



Mayor
WILLIAM CAPOTE

Deputy Mayor
KENNY JOHNSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

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STATE OF THE CITY MESSAGE

6:30 P.M. – Mayor William Capote

AGENDA

REGULAR COUNCIL MEETING 2020-04

THURSDAY

February 20, 2020 - 7:00 P.M.
City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENT(S):

1. Four (4) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City' and 'real estate' positions).++
2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++
3. One (1) vacancy on the Youth Advisory Board (represents 'adult over 30 years of age' positions).++
4. One (1) term expiring on the Police and Firefighters' Pension Board of Trustees (represents 'city resident who is not a beneficiary of the pension plan' position).+
5. Four (4) terms expiring on the Disaster Relief Committee.+

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

AGENDA REVISION(S):

CONSENT AGENDA:

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

RECOGNITION(S) AND PROCLAMATION(S):

1. Volunteer Program (one (1) year of service as City boardmember):
 - a.) Library Advisory Board – Annette Reid;
 - b.) Sustainability Board – Donielle Rouse;
 - c.) Youth Advisory Board – Michaela Chua, Kristi Howell, Linval Maragh III, Katrina Moringlanes, Alexzander Owens, Abigail Perez, Theresa Steelman, Joseph Stokes.
2. Black History Month, February 2020.

PRESENTATION(S):

1. Pastor Ken Delgado, The House Church – Family Christmas Extravaganza Event 2019.

ADOPTION OF MINUTES:

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

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

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

PUBLIC HEARING(S):

1. Ordinance 2020-09, vacating portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28 (Case VE-9-2019, Christine Stevens and Juan Delgado), final reading.
2. Ordinance 2020-11, amending the Code of Ordinances, Chapter 169, Land Development Code, to revise the provisions for administrative variances (Case T-1-2020, City of Palm Bay), final reading.

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3. Ordinance 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'District Regulations', 'Planned Unit Development (PUD)', and 'Off-Street Parking and Loading Requirements' by including provisions related to "tiny homes" (Case T-2-2020, City of Palm Bay), final reading.
4. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), final reading.
5. Ordinance 2020-14, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50 (Case VE-1-2020, Raymond Lewandowski), first reading.
6. Ordinance 2020-15, vacating a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7 (Case VE-2-2020, Stephen Stomber), first reading.
7. Ordinance 2020-16, vacating a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24 (Case VE-3-2020, David Curtis and Tanya Bickford), first reading.
8. Ordinance 2020-17, establishing a Community Development District to be known as "Everlands Community Development District" (50.4 acres), first reading.
9. Ordinance 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), final reading. **(RESCHEDULED TO RCM – TBD, PENDING STATE REVIEW)**

PROCUREMENT(S):

Award of Bid(s):

- *1. Nutrient removal facilities, North Regional Water Reclamation Facility – IFB 12-0-2020 – Utilities Department (TLC Diversified, Inc. - \$3,367,000).
- *2. Reclaimed water high service pump area improvements, North Regional Water Reclamation Facility – IFB-16-0-2020 – Utilities Department (L7 Construction, Inc. - \$557,000).

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

Miscellaneous:

- *1. 'Cooperative Purchase', cured-in-place pipe lining, Stormwater Program (City of Orlando contract) – Public Works Department (Granite Inliner - \$385,297).
- *2. 'Cooperative Purchase', cured-in-place pipe (CIPP) rehabilitation services, sewer mains (City of Daytona Beach contract) – Utilities Department (Insituform Technologies, LLC – estimated annual amount \$300,000).
3. 'Cooperative Purchase', Police Dodge Durango pursuit vehicles (Florida Sheriffs Association contract) with lighting and interior modifications (Broward County Sheriff Association contract) – Police Department (Alan Jay Fleet Sales; Strobes-R-Us; O-Reilly Auto Parts; Space Coast Auto Supply; Arts Window Tinting; Brevard County Tax Collector - \$139,522 for FY20; \$661,884 total, payable over five (5) years to Bank of America Public Capital Corp.).
4. 'Cooperative Purchase', SPH100 Aerial Platform (Sourcewell contract) – Fire Department (Sutphen Corporation - \$1,278,000 – upon closing of the lease purchasing financing).

UNFINISHED AND OLD BUSINESS:

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

COMMITTEE AND COUNCIL REPORT(S):

NEW BUSINESS:

1. Resolution 2020-05, authorizing the lease purchase agreement of certain equipment with the Bank of America Public Capital Corp.
- *2. Consideration of:
 - a.) renewal of lease agreement with the Greater Palm Bay Chamber of Commerce for property located at 4100 Dixie Highway NE (annual lease amount - \$10.00); and
 - b.) renewal of the Greater Palm Bay Chamber of Commerce Platinum membership annual dues for 2020 (\$15,000).

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- *3. Consideration of ratifying the agreement with the National Association of Government Employees (NAGE) Local R-5-197 (White), October 1, 2019 – September 30, 2022.
- *4. Consideration of Emergency Medical Services Grant Agreement awarded by the Board of County Commissioners of Brevard County (\$12,392).
- *5. Consideration of submitting grant applications to Federal Emergency Management Agency's (FEMA) Region IV Hazard Mitigation Program for hardening of Fire Stations 1 and 5.
- *6. Consideration of budget appropriation to the operating budget of the Code Compliance Division of the Growth Management Department to adequately meet the needs of the division (\$16,500).
- *7. Consideration of budget appropriation from the General Fund to the Building Fund to purchase four (4) used vehicles from Building Division for Code Compliance Division (\$51,670).
- *8. Consideration of budget appropriation for City sewer services at Fred Poppe Regional Park (\$249,718).
- *9. Consideration of funds transfer to purchase two (2) used Sand Pros for ballfield maintenance (\$24,000).
- *10. Consideration of transfer from Fund Balance to Fire Department's Operating Budget for previously approved squad radio at Fire Station 1 (\$4,905).
- *11. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$20,963).
- *12. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended December 31, 2019.
- *13. Acknowledgement of the City's monthly financial report for December 2019.
- *14. Consideration of travel and training for specified City employees.

ADMINISTRATIVE AND LEGAL REPORT(S):

PUBLIC COMMENT(S)/RESPONSE(S): Speakers are limited to 3 minutes.

ADJOURNMENT:

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

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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.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 20, 2020

RE: One (1) Term Expiring – Police and Firefighters' Retirement Pension Plan, Board of Trustees

SUMMARY:

The term of James Brock on the above board will expire on March 31, 2020. Applications are being accepted from City residents who are not a beneficiary of the pension plan.

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The term expiring needs to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on March 19, 2020.

/jcd



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 20, 2020

RE: Four (4) Terms Expiring – Disaster Relief Committee

SUMMARY:

The terms of Lori Parker, Juan Bermudez, Shaun McFadden and Dawn Bittar on the above board have expired.

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The expired terms need to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on March 19, 2020.

/jcd

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-03

Held on Thursday, the 6th day of February 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

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

The meeting was called to order at the hour of 6:59 P.M.

Pastor Rob Medina gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Larry Bradley, Growth Management Director; Patrick Murphy, Assistant Growth Management Director; Valerie Carter, Code Compliance Supervisor; Frank Watanabe, Public Works Engineering Division Manager.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms 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. Two (2) terms expiring on the Youth Advisory Board (represents youth board members 'at-large' positions).++**
- 3. Two (2) terms expiring on the Youth Advisory Board (represents 'adult over 30 years of age' positions).++**

4. One (1) vacancy on the Community Development Advisory Board (represents 'real estate' position).+

AGENDA REVISION(S):

1. Mrs. Morrell advised that a revised Legislative Memorandum, with accompanying documents and the Interlocal Agreement for the St. Johns Heritage Parkway and Babcock Street intersection had been provided for Item 2, under New Business.

CONSENT AGENDA:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Item 5, under New Business, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

ADOPTION OF MINUTES:

***1. Regular Council Meeting 2020-02; January 16, 2020.**

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

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

There were no public comments.

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. (CONTINUED FROM RCM – 01/02/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering, and Brenda Yates, Yates and Company, representatives for the applicant, presented the request to Council.

Attorney Samuel Miller, Akerman LLP and representative for Far Research, said that all of the public records were not made available as requested. He felt that the lack of public records made it impossible for the hearing to be transparent and proper. He did not agree with Council moving forward and said that the case should be denied until the records were made available.

Attorney Cecilia Bonifay, Akerman LLP, spoke against the request. She said the project did not comply and was not compatible with the City's Comprehensive Plan or Land Development Code. She further stated her reasons of opposition to the request.

Janice Crisp, resident, spoke against the request due to lack of response on public records. A gentleman spoke against the request as his company, which was zoned industrial, was located near this project and did not agree with a high-rise residential unit being constructed next to heavy industrial zoning.

Mr. Bailey asked if Akerman LLP was stating that their client, Far Research, was a danger to the surrounding community. Ms. Bonifay answered in the negative but said that their client engaged in the manufacture of hazardous chemicals. All state and federal requirements were met, but with anything of this nature, there could be an accident. The concern was that Council would be putting the population in harm's way. Mr. Bailey asked if Council could ever take away their client's right to operate. Ms. Bonifay felt that anything could be done by local government.

Mr. Wise said no new evidence had been presented regarding the case. There were existing single-family residential units, a motel and duplexes prior to this project. There were no objections to the Northshore project which was in the area. Mr. Wise and his associates responded to other comments.

Attorney Cole Oliver, representing the applicant, advised that the City had responded to the records requests and he had received a letter from Akerman LLP that records had been received. There was not a total non-responsiveness to the records requests. He felt the City should not continue to delay the case because the opposition submits records requests and then claim the City had not responded to same.

Mr. Bailey asked for clarification regarding the public records requests. Mrs. Smith said the records requests were not part of what was being considered by Council.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-43.

Mayor Capote supported the request. He said if there was an issue with public records, FAR Research should have come to Council.

Mr. Anderson said that the opposition did not clarify what records were missing and why it was prudent to the hearing. He felt that if records were missing, they should have notified Council prior to tonight's hearing. He supported the request.

Mr. Bailey said there was already existing residential, and this project was for mixed use. The question was whether Council wanted to grow that area and he felt this was a great project for growth. He was happy the applicant was not asking for money as was done with other projects. He supported the request.

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 2019-44, 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. (CONTINUED FROM RCM – 01/02/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. Mr. Wise asked that the testimony for the previous item be entered into the record for this item.

Attorney Samuel Miller, Akerman LLP, asked that previous testimony be considered for this item. He mentioned that the public records from January 15th contained inaccessible documents and was advised that they would be provided with accessible documents which have not been received to date. Cecilia Bonifay, Akerman LLP, spoke against the request and asked that the item be tabled or denied.

Attorney Oliver read comments from a letter received by Akerman LLP on October 17, 2019, in which the firm confirms that it had received responses to numerous records requests from the City.

Mrs. Morrell responded to Mr. Miller's comment that the records were inaccessible. She said the City was only required to provide the records in the format as retained by the City. The records sent to Akerman LLP were in an Outlook format.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-44. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

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

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

4. Ordinance 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

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

Bill Battin, resident, asked how the amendment affected homestead exemption for residents. He added that RR (Rural Residential District) zoning was not listed in the ordinance. Mr. Bradley said this request was to amend the Comprehensive Plan. The zoning amendment would include RR zoning. Mrs. Morrell would notify Mr. Battin about the homestead exemption status.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-10.

Mr. Bailey said that in the zoning portion, there were minimum and maximum limits regarding the accessory dwelling units (ADU) in single family areas. He had met with staff to make various changes to the Land Development Code and he was pleased to see it moving forward.

Mr. Santiago said there needed to be other types of housing as well. There could be more affordability if there was more quantity and diversity in the types of housing. Mr. Bailey felt it added more flexibility. Mr. Anderson wanted the residents to have options as well as affordability.

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

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

The Planning and Zoning Board recommended that the request be approved.

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-11.

Mr. Bailey said the amendment streamlined the process for smaller variance requests instead of having to go through the Planning and Zoning Board in addition to Council. It also reduced costs for the applicants.

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

6. Ordinance 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘District Regulations’, ‘Planned Unit Development (PUD)’, and ‘Off-Street Parking and Loading Requirements’ by including provisions related to “tiny homes” (Case T-2-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to an exception of the minimum living areas being changed to “none” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts), BMU (Bayfront Mixed Use District), and BMUV (Bayfront Mixed Use Village District).

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

Lynda Hauser, resident, gave a presentation in support of tiny homes. She said that homes should be affordable in relationship to one's income. Higher density meant greater tax revenue.

Mike Cheatham was a manufacturer of tiny homes and stated his reasons for supporting the amendment.

Kim Hiltbrant, Cornerstone Tiny Homes in Longwood, supported the ordinance. She said affordable housing was crucial.

Jinky Eckles, Braveheart Properties of Brevard, believed in smaller/tiny homes for what they provided in affordability. Maintenance costs were reduced, and it gave people a safe and secure home.

Bill Battin, resident, supported tiny homes but said it was a way a life, and not necessarily a financial benefit for those who did not have means. He said it would not solve the homeless problem because tiny homes were quite expensive.

Mary Netler spoke in favor of the ordinance. She said that tiny homes could be expensive when building with a foundation, but financing could be obtained. If there was no foundation, you could not get financing as it would be considered similar to a recreational vehicle. There would also be significant cost for well and septic if there were no City utilities available.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board.

Deputy Mayor Johnson agreed that a tiny home was not for everybody, but smaller families could purchase same. He was excited about the proposed ordinance.

Mr. Bailey said it was more about practicality. He said there were limits and you could not pack a large family into a tiny home. He said the areas in which tiny homes were permitted was very small. He wanted to see more areas but was okay with the areas presented at this time. He felt it was a great start. Mr. Anderson and Mr. Santiago supported the request. Mr. Santiago said that tiny homes were a component of bringing affordability but was one component of many and provided housing diversity.

Mr. Bailey asked about the current level of density. Mr. Bradley said that the density was based on the underlying land use. In RM-10 or RM-15 zoning, it was ten (10) units or twenty (20) units per acre, respectively. Mr. Bailey wanted to see the maximum square footage of eight hundred (800) increased in order to provide more variety. He suggested one thousand (1,000) square feet.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to amend the motion adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board, and to increase the square footage limit from eight hundred (800) square feet to one thousand (1,000) square feet.

Mr. Murphy clarified that staff had set the maximum at eight hundred (800) square feet because the minimum home size in a regular PUD was eight hundred (800) square feet. If Council concurred to exceed the eight hundred (800) square feet, then it would no longer be considered a small PUD. This was a way to distinguish between a small PUD and regular PUD. Mr. Bailey felt that an amendment to the regular PUD could be brought forth in the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, as is, subject to the conditions as recommended by the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

The Planning and Zoning Board recommended that the request be approved.

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

Individuals spoke in favor of the request. Phil Weinberg, resident, spoke against the request. He said that decreasing from a two-car garage to a single car garage in certain zoning districts would not make housing more affordable. He said difference in cost was minimal.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13.

Mr. Bailey did not feel it was a necessary requirement to have a two-car garage on a 1,200 square foot home. He would not be opposed to having no garages in certain zoning districts or just having carport. He did not agree with the maximum build of seven hundred fifty (750) square feet for the ADU and said it should be (800) square feet or higher.

Mr. Santiago had no problem with a one-car garage, but there could be consequences. The homeowner would be limited to a single car driveway and limited to the number of vehicles parked on an impervious area. He suggested that the minimum square footage be decreased from three hundred (300) to two hundred (200).

Mr. Anderson withdrew his second.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13, with the condition of increasing the maximum to eight hundred (800) square feet and the minimum to two hundred (200) square feet. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Award of Bid(s):

***1. Brass fittings, Ford brand only – IFB 17-0-2020 – Utilities Department (Ferguson Waterworks - \$150,000, as needed).**

Staff Recommendation: Approve the award for brass fittings (Ford brand only) to Ferguson Waterworks (Melbourne), in the amount of \$150,000, as needed.

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

***2. Lift Station 93 Rehabilitation – IFB 18-0-2020 – Utilities Department (Danus Utilities - \$106,966).**

Staff Recommendation: Approve the award for Lift Station 93 rehabilitation to Danus Utilities (Sanford), in the amount of \$106,966.

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

Waive of Bid Process and Award:

***1. Vacuum and pump truck services, Lift Station 42 (emergency purchase) – Utilities Department (Meeks Plumbing - \$95,355); and sewer pipe and manhole repair, Danr Drive (emergency purchase) – Utilities Department (Gregori Construction - \$42,750).**

Staff Recommendation: Approve, for the record, the emergency purchase of vacuum and pump truck services, Lift Station 42, to Meeks Plumbing (Vero Beach), in the amount of \$95,355; and repair of damaged sewer pipe and manhole to Gregori Construction (Titusville), in the amount of \$42,750.

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

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Bayfront Community Redevelopment Agency.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to appoint Peter Filiberto to the 'at-large' position on the Bayfront Community Redevelopment Agency. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Appointment of two (2) student members to Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to re-appoint Alexander Owens and Linval Maragh to the 'at-large student' positions on the Youth Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

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

Councilmembers made the following appointments:

Mayor Capote re-appointed Kristi Howell to the Youth Advisory Board.

Deputy Mayor Johnson re-appointed Ronald Reagan to the Youth Advisory Board.

Mr. Bailey re-appointed Joseph Stokes to the Youth Advisory Board.

Mr. Santiago re-appointed Abigail Perez to the Youth Advisory Board.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Anderson appointed Carlos Santiago to the Youth Advisory Board.
2. Mr. Santiago wanted to work with staff regarding small residential income properties by decreasing the regulations and encouraging more development of those types of properties in the area. They were defined as two to four family homes. Council concurred.

NEW BUSINESS: (Ordinance is for first reading.)

1. **Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. (CONTINUED FROM RCM – 01/16/20)**

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said there were conflicts with the language related to vegetation within fifteen (15) feet of an improved lot. All vegetation would have to be cut down within that footage limit and other ordinances state you cannot remove trees. Also, as he owned a farm, this ordinance would place him in violation due to parking his tractors and trucks all over his property which was all grass. He said a simple fix would be to exclude RR (Rural Residential District) zoning from the ordinance.

Phil Weinberg, resident, felt the ordinance would adversely affect the value of his property. He did not feel the parking regulations should be amended.

Sherry Hanselman, resident, participated in preparing the ordinance two years ago. She said that a homemade parking lot was unsightly, unkept, destroyed grass growth, compromised the swale drainage, and devalued neighboring properties.

James Boothroyd, resident, initially asked for this ordinance to be considered by Council in order to reduce the blight caused by excessive parking. He said there was some confusion with ordinances because one ordinance stated you could park a camper on the side of your property, but another stated you could not park vehicles on your property. He felt vehicles should not be parked in front of the front door and there should not be a junk yard in the yard.

Mr. Bradley advised of the definition of “automotive vehicle” in the Code of Ordinances: Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated above. Farms were a permitted use within certain zoning districts and the City would not enforce against a permitted use.

Mr. Bradley provided a parking ordinance presentation. Approved parking areas included the driveway, alongside the driveway on an improved surface, on the side of the home on an improved surface, and the rear yard with a six foot (6') opaque fence enclosing the rear yard. An exception was that one inoperable vehicle may be parked in the rear yard.

Mr. Bailey asked if recreational vehicles (RVs), trailers and boats could be parked on the side of the home without an improved surface. Mr. Bradley confirmed same. Mr. Bailey said that cars required an improved surface on the side of the home which caused a conflict of the ordinances in Chapters 93 and 185.

Mr. Santiago asked if there would be an issue with making the vehicles consistent with the RV's and not having an improved surface. Mr. Bradley felt that an improved surface was a good idea as it prevented erosion and drainage issues on the side of the home. It did not have to be paved, but could be gravel as well.

Mr. Bailey asked if any other properties in the area of Craftsland Lane had been cited during routine patrol or when responding to a complaint at the unsightly residence on Craftsland Lane. Ms. Carter answered that no other properties except for 1234 Craftsland had received complaints or had been cited.

Motion by Mr. Santiago, seconded by Mr. Anderson, to adopt Ordinance 2020-06.

Mr. Santiago said the ordinance was enforceable, measurable and had a positive impact to the community.

Mr. Bailey said that what he was hearing was that this was a very successful program. However, there needed to be a definition of “complied”. He said that going out to a property and checking that a car was no longer there did not mean it was in compliance. Vehicles moved on a regular basis. The ordinance was overbearing on the people who simply parked one vehicle in a reasonable spot on their property but did not address the people who were egregious.

Mr. Santiago did not agree with Mr. Bailey and felt the ordinance was a success. If someone came into compliance and then a complaint was filed sometime later for the same issue, then Code Compliance would go out to the property and cite the property again. If properties did not come into compliance, then liens were placed on the property. He said the ordinance worked as designed.

Mr. Anderson said the only issue he had was with the side lot and it having to be an improved area. He did not want to place strain on the residents if they could not afford pavers, gravel or concrete. He wanted to see a variety of improvements for the side yard.

Mayor Capote suggested that the conflicts between the two chapters be addressed before Council makes it final decision. Mr. Santiago was not opposed to tabling the item and meeting with staff to fix the language and discuss additional options for improved surfaces.

Mr. Anderson withdrew his second. Mr. Santiago withdrew his original motion.

Motion by Mr. Santiago, seconded by Mr. Anderson, to table Ordinance 2020-06.

Motion carried with members voting as follows:

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

2. Consideration of interlocal agreement with Brevard County for St. Johns Heritage Parkway and Babcock Street intersection.

Staff Recommendation: Approve the St. Johns Heritage Parkway (SJHP) and Babcock Interlocal Agreement and authorization to budget and appropriate \$50,0000 in Transportation Impact Fees (Nexus 32909) to complete the paving of the last 96 feet of the SJHP upon acceptance of the agreement by the Brevard County Commissioners.

Mrs. Morrell presented the item to Council. She said the agreement contained a three-phase approach: Phase 1 was an opening day permit for the maintenance of operations scenario within five (5) days of execution of the agreement with a span wire signalization;

Phase 2 improved the maintenance of traffic permit with an intersection to include a single southbound left turn lane; and Phase 3 was a fully widened four lane intersection with two turn lanes and permanent traffic signal system. Upon the effective date of the agreement, the City would take ownership of the Intersection portion of the project within City limits necessary to complete the project and would take responsibility for maintenance of the portion outside of City limits.

Ms. Sherman provided further details of the agreement. One issue that was still under consideration between both parties was the timing of the ownership transfer. For the intersection itself, the County's expectation was that the City build the intersection, fully widened, by 2023 and the City would take over ownership of that section. Staff preferred to take ownership at the start of the project. Ms. Sherman explained the reasons for same. Other discussions within the agreement included City ownership of the Babcock Street/SJHP intersection; City construction of the intersection outside of City limits; setting aside of future Transportation Impact Fees (TIF); disclosure of impact fee agreements; and participation of other agencies for the future project. Ms. Sherman said the two major issues that had not been agreed upon as yet was the timing of the ownership of the intersection and when it would get transferred, and how the Joint Planning Agreement (JPA) and Interlocal Agreement (ILA) connect together.

Ms. Smith said there was no language within the JPA that noted taking ownership of Babcock Street. The issue was that the JPA could only be amended or terminated. Her concern was also based on the State's audit findings in which the City did not seek contributions from other agencies that benefited from certain roadways.

Deputy Mayor Johnson said that City Council and the Brevard County Commissioners should meet and discuss the agreement. Mr. Anderson said that the City did not agree to take ownership of the intersection and transfer of Babcock Street as noted in the ILA, this issue would not be considered by the County at their upcoming meeting and it would continue to delay. Mayor Capote said he wished that staff would have engaged Council sooner so that both parties could have met prior to getting to this point. He wanted the

City and County to have a joint meeting. He said it was unacceptable to have a road that did not have an intersection. Mr. Anderson said that Council could approve two changes to the agreement right now and have an open intersection.

Mr. Bailey said his major concern was having to complete Phase 3 by 2023. If there was no development and no impact fees, then the taxpayers would be paying for the roadway. This was not just a Palm Bay project. He said there should have been a City version of the agreement presented tonight which the Council would stand behind, send it to the County and have the County explain why the agreement was not good enough. Mayor Capote said the governing bodies needed to meet. Mr. Bailey said he would not support the agreement as written.

Mr. Santiago said he was not opposed to having staff continue negotiations. He asked if the County Commissioners would be obligated to meet if the City asked to do so. Mayor Capote said the County could deny the meeting. Ms. Smith said there was a provision in the JPA that if the parties could not come to an agreement, then either party could request a meeting to discuss the objections. Mr. Santiago did not feel comfortable having a meeting with the County until Council and staff figured out exactly what was wanted in the agreement first.

Mr. Anderson suggested having the joint meeting. If the County denied the invitation, then Council would have a meeting and decide on an agreement to resubmit to the County.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to request a meeting with the County to discuss the ILA as soon as possible. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Mr. Bailey asked if Council would consider a workshop to discuss the agreement. Mayor Capote suggested waiting for a response from the County. Council concurred.

3. Consideration of the Road Bond Phase 2 Paving Program.

Staff Recommendation: Approve the GO Road Bond Phase 2 Paving Program.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the GO Road Bond Phase 2 Paving Program. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***4. Consideration of Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC, and City of Palm Bay.**

Staff Recommendation: Approve Addendum 1 to the Development Agreement between Palm City Investments, F.H., LLC and City of Palm Bay.

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

5. Consideration of utilizing Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive (\$29,150).

Staff Recommendation: Approve utilization of Transportation Impact Fees (Nexus 32908) for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive in the amount of \$29,150.

Motion by Mr. Anderson, seconded by Mr. Santiago, to utilize Transportation Impact Fees for the acquisition of additional right-of-way to straighten the alignment on Gaynor Drive in the amount of \$29,150. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***6. Consideration of utilizing Fire Impact Fees towards the Fire Station #5 Rebuild for a generator (\$70,090).**

Staff Recommendation: Approve appropriation from Fire Impact Fees Fund 190 Balance totaling \$70,090 towards project 18FD01, Fire Station #5 Rebuild, for a generator.

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

***7. Consideration of appropriating funds for payment of Florida Department of Environmental Protection permit fee and legal ad for the South Regional Water Treatment Facility Expansion project (\$10,425).**

Staff Recommendation: Approve the appropriation of \$10,425 on the next scheduled budget amendment for the payment of the Florida Department of Environmental Protection permit application fee and legal ad for the South Regional Water Treatment Facility Expansion Project #18WS04.

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

***8. Consideration of travel and training for specified City employees.**

Staff Recommendation: Approve the travel and training as specified.

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

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:20 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY 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: February 20, 2020

RE: Final Reading of Ordinances 2020-09, 2020-11, 2020-12 and 2020-13

SUMMARY:

A public hearing is to be held on the above subject ordinances and the captions read for the second and final time at tonight's Council meeting.

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

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None.

RECOMMENDATION:

Motion to adopt Ordinances 2020-09, 2020-11, 2020-12 and 2020-13.

/tjl

Attachments



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Request to Vacate Easement – Christine Stevens and Juan Delgado

Christine Stevens and Juan Delgado has submitted an application to West 10 feet less and except the North 8 feet and the South 45.50 feet thereof together with the South 3.50 feet of the North 6 feet less and except the East 41 feet and the West 66.50 feet thereof, of Lot 5, Block 2200, Port Malabar Unit 28 according to the Plat thereof, as Recorded in Plat Book 16, Pages 119-123, of the Public Records of Brevard County, Florida, for an existing inground pool and screen enclosure and an existing concrete slab.

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Approval of the request, per the recommendation section of the Staff Report.

Attachment: 1) Case No. VE-9-2019 (available upon request)

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2019-44. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

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

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

4. Ordinance 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved.

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

Bill Battin, resident, asked how the amendment affected homestead exemption for residents. He added that RR (Rural Residential District) zoning was not listed in the ordinance. Mr. Bradley said this request was to amend the Comprehensive Plan. The zoning amendment would include RR zoning. Mrs. Morrell would notify Mr. Battin about the homestead exemption status.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-10.

Mr. Bailey said that in the zoning portion, there were minimum and maximum limits regarding the accessory dwelling units (ADU) in single family areas. He had met with staff to make various changes to the Land Development Code and he was pleased to see it moving forward.

ORDINANCE 2020-09

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; AND A PORTION OF THE SIDE SIX (6) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 5, BLOCK 2200, PORT MALABAR UNIT 28, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 123, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the vacations and abandonments of said portions of the public utility and drainage easements 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 portions of the rear and side public utility and drainage easements located within Lot 5, Block 2200, Port Malabar Unit 28, according to the plat thereof as recorded in Plat Book 16, Page 123, of the Public Records of Brevard County, Florida, Section 33, Township 28S, Range 37E, being more particularly described as follows:

The south 3.50 feet of the north 6.00 feet of Lot 5, Block 2200, Port Malabar, Unit 28, According to the Plat thereof, as recorded in Plat Book 16, pages 119-123, Public Records of Brevard County, Florida, less and except the east 41.00 feet and the west 66.50 feet thereof.

AND

The east 2.50 feet of the west 10.00 feet of Lot 5, Block 2200, Port Malabar, Unit 28, According to the Plat thereof, as recorded in Plat Book 16, pages 119-123, Public Records of Brevard County, Florida, less and except the north 8.00 feet and the south 46.50 feet thereof.

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

Read in title only at Meeting 2020-03, held on February 6, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Christine Stevens and Juan Delgado
Case: VE-9-2019

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: February 6, 2020

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

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to Section 169.009 of the Land Development Code to revise the provisions for administrative variances. This amendment will grant more administrative discretion to the Growth Management Director, regarding existing nonconforming structures.

The proposed change would allow existing structures to receive additional administrative relief of up to 20% of a dimensional requirement. The current ordinance allows up to 12 inches of administrative relief by the Growth Management Director.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-1-2020.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Attachments:

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

Mr. Santiago said there needed to be other types of housing as well. There could be more affordability if there was more quantity and diversity in the types of housing. Mr. Bailey felt it added more flexibility. Mr. Anderson wanted the residents to have options as well as affordability.

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

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

The Planning and Zoning Board recommended that the request be approved.

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-11.

Mr. Bailey said the amendment streamlined the process for smaller variance requests instead of having to go through the Planning and Zoning Board in addition to Council. It also reduced costs for the applicants.

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

6. Ordinance 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘District Regulations’, ‘Planned Unit Development (PUD)’, and ‘Off-Street Parking and Loading Requirements’ by including provisions related to “tiny homes” (Case T-2-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to an exception of the minimum living areas being changed to “none” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts), BMU (Bayfront Mixed Use District), and BMUV (Bayfront Mixed Use Village District).

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

ORDINANCE 2020-11

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 169, LAND DEVELOPMENT CODE, BY REVISING PROVISIONS RELATED TO VARIANCES; 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 169, Land Development Code, Section 169.009, Variances, is hereby amended and shall henceforth read as follows:

“Section 169.09 VARIANCES.

(A) The City Council shall hear petitions for variances from the terms of the Land Development Code delineated in §§ 170.114, 170.142, and Chapters 178 and 185, ~~or pursuant to §§ 174.023, 175.03(H), and 180.17,~~ as will not be contrary to the public interest where, owing to special conditions, the enforcement of the provisions of the city’s land development regulations would result in unnecessary hardship.

* * *

(G) Approval may be given for variances to any ~~>>proposed<<~~ principal, accessory, or other structure up to twelve (12) inches administratively. ~~>>Approval may be given for variances to any existing principal, accessory, or other structure up to twenty percent (20%) of the applicable code section, administratively.<<~~ Such ~~applications~~ ~~>>requests<<~~ will be made by the property owner ~~>>in writing and supported by a current survey<<~~ to the ~~Chief Building Official~~ ~~>>Growth Management Director<<~~ for review and approval. ~~>>A fee shall be assessed to the request as adopted in the latest fee resolution.<<~~ All variances approved by the ~~Chief Building Official~~ ~~>>Growth Management Director<<~~ shall be counter-signed by the ~~Director of Growth Management or designee~~ ~~>>Chief Building Official<<~~. Approval of administrative variances shall be submitted to the City Clerk for recording in the official records of Brevard County at the sole expense of the property owner.”

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 2020-03, held on February 6, 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: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>><<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

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

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to establish language for a “tiny home” PUD; eliminate minimum unit sizes for specific residential development; adopt a minimum threshold for large-scale commercial development; and modify the off-street parking regulations.

The changes to unit sizes are spelled out below:

- Sec. 185.036 – RM-10 District – Single Family & Multi-Family minimum unit sizes eliminated
- Sec. 185.037 – RM-15 District – Single Family & Multi-Family minimum unit sizes eliminated
- Sec. 185.038 – RM-20 District – Multi-Family minimum unit sizes eliminated
- Sec. 185.053 – BMUV District – Single Family & Multi-Family minimum unit sizes eliminated
- Sec. 185.058 – BMU District – Multi-Family minimum unit sizes eliminated

Specific to the Off-Street Parking code (Section 185.140) the amendment seeks to

- Reduce the depth of a parking space where a 3-foot vehicle overhang is provided;
- Move the parking setbacks for multi-family developments into each multiple family residential zoning district;
- Include a parking ratio for internally accessed self-storage facilities;
- Reduce the minimum amount of parking for large commercial establishments;
- Modify the requirements of a parking rate study; and
- Reinstate the previous provisions for off-site parking and storage lots.

February 6, 2020

Page | 2

Four Commercial Districts are proposed to have Conditional Use requirements for developments over 10 acres. Several years ago, there was a Conditional Use requirement for all commercial development over 3 acres. It is now being proposed to require Conditional Use approval for lots over 10 acres in the following districts: Sec. 185.043 CC Community Commercial, Sec. 185.044 HC Highway Commercial, Sec. 185.054 GC General Commercial and Sec. 185.058 BMU Bayfront Mixed Use.

This amendment also created a Small Planned Unit Development (SPUD). The following are some of new sections being added to accommodate SPUD development:

- SPUDs must be developed on a minimum 1-acre parcel
- The Future Land Use must be Multi-Family as of the date of the adoption of this section
- Units must be 800 square feet maximum but there is not minimum
- Open space requirements are reduced from 25% to 10%
- Driveways are reduced to 10 feet minimum
- Unit separation distance is reduced to 8 feet minimum
- One parking space is required per unit

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-2-2020.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, with an exception to where the minimum living areas in the amendment were changed to “None” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts); BMU (Bayfront Mixed Use District); and BMUV (Bayfront Mixed Use Village District).

Attachments:

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

Mr. Santiago said there needed to be other types of housing as well. There could be more affordability if there was more quantity and diversity in the types of housing. Mr. Bailey felt it added more flexibility. Mr. Anderson wanted the residents to have options as well as affordability.

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

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

The Planning and Zoning Board recommended that the request be approved.

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-11.

Mr. Bailey said the amendment streamlined the process for smaller variance requests instead of having to go through the Planning and Zoning Board in addition to Council. It also reduced costs for the applicants.

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

6. Ordinance 2020-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘District Regulations’, ‘Planned Unit Development (PUD)’, and ‘Off-Street Parking and Loading Requirements’ by including provisions related to “tiny homes” (Case T-2-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to an exception of the minimum living areas being changed to “none” for zoning districts RM-10 and RM-15 (Single-, Two-, Multiple-Family Residential Districts), BMU (Bayfront Mixed Use District), and BMUV (Bayfront Mixed Use Village District).

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

Lynda Hauser, resident, gave a presentation in support of tiny homes. She said that homes should be affordable in relationship to one's income. Higher density meant greater tax revenue.

Mike Cheatham was a manufacturer of tiny homes and stated his reasons for supporting the amendment.

Kim Hiltbrant, Cornerstone Tiny Homes in Longwood, supported the ordinance. She said affordable housing was crucial.

Jinky Eckles, Braveheart Properties of Brevard, believed in smaller/tiny homes for what they provided in affordability. Maintenance costs were reduced, and it gave people a safe and secure home.

Bill Battin, resident, supported tiny homes but said it was a way a life, and not necessarily a financial benefit for those who did not have means. He said it would not solve the homeless problem because tiny homes were quite expensive.

Mary Netler spoke in favor of the ordinance. She said that tiny homes could be expensive when building with a foundation, but financing could be obtained. If there was no foundation, you could not get financing as it would be considered similar to a recreational vehicle. There would also be significant cost for well and septic if there were no City utilities available.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board.

Deputy Mayor Johnson agreed that a tiny home was not for everybody, but smaller families could purchase same. He was excited about the proposed ordinance.

Mr. Bailey said it was more about practicality. He said there were limits and you could not pack a large family into a tiny home. He said the areas in which tiny homes were permitted was very small. He wanted to see more areas but was okay with the areas presented at this time. He felt it was a great start. Mr. Anderson and Mr. Santiago supported the request. Mr. Santiago said that tiny homes were a component of bringing affordability but was one component of many and provided housing diversity.

Mr. Bailey asked about the current level of density. Mr. Bradley said that the density was based on the underlying land use. In RM-10 or RM-15 zoning, it was ten (10) units or twenty (20) units per acre, respectively. Mr. Bailey wanted to see the maximum square footage of eight hundred (800) increased in order to provide more variety. He suggested one thousand (1,000) square feet.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to amend the motion adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board, and to increase the square footage limit from eight hundred (800) square feet to one thousand (1,000) square feet.

Mr. Murphy clarified that staff had set the maximum at eight hundred (800) square feet because the minimum home size in a regular PUD was eight hundred (800) square feet. If Council concurred to exceed the eight hundred (800) square feet, then it would no longer be considered a small PUD. This was a way to distinguish between a small PUD and regular PUD. Mr. Bailey felt that an amendment to the regular PUD could be brought forth in the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, as is, subject to the conditions as recommended by the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

The Planning and Zoning Board recommended that the request be approved.

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

Individuals spoke in favor of the request. Phil Weinberg, resident, spoke against the request. He said that decreasing from a two-car garage to a single car garage in certain zoning districts would not make housing more affordable. He said difference in cost was minimal.

The public hearing was closed.

ORDINANCE 2020-12

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'DISTRICT REGULATIONS', 'PLANNED UNIT DEVELOPMENT (PUD)', AND 'OFF-STREET PARKING AND LOADING REQUIREMENTS', BY INCLUDING PROVISIONS RELATED TO TINY HOMES; 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 185, Zoning Code, Subchapter 'District Regulations', is hereby amended and shall henceforth read as follows:

"DISTRICT REGULATIONS

* * *

Section 185.036 RM-10 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(F) Lot and structure requirements, single- family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet~~
>>None<<.

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet **>>minimum building setback<<.**

(b) Side interior — eight (8) feet **>>minimum building setback<<.**

(c) Side corner — twenty-five (25) feet **>>minimum building setback<<.**

(d) Rear — twenty-five (25) feet **>>minimum building setback<<.**

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(G) Lot and structure requirements, two-family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet~~
>>None<<.

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet **>>minimum building setback<<.**

(b) Side interior — eight (8) feet **>>minimum building setback<<.**

(c) Side corner — twenty-five (25) feet **>>minimum building setback<<.**

(d) Rear — twenty-five (25) feet **>>minimum building setback<<.**

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(H) Lot and structure requirements, multiple- family:

* * *

(5) Minimum living area: **>>None.<<**

~~(a) Efficiency units: four hundred (400) square feet;~~

~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~

~~(d) Additional bedrooms in excess of two (2) bedrooms:~~

~~additional one hundred (100) square feet for each bedroom.~~

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet ~~>>minimum building setback<<.~~

(b) Side interior — eight (8) feet ~~>>minimum building setback<<.~~

(c) Side corner — twenty-five (25) feet ~~>>minimum building setback<<.~~

(d) Rear — twenty-five (25) feet ~~>>minimum building setback<<.~~

~~>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines<<.~~

Section 185.037 RM-15 — SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(F) Lot and structure requirements, single- family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet~~
~~>>None<<.~~

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet ~~>>minimum building setback<<.~~

(b) Side interior — eight (8) feet ~~>>minimum building setback<<.~~

(c) Side corner — twenty-five (25) feet ~~>>minimum building setback<<.~~

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(G) Lot and structure requirements, two-family:

* * *

(5) Minimum living area — ~~eight hundred (800) square feet per dwelling unit~~ >>None<<.

* * *

(7) Minimum yard requirements:

(a) Front — twenty-five (25) feet >>minimum building setback<<.

(b) Side interior — eight (8) feet >>minimum building setback<<.

(c) Side corner — twenty-five (25) feet >>minimum building setback<<.

(d) Rear — twenty-five (25) feet >>minimum building setback<<.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(H) Lot and structure requirements, multiple- family:

* * *

(5) Minimum living area: >>None.<<

(a) ~~Efficiency units: four hundred (400) square feet;~~

(b) ~~One (1) bedroom units: five hundred and fifty (550) square feet;~~

(c) ~~Two (2) bedroom units: seven hundred (700) square feet;~~

(d) ~~More than two (2) bedrooms: eight hundred (800) square feet.~~

* * *

(7) Minimum yard requirements:

* * *

- (b) Side interior — ten (10) feet, plus one (1) foot for each one (1) ~~foot~~ **>>foot<<** in height over twenty-five (25) feet.

* * *

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

Section 185.038 RM-20 — MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(F) Lot and structure requirements:

* * *

(5) Minimum living area: **>>None.<<**

- ~~(a) Efficiency units: four hundred (400) square feet;~~
~~(b) One (1) bedroom units: five hundred and fifty (550) square feet;~~
~~(c) Two (2) bedroom units: seven hundred (700) square feet;~~
~~(d) More than two (2) bedrooms: eight hundred (800) square feet.~~

* * *

(7) Minimum yard requirements:

- (a) Front — twenty-five (25) feet **>>minimum building setback<<**.
(b) Side interior — eight (8) feet **>>minimum building setback<<**.
(c) Side corner — twenty-five (25) feet **>>minimum building setback<<**.
(d) Rear — twenty-five (25) feet **>>minimum building setback<<**.

>>(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.<<

(8) Parking. Parking for the RM-20 zoning district shall comply with the requirements of § 185.140 of the Palm Bay Code of Ordinances.

* * *

Section 185.043 CC — COMMUNITY COMMERCIAL DISTRICT.

* * *

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(4 >>2<<) Auto body repair, upholstery and painting.

(a) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall **>>always<<** have attached **at all times** a current vehicle registration license plate.

* * *

(2 >>3<<) Retail automotive gas/fuel sales:

* * *

(3 >>4<<) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(4 >>5<<) Commercial radio and television broadcasting.

(5 >>6<<) Marinas including wet and dry storage.

(6 >>7<<) Car washes.

(7 >>8<<) Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.

(8 >>9<<) Self storage facilities subject to the provisions established in § 185.088(F).

(9 >>10<<) Communication towers and facilities.

(10 >>11<<) Human crematoriums:

* * *

(F) Lot and structure requirements:

* * *

(8) Shared access and parking areas.

* * *

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. are met.~~

(e >>b<<) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

* * *

Section 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

* * *

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1 >>2<<) Retail automotive gas/fuel sales:

* * *

(2 >>3<<) Commercial radio and television broadcasting.

(3 >>4<<) Marinas.

(4 >>5<<) Car washes.

(5 >>6<<) Self storage facilities subject to the provisions established in § 185.088(F).

(6 >>7<<) Communication towers and facilities.

(7 >>8<<) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in §185.088(H).

(8 >>9<<) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

* * *

(F) Lot and structure requirements:

* * *

(8) Shared access and parking areas.

* * *

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. above are met.~~

~~(e~~ >>b<<) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses and all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

* * *

Section 185.053 BMUV - BAYFRONT MIXED USE VILLAGE DISTRICT.

* * *

(F) Lot and structure requirements.

* * *

(7) Minimum living area for single family detached dwellings - ~~one thousand (1,000) square feet~~ >>None<<.

(8) Minimum living area for multifamily units: >>None.<<

~~(a) Efficiency units: four hundred (400) square feet.~~

~~(b) One (1) bedroom units: five hundred fifty (550) square feet.~~

~~(c) Two (2) bedroom units: seven hundred (700) square feet.~~

~~(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred (100) square feet for each bedroom.~~

* * *

(10) Shared access and parking areas:

* * *

~~(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.~~

(e >>d<<) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

* * *

Section 185.054 GC - GENERAL COMMERCIAL DISTRICT.

* * *

(D) Conditional uses.

>>(1) Permitted uses located on a parcel of ten (10) or more acres of area.<<

(1 >>2<<) Commercial towers.

(2 >>3<<) Security dwelling unit, subject to the provisions established in §185.088(I).

(3 >>4<<) Canine day care, and related services:

* * *

(4 >>5<<) Dancing in eating and drinking establishments.

(5 >>6<<) Churches.

(6 >>7<<) Event halls, subject to the provisions established in §185.088(J).

* * *

(F) Lot and structure requirements.

* * *

(8) Shared access and parking areas.

* * *

~~(b) No interior side parking area setbacks are required, provided the requirements of divisions (F)(8)(a) 2. through 4. above are met.~~

(e >>b<<) For adjacent developments meeting the requirements of divisions (F)(8)(a) 2. through 4. above, the total number of off-street parking

spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

* * *

Section 185.058 BMU—BAYFRONT MIXED USE DISTRICT.

* * *

(D) Conditional uses.

* * *

(5) ~~Planned commercial developments (any permitted commercial use over three (3) acres in size)~~ **>>Permitted uses located on a parcel of ten (10) or more acres of area<<.**

* * *

(F) Lot and structure requirements.

* * *

(7) Minimum living area for multifamily units: **>>None.<<**

~~(a) Efficiency units: seven hundred (700) square feet.~~

~~(b) One (1) bedroom units: eight hundred fifty (850) square feet.~~

~~(c) Two (2) bedroom units: one thousand (1,000) square feet.~~

~~(d) Additional bedroom in excess of two (2) bedrooms: an additional one hundred fifty (150) square feet for each bedroom.~~

* * *

(9) Shared access and parking areas:

* * *

~~(d) No interior side parking area setbacks are required, provided the requirements of divisions 2 through 4 above are met.~~

(e >>d<<) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings.

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', is hereby amended and shall henceforth read as follows:

“PLANNED UNIT DEVELOPMENT (PUD)

Section 185.060 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

>>SMALL PLANNED UNIT DEVELOPMENT (SPUD). An area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is master planned to provide for smaller sized (under 800 square feet) single- or two-family structures and common open space. Connection to public sanitary sewer and public water required.<<

* * *

Section 185.062 PERMITTED USES.

Uses permitted in the planned unit development may include and shall be limited to the following and contain a minimum of five (5) acres**>>, except for a Small Planned Unit Development (SPUD) which shall contain a minimum of one (1) acre<<**:

* * *

>>(D) Small Developments. A SPUD consists of single-family or two-family structures in collective land ownership, such as a condominium or on individual-owned lots. Each dwelling unit shall not exceed 800 square feet of finished living area. SPUDs shall only be located in areas that had a future land use designation of multiple family residential use, prior to the effective date of this section. SPUDs shall not be developed using Mobile Homes. SPUDs must be connected to the City of Palm Bay water and sewer distribution system.<<

* * *

Section 185.065 LAND USE REGULATIONS.

(A) *Minimum size with commercial uses.* Shall contain a minimum of five (5) acres. **>>A Small PUD shall contain a minimum of one (1) acre; commercial uses shall not be required in a SPUD.<<**

* * *

(C) *Minimum common recreation and open space:* twenty-five percent (25%) of gross site acreage, **>>except for a SPUD which shall have minimum of ten percent (10%) open space<<**. *COMMON RECREATION AND OPEN SPACE* shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of the PUD. Such usable space may be in the form of active or passive recreation areas including, but not limited to: Playgrounds, golf courses, nature trails, non- public recreational vehicle storage, stables, and lakes. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD. Easements, parking areas, road rights-of-way or minimum yards, and spacings between dwelling units, may not be included in determining usable open space. Water areas may be used to partially fulfill open space requirements. If golf courses and/or water areas are used to partially fulfill open space requirements, calculations for such may not exceed three-fourths (3/4) of the required open space. All water areas included as part of the open space requirement, shall be permanent water bodies and shall be improved with docks or piers, minimum sloped edge as per applicable City and State regulations, and planted with grass and maintained around all sides so as not to harbor mosquitoes, insects and rodents.

(D) *Minimum lot area, frontage, and setbacks.*

(1) No minimum lot size shall be required within a PUD district **with the exception of >>apart from<<** zero-lot line single-family detached developments. Any access driveway to individual lots must have minimum sixteen (16) foot of width.

>> (a) Minimum driveway width for an individual residential lot within a SPUD shall be ten (10) feet wide.<<

* * *

(3) Minimum distances between structures shall be:

* * *

(d) Between structures over four (4) stories — **>>thirty (30) feet, plus<<** five (5) feet for each additional story ~~(see § 185.087).~~

(e) Between structures of varying heights, the larger distance separation shall be required.

>>(f) The minimum distance between residential structures in a SPUD shall be eight (8) feet.<<

* * *

(G) *Minimum floor living area per unit:*

(1) Single-family dwellings — eight hundred (800) square feet.

(2) Multi-family dwellings: **>>None.<<**

~~(a) Efficiency — four hundred (400) square feet (may be reduced to three hundred and fifty (350) square feet; provided, that the average living area square footage of the development is at least five hundred (500) square feet).~~

~~(b) One (1) bedroom — five hundred and fifty (550) square feet.~~

~~(c) Two (2) bedrooms — seven hundred and fifty (750) square feet.~~

~~(d) Three (3) bedrooms — nine hundred (900), plus one hundred (100) square feet per additional bedroom.~~

(e **>>3<<**) Hotel and motel units (where permitted) — two hundred and eighty (280) square feet per efficient unit.

>>(4) Dwelling units within a SPUD shall not be required to have a minimum floor area.<<

(H) *Off-street parking.*

(1) Primary residential use.

(a) A minimum of two (2) parking spaces per single-family dwelling unit shall be provided. ~~Multiple-family dwellings shall have a minimum of:~~

>>(b) Dwelling units within a SPUD shall provide a minimum of one (1) parking space per unit.<<

>>(c) Multiple-family dwellings shall have a minimum of:<<

1. Two (2) parking spaces per three (3) or more bedroom dwelling unit;
2. One and one-half (1½) parking spaces per one (1) or two (2) bedroom dwelling unit; and
3. One (1) space per efficiency unit that is part of a mixed one (1) and two (2) bedroom development.

(b >>d<<) A development of efficiency units only shall have a minimum of one and one-half (1½) parking spaces per unit.

(c >>e<<) Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted >>, << and the length of the stall thereby shortened to a minimum of sixteen (16) feet. >>Parking spaces for residential uses within a SPUD may be reduced in size from the above, if the standards are approved by the City Council.<< Parking areas shall not be separated from structures by any public right-of-way.

* * *

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Off-Street Parking and Loading Requirements', is hereby amended and shall henceforth read as follows:

“OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 185.140 OFF-STREET PARKING AND TRAFFIC CIRCULATION.

In all districts, off-street parking shall be provided as follows:

(A) *Purpose and intent.* The purpose and intent of this section is to set forth parking and loading facility requirements in proportion to the parking demand for each use in order to ensure functionally adequate, efficient, aesthetically pleasing, and secure off-street parking and loading facilities, and to provide for on-street parking in certain circumstances. The regulations and design standards of this section are intended to ensure the usefulness of parking and loading facilities, protect the public safety, and mitigate potential adverse land use impacts.

(B) *Applicability.*

* * *

(3) *Exemptions.*

(a) *Redevelopment.* Building permits and certificates of occupancy may be issued for remodeling or structural alterations in existing developments without requiring compliance with this section provided such redevelopment does not result in an increase in the number of required parking and loading spaces.

(b) *Change of use.* The number of parking and loading spaces required by this section may be reduced when the use of a building is changed or reduced to a use or floor area for which fewer parking or loading spaces are required. When the use is changed to a use for which more parking or loading spaces are required, the number of spaces shall be increased to comply with the off-street parking schedule and design standards. Off-street parking requirements may be met with shared or remote parking areas as described elsewhere in §185.140. A change in use, substantial renovation, or expansion of an existing shopping center will not require additional parking spaces provided the cumulative change of use, renovation, or expansion is consistent with the historic mix of tenants at the center.

* * *

(D) *Design Requirements.*

(1) All parking spaces, >>and<< access drives, and loading zones shall be improved in accordance with the design standards set forth in the current edition of the City of Palm Bay Public Works Manual and the Land Development Code.

(2) Each parking space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. >>If a parking space contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted, and the length of the space thereby shortened to a minimum of sixteen (16) feet.<<

* * *

(3) All off-street parking areas shall be designed so as to have adequate access to a public street or alley. The function and operation of the proposed parking type must be compatible with and appropriate for the type of parking proposed. Back-out parking or any other type parking utilizing the public right-of-way as an access aisle is prohibited except when applied to single-family and duplex land uses or on a street where the posted speed limit is thirty (30) miles

~~or less. Ten (10) consecutive parking stalls are permitted provided each ten (10) are separated by a two hundred (200) square foot landscaped island.~~ Interior aisle widths shall conform to the minimum requirements below:

* * *

(4) *Non-residential driveways.*

* * *

(e) In no case, however, shall a driveway or curb cut be permitted on the radii of any intersection. All driveways that connect to a public road right-of-way shall be paved from the property line to the edge of ~~the right-of-way~~ **>>pavement of the abutting roadway<<.**

* * *

(6) Where off-street parking is required, such parking shall be provided on the same lot or premises with the business or office which is being served. In the event the use of the lot or premises expands or changes and would require additional parking that cannot be accommodated on-site, the parking requirement may be satisfied off-site ~~if deemed appropriate by formal submission of a site plan to the Planning and Zoning Board and City Council~~ **>>by following the provisions of Section 185.140 (H)<<.**

(7) Where artificial lighting is provided, it shall be designed and arranged so that no source of such lighting will be a visible nuisance to adjoining property used or zoned for a residential purpose. In addition, such lighting shall be designed and arranged ~~so as~~ to shield public streets and highways and all adjacent properties from direct glare or hazardous interference of any kind. **>>All lighting shall meet the standards provided for in Section 185.143 of the Palm Bay Code of Ordinances.<<**

(8) When units or measurements determining the number of off-street parking spaces result in requirement of a fractional space, any such fractional space equal to or greater than one-half ($\frac{1}{2}$) shall require a full off-street parking space.

(9) All required off-street parking areas shall be provided in compliance with the landscaping provisions of this Code of Ordinances set forth in **>>Section 185.142<<** and Chapter 180.

(10) The provisions of this division ~~(B)~~ **>>(D)<<** shall apply to all new off-street parking or other vehicular use areas.

~~(11) *Parking setbacks.*~~

~~(a) Parking may be located in a required front, rear or side yard for single-family and two-family dwellings, provided such parking maintain at least a six (6) foot setback from all side interior lot lines and a ten (10) foot setback from all front and rear lot lines.~~

~~(b) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side interior, and rear lot lines.~~

~~(c) Parking may be located in a required side corner yard provided such parking maintains a clear sight triangle per the current editions of the FDOT Design Manual, Section 212.11 and FDOT MUTCD.~~

~~(d) Side yard setback of not less than ten (10) feet shall be provided on every non-residential parking lot, except when it is located adjacent to property designated for residential land use or an alley way, a setback of not less than 15 feet shall be required between the pavement or parking space and the property line.~~

~~(e) Sufficient area must be provided for required landscaping where swales are incorporated in the setback.~~

~~(f) Driveways and parking shall not be located in any side easement unless specifically approved by the Director of Growth Management.~~

~~(12-->>11<<)~~ Parking lots permitted prior to adoption of the Americans with Disabilities Act (ADA) may be re-painted atop the existing parking space striping and will be considered maintenance. However, parking areas that are modified from this original layout shall be re- designed meeting the ADA requirements, inclusive of parking space striping, signage, markings, and handicapped ramps (where applicable). The site must still meet the minimum amount of parking spaces as provided for in this section.

* * *

(F) Parking computations.

(1) *Acceptable thresholds.* As part of an approval of new construction, a change in use, substantial renovation, or expansion of an existing shopping center, the applicant shall calculate the required number of spaces as listed in division (G) and:

~~(a) For a development that requires less than fifty-one (51) parking spaces, the number of required spaces may be increased or decreased no more than twenty (20) percent; or~~

~~(b) For a development that requires fifty-one (51) or more parking spaces, the number of parking spaces may be increased or decreased no more than ten (10) percent.~~

~~(c >>a<<)~~ The number of handicapped parking spaces shall be as required by applicable Florida Statutes.

* * *

(3) *Multiple uses.* Lots containing more than one (1) use shall provide parking in an amount equal to the total of the requirements for all uses unless a shared parking arrangement is approved pursuant to division (~~G >>E<<~~).

* * *

(G) *Amount of off-street parking required.* Off-street parking shall be provided based on the following minimum requirements:

* * *

(6) Day care centers: One ~~and one-half~~ (1½) spaces per state required staff person plus one (1) space per ten (10) children, based on state license maximum.

* * *

(12) Hospital: One (1) space for each two (2) beds, ~~excluding bassinets,~~ plus one (1) space for each employee at maximum employment on a single shift.

(13) Hotel or motel: One (1) space for each guest room or rental unit, plus one (1) space for each employee.

(14) Manufacturing and industrial activities: One (1) space for every ~~two (2)~~ employees on the largest working shift, or one (1) space for each one thousand (1,000) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle operating from the premises.

* * *

(20) Restaurants and drinking ~~establishments~~ ~~>>establishments<<~~: One (1) space for each three (3) seats, plus one (1) space for every employee.

* * *

(25) Shopping centers.

(a) For commercially zoned developments with twenty-five thousand (25,000) gross square feet or greater, **>>minimum<<** off-street parking shall be provided according to the following schedule:

Gross Floor Area	Parking/Square Feet
25,000 to 400,000 >>50,000<< sq. ft	4.0 spaces/1,000 >> 1 space per 250 sq. ft.<<
400,000 >>50,000<< sq. ft. and over	5.0 spaces/1,000 >> 1 space per 400 sq. ft.<<

>>(b) There shall be no other parking space reductions in shopping centers than provided above.<<

(b >>c<<) When tenants of a shopping center include theaters, the following also applies:

* * *

>>(28) Multi-tenant warehouse buildings (typically used for contractors and other service establishments): One (1) space for each five hundred (500) square feet of gross floor area, plus one (1) space for each company vehicle operating from the premises.<<

(28 >>29<<) Indoor Recreation: For those indoor recreation categories not specifically provided for herein, there shall be a minimum of one (1) space for each three hundred (300) square feet of gross floor area or one (1) space for each two (2) machines, whichever is greater.

>>(30) Self-storage facilities:<<

>>(a) Internally-accessed self-storage facilities (indoor, climate-controlled):

1. One (1) space for each 25 units, plus three (3) spaces for the facility's lease office.<<

>>(b) Externally-accessed facilities (drive-up storage units):

1. At least three (3) parking spaces shall be provided adjacent to the facility's lease office. Interior traffic lanes between storage buildings shall be a minimum of thirty-five (35) feet wide for two-way

traffic

and a minimum of twenty-five (25) feet for one-way traffic, in order to accommodate loading and unloading, as well as through and/or emergency traffic.<<

>>(c) Outdoor storage of vehicles (boats, R.V.'s, etc.) may occur at either of the above facility, on paved or stabilized surfaces as approved by the City Engineer. The outdoor storage area must be screened from any public rights-of-way or adjacent residentially zoned property by an 8' tall completely opaque wood or PVC fence, or masonry wall that has a finished appearance on both sides of the wall.<<

(H) *Off-site parking and storage lots.* All off-site parking and storage lot applications shall be considered individually by the Director of Growth Management and shall be subject to the requirements of this section and the City Land Development Code for site plan approval.

* * *

>>(2) The applicant must submit a survey showing any exceptional specimen trees on site and submit a parking plan with details for surface material, traffic and safety devices, along with storm water treatment, for administrative site plan review.<<

>>(3) Any exceptional specimen trees to be preserved in-place shall be effectively fenced or separated so that no damage shall occur to these trees while the site is being used for parking of vehicles or storage of materials on site.<<

>>(4) Storage lots shall be screened on all sides by a minimum 6' tall completely opaque wood or PVC fence, or a masonry wall with a finished exterior surface.<<

>>(5) Storage lots shall be constructed of paved or stabilized surfaces as approved by the City Engineer, or designee, and the driveway shall be paved from the property line to the edge of pavement of the abutting roadway.<<

>>(6) Parking lots shall meet the parking development standards of this section and meet the landscape requirements of Section 185.142.<<

>>(7) The proposed off-site parking or storage lot must post the identity of the business(es) that has control of the site, the hours of operation

for the lot, as well as emergency contact information that is clearly visible from the street. This information shall remain posted for as long as the site is in use.<<

>>(8) Any lot or parcel of land leased for off-site parking or storage shall cease use at the same time the lease agreement is terminated.<<

(2 >>9<<) A unity of title shall be required for off-site parking lots where they are utilized to meet the minimum parking requirements of the parent parcel.

(I) Parking rate adjustment.

(1) Any deviation in parking from the acceptable thresholds set forth in ~~division (F)~~ >>this section<<, shall require approval by the Director of Growth Management. This approval shall rely on ~~an application~~ >>written request<< for a parking rate adjustment filed with the >>Director of<< Growth Management ~~Department~~. At a minimum the application shall include:

* * *

(c) A parking study that identifies the relevant facts upon which the ~~application~~ >>request<< is based, and describes in detail the basis for the proposed rate adjustment, and

* * *

(2) The parking study required in section may include, but is not limited to:

* * *

~~(e) — Availability of on-street parking and other relevant features which have the effect of reducing parking demand at the subject site; this must be clearly and unequivocally documented.~~

(3) In granting a parking rate adjustment, the Director of Growth Management shall determine that the proposed rate adjustment would not result in undesirable overflow parking, nor otherwise adversely impact the character and integrity of the surrounding area. ~~The Director may also prescribe appropriate conditions within the development order including, but not limited to, a requirement that the applicant enter into a written multiparty agreement with the city that includes, but is not limited to:~~

~~(a) The location and description of parking areas designated and reserved for shared parking, if relevant, and each specific commitment put forward in the parking adjustment application and during any public hearings on the matter.~~

~~(b) A requirement that the applicant consistently adhere to the executed agreement.~~

~~(c) A requirement that failure in any regard will nullify the agreement and the applicant will be required to provide for the full parking requirement.~~

~~(J) On-street parking. On-street parking shall be permitted within community redevelopment districts unless, in the judgment of the Director of Growth Management, the on-street parking poses a safety hazard.~~

(K >>J<<) *Paving standards.* All parking spaces, access drives, and loading zones shall be paved in accordance with the design standards set forth in the current edition of the City of Palm Bay Public Works Manual and the Land Development Code.

(L >>K<<) *Vehicular and pedestrian interconnections.* For commercial development, vehicular and pedestrian interconnections are encouraged.

* * *"

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. 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 6. 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 7. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-03, held on February 6, 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: _____

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

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

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to create a definition for accessory dwelling units; establish regulations for such; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts. These changes includes six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

The following is a summary of some of the provisions regarding Accessory Dwelling Units (ADUs):

- ADUs may be either attached or in detached structures
- Only 1 ADU per property is permitted
- Owner must reside on the property
- Size is limited to 50% of the main unit or 750 square feet whichever is less, and the minimum size shall be 300 square feet
- ADUs must conform with height, setback and coverage requirements
- There shall be at least 1 but not more than 2 additional parking spaces for the ADU
- The property must be connected to public water & sewer or the additional unit must be approved by the County Health Department.

This application also reduces garage requirements from 2 space to 1 space for the RS-1, RS-2 and SF-1 Zoning Districts.

Mayor and Council: T-3-2020

February 6, 2020

Page | 2

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-3-2020.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 4 to 1.

Attachments:

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

Mr. Bailey asked about the current level of density. Mr. Bradley said that the density was based on the underlying land use. In RM-10 or RM-15 zoning, it was ten (10) units or twenty (20) units per acre, respectively. Mr. Bailey wanted to see the maximum square footage of eight hundred (800) increased in order to provide more variety. He suggested one thousand (1,000) square feet.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to amend the motion adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board, and to increase the square footage limit from eight hundred (800) square feet to one thousand (1,000) square feet.

Mr. Murphy clarified that staff had set the maximum at eight hundred (800) square feet because the minimum home size in a regular PUD was eight hundred (800) square feet. If Council concurred to exceed the eight hundred (800) square feet, then it would no longer be considered a small PUD. This was a way to distinguish between a small PUD and regular PUD. Mr. Bailey felt that an amendment to the regular PUD could be brought forth in the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, as is, subject to the conditions as recommended by the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

The Planning and Zoning Board recommended that the request be approved.

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

Individuals spoke in favor of the request. Phil Weinberg, resident, spoke against the request. He said that decreasing from a two-car garage to a single car garage in certain zoning districts would not make housing more affordable. He said difference in cost was minimal.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13.

Mr. Bailey did not feel it was a necessary requirement to have a two-car garage on a 1,200 square foot home. He would not be opposed to having no garages in certain zoning districts or just having carport. He did not agree with the maximum build of seven hundred fifty (750) square feet for the ADU and said it should be (800) square feet or higher.

Mr. Santiago had no problem with a one-car garage, but there could be consequences. The homeowner would be limited to a single car driveway and limited to the number of vehicles parked on an impervious area. He suggested that the minimum square footage be decreased from three hundred (300) to two hundred (200).

Mr. Anderson withdrew his second.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13, with the condition of increasing the maximum to eight hundred (800) square feet and the minimum to two hundred (200) square feet. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Award of Bid(s):

***1. Brass fittings, Ford brand only – IFB 17-0-2020 – Utilities Department (Ferguson Waterworks - \$150,000, as needed).**

Staff Recommendation: Approve the award for brass fittings (Ford brand only) to Ferguson Waterworks (Melbourne), in the amount of \$150,000, as needed.

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

***2. Lift Station 93 Rehabilitation – IFB 18-0-2020 – Utilities Department (Danus Utilities - \$106,966).**

Staff Recommendation: Approve the award for Lift Station 93 rehabilitation to Danus Utilities (Sanford), in the amount of \$106,966.

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

ORDINANCE 2020-13

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'DISTRICT REGULATIONS', BY CREATING DEFINITIONS AND ESTABLISHING REGULATIONS RELATED TO ACCESSORY DWELLING UNITS; 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 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions', is hereby amended and shall henceforth read as follows:

"GENERAL PROVISIONS

Section 185.006 DEFINITIONS.

* * *

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

>>ACCESSORY DWELLING UNIT. A residential dwelling unit, but not a mobile home or recreational vehicle, located on the same lot or parcel of land as a single-family dwelling unit, with a separate, complete housekeeping unit including a separate kitchen, sleeping area, and full bathroom facilities. The unit may be attached to the single-family dwelling unit or detached in a free-standing structure. An accessory dwelling unit is not permitted as accessory to a two-family dwelling, multi-family dwelling, or mobile home dwelling.<<

>>(1) The unit shall be accessory to and on the same property as a single-family dwelling unit and may only be located on lots or parcels of land that meet the minimum lot size requirement of this zoning district.<<

>>(2) The unit shall be developed in conjunction with or after development of the principal dwelling unit and the owner of the property must reside within either the principal or the accessory dwelling unit.<<

>>(3) Not more than one (1) accessory dwelling unit per property is permitted.<<

>>(4) No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel, or on a combination of lots or parcels unified under a recorded unity of title document.<<

>>(5) The air-conditioned floor area of the accessory dwelling unit shall not exceed 50% of the air-conditioned floor area of the principal structure, or 800 square feet, whichever is less. The accessory dwelling unit shall be no less than 200 square feet of air-conditioned floor area.<<

>>(6) The unit shall meet the accessory structure setback and height provisions identified in Section 185.118(A)&(B).<<

>>(7) Excluding converted (existing) garage accessory dwelling units, the unit shall be designed so that the exterior façade material is similar in appearance (material and color) of the existing principal structure.<<

>>(8) A minimum of one (1), but not more than two (2) parking spaces shall be provided for the accessory dwelling unit, in addition to the spaces required for the principal dwelling unit.<<

>>(9) Construction of the accessory dwelling unit, in combination with all structures on the property, shall not cause the maximum lot coverage of this zoning district to be exceeded.<<

>>(10) The accessory dwelling unit shall be serviced by centralized water and waste water or meet the health department's well and septic tank and drain field requirements. Modification, expansion or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.<<

>>(11) An accessory dwelling unit shall be treated as a multi-family unit for impact fees.<<

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', is hereby amended and shall henceforth read as follows:

“DISTRICT REGULATIONS

* * *

Section 185.031 RR — RURAL RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.

(3 >>4<<) Keeping or raising for sale of horses, ponies, and cows; provided, that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.

(4 >>5<<) Public parks, playgrounds and other public recreational facilities.

(5 >>6<<) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.

(6 >>7<<) Keeping or raising for sale of small domestic animals, birds, or fish.

(7 >>8<<) Keeping or raising for sale of small farm animals, such as goats, chickens, pigs and other small animals typically found on a farm, provided the total of all such animals shall not exceed five (5) for each one half (½) acre of lot area.

(8 >>9<<) The acreage used in determining the number of animals that may be kept upon the premises may only be used for one (1) type of animal. For example, an acre of land would allow for two (2) horses, but it would not allow for an additional five (5) goats. The land needed to support one type of animal cannot in turn be counted to permit further animals. This provision is to protect the health of the animal(s) and to ensure the residential character of the neighborhood is maintained.

* * *

Section 185.032 RE — ESTATE RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

Section 185.033 RS-1 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements:*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

Section 185.034 RS-2 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements:*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

Section 185.035 RS-3 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

Section 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements.*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

* * *

Section 185.051 SRE — SUBURBAN RESIDENTIAL ESTATE CATEGORY.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or 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 2020-03, held on February 6, 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: _____

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Request to Vacate Easement – Raymond Lewandowski

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

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

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

Attachment: 1) Case No. VE-1-2020 (available upon request)

ORDINANCE 2020-14

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 19, BLOCK 2649, PORT MALABAR UNIT 50, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 7, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 19, Block 2649, Port Malabar Unit 50, according to the plat thereof as recorded in Plat Book 23, Page 7, of the Public Records of Brevard County, Florida, Section 18, Township 29S, Range 37E, being more particularly described as follows:

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

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

Read in title only at Meeting 2020- , 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: _____

Applicant: Raymond Lewandowski

Case: VE-1-2020

cc: (date) Applicant
 Case File
 Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Request to Vacate Easement – Stephen Stomber

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

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

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

Attachment: 1) Case No. VE-2-2020 (available upon request)

ORDINANCE 2020-15

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 19, BLOCK 208, PORT MALABAR UNIT 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 135, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 19, Block 208, Port Malabar Unit 7, according to the plat thereof as recorded in Plat Book 14, Page 135, of the Public Records of Brevard County, Florida, Section 31, Township 28S, Range 37E, being more particularly described as follows:

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

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

Read in title only at Meeting 2020- , 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: _____

Applicant: Stephen Stomber
Case: VE-2-2020

cc: (date) Applicant
 Case File
 Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

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

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

REQUESTING DEPARTMENT:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

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

Attachment: 1) Case No. VE-3-2020 (available upon request)

ORDINANCE 2020-16

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 24, BLOCK 1206, PORT MALABAR UNIT 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, David Curtis and Tanya Bickford have requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

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

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

SECTION 1. The City Council of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 24, Block 1206, Port Malabar Unit 24, according to the plat thereof as recorded in Plat Book 16, Page 37, of the Public Records of Brevard County, Florida, Section 32, Township 29S, Range 37E, being more particularly described as follows:

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

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

Read in title only at Meeting 2020- , 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: _____

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

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

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

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

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

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

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

February 20, 2020

Page | 2

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

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

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

There is no fiscal impact to the City.

RECOMMENDATION:

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

Attachments:

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

ORDINANCE 2020-17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Conclusions of Law.

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

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

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

Jason Engelman
Jeffrey Alexander
Valerie McChesney
Greg Pettibon
Adam Picow

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

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

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Everlands Community Development District

cc: (date) Applicant
 Case File
 Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Award of Invitation for Bid #12-0-2020/JG, North Regional Water Reclamation Facility Nutrient Removal Facilities

The Utilities Department will be installing nutrient removal facilities at the North Regional Water Reclamation Facility (NRWRF) as part of the Save Our Indian River Lagoon (SOIRL) Project Plan developed by Brevard County. These facilities will assist in reducing Nitrogen and Phosphorus in the City's reclaimed water. Council approved a Project Cost-Share Funding Interlocal Agreement with Brevard County on April 5, 2018, and an amendment on October 17, 2019, for permitting, design and construction of this project for a total amount of \$3,634,900.

Six (6) bids were received in response to the City's solicitation. Procurement staff have reviewed the bids for responsiveness. Utilities staff evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

Staff recommends TLC Diversified Inc. as the contractor for North Regional Water Reclamation Facility Nutrient Removal Facilities project in the amount of \$3,367,000.

Local preference was not applied to this project because all bids exceeded the one million dollar threshold amount.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Total project award will be \$3,367,000. Funding is available in the Utilities Department's renewal

Mayor and Council: Award IFB # 12-0-2020/JG, North Regional Water Reclamation Facility
Nutrient Removal Facilities

February 20, 2020

P a g e | 2

and replacement fund 421-8034-535-6221, project 17WS16.

RECOMMENDATION:

Motion to approve award of IFB #12-0-2020/JG, North Regional Water Reclamation Facility
Nutrient Removal Facilities to TLC Diversified Inc., located in Palmetto, Florida.

Attachments (available upon request)

- 1) Tabulation Sheet
- 2) Legislative Memorandums



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Award of Invitation for Bid #16-0-2020/JG, NRWRF Reclaimed Water High Service Pump Area Improvements

The Utilities Department will be replacing the high service pumps at the North Regional Water Reclamation Facility (NRWRF) located at 1080 Clearmont Street, Palm Bay. The existing pumps are over twenty-five (25) years old and beyond their useful life. The work consists of the replacement of the high service pumps, pump panel, piping, valves, flow meters and other associated appurtenances.

Eight (8) bids were received. The Procurement Department staff reviewed the bids for responsiveness. Utilities Department staff evaluated the bids for responsibility and ability to perform the scope of services. The Department found the lowest responsive bid to be acceptable.

Staff recommends L7 Construction, Inc., as the contractor for NRWRF Reclaimed Water High Service Pump Area Improvements project in the amount of \$557,000.

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

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Total project award will be \$557,000, a budget amendment will be submitted. Pending approval of the budget amendment, funds will be available in the Utilities Department's renewal and

Mayor and Council: Award IFB # 16-0-2020/JG, NRWRF Reclaimed Water High Service Pump
Area Improvements

February 20, 2020

P a g e | 2

replacement fund 424-8032-535-6221, project 18WS01.

RECOMMENDATION:

Motion to 1) approve appropriation of funds on the next scheduled budget amendment; and 2) approve award of IFB #16-0-2020/JG, NRWRF Reclaimed Water High Service Pump Area Improvements to L7 Construction, Inc., located in Sanford, 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: February 20, 2020

RE: Award of IFB 26-0-2020/JG, Non-Bank Qualified Tax-Exempt Fire Apparatus and Police Vehicles Lease Purchase Financing

In the FY 2020 Adopted Budget, City Council approved the lease/purchase of one (1) Fire Aerial Platform Ladder Truck and twenty-three (23) Police Dodge Charger pursuit vehicles based on acquiring the 2020 patrol vehicle model. At the January 2, 2020 City Council meeting, the Police Department requested, and received approval, to purchase eighteen (18) Dodge Durango pursuit vehicles in lieu of the Dodge Charger model as a result of high demand, low inventory and the potential of not being able to acquire the Dodge Chargers in FY 2020.

On January 14, 2020, the City solicited bids from interested institutions to provide funding for the Fire Aerial Platform Ladder Truck, at an estimated cost of \$1,278,000.00 payable over ten (10) years, and for eighteen (18) Dodge Durango pursuit vehicles, estimated cost \$661,883.96, payable over five (5) years. Maximum funding was not to exceed \$1,940,000.00.

A total of four (4) responses were received ranging from 1.85% to 2.40% for the Fire Aerial Platform Ladder Truck and from 1.60% to 2.13% for the Police pursuit vehicles. The attached tabulation summarizes all responses received. The Procurement Department staff reviewed the bids for responsiveness. The Finance Department evaluated the bids for responsibility. The bid received from Bank of America Public Capital Corp offered the lowest interest rates for both the Fire Apparatus and the Police pursuit vehicles. Local preference was not applied to this solicitation as the total expenditure exceeds one million dollars.

Mayor and Council: Fire Apparatus and Police Vehicles Lease Purchase Financing

February 20, 2020

Page | 2

EQUIPMENT	TERM/INTEREST RATE	ANNUAL DEBT PYMT
Fire Apparatus Truck	10 years @ 1.8522%	\$136,514.43
Police Pursuit Vehicles	5 years @ 1.6008%	\$138,609.98

The rates offered by Bank of America Public Capital Corp are held through March 30, 2020. In order to move forward with securing the funding to order/purchase the Police and Fire equipment, City Council approval is required and being considered under New Business.

REQUESTING DEPARTMENT:

Procurement, Finance

FISCAL IMPACT:

A total of \$299,529 is currently budgeted in FY 2020 for the first annual lease/purchase payment due at closing. Based on the change in type and quantity of Police pursuit vehicles, along with the final interest rates offered, the required annual debt payment will be \$275,124 or \$24,405 less than the amount currently budgeted.

RECOMMENDATION:

Motion to award the Non-Bank Qualified, Tax-Exempt Lease Purchase Financing for Police and Fire Equipment, IFB 26-0-2020/JG to Bank of America Public Capital Corp. out of Richmond, Virginia to fund the lease/purchase of a Fire Apparatus Truck and Police pursuit vehicles.

Attachment: 1) 26-0-2020/JG Bid Tabulation (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Spend Authority Increase for Cured-in-Place Pipe Lining, Utilizing City of Orlando Contract #IFB 15-00117, "Storm Line Rehabilitation Cleaning & Video Recording"

The Public Works Department, as part of the Stormwater Program, is seeking approval to utilize the City of Orlando's contract for Storm Line Rehabilitation Cleaning & Video Recording, #IFB 15-0017, as awarded to Granite Inliner (formerly Layne Inliner, LLC), to furnish and install Cured in Place Pipe (CIPP) lining to 16 locations throughout Palm Bay. This contract is valid through June 14, 2020. On October 3, 2019, Council approved utilizing this contract for an estimated value of \$200,000 as part of the approval to use multiple "other agency" contracts for Fiscal Year 2020. Since that time, the Public Works department has finalized their CIPP needs for this fiscal year and is requesting to increase the spend against this contract; in addition, City of Orlando has executed an extension to the original contract. Utilizing this contract provides the City with the opportunity to quickly move forward with lining the pipes. This process involves lining an existing inground pipe with a liner providing the same structural integrity of original pipe. This approach is ideal for decaying pipes located under multiple driveways, next to FPL poles and guidewires requiring relocations, between properties with limited access for heavy equipment, or blocked by trees, sheds and fences in the easements.

Public Works staff reviewed multiple contracts for CIPP and determined that the City of Orlando contract best meets the scope of work needs for the City's Stormwater Program. In addition, this contract was originally awarded in 2015 and, with the latest extension executed by the City of Orlando, bid prices have remained firm since initial award.

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the public notice requirements and the need to utilize the methods of selection processes included in this Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by nonparticipation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation. Any such contracts equal to or in excess of \$100,000 shall go to the City Council for approval.

REQUESTING DEPARTMENTS:

Public Works, Procurement Department

FISCAL IMPACT:

The contract price for this project is \$385,296.84. This cost is based on unit pricing from the City of Orlando contract. Any changes to the contract amount will be based on actual quantities and these established unit prices. Change Orders, if any, will be processed in accordance with the City's Procurement Code of Ordinance, Chapter 38. Funding is available in the Cured-in-Place Pipe Project, General ledger account number 461-7083-538-6309, Project Number 20SU09.

RECOMMENDATION:

Motion to approve the utilization of the City of Orlando contract #IFB15-0017, awarded to Granite Inliner of Sanford, Florida, to furnish and install Cured in Place Pipe at 19

February 20, 2020

Page | 3

locations, as part of the Cured in Place Pipe Project, Project 20SU09, for the amount of \$385,296.84.

Attachments: 1) Granite Inliner Quote Summary Page (available upon request)

2) Pertinent pages from City of Orlando contract #IFB15-0017 (available upon request)

3) Agenda Memo from October 3, 2019 (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Piggyback of City of Daytona Beach – Contract 0118-2600, 2018 Cured-In-Place Pipe Rehabilitation Services Term Contract with Insituform Technologies, LLC

The City of Palm Bay Utilities Department has been conducting a wastewater collection system condition assessment over the past 3 years. The condition assessment has identified segments of sanitary sewer mains that are deficient. This deficiency allows groundwater infiltration into the collection system and ultimately reduces the capacity of the wastewater treatment plant. Staff have determined that the cured-in-place pipe (CIPP) repair system will be the most cost-effective means of rehabilitation of these sewer mains. CIPP is a trenchless method of repair of existing pipelines and does not require excavation to rehabilitate a pipeline that is leaking or structurally unsound. This trenchless technology greatly reduces interruptions to traffic and eliminates the need for costly site restoration.

Staff are requesting approval to utilize the City of Daytona Beach Contract 0118-2600, 2018 Cured-In-Place Pipe Rehabilitation Services Term Contract. This contract was awarded in September 2019 for a one-year term and can be renewed for four (4) additional one-year terms. Staff has reviewed this contract and determined it meets the needs of the Utilities Department for CIPP services.

Procurement staff compared contracts from four (4) Florida entities; the City of Daytona Beach had the lowest pricing for the pipe size Utilities uses.

In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and

February 20, 2020

Page | 2

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

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Funding is available in the Utilities Department Renewal & Replacement fund, account 424-8032-535-6325, project 20WS11. The estimated annual expenditure for FY20 will be \$300,000.

Pending budget approvals of Capital Improvement Projects for subsequent years the proposed annual expenditures will be FY21/\$330,000, FY22/\$363,000, FY23/\$399,300, FY24/\$439,230.

Purchase orders will be issued on an as needed basis.

RECOMMENDATION:

Motion to approve the piggyback of the City of Daytona Beach Contract 0118-2600 with Insituform Technologies, LLC, located in Chesterfield, Missouri; and motion to approve the renewal term, if exercised by the City of Daytona Beach and appropriated by Council in the Budget, for up to four (4) additional one (1) year terms.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Purchase of New City Vehicles, Florida Sheriffs Association Bid #19-VEL27.0

The Police Department has budgeted for eighteen (18) new vehicles this Fiscal Year. The vehicles listed will be procured utilizing the Florida Sheriffs Association Bid #19-VEL27.0, Police Rated, Administrative, Utility Vehicles, Trucks and Vans, which expires 9/30/2020, and the lighting and interior modification packages are being purchased off the Broward County Sherriff Association contract #18006-AG, Emergency Equipment for Vehicles, which expires 5/9/2021:

(Space left intentionally, as the following page contains a table)

February 20, 2020

Page | 2

Qty	Make/Model	Unit Cost	Ext. Cost	Fund	Vendor
18	2020 Dodge Durango Pursuit AWD V6 w/ Vehicle Options: Driver Side Unity Spotlight 6" LED Rear Doors and Locks Disabled Front & 2 nd Row TPO flooring Theft Alarm with Ignition Kill	\$27,569.94 \$ 765.00 \$ 520.00 \$ 811.00 \$ 399.00 \$30,064.94	\$496,259.00 \$ 13,770.00 \$ 9,360.00 \$ 14,598.00 \$ 7,182.00 \$541,168.92	521-7070-519-6403	Alan Jay Fleet Sales
	2019 Dodge Charger Dealer Total:				
13	Lighting and Interior Modification Packages for Marked Patrol Officer (City Installed)	\$ 6,538.53	\$ 85,000.89	521-7070-519-6403	Strobes-R-Us
3	Lighting and Interior Modification Packages for Marked Patrol Sergeant (City Installed)	\$ 3,183.07	\$ 9,549.21	521-7070-519-6403	Strobes-R-Us
2	Lighting and Interior Modification Packages for Unmarked Investigations Vehicle (City Installed)	\$ 5,161.57	\$ 10,323.14	521-7070-519-6403	Strobes-R-Us
18	750W Inverter (City Installed)	\$ 99.99	\$ 1,799.82	521-7070-519-5207	O'Reilly Auto Parts
18	Additional Power Outlets (City Installed)	\$ 24.14	\$ 434.52	521-7070-519-5207	Space Coast Auto Supply
18	External Communications Radio Antennae (City Installed)	\$ 115.48	\$ 2,078.64	521-7070-519-5207	Space Coast Auto Supply
18	Vehicle Graphics (City Installed)	\$ 400.00	\$ 7,200.00	521-7070-519-5208	City of Palm Bay Traffic Operations
18	Full Window Tint with Visor Strip	\$ 120.00	\$ 2,160.00	521-7070-519-3409	Arts Window Tinting
18	Vehicle Title / Registration / Tags	\$ 120.49	\$ 2,168.82	521-7070-519-4904	Brevard County Tax Collector

Revised Budget Amendment

\$661,884.00

Request Total:

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

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

REQUESTING DEPARTMENTS:

Police Department, Public Works/Fleet Services, and Procurement Department

FISCAL IMPACT:

Funding to cover the procurement of the police vehicles will be acquired via a lease/purchase arrangement. Proposal have been received to provide financing in the amount of \$661,883.96 for the vehicles. Funds will be available upon acceptance and closing of a lease/purchase agreement with the financial institution awarded the contract. A total of \$139,522, payable at the time of closing, is currently budgeted in FY20 for first annual lease/purchase payment.

RECOMMENDATION:

Motion to approve the purchase and outfit of 18 Dodge Durangos upon closing of the lease/purchase agreement with the selected financial institution.

Attachments: (available upon request)

- 1) 20191125 Durango Marked Patrol Officer Vehicle Combined.pdf
- 2) 20191125 Durango Marked Patrol Sergeant Vehicle Combined.pdf
- 3) 20191125 Durango Unmarked Investigations Vehicle Combined.pdf



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Purchase of New Fire Department Aerial Platform Utilizing the Sourcewell Contract 022818-SUT

Staff is requesting to utilize the Sourcewell (formerly National Joint Partners Alliance or NJPA) Contract # 022818-SUT, which expires April 16, 2022, for the purchase of a SPH100 Aerial Platform, Mid-Mount from Sutphen Corporation located in Dublin, Ohio. The Fire Department fleet has routinely dealt with apparatus out-of-service times due to an aging fleet and specialized parts that are difficult to obtain. This out-of-service time has caused an increase in response times to the public and increasing routine and emergency maintenance costs. The purchase of this fire-rescue vehicle will provide a modern, reliable, and state of the art primary aerial platform emergency response unit built to the most up to date NFPA standards. It will also allow for an additional reserve apparatus by placing the previous first-run unit into a reserve capacity.

# of units	Dealer	Make/Model	Contract	Base model price per unit	Options Price	Total Price with Options
1	Sutphen Corporation	Sutphen SPH100 Aerial Platform, Mid-Mount	Sourcewell #022818-SUT	\$1,077,669.59	\$195,246.98	\$1,278,000.00

The previous two fire apparatus purchases were both from Sutphen, the manufacturer chosen by the Fire Department after departmental research. The Procurement Department compared the price of the vehicle off the Florida Sheriff's Association (FSA) contract and the Sourcewell contract and determined that the Sourcewell contract results in a savings of \$7,570. In accordance with the City's Code of Ordinance, Section 38.12(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal

February 20, 2020

Page | 2

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

REQUESTING DEPARTMENTS:

Fire Department, Public Works/Fleet Services, and Procurement Department

FISCAL IMPACT:

Funding to cover the procurement of the fire apparatus is lease-purchasing financing. A total of \$151,235 is currently budgeted in Fiscal Year 2020 for the first annual lease/purchase payment. Funds will be available upon acceptance and closing of a lease/purchase agreement with the financial institution awarded the contract. Based on the bids received, anticipated annual payment is \$138,609.98, a savings of \$12,625.02.

RECOMMENDATION:

Motion to approve the utilization of Sourcewell Contract 022818-SUT to purchase the Sutphen SPH100 Aerial Platform upon closing of the lease/purchase agreement with the recommended financial institution.

Attachments: (available upon request)

- 1) 20191022 Sourcewell Contract # 022818-SUT Quote Worksheet
- 2) 20200114 Sutphen Corporation Cost Proposal



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Terese M. Jones, City Clerk
DATE: February 20, 2020
RE: One (1) Appointment – Youth Advisory Board (Adult Member)

SUMMARY:

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

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

The following application has been received:

Christopher Duncan
P.O. Box 110265, 32911

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

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

/jcd



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 20, 2020

RE: One (1) Appointment – Youth Advisory Board (Student Member)

SUMMARY:

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

The aforementioned vacancy represents the 'at-large student member' position.

The following application has been received:

Joshua Grady
535 Sauders Road, SE 32909

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

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

/jcd



COMMITTEE AND COUNCIL REPORTS

- **Florida Puerto Rican Hispanic Chamber of Commerce**

Committee Reports

- **Space Coast Transportation Planning Organization**
- **Space Coast League of Cities**
- **Tourist Development Council**

Council Reports



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Fire Apparatus and Police Vehicles Lease/ Purchase Financing

For FY 2020, City Council approved the lease/purchase of one (1) Fire Aerial Platform Ladder Truck and (18) Dodge Durango pursuit vehicles.

On January 14, 2020, the City solicited bids from interested institutions to provide funding for a Fire Aerial Platform Ladder Truck, estimated cost \$1,278,000.00, and for eighteen (18) Dodge Durango pursuit vehicles, estimated cost \$661,883.96. The maximum funding is not to exceed \$1,940,000.00.

A total of four (4) responses were received. The bid received from Bank of America Public Capital Corp offered the lowest interest rates for both the Fire Apparatus and the Police pursuit vehicles and is being considered for acceptance on the February 20, 2020 Agenda under Procurement Award of Bids.

EQUIPMENT	TERM/INTEREST RATE	ANNUAL DEBT PYMT
Fire Apparatus Truck	10 years @ 1.8522%	\$136,514.43
Police Pursuit Vehicles	5 years @ 1.6008%	\$138,609.98

The rates offered by Bank of America Public Capital Corp are held through March 30, 2020.

In order to move forward with securing the funding to order the Police and Fire equipment, City Council approval of a resolution authorizing the execution and delivery of a Master Lease/Purchase Agreement between the City and Bank of America Public Capital Corp, execution of lease schedules, an escrow agreement and other documents in connection with the financing is required.

REQUESTING DEPARTMENT:

Finance Department

FISCAL IMPACT:

A total of \$299,529 is currently budgeted in FY 2020 for the first annual lease/purchase payment due at closing. Based on the interest rate offered by Bank of America Public Capital Corp, the required annual debt payment will be \$275,124 or \$24,405 less than the amount currently budgeted.

RECOMMENDATION:

Motion to, upon Award of Bid to Bank of America Public Capital Corp., adopt the resolution authorizing the lease/purchase agreement with Bank of America Public Capital Corp. for Police and Fire equipment, and designating the Mayor and City Manager as authorized representatives of the City for the purpose of executing all required documents.

Attachments: 1) Resolution authorizing the Master Lease Agreement

2) Resolution Exhibit A – Master Equipment Lease/Purchase Agreement Form
(available upon request)

3) Resolution Exhibit B – Escrow Agreement Form (available upon request)

RESOLUTION 2020-05

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF THE FORM OF ATTACHED MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT AND SEPARATE SCHEDULES FOR THE ACQUISITION, FINANCING AND LEASING OF CERTAIN EQUIPMENT BETWEEN THE CITY AND BANC OF AMERICA PUBLIC CAPITAL CORP.; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This resolution is adopted pursuant to the provisions of Chapter 166, Part II, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

A. The City of Palm Bay, Florida (the "City") has obtained a proposal to provide the City with the necessary financing to provide for leasing of certain equipment by the City.

B. It is necessary and desirable to provide for the execution and delivery of an Equipment Lease/Purchase Agreement and the execution and delivery of an Escrow Agreement and associated documents pursuant thereto.

SECTION 3. APPROVAL OF DOCUMENTS. The Equipment Master Lease/Purchase Agreement (the "Agreement") and the Escrow and Account Control Agreement (the "Escrow Agreement") in the forms attached hereto as Exhibits A and B, respectively, are hereby approved in substantially such forms, with such modifications as may be approved by the Mayor or Deputy Mayor of the City, such approval to be conclusively determined by his or her execution thereof, and the execution and delivery thereof by the Mayor or Deputy Mayor of the City and the City Clerk who are hereby authorized to execute and deliver such instruments and to take such other actions as shall be necessary to execute the Equipment Lease/Purchase Agreement and Escrow Agreement is hereby authorized. The officials referenced above (the "Authorized Officials"), are each hereby authorized and directed to sign and deliver on behalf of the City the Agreement, each Schedule thereto under which a separate Lease (as defined in the Agreement) is created, any Escrow Agreement and any related exhibits attached thereto if and when required; provided, however, that, without further authorization from the City Council, (a) the aggregate principal component of Rental Payments pursuant to the Agreement shall not exceed \$1,964,000; (b) the maximum term under any Lease entered into pursuant to the Agreement shall not exceed 10 years; and (c) the maximum interest rate used to determine the interest component of Rental Payments under each Lease shall not exceed the lesser of the maximum rate permitted by law or ten percent 10% per annum, subject to adjustment upon certain events as set forth in the Agreement.

SECTION 4. OTHER ACTIONS AUTHORIZED. The officers and employees of the City shall take all action necessary or reasonably required by the parties to the

Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of a Final Acceptance Certificate, a Self-Insurance Certificate and any tax certificate and agreement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

SECTION 5. NO GENERAL LIABILITY. Nothing contained in this Resolution, the Agreement, the Escrow Agreement nor any other instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, the Escrow Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable pursuant to the Agreement are limited obligations of the City, subject to annual appropriation, as provided in the Agreement.

SECTION 6. APPOINTMENT OF AUTHORIZED CITY REPRESENTATIVES.
The Mayor or Deputy Mayor of the City and the City Manager are each hereby designated to act as authorized representatives of the City for purposes of the Agreement and Escrow Agreement until such time as the governing body of the City shall designate any other or different authorized representative for purposes of the Agreement and Escrow Agreement.

SECTION 7. REPEAL OF INCONSISTENT PROVISIONS. All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Lease Agreement between the City of Palm Bay and Greater Palm Bay Chamber of Commerce and Annual Chamber Membership Dues

The Lease Agreement between the City of Palm Bay and the Greater Palm Bay Chamber of Commerce for City-owned property located at 4100 Dixie Highway NE will expire in April 2020.

The draft Lease Agreement is for an initial term of five (5) years with option(s) to renew for an additional one (1) year, not to exceed ten (10) years for an annual lease amount of \$10.00 (ten dollars). All maintenance and utilities shall be the responsibility of the tenant. Per the Lease Agreement, this facility shall only use used for Chamber-related operations and activities.

Per a 1978 deed wherein the City received the property from the County, the property must be used for a Chamber of Commerce or other public purpose.

Additionally, the City is a Platinum member of the Greater Palm Bay Chamber. In previous years, the City paid an annual membership in the amount of \$10,000. Attached for consideration, the 2020 annual membership dues for the Chamber have increased to \$15,000 for Platinum level. The Platinum level membership provides members with a 10-page spread in the Business Directory Guide; promotion of key City events as provided by the City to include promotion on the Chamber's new digital message board; strategic placement of the City's logo on websites, Chamber letterhead, luncheons and other events; as well as six (6) complimentary seats at various Chamber functions and coordination on two (2) technical workshops per year geared towards growth and expansion of Palm Bay businesses, to name a few.

REQUESTING DEPARTMENTS:

Community & Economic Development; City Manager's Office

FISCAL IMPACT:

The lease agreement will generate an annual revenue of \$10.00 and shall be paid to the 001-0000-362-1001, Property Lease G/L Account. The 2020 annual membership dues to the Chamber

Mayor and Council: Lease Agreement between the City of Palm Bay and the Greater Palm Bay
Chamber of Commerce and Annual Chamber Membership Dues

February 20, 2020

Page | 2

total \$15,000 to be paid from the City Manager's Office Membership Dues account (001-1210-512-5401).

RECOMMENDATION:

Motion to approve authorize the City Manager to execute the Lease Agreement between the City of Palm Bay and the Greater Chamber of Commerce for City-owned property located at 4100 Dixie Hwy NE and approve the expenditure of \$15,000 for annual Chamber membership dues from the City Manager's Office Membership Dues account

Attachments: (all available upon request)

- 1) Draft Lease Agreement for 4100 Dixie Hwy NE
- 2) Chamber Membership Dues invoice



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: NAGE White Local R-5-197 Bargaining Agreement Negotiations

Negotiations were held during the months of June 2019 through January 2020 between the City and the NAGE White Local R-5-197 Bargaining Unit. Representatives of NAGE White and the City staff have negotiated a new contract that commences October 1, 2019 and expires September 30, 2022. Members of NAGE White conducted a ratification vote on February 3, 2020 and voted in favor of the contract.

Major changes to the contract are as follows:

- Article 34 (Wages) – Three percent (3%) increase for all members on October 1, 2019, October 1, 2020, and October 1, 2021.
- Article 25 (Holidays) – Addition of an Anniversary/Floating Holiday to be used between January 1 through December 31 each year. Effective January 1, 2021.
- In addition, the City and NAGE Blue have mutually consented and tentatively agreed on minor modifications in various Articles (1, 4, 6, 8, 9, 10, 11, 15, 18, 19, 20, 21, 25, 27, 29, 30, 33, 36, 39, and 41).

FISCAL IMPACT:

Estimated impact for FY 20 is estimated at \$167,433 (\$99,299 General Fund and \$68,134 Other Funds). Impacts for FY 21 and FY 22 will be reflected in the respective future budget estimates.

REQUESTING DEPARTMENT:

Human Resources

RECOMMENDATION:

Motion to ratify the agreement between the City of Palm Bay and the NAGE White Local R-5-197.

Attachment: 1) NAGE White Contract Articles (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Approval of Grant Agreement between the City of Palm Bay and Brevard County Fire Rescue for Emergency Medical Trust Fund

On January 28, 2020, Fire Rescue received notification of an award agreement from Brevard County Fire Rescue for the Emergency Medical Trust Fund Grant Program. The grant application was a non-matching grant application for Bullet Proof Vests, NAR MCI-Walk (Mass Casualty Incident Warrior Aid and Litter Kit), and Infinium Clear-Vue Video Laryngoscopes.

The total grant award amount is \$12,392.00.

REQUESTING DEPARTMENTS:

Fire Rescue Department

FISCAL IMPACT:

The City will not have to provide any matching funds as this was a non-matching fund agreement.

RECOMMENDATION:

Motion to approve the grant agreement between the City of Palm Bay and Brevard County Fire Rescue and authorize the City Manager to execute the grant agreement.

Attachment: (available upon request)

- 1) EMS Grant Agreement between the City of Palm Bay and Brevard County Fire Rescue



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Request for Approval to Apply for Federal Emergency Management Agency's (FEMA Region IV) Hazard Mitigation Grant Program for Hardening of Fire Stations 1 and 5

Fire Rescue is seeking approval to apply for funds to harden Fire Station 1 and 5 through FEMA's (Region IV) Hazard Mitigation Grant Program application process. Each project will be submitted under a separate grant application and requires matching funds of 25% of the total amount to be committed from the City if awarded. The application submission deadline is March 10, 2020.

If awarded, this grant will allow Fire Rescue department to replace all the windows, doors, and bay doors for Fire Stations 1 and 5 and mitigate the roof on Fire Station 1 to all meet current code.

The total amount of the grant application is \$509,750, of which \$127,438 would be matched from General Fund by the City, if approved.

REQUESTING DEPARTMENTS:

Fire Rescue Department

FISCAL IMPACT:

The City will have to provide matching funds in the amount of \$78,625 from the General Fund balance for Fire Stations 1 and 5 for FY21, and \$48,813 for FY22, if and when, the grants are awarded.

RECOMMENDATION:

Motion to approve the application submission of the Federal Emergency Management Agency's (Region IV) Hazard Mitigation Grant Program proposal for Fire Rescue.

Attachment: (available upon request)

1) Florida Division of Emergency Management Hazard Mitigation Grant Program
Notice of Funding Availability dated September 10, 2019



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Adjustment to Operating Budget – Code Compliance Division

The Code Compliance Division of the Growth Management Department has been overseen by 3 different supervisors over the past 4 years. Unfortunately, this has created a situation whereby the staffing needs and operating budget for the division has not been managed very efficiently or kept up with the needs of the Code Compliance Division.

There are two main reasons for this current request: 1) a need to increase contractual services for nuisances such as vegetation removal and Code Compliance legal support and 2) a need to adequately provide for the training and operation needs of the division. The additional changes are needed to adequately meet the needs of the division.

The request is to utilize \$16,500 from unallocated fund balance to properly support all the following needs:

Cellular Services 001-2310-519-4102

Requesting an additional amount of \$1,000 to cover miscellaneous expenses for code officers cell phones and/or accessories to support current staffing levels.

Travel M & IE 001-3330-529-40-01

Requesting an additional amount of \$2,000 to cover travel costs for code officers to attend certification classes, current budgeted amount will only allow for one officer to attend a class.

Office Supplies 001-3330-529-51-01

Requesting an additional amount of \$1,000 to accommodate supplies with the additional staffing, current budget will not be enough to carry through September 2020.

Computer Supplies 001-3330-529-51-03

Requesting an additional \$1,000 to cover the new Track It system supplies along with new Code Officer position.

Furniture 001-3330-529-51-05

Requesting an additional \$1,500 to cover the costs for partitions and renovations to the Code Compliance Division.

February 20, 2020

Page | 2

Operating Supplies 001-3330-529-52-01

Requesting an additional \$1,500 to cover costs with the additional staffing, original budget amount was funded below expected expenses for the budget year.

Uniforms 001-3330-529-52-04

Requesting an additional \$500 to cover the costs with the additional staffing, original budget will not cover uniforms for all office staff and officers

Dues & Memberships 001-529-3330-54-01

Requesting an additional \$1,000 to cover current and additional staffing for yearly memberships with Florida Association of Code Enforcement (FACE) and Central Florida Code Enforcement Association (CFCEA) based upon current staffing levels.

Training & Education 001-3330-529-55-01

Requesting an additional amount of \$5,000 to cover the cost of officers to attend various FACE Level courses and exams that is not currently available in the Code Budget.

Code Compliance Attorney 001-3330-529-31-03

Requesting an additional \$2,000 to cover longer hours and additional caseloads at the hearings due to the Green Card Program advising property owners of their liens on properties. It should be noted that this effort generated \$73,000 in additional program revenue since June 2019.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

Appropriation of \$16,500 is being requested from General Fund Undesignated Fund Balance to the accounts listed above on the next Budget Amendment scheduled for April 2, 2020.

RECOMMENDATION:

Motion to approve the appropriation of funds on the next scheduled budget amendment.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Vehicle Purchase for Growth Management – Code Compliance Division

The Code Compliance division needs to replace six (6) old and marginally functional vehicles to support current staffing. These 6 vehicles are comprised of three 12-year old Chevrolet Colorado pickup trucks, one 13-year old Toyota pickup truck and two 11-year old Chevrolet sedans. The intention of the department is to transfer 4 newer used vehicles from the Building Division to Code Compliance, however since Building is an enterprise fund, Code Compliance needs to reimburse Building for the market value of the vehicles. The total value of the four (4) vehicles to be transferred is \$51,670 (three 2017 Nissan pickups and one 2005 Ford pickup).

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

A total appropriation of \$51,670 is being requested from General Fund Undesignated Fund Balance; funding will be transferred from the General Fund Undesignated Fund Balance to the Building Fund (Fund 451) on the next Budget Amendment scheduled for April 2, 2020.

RECOMMENDATION:

Motion to approve: 1) the purchase of four (4) used vehicles from the Building Fund by the General Fund; and 2) approve the appropriation and transfer of funds on the next scheduled budget amendment.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Budget Appropriation for City Sewer Services at Fred Poppe Regional Park

In November of 2016 the drain field for the septic system at the Fred Poppe Regional Park Dog Park Restroom failed. Additionally, in April of 2019, the drain field for the septic system at the Soccer Complex at Fred Poppe Regional Park failed. As a result of the Soccer Complex drain field failure, the Parks and Recreation department sought the services of an engineering firm to design sewer system connections to existing City of Palm Bay sewer lines within Fred Poppe Regional Park. MBV Engineering was chosen. During the design process, it was determined that all remaining septic reliant facilities at the park should be included in the design work. This includes the Dog Park, existing Scouting Campground, Soccer Complex, Baseball Complex and the Softball Complex.

REQUESTING DEPARTMENT:

Parks and Recreation

FISCAL IMPACT:

The Parks and Recreation Department is requesting a funds transfer of \$249,717.97 (the project cost estimate of \$227,016.34 plus a 10% contingency) from account number 001-0000-392-1001, "Undesignated Fund Balance", to account number 001-4026-572-6301, project number 19PR06. Abandonment of current septic systems is included in these amounts. Also, no Utility Impact Fees will need to be paid as there was a credit due to Brevard County for previous payments.

RECOMMENDATION:

Motion to approve the funding for connecting failed sanitary systems at the Fred Poppe Dog Park, existing Scouting Campground, Soccer Complex, Baseball Complex, and Softball Complex to existing City of Palm Bay sewer lines.

Attachment: 1) Cost Estimate from MBV Engineering (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Funding Request for two (2) Used Sand Pros for Ballfield Maintenance

The Parks and Recreation Department uses Sand Pros and attachments to groom and keep the infield areas of the City's ballfields safe and playable. The department originally had six (6) Sand Pros to properly accomplish this task daily for 24 ballfields. Currently, the department is down to two (2) Sand Pros which has impacted the departments effectiveness and efficiency in maintaining its 24 ballfields. The life expectancy of these pieces of equipment is 2,700 hours. Of the two (2) remaining Sand Pros, one (1) has 2,705 hours, and is requiring continuous repairs. The other remaining Sand Pro has 3,306 hours, also requiring continuous repairs rendering it very near total failure. When this Sand Pro completely fails, our 24 ballfields will need to be groomed by hand which will require all hands to maintain and keep them safe and playable. In order to avoid hand grooming, and until such time that City Council approves replacement equipment, the department is requesting to purchase two (2) Used Sand Pros for a cost of approximately \$24,000.

REQUESTING DEPARTMENT:

Parks and Recreation

FISCAL IMPACT:

The funds for the purchase of two (2) Used Sand Pros is available in account number 001-4032-572-3407, Parks and Recreation Temporary Employment Services – Aquatic Center. The Parks and Recreation Department is requesting to transfer \$24,000 from 001-4032-572-3407, "Temporary Employment Services" to account number 001-4026-572-6401 for the purchase of two (2) Used Sand Pros and attachments.

RECOMMENDATION:

Motion to approve the transferring of funds to purchase two (2) Used Sand Pros and attachments.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Request of Fund Balance for Squad Radio

On August 1, 2019, City Council approved the use of personnel savings for the purchase of a radio for the squad vehicle at Fire Station 1. A purchase requisition was entered on August 2, 2019, and a purchase order was completed on August 9, 2019. When it was determined that the item would not be received by the end of the fiscal year, Fire requested Accounting to have this purchase order rolled over to the new fiscal year. At that time, Accounting advised that the purchase order had the incorrect account number and could not be changed. As a result, the purchase order could not be rolled over to the new fiscal year yet the funds were in fact incurred in the new fiscal year. Since these funds still exist in the system, we are requesting this correction.

The total requested amount is \$4,905.00

REQUESTING DEPARTMENT:

Fire Rescue Department

FISCAL IMPACT:

Requesting funds from Fund Balance 001-0000-392-1001 to Fire's Operating Budget account 001-6012-522-5206.

RECOMMENDATION:

Motion to approve the transfer of \$4,905.00 from Fund Balance to Fire's Operating Budget.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: LETF 20-04

In accordance with Florida law, funding in the amount of \$20,963 is being requested from the Law Enforcement Trust Fund (LETF) designated fund balance for fiscal year 2019/2020.

The Police Department is requesting monies to fund 12 Police Department employees to attend the FBI-LEEDA Supervisor Leadership five-day course March 30th through April 3rd. The Police Department places a strong emphasis on leadership and this course includes dynamic and inspiring training with the intension to prepare employees of the next generation to become leaders within the Police Department. FBI-LEEDA is a nationally recognized leader in law enforcement training and focuses on the concepts of credibility, command discipline, liability and dealing with problem employees. This will be the second course hosted by the Department which will have significant cost savings by eliminating travel costs. Registration per person is \$695 with 12 in attendance brings the cost to \$8,340.

The Police Department is requesting monies to send Community Services Administrator Dana Packard to the Senior Management for Police (SMIP) In Boston in July 2020. This national recognized program is designated to provide intensive training in the latest management concepts and practices to include addressing the issues that demand the attention of today's forward-thinking law enforcement leaders. Enrollment is limited and Ms. Packard has been accepted to attend this session. Registration of \$9,700 covers the course fee, lodging and meals during the session, travel costs of \$923 should cover the costs of airfare, luggage, airport, taxi and per diem for travel days. Total cost to attend this course is \$10,623.

The Powell Subdivision Neighborhood Watch Program is requesting funding to help support the Red Ribbon Event. This event is scheduled in March 2020 and is geared to targeting the youth in the community of drug prevention awareness by educating the youth of the consequences of drug and/or alcohol abuse and criminal behavior. The Police Department is requesting to contribute \$2,000 towards the Red Ribbon Event. This contribution will be used as part of the required 25% towards crime prevention.

REQUESTING DEPARTMENTS:

Police Department

FISCAL IMPACT:

There is no fiscal impact. There is a designated fund balance of \$198,413 as of February 4, 2020.

RECOMMENDATION:

Motion to approve expenditures of LETF as described herein up to \$20,963.

Attachment: 1) Certification Statement (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: PFM Asset Management Quarterly Investment Report – December 31, 2019

Enclosed is the City's PFM'S Investment Performance Review Report for the Quarter that ended December 31, 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 0.49% outperformed the benchmark performance of 0.51% by 0.02%. Over the past year, the Portfolio earned 3.57%, versus 3.55% for the benchmark.

The Short-Term Portfolio ended the quarter with a Yield at Cost of 2.09%, exceeding the benchmark, the 3-month T-Bill, of 1.51% by 0.58%.

Following three consecutive Fed rate cuts, the portfolio managers continued to maintain portfolio durations in line with benchmarks for the quarter as market expectations called for stable rates well into 2020. Expectations are that the Fed will remain on hold for an extended period and rates to remain mostly range-bound in the near term.

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

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

February 20, 2020

Page | 2

REQUESTING DEPARTMENT:

Finance Department

RECOMMENDATION:

Motion to acknowledge receipt of the Investment Performance Review Report for the Quarter that ended December 31, 2019.

Attachment: 1) December 31, 2019 Quarterly Investment Report (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Lisa Morrell, City Manager
DATE: February 20, 2020
RE: December 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 December 31, 2019. December is the third month of the fiscal year and represents 25% of the annual budget.

DECEMBER 2019 CASH & INVESTMENTS HIGHLIGHTS

General Fund

Total General Fund cash and investments are up \$10,067,274.84 or 38.2% from the same period last year. General Fund Cash & Investments at 12/31/19 totaled \$36,445,682.73.

In comparison to the prior year in December General Fund revenues increased by \$1,798,558.54 while expenditures decreased by \$3,153,841.45.

Transportation Impact Fee Fund

Transportation Impact Fee cash and investments is up \$430,602.91 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 increased from \$1,038,993.06 in December 2018 to \$2,159,462.19 million in December 2019, an increase of \$1,120,469.13.

Stormwater Utility Fund

Cash and investment balances in the Stormwater Fund on December 31, 2019, totaled \$11.9 million. Revenue collections in FY20 through the end of December totaled \$7,703,195.87. Revenue collections included assessment collections of \$7,613,017.76 collected through the Brevard County Tax Collector Office and \$28,939.81 in Stormwater Service Fees previously billed by the 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, \$2.1 million was unspent as of December 31, 2019. A total of \$1.3 million is encumbered 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 \$52,036,918 at 12/31/19.

Citywide

The City's total cash and investments portfolio increased to \$134,388,400.88 from \$115,787,755.70, an increase of \$18,600,45.18 or 16.1%, from December 2018 to December 2019. The increase in Citywide revenues is primarily attributable to an increase in Ad Valorem Tax receipts, the return of SHIP Grant dollars, utility related revenues, Building Fund, and Employee Benefit Fund balances.

This is the first year Ad Valorem collections for the GO Bonds have been received as part of the tax collections transmitted to the City in the first quarter of the fiscal year. 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 December 2019 Financial Report.

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: February 20, 2020

RE: IIMC 74th Annual Conference – May 17-20, 2020
St. Louis, Missouri

SUMMARY:

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

City Clerk to attend the International Institute of Municipal Clerks 74th Annual Conference to be held at the Hyatt Regency in St. Louis, Missouri, from May 17-20, 2020.

REQUESTING DEPARTMENT(S):

Legislative Department

FISCAL IMPACT:

Cost per person is approximately \$1411. Funding is available in Legislative's operating accounts 001-1110-511-4001 and 001-1110-511-5501.

RECOMMENDATION:

Motion to approve travel for the City Clerk as requested.

/rs



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Travel Request – City Manager’s Office

The City Manager’s Office is requesting permission for the following employees to travel for business purposes:

The City Manager Lisa Morrell and Deputy City Manager Suzanne Sherman would like to attend the Florida City and County Management Association (FCCMA) 2020 Annual Conference from May 27th through May 30th, 2020 in Orlando, Florida. The conference provides educational seminars and networking opportunities to meet and interact with other local government officials from around the state, while allowing an opportunity to showcase new products and services. The travel will have an estimated overall cost each of \$1326.00, which includes a \$450.00 registration fee, possible \$567.00 hotel fee, \$75.00 ethics requirement class, and per diem of \$198.00.

REQUESTING DEPARTMENT:

City Manager’s Office

FISCAL IMPACT:

All travel has been budgeted from City Manager’s travel budget account #001-1210-512-5501 and 4001.

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

Attachment: (available upon request)

1)Travel Information



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Travel Request – Police Department

Crime Analyst Jessica Welzenbach will be traveling to Tallahassee, FL March 1, 2020 – March 6, 2020 to attend the Florida Law Enforcement Analyst Training (FLEAT). This course is a primary means of training and development for all Law Enforcement Crime Analysts in Florida; to learn different skills and tactics within the field. The Registration Cost is FREE, the Lodging Cost is estimated at \$535.00, and the per diem is estimated at \$331.00 with an approximate total of \$866.00. This will be paid out of the Investigation Division Account (5013).

Community Services Manager Dana Packard will be traveling to Boston, MA July 2, 2020 – July 23, 2020 to attend the Senior Management Institute for Police (SMIP) Training. This national recognized program is designated to provide intensive training in the latest management concepts and practices to include addressing the issues that demand the attention of today's forward-thinking law enforcement leaders. The Registration Cost is estimated at \$9950.00, the Lodging Cost is free, the Airline Cost is estimated at \$551.00, the Luggage Cost is estimated at \$60.00, the Transportation Cost is estimated at \$90.00, and the per diem is estimated at \$222.00 with an approximate total of \$10,873.00. This will be paid out of the LETF Account (5040) and the Support Services Division Account (5011).

REQUESTING DEPARTMENT:

Police Department

FISCAL IMPACT:

The total cost of travel is estimated at \$11,739.00 and is available in Account No. 001-5013-521-4001 (\$866); 001-5011-521-5501 (\$250); 101-5040-521-5501 (\$9700); and 101-5040-521-4001 (\$923).

RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above.

Attachment: 1) Travel information (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 20, 2020

RE: Travel Request – Public Works Department

The Public Works Department is requesting travel approval for Director Gary Woodson, to attend the American Public Works Association (APWA) Annual Convention and Expo on April 20-23, 2020, in Tampa Bay Florida. This conference has been attended annually by the Director of Public Works as it provides a look into the growing management techniques and operational technologies present in Public Works departments throughout Florida and the rest of the United States. The expenditure will allow Mr. Woodson to attend to the many classes and keynote speaker presentations on trending topics as well as access the expo floor that hosts thousands of vendors demonstrating common and emerging products that are used in daily Public Works related operations.

REQUESTING DEPARTMENTS:

Public Works Department

FISCAL IMPACT:

The estimated expenditure is \$1,068.00. Registration will increase by \$150.00 after March 2nd, 2020. Funding is available in accounts 001-7011-541-4001 and 001-7011-541-5501.

RECOMMENDATION:

Motion to approve Public Works Department travel as requested.

Attachment: 1) Travel backup (available upon request)