to restructuring departments		397,053
Reorganization per Fire/PD to eliminate vacant Fire positions and create (8) positions in Police		(12,553)
Budget correction to appropriate funds for copier allocation in Land Development Division that was incorrectly removed during budget process		4,584
FY 20 BAR - purchase (7) iPad's plus support for Code and TRACKiT Annual Maintenance in Land Development Division		15,666
Premiums paid for cancer diagnosis, treatment and death benefits under F.S. 112.1816 for Firefighters		10,231
Palm Bay Aquatic Center renovations (20PR01)		654,160
Twin Lakes Playground replacement (20PR02) - funding supported by insurance proceeds		81,010
Add funding to project 20PW01 for the PD&E Study from receipt of LAP agreement funding		1,354,667
Recognize FEMA Assistance to Firefighter's Grant Awarded for Automated Chest Compression Devices (CPR)	106,487	
Transfer FEMA Assistance to Firefighter's Grant for purchase of Automated Chest Compression Devices (CPR)		106,487

Mayor and Council: FY 2020 First Budget Amendment

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Exhibit A

Transfer City match of FEMA Assistance to Firefighter's Grant for purchase of Automated Chest Compression Devices (CPR)		10,649	
Transfer funds from Pavement Markings in Public Works department for purchase of (4) iPads to support CityWorks for the Traffic Operations Division		(1,442)	
Transfer funds in to cellular services in IT department for (4) iPads		1,442	
Recognize revenues for receipt of LAP agreement on a reimbursable basis to the City	1,354,667		
Project closures & return remaining funds to fund balance: City Hall Fire Panel (18FM02 (\$3,002); Honeywell Performance Contract (18FM03) (\$12); West Oaks Playground Replacement (19PR01) (\$3)		(3,017)	
Transfer from CIP Fund for project closure	146,086		
Increase contingency for project closures		149,103	
Undesignated Fund Balance	847,925		
<b>Fund Subtotal</b>	<b>2,455,165</b>		<b>2,455,165</b>
<b>Law Enforcement Trust Fund (101)</b>			
LETF 20-01; Training and Travel for Lt. Smith to attend Southern Police Institute Development Course		11,645	
LETF 20-02; Asset Forfeiture Program legal costs		5,000	
LETF 20-03; FBI-LEEDA Training Course, Donations to Cops & Friends Reindeer Run and Currency scanner and maintenance		20,704	
Undesignated Fund Balance	37,349		
<b>Fund Subtotal</b>	<b>37,349</b>		<b>37,349</b>
<b>State Housing Grant Fund (111)</b>			
Record Florida Housing Finance Corporation funds received as part of previous year's funds disbursement.	673,055		
Allocate SHIP Fund to (3) projects; funding re-appropriated from BA #4 in FY 19 since funding was not assigned to projects in 2019		673,055	
Allocate SHIP funds to (2) projects; assist (2) Down Payment Assistance and (6) Rehab Assistance income-certified clients.		335,058	
Designated Fund Balance	335,058		
<b>Fund Subtotal</b>	<b>1,008,113</b>		<b>1,008,113</b>

**Home Investment Grant (HOME) Fund (114)**

Project closure& return remaining funds to fund balance:		(65,017)
Down Payment Assistance (16CD01)		
Increase reserves for project closures		65,017
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>

**Police Impact Fee Fund (152)**

Relocation of Police Impact Fee revenues budgeted in FY 20 and transfer to correct Nexus Fund	(32,500)	
Reduce reserves for relocation of Police Impact Fee revenues budgeted in FY 20 and transfer to correct Nexus Fund		(32,500)
Undesignated Fund Balance		
<b>Fund Subtotal</b>	<b>(32,500)</b>	<b>(32,500)</b>

**Fire Impact Fee Fund (153)**

Relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer to correct Nexus Fund	(212,500)	
Reduce reserves for relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer to correct Nexus Fund		(212,500)
<b>Fund Subtotal</b>	<b>(212,500)</b>	<b>(212,500)</b>

**Park Impact Fee Fund (154)**

Relocation of Park Impact Fee revenues budgeted in FY 20 and transfer to correct Nexus Fund	(470,000)	
Reduce reserves for relocation of Park Impact Fee revenues budgeted in FY 20 and transfer to correct Nexus Fund		(470,000)
<b>Fund Subtotal</b>	<b>(470,000)</b>	<b>(470,000)</b>

**TIF/Transportation Impact Fee Fund (155)**

Relocation of TIF revenues budgeted in FY 20 and transfer to correct Nexus Fund	(1,524,811)	
Reduce reserves for relocation of TIF revenues budgeted in FY 20 and transfer to correct Nexus Fund		(1,524,811)
Relocation of TIF debt service transfer budgeted in FY 20 to Fund 199/Nexus 32909		(1,626,799)
Restricted Fund Balance	(1,626,799)	
<b>Fund Subtotal</b>	<b>(3,151,610)</b>	<b>(3,151,610)</b>

**Police Impact Fees-32905 Fund (180)**

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Exhibit A

Relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees	726	
Increase reserves for relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees		726

<b>Fund Subtotal</b>	<b>726</b>	<b>726</b>
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**Bayfront Community Redevelopment Trust Fund (181)**

Reduce expenditures from the Brevard County Resolution and Interlocal Agreement limited the Agency's ability to expend funds beyond existing debt & contractual obligations		(449,164)
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Increase reserves due to reduction in expenditures from Interlocal Agreement		449,164
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<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
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**Police Impact Fees-32907 Fund (183)**

Relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees	6,538	
Increase reserves for relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees		6,538

<b>Fund Subtotal</b>	<b>6,538</b>	<b>6,538</b>
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**Police Impact Fees-32908 Fund (184)**

Relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees	7,264	
Increase reserves for relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees		7,264

<b>Fund Subtotal</b>	<b>7,264</b>	<b>7,264</b>
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**Police Impact Fees-32909 Fund (186)**

Relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees	17,972	
Increase reserves for relocation of Police Impact Fee revenues budgeted in FY 20 and transfer in from Fund 152/Police Impact Fees		17,972

<b>Fund Subtotal</b>	<b>17,972</b>	<b>17,972</b>
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**Fire Impact Fees-32905 Fund (187)**

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Exhibit A

Relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees	4,756	
Increase reserves for relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from 153/Fire Impact Fees		4,756
<b>Fund Subtotal</b>	<b>4,756</b>	<b>4,756</b>
<b>Fire Impact Fees-32907 Fund (188)</b>		
Relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees	42,800	
Increase reserves for relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees		42,800
<b>Fund Subtotal</b>	<b>42,800</b>	<b>42,800</b>
<b>Fire Impact Fees-32908 Fund (189)</b>		
Relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees	47,555	
Increase reserves for relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees		47,555
<b>Fund Subtotal</b>	<b>47,555</b>	<b>47,555</b>
<b>Fire Impact Fees-32909 Fund (190)</b>		
Relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees	117,389	
Increase reserves for relocation of Fire Impact Fee revenues budgeted in FY 20 and transfer in from Fund 153/Fire Impact Fees		117,389
<b>Fund Subtotal</b>	<b>117,389</b>	<b>117,389</b>
<b>Park Impact Fee Fund-32905 (191)</b>		
Relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from Fund 154/Park Impact Fees	10,531	
Increase reserves for relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from Fund 154/Park Impact Fees		10,531
<b>Fund Subtotal</b>	<b>10,531</b>	<b>10,531</b>
<b>Parks Impact Fee Fund - 32907 (192)</b>		
Wake Forest BB Court (18PR04)		200,000

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Exhibit A

Relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from Fund 154/Park Impact Fees	94,782	
Increase reserves for relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from 154/Park Impact Fees		94,782
Undesignated Fund Balance	200,000	
<b>Fund Subtotal</b>	<b>294,782</b>	<b>294,782</b>

**Park Impact Fee Fund-32908 (193)**

Relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from Fund 154/Park Impact Fees	105,313	
Increase reserves for relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from 154/Park Impact Fees		105,313
<b>Fund Subtotal</b>	<b>105,313</b>	<b>105,313</b>

**Park Impact Fee Fund-32909 (194)**

Relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from Fund 154/Park Impact Fees	259,374	
Increase reserves for relocation of Park Impact Fee revenues budgeted in FY 20 and transfer in from 154/Park Impact Fees		259,374
<b>Fund Subtotal</b>	<b>259,374</b>	<b>259,374</b>

**Transportation Impact Fee Fund-32905 (196)**

Relocation of TIF revenues budgeted in FY 20 and transfer in from Fund 155/Transportation Impact Fees	33,421	
Increase reserves for relocation of TIF revenues budgeted in FY 20 and transfer in from 155/Transportation Impact Fees		33,421
<b>Fund Subtotal</b>	<b>33,421</b>	<b>33,421</b>

**Transportation Impact Fee Fund-32907 (197)**

Relocation of TIF revenues budgeted in FY 20 and transfer in from Fund 155/Transportation Impact Fees	335,489	
Increase reserves for relocation of TIF revenues budgeted in FY 20 and transfer in from 155/Transportation Impact Fees		335,489
Acquisition of ROW (6 Vacant Lots) on Malabar Road		84,500
Undesignated Fund Balance	84,500	
<b>Fund Subtotal</b>	<b>419,989</b>	<b>419,989</b>

**TIF/Transportation Impact Fee Fund - 32908 (198)**

Relocation of TIF revenues budgeted in FY 20 and transfer in from Fund 155/Transportation Impact Fees	334,211	
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Exhibit A

Increase reserves for relocation of TIF revenues budgeted in FY 20 and transfer in from 155/Transportation Impact Fees		334,211
Acquisition of ROW (6 Vacant Lots) on Malabar Road		82,700
Undesignated Fund Balance	82,700	
<b>Fund Subtotal</b>	<b>416,911</b>	<b>416,911</b>

**Transportation Impact Fee Fund - 32909 (199)**

Relocation of TIF revenues budgeted in FY 20 and transfer in from Fund 155/Transportation Impact Fees	821,690	
Increase reserves for relocation of TIF revenues budgeted in FY 20 and transfer in from 155/Transportation Impact Fees		821,690
Relocation of TIF debt service transfer budgeted in FY 20 from Fund 155/Transportation Impact Fees		1,626,799
Restricted Fund Balance	1,626,799	
<b>Fund Subtotal</b>	<b>2,448,489</b>	<b>2,448,489</b>

**Community Investment Fund (301)**

Project closure: Bus Shelter Installation (13PW02); project was funded through the General Fund		(146,086)
Transfer to General Fund		146,086
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>

**Connector Road I-95 Fund (308)**

Funding to cover the installation of Temporary Traffic Signal at Babcock and St. Johns Heritage Parkway (15PW11)		49,746
Designated Fund Balance	49,746	
<b>Fund Subtotal</b>	<b>49,746</b>	<b>49,746</b>

**GO Road Program (309)**

Fund projects RPB Unit 31 Road Restoration (20GO01) and RBP Unit 32 Road Restoration (20GO02)		10,714,820
Additional funding for Unit 41 Road Paving (19GO03)		9,727
Undesignated Fund Balance	10,724,547	
<b>Fund Subtotal</b>	<b>10,724,547</b>	<b>10,724,547</b>

**Utilities Operating Fund (421)**

Appropriate funds for Save Our Indian River Lagoon Project (SOIRL 18-17) to Project 17WS16		2,234,900
Increase reserves for Save Our Indian River Lagoon Project (SOIRL 18-17)		1,254,748

Mayor and Council: FY 2020 First Budget Amendment

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Exhibit A

Recognize amendment to Save Our Indian River Lagoon Project cost-share funding agreement (SOIRL 18-17)	3,489,648	
<b>Fund Subtotal</b>	<b>3,489,648</b>	<b>3,489,648</b>
<b>Utilities Connection Fee Fund (423)</b>		
Project closures & return remaining funds to fund balance: Cogan Drive WM and FM (17WS03) (\$69,856); Culver Drive Utility Relocation (19WS14) (\$39,411)		(109,267)
Reserves for project Closures		109,267
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Utilities Renewal/Replacement Fund (424)</b>		
Project closures & return remaining funds to fund balance: Cherry Hills Manhole (19WS04) (\$500); SCADA Improvements (15WS07) (\$106); Culver Drive Utility Relocation (19WS14) (\$70,616)		(71,222)
Reserves for project Closures		71,222
Funding for NRWTP Rehabilitation project (14WS02) to address deteriorated walkways due to corrosion and erosion		435,000
Undesignated Fund Balance	435,000	
<b>Fund Subtotal</b>	<b>435,000</b>	<b>435,000</b>
<b>Utilities Main Line Extension Fee Fund (425)</b>		
Project closures & return remaining funds to fund balance: PB Hospital Water Main (18WS07) (\$168,000); Water MLE - Franklin (19WS16) (\$1,242)		(169,242)
Increase reserves for project Closures		169,242
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>18,566,768</b>	<b>18,566,768</b>





## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Change Police Vehicles Approved for Lease/Purchase in the FY 20 Adopted Budget

The FY20 Adopted budget, included the first-year funding for the purpose of a lease/purchase for the replacement of twenty-three (23) marked police patrol vehicles over a five-year term, estimated total of \$685,000. The budget and number of vehicles planned were based on acquiring the 2020 Charger Pursuit Rated vehicle model.

The City of Palm Bay utilizes the Florida Sheriff's Association Cooperative Purchasing Program (FSA19-VEL27.0) for police vehicle purchases. On October 16, 2019, the City was notified by the contract holder for ordering 2020 Dodge Charger Pursuit Rated vehicles was accelerated to November 13, 2019. The notice of the manufacturing deadline was associated to a potential shortage of available transmissions for vehicle assembly and order fulfillment. The notice included the number of transmissions available for the 2020 police rated Dodge Chargers, 3,000. Typically, the manufacturer receives 15,000 orders per year. The notice also included that the 2021 police rated Dodge Chargers would not be available for purchase during the city's fiscal year.

There was a significant risk of non-fulfillment due to high demand and low inventory of manufacturing of this vehicle model. And the additional process constraint of obtaining financing and council approval prior to meeting the accelerated ordering deadline.

Based upon the need for replacement vehicles, The Police Department is requesting approval to purchase eighteen (18) 2020 Dodge Durango Pursuit V6 replacement vehicles at a total cost of \$661,884. The request includes reducing the number of replacement vehicles to conform to the allocated funding and meeting the priorities of the department related to the aging patrol fleet.

Mayor and Council: Change Police Vehicles Approved for Lease/Purchase in the FY 20 Adopted Budget

January 2, 2020

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**REQUESTING DEPARTMENT:**

Police Department, Procurement

**FISCAL IMPACT:**

A total of \$148,294 is currently budgeted in FY20 for first annual lease/purchase payment, based on the proposed changes, a reduction of the first annual lease/purchase payment is recalculated to total \$139,522.

**RECOMMENDATION:**

Motion to approve the utilization of the funds budgeted in FY20 to lease/purchase (18) 2020 Dodge Durango Pursuit vehicles in lieu of the 23 vehicles initially identified during the budget process: (17) 2020 Dodge Charger Pursuit vehicles, (4) 2020 Dodge Durango Pursuit vehicles, and (2) 2020 Nissan Altima vehicles.

Attachment: 1) 2020MY Charger Pursuit Order Cutoff Notice 101119 (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Budget Increase - Growth Management/ Building Division

The Building Division is requesting to increase its operational budget to cover the cost of utilizing additional contracted building services which covers inspection personnel, plan reviews, and a building official, contract IFB #33-0-2018.

The Building Division budgeted \$175,000 in account 451-3320-524-3141 for contracted building services based on identified needs and priorities during the FY19 Budget process. Due to unpredicted circumstances related to the resignation of the Building Official and the competitive marketplace associated with a workforce shortage of available building inspectors and plan reviewers, the Building Division is requesting additional funding to provide services to meet the increased building activity using the awarded contract. The Building Division is requesting to transfer \$299,102 from the Building Undesignated Fund Balance to contracted services of the operating budget to process permits, conduct Inspections and plan reviews. The division has advertised continuous recruitment of these vacant positions through the Human Resources Department, in anticipation to fulfill the vacant positions.

On August 1, 2019 council approved to increase the annual expenditure for contract Building Services to \$353,000 FY19.

### **REQUESTING DEPARTMENT:**

Growth Management/Building Division

### **FISCAL IMPACT:**

Transfer funds available of \$299,102 in Building Division Undesignated Fund Balance account 451-0000-392-3006 to Building Division operating account 451-3320-524-3141. The current outlook for anticipated expenditure for FY20 is \$474,102 for contracted Building Services.

Mayor and Council: Building Division Funds Transfer

January 2, 2020

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**RECOMMENDATION:**

Motion to approve budget amendment from Building Division Undesignated Fund Balance account 451-0000-392-3006 to Operating Budget account 451-3320-524-3141 for additional contracted building services.

Attachment: 1) Council, August 1, 2019 memo (available upon request)

LB/ab



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Review and Acceptance of Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-2019

The United States Housing and Urban Development (HUD) regulation requires that the City of Palm Bay annually report on its performance and achievements in the administration and implementation of its Community Development Block Grant (CDBG) funds utilizing HUD's Integrated Disbursement and Information System (IDIS) online system. HUD regulations further require the local entitlement community to prepare annually a Consolidated Annual Performance and Evaluation Report (CAPER), in accordance with the City's adopted CDBG Citizen Participation Plan, to be submitted to HUD within 90 days following the end of the Fiscal Year.

A brief summary of the CAPER for Fiscal Year 2018-2019 (HUD's 2018 Program Year) submitted to HUD describes accomplishments toward the goals outlined in the City's 5-Year CDBG Consolidated Plan adopted in August 2016. Accomplishments include the purchase of an existing property to be used as the new Fire Station #5 which contains a service coverage area that is primarily Low/Moderate Income (LMI); funding of seven (7) public service agencies (South Brevard Sharing Center, Grandparents Raising Grandchildren, St. Vincent De Paul/Our Lady of Grace Catholic Church, Brevard County Legal Aid, Aging Matters, South Brevard Women's Center, and Victory Kid Sports) which serve Palm Bay's (LMI) residents providing assistance with rents, utilities, youth activities, legal aid, meals for elderly, and housing for women and children who experienced domestic violence; three (3) reallocations of prior year funding in the amount of \$437,859.71 to support special economic development projects that will increase job opportunities for Palm Bay's (LMI) residents; and four (4) support of efforts to increase awareness of housing discrimination.

Mayor and Council: CDBG Consolidated Annual Performance and Evaluation Report  
(CAPER) for Fiscal Year 2018-2019

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**REQUESTING DEPARTMENT:**

Community & Economic Development

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

Motion to accept the City of Palm Bay's Fiscal Year 2018-2019 CDBG Consolidated Annual Performance and Evaluation Report (CAPER).

Attachment: 1) CDBG CAPER (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

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

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

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

The Investment Portfolio's quarterly total return performance of 0.69% outperformed the benchmark performance of 0.58% by 0.11%. Over the past year, the Portfolio earned 4.11%, versus 4.35% for the benchmark.

The Short-Term Portfolio ended the quarter with a Yield at Cost of 2.12%, exceeding the benchmark, the 3-month T-Bill, of 1.84% by 0.28%.

Interest rates continued a decline in the third quarter in response to further weakness in manufacturing activity; the on-again, off-again trade conflict with China; and heightened recession fears for the U.S. and global economies.

The City's overall portfolio had an Amortized Cost market value of \$105.5 million on September 30, 2019. The total portfolio Weighted Average Quarterly Yield to Maturity at Cost was 1.61%, compared to the benchmark, S&P Rated GIP Index Government 30 Day yield, of 2.16%. Florida Prime's average was 2.27%.

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

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priority, it is secondary to maintaining safety and liquidity.

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

**REQUESTING DEPARTMENT:**

Finance Department

**RECOMMENDATION:**

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

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

YM/ab





## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** September 2019 Monthly Financial Report (Unaudited)

Attached for your information is the monthly financial report which will provide you with an overview of the City's financial activities which occurred through September 30, 2019. September is the twelfth month of the fiscal year and represents 100% of the annual budget.

### SEPTEMBER 2019 CASH & INVESTMENTS HIGHLIGHTS

#### General Fund

Total General Fund cash and investments are up \$6,750,561.46 or 64.8% from the same period last year. General Fund Cash & Investments at 09/30/19 totaled \$17,172,263.59. From its primary General Fund revenue source, the City has received through September 30th, \$31,754,316.37 or 1.01% of the budgeted Ad Valorem Taxes for FY19. Ad Valorem taxes budgeted for FY19 is \$31,445,752 million, a budgeted increase of \$2.8 million from last fiscal year.

In comparison to the prior year in September, General Fund revenues increased by \$316,215.07 while expenditures increased by \$2,303,869.75. In September 2019, the City received \$2.2 million as Federal reimbursements of Hurricane Irma expenditures paid by the City in a prior fiscal year.

#### Road Maintenance Fund

Cash balances in the Road Maintenance Fund has decreased from \$2.7 million in September 2018 to \$2.2 million in September 2019.

#### Stormwater Utility Fund

Cash and investment balances in the Stormwater Fund on September 30, 2019, totaled \$7.5 million. Revenue collections in FY19 through the end of September totaled \$10,770,695.88. Revenue

collections through the end of September included \$9,482.56 in delinquent taxes previously billed by the Brevard County Tax Collector's office and Palm Bay Utility.

### **2018 LOGT NOTE Proceeds**

Of the \$8.9 million in funds borrowed and received in February 2018 for road construction at the new I-95 exit, plus interest earned, \$3.9 million was unspent as of September 30, 2019. A total of \$3.0 million is encumbered as of September 30, 2019 for drawdown as work progresses on the project.

### **2019 GO Bond Proceeds**

On August 15, 2019, the City closed on the first series of GO Bonds for road improvement throughout the City. A total of \$53,971,435 was received after allowing for issuance cost, underwriter discount and bond insurance expenses, estimated at \$837,376.25. The GO Bonds cash and investments totaled \$54,247,685.30 at 9/30/19.

### **Citywide**

The City's total cash and investments portfolio, increased to \$108,424,789.20 from \$90,799,456.33, an increase of \$17,645,332.87 or 19.4%, from September 2018 to September 2019. The increase in Citywide revenues is attributable to higher cash balances in funds such as General Fund, Transportation Impact Fee Fund, Building Fund, Stormwater Fund, loan proceeds for the I-95 exit road under construction.

Proceeds from the 2019 GO Bonds Proceeds are maintained separately from the City's total cash and investments portfolio balance.

### **REQUESTING DEPARTMENT:**

Finance Department

### **FISCAL IMPACT:**

None

### **RECOMMENDATION:**

Motion to acknowledge receipt of the September 2019 Financial Report.

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



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 2, 2020  
**RE:** October 2019 Monthly Financial Report (Unaudited)

Attached for your information is the monthly financial report which will provide you with an overview of the City's financial activities which occurred through October 31, 2019. October is the 1st month of the fiscal year and represents 8% of the annual budget.

### OCTOBER 2019 CASH & INVESTMENTS HIGHLIGHTS

#### General Fund

Total General Fund cash and investments are up \$6,812,733.38 or 77.4% from the same period last year. General Fund Cash & Investments at 10/31/19 totaled \$15,615,177.57.

In comparison to the prior year in October, General Fund revenues increased by \$60,988.41 while expenditures increased by \$86,474.09.

#### Transportation Impact Fee Fund

Transportation Impact Fee cash and investments is up \$1,707,196.18 from one year ago. Impact Fee Revenues received can only be used for expanded capacity, not road maintenance.

#### Road Maintenance Fund

Cash balances in the Road Maintenance Fund has decreased from \$2,240,841 in October 2018 to \$2,177,636 million in October 2019, a decrease of \$63,205. A total of \$1.6 million was expended in FY 19 road maintenance related expenditures.

#### Stormwater Utility Fund

Cash and investment balances in the Stormwater Fund on October 31, 2019, totaled \$6.1 million. Revenue collections in FY20 through the end of October totaled \$21,379.36. Revenue collections through the end of October included \$5,150.85 Stormwater Service Fees previously billed.

by Palm Bay Utility.

### **2018 LOGT NOTE Proceeds**

Of the \$8.9 million in funds borrowed and received in February 2018 for road construction at the new I-95 exit, plus interest earned, \$3.9 million was unspent as of October 30, 2019. A total of \$2.0 million is encumbered as of October 31, 2019 for drawdown as work progresses on the project.

### **2019 GO Bond Proceeds**

On August 15, 2019, the City closed on the first series of GO Bonds for road improvement throughout the City. A total of \$53,971,435 was received after allowing for issuance cost, underwriter discount and bond insurance expenses, estimated at \$837,376.25. The GO Bonds cash and investments totaled \$54,340,377.01 at 10/31/19.

### **Citywide**

The City's total cash and investments portfolio, increased to \$15,615,177.57 from \$8,802,444.19, an increase of \$6,812,733.38 or 77.4%, from October 2018 to October 2019. The increase in Citywide revenues is attributable to higher cash balances in funds such as General Fund, Transportation Impact Fee Fund, Building Fund, Stormwater Fund, loan proceeds for the I-95 exit road under construction.

Proceeds from the 2019 GO Bonds Proceeds are maintained separately from the City's total cash and investments portfolio balance.

### **REQUESTING DEPARTMENT:**

Finance Department

### **FISCAL IMPACT:**

None

### **RECOMMENDATION:**

Motion to acknowledge receipt of the October 2019 Financial Report.

Attachment: 1) October 31, 2019 Monthly Financial Report (available upon request)

YM/ab



## LEGISLATIVE MEMORANDUM

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

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

**DATE:** January 2, 2020

**RE:** Florida League of Cities Legislative Action Days – February 11-12, 2020 - Tallahassee, Florida

***SUMMARY:***

The Florida League of Cities Legislative Action Days will be held in Tallahassee, from February 11-12, 2020, in conjunction with meetings for the Florida League of Mayors.

Councilmembers interested in attending need to announce same at tonight's meeting. If you are attending, you will be given a registration form to complete. Please return it to Rosemarie by Friday, January 3<sup>rd</sup>, so all travel arrangements can be made, and hotel accommodations secured.

***REQUESTING DEPARTMENT(S):***

Legislative Department

***FISCAL IMPACT:***

Cost per person is approximately \$650. Funding is available in Legislative operating accounts 001-1110-511-4005 and 001-1110-511-5505.

***RECOMMENDATION:***

Motion to approve travel for members of Council as requested.

/rs



## LEGISLATIVE MEMORANDUM

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

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

**DATE:** January 2, 2020

**RE:** Appointment of Councilmembers to Economic Development Commission of Florida's Space Coast

**SUMMARY:**

Agency	Representative
1. Economic Development Commission of Florida's Space Coast	William Capote
2. Economic Development Commission of Florida's Space Coast – Executive Committee (member receives confidential information and participates in discussions regarding potential companies contemplating expansion of locating in Brevard County)	William Capote

**REQUESTING DEPARTMENT(S):**

Legislative Department

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve the appointment of one (1) Councilmember to serve on the Economic Development Commission of Florida's Space Coast.

/jcd