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Mayor
WILLIAM CAPOTE

Deputy Mayor
KENNY JOHNSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

AGENDA

REGULAR COUNCIL MEETING 2020-06

THURSDAY

March 19, 2020 - 7:00 P.M.

City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENT(S):

1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', and 'employer within the City').++
2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++
3. Four (4) vacancies on the Disaster Relief Committee.++
4. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).+

AGENDA REVISION(S):

CONSENT AGENDA:

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

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

PROCLAMATION(S):

1. National Procurement Month, March 2020.

PRESENTATION(S):

1. Ken Parks, Children's Home Society of Florida – Space Coast Circle of Heroes Challenge.

ADOPTION OF MINUTES:

- *1. Regular Council Meeting 2020-05; March 5, 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 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein, final reading.
2. Ordinance 2020-20, amending Ordinance 2019-68, which amended the Code of Ordinances, Chapter 178, Signs, by eliminating the time limit provisions related to the display of temporary signs (Case T-5-2020, City of Palm Bay), final reading.

PROCUREMENT(S):

Award of Bid(s):

- *1. Biosolids transportation and disposal – IFB 35-0-2020 – Utilities Department (H&H Liquid Sludge Disposal, Inc. - estimated annual amount \$107,000).

Award of Proposal(s):

- *1. Firefighter physical exams – RFP 07-0-2020 – Fire Department (Life Extension Clinics, Inc. dba LifeScan Wellness Centers - \$116,100).

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Miscellaneous:

- *1. “Cooperative Purchase’, Caterpillar diesel generator, Fire Station 5 (Sourcewell contract) – Fire Department (Ring Power - \$71,268).
- *2. ‘Cooperative Purchase’, replacement vehicles (Florida Sheriffs Association contract) – Public Works Department (Duval Ford - \$177,815); authorize appropriation from General Fund.
- *3. Biosolids transportation and disposal, North Regional Wastewater Treatment Plant, purchasing authority – Utilities Department (H&H Liquid Sludge Disposal, Inc. – increase of \$85,000).

Contract(s):

- *1. Engineering services during construction, South Regional Water Reclamation Facility – TO 20-05 – Utilities Department (Wade Trim - \$1,896,353).
- *2. Sewer pipe and manhole repair, Lift Station 42/Danr Drive (emergency purchase, change order) – Utilities Department (Gregori Construction - \$22,100).

UNFINISHED AND OLD BUSINESS:

- 1. Appointment of two (2) members to the Police and Firefighters’ Retirement Pension Plan, Board of Trustees (represents one (1) Councilmember and one (1) resident).

COMMITTEE AND COUNCIL REPORT(S):

NEW BUSINESS: (Ordinance is for first reading.)

- *1. Resolution 2020-06, extending the commencement period for a conditional use granted for retail automotive gas/fuel sales in CC (Community Commercial District) zoning (1.5 acres)(Case CU-2-2019, Carmel Development LLC).
- *2. Resolution 2020-07, supporting the efforts of Brevard Zoo to bring a world class aquarium to Brevard County.
- *3. Resolution 2020-08, amending Resolution 2019-34, as amended, adopting rates, charges, and fees, for Fiscal Year 2019-2020, pursuant to the Code of Ordinances, Title XVII, Land Development Code.
- *4. Ordinance 2020-21, amending the Code of Ordinances, Title III, Administration, by creating Chapter 39, Community and Economic Development.
- *5. Consideration of a budget amendment from Designated Fund Balance to SHIP Single-Family Rehabilitation, Other Current Charges, and Other Contractual Services for the purposes of SHIP programming (\$109,100).

- *6. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$79,852).
- *7. Acknowledgement of the City's monthly financial report for January 2020.
- *8. Acknowledgement of the 2019 Annual Report for the Bayfront Community Redevelopment Agency.
- *9. Acknowledgement of the 2019 Ad Valorem Tax Exemption Annual Report for L3Harris Technologies Inc.
- *10. Acknowledgement of the 2019 Ad Valorem Tax Exemption Annual Report for Midwest Dental Arts.
- *11. 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:

♣**Quasi-judicial proceeding.**

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

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

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

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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: March 19, 2020

RE: One (1) Vacancy – Citizens' Budget Advisory Board

SUMMARY:

My office has been advised that one (1) vacancy exists as Charles Radley has been removed from the above board due to excessive absences. Mr. Radley represented the 'at-large' position.

REQUESTING DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The vacancy 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 April 16, 2020.

/jcd

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-05

Held on Thursday, the 5th day of March 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

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

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

Richard Spellman, resident, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Absent
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; Laurence Bradley, Growth Management Director.

ANNOUNCEMENT(S):

Councilman Santiago 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').++**
- 2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**
- 3. One (1) term expiring on the Police and Firefighters' Pension Board of Trustees (represents 'city resident who is not a beneficiary of the pension plan' position).++**

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

AGENDA REVISION(S):

1. Mrs. Morrell advised that Item 3, Miscellaneous, under Procurement(s), related to replacement vehicles for the Public Works Department, had been withdrawn by staff.
2. Mrs. Lefler announced that:
 - a.) Councilman Anderson had added a proclamation celebrating Life Christian University's 15th Anniversary as Item 3, under Proclamation(s);
 - b.) A scrivener's error had been corrected in Ordinance 2020-17 (Item 4, under Public Hearings). In Section 3 of the ordinance, 'Chaparral of Palm Bay Community Development District' was changed to 'Everlands Community Development District'; and
 - c.) Item 11, under New Business, had been withdrawn by staff as a special Council meeting was no longer needed.

CONSENT AGENDA:

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

Motion by Mr. Bailey, seconded by Mr. Santiago, that the Consent Agenda be approved. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

As all public comment cards had not been submitted to the presiding officer, Council reconsidered the Consent Agenda.

Motion by Mr. Santiago, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Item 1, Award of Proposal(s), under Procurement(s); and Items 3 and 5, under New Business, from consent. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCLAMATION(S):

The proclamations were read.

1. **Irish American Heritage Month, March 2020.**

2. Bleeding Disorders Awareness Month, March 2020.

☛3. Life Christian University, 15th Anniversary, August 2020. (Councilman Anderson)

PRESENTATION(S):

1. Nelson Moya, Chief of Police – marijuana civil citations update. Chief Moya provided an update on cannabis civil citations. He said that since the program had launched in September 2019, there had been a total of two (2) civil citations issued during the first six (6) months of the program. He advised of the following data from September 2019 to February 2020: total marijuana related cases; minor possession or drug paraphernalia cases not involving additional charges; non-arrests; arrests for only minor possession of marijuana; arrests for only drug paraphernalia; and arrests with additional charges. Chief Moya answered questions posed by councilmembers.

Mr. Bailey asked how much staff time was spent in implementing this process. Chief Moya answered that there was some time for the initial set up and administration of the program, but the issuance of the citations was minute.

2. Fred Poppe, Parks and Recreation Director – Parks update. Mr. Poppe provided an update on the playgrounds. He detailed the inspections of playgrounds and advised of recent significant playground repairs at Inspiration, Bill Madden and Oakview Parks. He also reviewed playground replacement proposals at Veterans, Riviera, Oakwood and Liberty Parks.

Mr. Santiago asked if any parks were underutilized by the public and, if so, had staff considered reallocating any amenities to other parks. Mr. Poppe answered in the negative but would research same.

Mr. Bailey asked what had been done with the Parks budget to repurpose funding to capital projects. Mr. Poppe answered that with the new budget process, every dollar had to be justified.

Deputy Mayor Johnson said that the City of Port St. Lucie had implemented the Adopt a Park Program and felt that Palm Bay could benefit from the program. Mr. Poppe said the City had the program in the past.

ADOPTION OF MINUTES:

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

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

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

Individuals made general comments.

1. Mary Netzler, resident, asked how boards and committees were managed. She had appeared before the Planning and Zoning Board and felt that the Board caused problems with the integration of people. She explained her reasons for same.
2. Jennifer Rodriguez, resident, spoke about road safety. She submitted a petition to Council to install speed humps along Cogan Drive, between Babcock Street and San Filippo Drive. She had spoken with the City's Engineer and was told that a speed survey could be performed. Ms. Rodriguez also petitioned for a sidewalk and bike path.

PUBLIC HEARING(S):

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

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 2020-14. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

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

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

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

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

The City Attorney read the ordinance in caption only.

As announced under Agenda Revisions, a scrivener’s error had been corrected on Page 3, Section 3, in Ordinance 2020-17. ‘Chaparral of Palm Bay Community Development District’ was changed to ‘Everlands Community Development District’.

The public hearing was opened.

Bill Battin, resident, wanted to view a list of what the Community Development District (CDD) planned to accomplish. He also did not want this CDD to create any additional costs to the City.

Peter Filiberto, resident, felt the area was too small for the project. He felt it was more consistent with being a homeowner’s association (HOA).

Greg Pettibon, Lennar Homes and representative for the applicant, responded that this was the first phase of a 2,000-acre master plan community. He anticipated that as it developed, the district would expand and may or may not annex additional phases.

Mr. Santiago asked how much of the entire project was commercial. Mr. Pettibon answered there was approximately sixty (60) acres dedicated as commercial land but it was located outside of the CDD. There was no guarantee that the 2,000 acres would be completely residential. Mr. Santiago asked why the request was being submitted in phases. Mr. Pettibon said it was unknown how the rest of the project would be laid out as no site plans had been drafted. Certain circumstances, such as the market, would contribute to the development of future phases and when they would be submitted for approval.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Mr. Santiago, to adopt Ordinance 2020-17.

Mr. Anderson said this had been a long-time coming. He was looking forward to the development.

Mr. Bailey reiterated his comments from the last meeting. He did not feel the CDD was appropriate for residential only and would be better served by an HOA. He explained the powers of a CDD which served as a governing body that could impose fees against those residing within the CDD.

Mr. Santiago shared the same concerns as Mr. Bailey but said that Lennar Homes was well established and had been very transparent with its information. He supported the request.

Motion carried with members voting as follows:

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

5. Ordinance 2020-18, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from Public/Semi-Public Use to Single-Family Residential Use (11.71 acres)(Case CP-2-2020, Paul Yates), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments and conditions contained in the staff report.

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

Bill Battin, resident, hoped that the applicant would join him in approaching Council to request an equestrian trail.

Peter Filiberto, resident, requested that the applicant explore a low-income development.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve Ordinance 2020-18, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣6. Ordinance 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), first reading.

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. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-19, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-20, amending Ordinance 2019-68, which amended the Code of Ordinances, Chapter 178, Signs, by eliminating the time limit provisions related to the display of temporary signs (Case T-5-2020, City of Palm Bay), first reading.

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 approve Ordinance 2020-20. Due to a request for public comment, the motion and second were withdrawn.

The public hearing was reopened.

Residents asked if signs could remain on display for builders, campaign signs and real estate signs.

Mr. Bradley clarified that the ordinance was related to temporary signs which included the new construction and real estate signs, and the time limits would be eliminated upon the enactment of the ordinance. Mrs. Smith said that campaign signs could be considered temporary signs, but it was based on the construction of the sign, such as A-frame, banner, snipe, etc. and not the content of the sign.

Mr. Bailey was not comfortable placing a time limit on the placement of temporary signs and did not feel it could be done efficiently with the City's current resources. He said it made sense to eliminate the time limit.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-20. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣8. Request by Christine Stevens and Juan Delgado for a variance to allow an existing accessory structure to encroach 4.5 feet into the eight-foot side interior setback; and an existing pool enclosure to encroach 2.5 feet into the ten-foot rear setback (0.24 acres)(Case V-4-2020).

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. The applicant presented the request to Council. The public hearing was closed.

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

PROCUREMENT(S):

Award of Bid(s):

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

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment and approve the award for rehabilitation of the North Regional Water Reclamation Facility to Eau Gallie Electric (Melbourne), in the amount of \$2,156,000.

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

Award of Proposal(s):

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

Staff Recommendation: Approve the award for commercial brokerage services to Redevelopment Management Association, LLC (Pompano Beach), for a 12-month term, renewable by the Procurement Department for two additional 12-month terms, up to a cumulative total of 36 months (commissions paid from proceeds of each sale).

Bill Battin, resident, asked if Waterman Real Estate was still being utilized by the City and if the proceeds would be placed in the Road Maintenance Fund. Mr. Bailey felt that all the sales, including those within the Bayfront Community Redevelopment District, should go into the Road Maintenance Fund. Mrs. Morrell said the City no longer had the contract with Waterman Real Estate. This request was for commercial brokerage services and a secondary bid would go out for residential properties.

Motion by Mr. Anderson, seconded by Mr. Santiago, to award the proposal for commercial brokerage services as requested. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Miscellaneous:

***1. ‘Cooperative Purchase’, LUCAS (automated chest compression) devices and accessories (National Association of State Procurement Officials contract) – Fire Department (Stryker Sales Corporation - \$117,232); authorize Chief Procurement Officer to execute the Participating Addendum to the Master Agreement with Stryker Sales Corporation.**

Staff Recommendation: Approve the cooperative purchase of eight (8) LUCAS (automated chest compression) devices and accessories, utilizing the National Association of State Procurement Officials contract, with Stryker Sales Corporation (Redmond, Washington), in the amount of \$117,231.90; and authorize the Chief Procurement Officer to execute the Participating Addendum to the Master Agreement with Stryker Sales Corporation.

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

***2. “Cooperative Purchase’, Caterpillar diesel generator, Fire Station 3 (Sourcewell contract) – Fire Department (Ring Power - \$77,994).**

Staff Recommendation: Approve the cooperative purchase of a Caterpillar diesel generator, Model D60-2LC, for Fire Station 5, utilizing the Sourcewell contract, with Ring Power (Atlanta, Georgia), in the amount of \$77,994.

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

***3. 'Cooperative Purchase', replacement vehicles (Florida Sheriffs Association contract) – Public Works Department (Duval Ford - \$177,815).**

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

***4. Mobile belt filter press (BFP) services, dewatered biosolids, North Regional Wastewater Treatment Plant (emergency purchase), purchasing authority – Utilities Department (Synagro South, LLC – increase of \$50,711).**

Staff Recommendation: Approve appropriation of funds on the next scheduled budget amendment and approve an increase of \$50,710.87 for the emergency purchase of mobile belt filter press (BFP) services for dewatering biosolids at the North Regional Wastewater Treatment Plant from Synagro South, LLC (Baltimore, Maryland).

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 Community Development Advisory Board.

Motion by Councilman Santiago, seconded by Mr. Anderson, to appoint Kathleen Hogan to the 'real estate' position on the Community Development Advisory Board. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

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

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Anderson announced the following appointments to the Tourist Development Council committees:

- a. Marketing Committee – Keely Leggett, City's Public Information Officer;
- b. Capital Facilities Committee – Jeff Whitehead, City's Parks and Recreation Assistant Director;
- c. Beach Committee – Mindy Holcomb Gibson;
- d. Cultural Arts Committee – Sara Stople; and
- e. Sports Committee – Mr. Anderson currently served as Chair and no other appointment was needed.

2. Mr. Anderson requested that he and the Deputy City Manager meet with Brevard County Commissioner Isnardi to discuss the Interlocal Agreement related to the St. Johns Heritage Parkway and Babcock Street intersection. Mr. Santiago agreed. Mr. Bailey said there were a lot of non-negotiables for him at this point. He was not going to widen and maintain their road just to get a permit. He was willing to hold out to get the right agreement for Palm Bay taxpayers. Mr. Anderson said his objective was to get the interchange open and not at the cost of Palm Bay taxpayers. Deputy Mayor Johnson said that, in the long term, taking on the burden of Babcock Street would really hurt the City. Mr. Anderson reiterated that his focus was to get the permit. There was further discussion about the negotiating the agreement and funding. Deputy Mayor Johnson stated that Mr. Anderson had the consensus to meet with Commissioner Isnardi.

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 – 02/06/20)

The City Attorney read the ordinance in caption only. Mrs. Morrell advised that the ordinance was revised to exclude the parking regulations language.

Bill Battin, resident, made the following comments: questioned the definition of nuisance vegetation; the ordinance only addressed unimproved property but many improved properties had nuisance vegetation; asked if the City imposed code liens on itself when

pepper trees grew into the street; and he did not agree with the City or authorized representatives being allowed to trespass on private property without identifying themselves.

Mrs. Morrell advised that in order to allow for due process, the property owner would be notified to come before the Code Enforcement Board or Special Magistrate for a hearing and then authorization would be given for the City to enter the property.

Mr. Bradley advised that nuisance vegetation included tall grass and weeds, pepper trees, dead trees, etc. The City did not remove live, healthy trees and did not enter improved properties that were occupied. If there were issues with a City property, the respective department would be contacted to maintain the vegetation. The right to enter would only occur if the property was declared a nuisance.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve Ordinance 2020-06.

Mr. Bailey said that the amendment allowed for more due process for the property owners, especially for those that live out of state, which he felt was good for property rights.

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

2. Consideration of appropriation from General Fund unallocated fund balance for the procurement of forensic audit services for the St. Johns Heritage Parkway Interchange Project (\$250,000).

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

Bill Battin, resident, said it was a lot of money in addition to the \$9 million placed on taxpayers of Palm Bay. He said that unless the City was going to prosecute based on the findings, he did not feel the City should waste the money.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve the appropriation as requested.

Mr. Santiago said that this project was the main item that stuck out in the State audit. He wanted answers as to why certain things had not been done, such as why information was not shared with Council. He felt that going through this process may put some minds at ease.

Mr. Bailey said he supported the request as it was only to allocate the funding. It was yet to be determined as to what exactly would be audited at this time. He would like Homes for Warriors, Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) program to be included in the audit.

Mr. Anderson had requested that the City Clerk gather quotes to audit the Homes for Warriors, SHIP, Community Development Block Grant (CDBG) and HOME grant funds. He asked the Deputy City Clerk to follow-up on same. Mr. Santiago suggested that once the cost was determined for this audit and if there were monies leftover, then Council could decide to proceed with other specified audits.

Mr. Bailey said the monies should be traced down. If seeking findings of corruption, he did not feel it would be reflected just in the public record documents. He said if money went to a vendor, then it had to be traced as to what happened to the funds once received by the vendor. A true forensic audit would follow the money trail down to the private entities as well.

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

3. Consideration of appropriation from Utility Unreserved Retained Earnings to provide additional funding for biosolids transportation disposal and fuel tank cleaning/fuel treatment at the North Regional Wastewater Treatment Plant (\$103,900).

Staff Recommendation: Approve the appropriation of \$103,900 from Utility Unreserved Retained Earnings on the next scheduled budget amendment to provide additional funding for biosolids transportation disposal; and funding for the fuel tank cleaning and fuel treatment.

Bill Battin, resident, asked if the expenditure was in addition to Item 1, Award of Proposal(s), under Procurement(s). Mrs. Morrell answered that the items were not related.

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

4. Consideration of certain Bayfront Community Redevelopment Agency and City-owned surplus commercial real estate for sale to the public.

Staff Recommendation: Approve the list of certain Bayfront Community Redevelopment Agency and City-owned surplus commercial real estate for sale to the public, provided with the City Manager's Legislative Memorandum.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve the list of surplus commercial real estate as requested. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

5. Consideration of the following related to single-family rehabilitation at 1386 Port Malabar Boulevard NE:

a) Funding of repairs utilizing two Local Housing Assistance Plan (LHAP) strategies -- State Housing Initiative Partnership (SHIP) Owner-Occupied Rehabilitation and Special Needs;

b) Exceeding the \$20,000 maximum award for Special Needs by \$5,000; and

c) Allocating \$25,000 from the Designated Fund Balance account to the Special Needs account.

Staff Recommendation: Approve the use of two (2) strategies (LHAP strategies and SHIP Owner-Occupied Rehabilitation and Special Needs) to fund repairs to 1386 Port Malabar Boulevard NE; authorize exceeding the \$20,000 maximum award for Special Needs by \$5,000; and approve the allocation of \$25,000 from the Designated Fund.

Bill Battin, resident, asked if the funding source could be used to assist in addressing the City's homeless problem rather than giving a large sum to help one person only. Mrs. Morrell confirmed same and added that staff was already working on some programming. She would provide Council with further information.

Mr. Bailey said there was some accountability with these types of programs. If the owner vacated or sold the property, the funding would be returned to the City. Mrs. Morrell said it would be a second mortgage with a penalty.

Motion by Mr. Anderson, seconded by Mr. Bailey, to approve the use of the strategies to fund repairs; authorize exceeding the maximum award for Special Needs; and approve the allocation as requested for 1386 Port Malabar Boulevard NE. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***6. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 3097 Dairy Terrace NE.**

Staff Recommendation: Approve exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$25,000 under the approved LHAP for 3097 Dairy Terrace NE.

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

***7. Consideration of a budget amendment allocating Designated Fund Balance to SHIP Single Family Rehabilitation account for 1200 Waco Boulevard SE, 789 Cleaves Street SE and 430 Heather Avenue NE (\$73,680).**

Staff Recommendation: Approve a budget amendment allocating \$73,680 from the Designated Fund Balance to SHIP Single Family Rehabilitation account for 1200 Waco Boulevard SE, 789 Cleaves Street SE and 430 Heather Avenue NE.

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

***8. Consideration of an amendment to the grant agreement with the Florida Department of Emergency Management for the Hazard Mitigation Program for Fire Station hardening.**

Staff Recommendation: Approve, and authorize the City Manager to execute, a modification to the grant agreement with the Florida Department of Emergency Management for the Hazard Mitigation Program for Fire Station hardening.

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

***9. Consideration of submitting an application for COPS Hiring Program Grant funds for additional sworn personnel for the Police Department.**

Staff Recommendation: Approve submitting an application for COPS Hiring Program Grant funds for additional sworn personnel for the Police Department.

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

***10. Consideration of submitting an application for Federal Emergency Management Agency's Assistance to Firefighters Grant funds for Quint apparatus and air pack replacement.**

Staff Recommendation: Approve the application submission of the Federal Emergency Management Agency's Assistance to Firefighters Grant funds for Quint apparatus and air pack replacement.

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

11. Consideration of scheduling a special meeting for March 2020.

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

ADMINISTRATIVE AND LEGAL REPORTS:

There were no administrative or legal reports.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:33 p.m.

Kenny Johnson, DEPUTY 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: March 19, 2020
RE: Final Reading of Ordinances 2020-06 and 2020-20

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 DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to adopt Ordinances 2020-06 and 2020-20.

Attachment(s): 1) Ordinance 2020-06/Memo/Minutes
2) Ordinance 2020-20/Memo/Minutes

/tjl

ORDINANCE 2020-06

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 93, REAL PROPERTY NUISANCES, SUBCHAPTER 'UNSIGHTLY AND UNSANITARY CONDITIONS', BY MODIFYING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title IX, General Regulations, Chapter 93, Real Property Nuisances, Subchapter, Unsightly and Unsanitary Conditions, is hereby amended and shall henceforth read as follows:

"UNSIGHTLY AND UNSANITARY CONDITIONS

* * *

Section 93.04 UNIMPROVED REAL PROPERTY.

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

* * *

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

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

* * *

Section 93.06 DUTY OF CITY MANAGER.

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

* * *

Section 93.08 AUTHORITY OF CITY TO ENTER PROPERTY.

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

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

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

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

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

* * *

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

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

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

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

Read in title only at Meeting 2020-05, held on March 5, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 5, 2020

RE: Ordinance Changes to § 93 –Real Property Nuisances

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

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

The following is a detailed explanation of the changes:

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

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

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

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

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

RECOMMENDATION:

Motion to approve the proposed ordinance changes.

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

1. Mr. Anderson announced the following appointments to the Tourist Development Council committees:

- a. Marketing Committee – Keely Leggett, City's Public Information Officer;
- b. Capital Facilities Committee – Jeff Whitehead, City's Parks and Recreation Assistant Director;
- c. Beach Committee – Mindy Holcomb Gibson;
- d. Cultural Arts Committee – Sara Stople; and
- e. Sports Committee – Mr. Anderson currently served as Chair and no other appointment was needed.

2. Mr. Anderson requested that he and the Deputy City Manager meet with Brevard County Commissioner Isnardi to discuss the Interlocal Agreement related to the St. Johns Heritage Parkway and Babcock Street intersection. Mr. Santiago agreed. Mr. Bailey said there were a lot of non-negotiables for him at this point. He was not going to widen and maintain their road just to get a permit. He was willing to hold out to get the right agreement for Palm Bay taxpayers. Mr. Anderson said his objective was to get the interchange open and not at the cost of Palm Bay taxpayers. Deputy Mayor Johnson said that, in the long term, taking on the burden of Babcock Street would really hurt the City. Mr. Anderson reiterated that his focus was to get the permit. There was further discussion about the negotiating the agreement and funding. Deputy Mayor Johnson stated that Mr. Anderson had the consensus to meet with Commissioner Isnardi.

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 – 02/06/20)

The City Attorney read the ordinance in caption only. Mrs. Morrell advised that the ordinance was revised to exclude the parking regulations language.

Bill Battin, resident, made the following comments: questioned the definition of nuisance vegetation; the ordinance only addressed unimproved property but many improved properties had nuisance vegetation; asked if the City imposed code liens on itself when

pepper trees grew into the street; and he did not agree with the City or authorized representatives being allowed to trespass on private property without identifying themselves.

Mrs. Morrell advised that in order to allow for due process, the property owner would be notified to come before the Code Enforcement Board or Special Magistrate for a hearing and then authorization would be given for the City to enter the property.

Mr. Bradley advised that nuisance vegetation included tall grass and weeds, pepper trees, dead trees, etc. The City did not remove live, healthy trees and did not enter improved properties that were occupied. If there were issues with a City property, the respective department would be contacted to maintain the vegetation. The right to enter would only occur if the property was declared a nuisance.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve Ordinance 2020-06.

Mr. Bailey said that the amendment allowed for more due process for the property owners, especially for those that live out of state, which he felt was good for property rights.

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

2. Consideration of appropriation from General Fund unallocated fund balance for the procurement of forensic audit services for the St. Johns Heritage Parkway Interchange Project (\$250,000).

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

Bill Battin, resident, said it was a lot of money in addition to the \$9 million placed on taxpayers of Palm Bay. He said that unless the City was going to prosecute based on the findings, he did not feel the City should waste the money.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve the appropriation as requested.

Mr. Santiago said that this project was the main item that stuck out in the State audit. He wanted answers as to why certain things had not been done, such as why information was not shared with Council. He felt that going through this process may put some minds at ease.

ORDINANCE 2020-20

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE 2019-68, WHICH AMENDED THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 178, SIGNS, BY ELIMINATING THE TIME LIMIT PROVISIONS RELATED TO THE DISPLAY OF TEMPORARY SIGNS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 178, Signs, Section 178.08, Definitions, is hereby amended and shall henceforth read as follows:

“Section 178.08 DEFINITIONS.

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

* * *

SIGN.

* * *

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

* * *

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

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

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

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

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

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

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

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

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

* * *

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

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

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or

portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

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

Read in title only at Meeting 2020-05, held on March 5, 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: March 5, 2020

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

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

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

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

REQUESTING DEPARTMENT:

Growth Management

March 5, 2020

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RECOMMENDATION:

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

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

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

LB/cp/ab

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve Ordinance 2020-18, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣6. Ordinance 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), first reading.

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. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-19, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-20, amending Ordinance 2019-68, which amended the Code of Ordinances, Chapter 178, Signs, by eliminating the time limit provisions related to the display of temporary signs (Case T-5-2020, City of Palm Bay), first reading.

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 approve Ordinance 2020-20. Due to a request for public comment, the motion and second were withdrawn.

The public hearing was reopened.

Residents asked if signs could remain on display for builders, campaign signs and real estate signs.

Mr. Bradley clarified that the ordinance was related to temporary signs which included the new construction and real estate signs, and the time limits would be eliminated upon the enactment of the ordinance. Mrs. Smith said that campaign signs could be considered temporary signs, but it was based on the construction of the sign, such as A-frame, banner, snipe, etc. and not the content of the sign.

Mr. Bailey was not comfortable placing a time limit on the placement of temporary signs and did not feel it could be done efficiently with the City's current resources. He said it made sense to eliminate the time limit.

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-20. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣8. Request by Christine Stevens and Juan Delgado for a variance to allow an existing accessory structure to encroach 4.5 feet into the eight-foot side interior setback; and an existing pool enclosure to encroach 2.5 feet into the ten-foot rear setback (0.24 acres)(Case V-4-2020).

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. The applicant presented the request to Council. The public hearing was closed.

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

PROCUREMENT(S):

Award of Bid(s):

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

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment and approve the award for rehabilitation of the North Regional Water Reclamation Facility to Eau Gallie Electric (Melbourne), in the amount of \$2,156,000.

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

Award of Proposal(s):

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Juliet Misconi, Christopher Little

DATE: March 19, 2020

RE: Award of Invitation for Bid #35-0-2020/SZ, Biosolids Transportation and Disposal

The City's Utilities Department requires services for the transportation and disposal of dewatered biosolids. The biosolids are produced as part of the treatment process at the North Regional Wastewater Treatment Plant (NRWWTP). The biosolids will be transported by the Contractor to a Florida Department of Environmental Protection (FDEP) approved land application disposal site. The disposal site will be provided by the Contractor.

Two (2) bids were received in response to the City's solicitation. Procurement staff reviewed the bids for responsiveness. Utilities staff evaluated the bids for responsibility and ability to perform the scope of services. The apparent low bidder, Revinu Inc., did not supply all documentation. Procurement staff requested the documentation and during this process it was determined that the low bidder will only dispose of biosolids at the landfill and does not dispose of biosolids by land application. The Department is recommending award to the second low bidder, H&H Liquid Sludge Disposal, Inc. The difference is \$0.31 per cubic yard or approximately \$2,325 annually.

Per the IFB, award will be made to the lowest and best responsible bidder whose Bid is determined by the City, to be in the best interest of the City. It is the intent of the Utilities Department to have the biosolids disposed of by land application. The exception is when biosolids do not meet the requirements for land application, then the disposal will be at the landfill. Currently our biosolids do not meet the requirements for land application and are being taken to the landfill, this is expected to continue for the remainder of FY20.

March 19, 2020

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When biosolids are disposed at the landfill there is an additional “tipping fee” that is charged to the Contractor by the landfill operator. This is a pass-through expense to the City. The City reimburses the Contractor the tipping fee at cost. The low bid from Revinu is not in the best interest of the City as it does not meet the intent of the Scope of Services for disposal of the biosolids via land application. Hauling exclusively to the landfill would increase our disposal costs by approximately \$10,500 per month just for the tipping fee.

Staff recommends H&H Liquid Sludge Disposal Inc., as the vendor for Biosolids Transportation and Disposal from the NRWWTP.

Local preference was not applied to this project as contractors are located outside of Brevard County.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Funds are available in Utilities Department’s operating fund 421-8034-535-3414. The estimated annual expenditure for the duration of the contract is \$107,000. For the remainder of FY20 there will be an additional expenditure of approximately \$52,500 for landfill tipping fees.

RECOMMENDATION:

Motion approve award of IFB #35-0-2020/SZ, Biosolids Transportation and Disposal to H&H Liquid Sludge Disposal, Inc., located in Branford, Florida. Council approval is requested to establish a one (1) year term contract, renewable by the Procurement Department for four (4) additional one-year terms.

Attachment: (available upon request)

1) Tabulation Sheet



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Juliet Misconi, Leslie Hoog

DATE: March 19, 2020

RE: Award of Request for Proposal #07-0-2020, Firefighter Physical Exams

The Palm Bay Fire Rescue Department provides annual firefighter fitness for duty physical examinations to all career firefighters as required in the Collective Bargaining Agreement with the Local 2446. The City's previous vendor contract expired, and an RFP was initiated.

A Request for Proposal (RFP) was issued and responses were received from two (2) vendors. Procurement staff has reviewed the proposals for responsiveness. An Evaluation Team comprised of Fire Rescue and Human Resources staff evaluated the proposals for qualifications and technical response. In addition, the Evaluation Team conducted oral discussions with both submitting firms. The evaluation committee ranked Life Extension Clinics, Inc. dba LifeScan Wellness Centers of Tampa, Florida as the top-ranked vendor.

Staff recommends Life Extension Clinics, Inc. dba LifeScan Wellness Centers as the vendor for Firefighter Physical Exams. The contract is for an initial twenty-four month period, with an estimated annual value of \$53,300 and a two-year initial contract value in the amount of \$106,600. Additional one-time expenses include \$8,500 for chest x-rays in 2021; and \$1,000 for Hepatis B & C titers / screenings, as needed, is requested.

Local preference was not applied to these services as vendors are located outside of the local area.

REQUESTING DEPARTMENTS:

Fire Department, Human Resources, Procurement Department

March 19, 2020

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FISCAL IMPACT:

Total award will be \$116,100. Funding is available in the Human Resources Department's Professional Services Physicals / Drug Screens fund 001-2515-013-3111.

RECOMMENDATION:

Motion to approve award of RFP #07-0-2020, Firefighter Physical Exams to Life Extension Clinics, Inc. dba LifeScan Wellness Centers of Tampa Florida for an initial twenty-four (24) month period, with two (2) additional twelve (12) month renewal periods, up to a cumulative total of forty-eight (48) months.

Attachments: (available upon request)

1. Tabulation
2. Scoring-Ranking Form



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Leslie Hoog, Juliet Misconi

DATE: March 19, 2020

RE: Cooperative Purchase of Generator at Fire Station 5 Utilizing the Sourcewell Contract 120617-CAT

SUMMARY:

On February 26, 2020, Council approved the use of Fire Impact Fees towards the purchase of a generator for Fire Station 5. The generator will ensure that the fire station can remain operational in the event of prolonged power failure.

Staff is requesting to utilize the Sourcewell (formerly National Joint Partners Alliance or NJPA) Contract # 120617-CAT, which expires January 29, 2022, for the purchase of a Caterpillar Diesel Generator, Model D60-2LC from Ring Power located in Atlanta, Georgia.

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. Council previously approved a generator purchase utilizing this contract on March 5, 2020 (Fire Station #3, grant funded).

REQUESTING DEPARTMENTS:

Fire Department and Procurement Department

FISCAL IMPACT:

The total purchase is \$71,268.00. Funding of \$70,090.00 is currently available in account 190-6050-522-6401 and \$1,178 is currently available in account 001-6012-522-6401, project number 18FD01.

RECOMMENDATION:

Motion to approve the purchase of the Caterpillar Diesel Generator, Model D60-2LC, for Fire Station 5 from Ring Power in Atlanta, Georgia utilizing cooperative Sourcewell Contract 120617-CAT.

Attachments: (All available upon request)

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Juliet Misconi, Gary Woodson

DATE: March 19, 2020

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

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

The vehicles listed will be procured utilizing the Florida Sheriffs Association (FSA) Bid #19-VEL27.0, Police Rated, Administrative, Utility Vehicles, Trucks and Vans, which expires 9/30/2020. Fleet Staff is requesting permission to utilize the alternate vendor, which is permitted in the FSA contract. 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 Department, Procurement Department

FISCAL IMPACT:

The total cost, \$177,815.00, for seven (7) vehicles will be budgeted and appropriated from the General Fund Undesignated Fund Balance into the Public Works Department, G/L 001-7011-541-6403, on the 3rd Quarterly Budget Amendment. Recent analysis by the Finance Department of the Fleet Services Division's FY 19 ending fund balance will result in a reduction of funds transferred in from all funds, including the General Fund, into the Fleet fund for FY 20. The General Fund's reduction of \$178,763.19 will be used to cover the \$177,815 required to purchase the vehicles pending Council approval. The reduction in funds transferred into the Fleet Fund for FY 20 will also be reflected on the 3rd Quarterly Budget Amendment in July 2020.

RECOMMENDATION:

Motion to 1) approve the appropriation \$177,815.00 from General Fund to purchase the vehicles and 2) authorize staff to purchase the vehicles utilizing the Florida Sheriffs Association Bid #19-VEL27.0 from Duval Ford in Jacksonville, Florida.

ATTACHMENTS: (available upon request)

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Juliet Misconi, Christopher Little

DATE: March 19, 2020

RE: Spend Authority Increase - Invitation for Bid #42-0-2017/SB, Biosolids Transportation and Disposal

The Utilities Department requires services for the transportation and disposal, via land application, of dewatered biosolids. The biosolids are produced as part of the treatment process at the North Regional Wastewater Treatment Plant (NRWWTP).

On May 4, 2017, Council approved the award of IFB # 42-0-2017/SB, Biosolids Transportation and Disposal. The award was for a one-year term with two one-year renewals; the contract expires May 18, 2020 and no renewals are available. The estimated annual expenditure approved by Council was \$105,000 annually for the duration of the contract. The Utilities Department anticipates that the expenditures for the final year of this contract will exceed that amount by \$85,000 for an estimated annual expenditure of \$190,000.

The Utilities Department currently has a construction project underway at the NRWWTP to repair a tank that directly impacts biosolids treatment. Until the project is completed, the biosolids will not meet the requirements for land application and will be disposed at the landfill. When biosolids are disposed at the landfill, there is an additional "tipping fee" that is charged to the Contractor by the landfill operator. This is a pass-through expense to the City. The City reimburses the Contractor the tipping fee at cost; this fee was not included as part of the annual award. The construction project will not be completed until October 2020, and disposal at the landfill is expected to continue through the contract expiration.

Mayor and Council: IFB # 42-0-2017, Biosolids Transportation and Disposal - Increase Annual Expenditure

March 19, 2020

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REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Funding is available in the Utilities Department operating fund 421-8034-535-3414. The revised estimated annual expenditure is \$190,000.

RECOMMENDATION:

Motion to approve the increase in annual purchasing authority for Biosolids Transportation and Disposal to H&H Liquid Sludge Disposal, Inc., located in Branford, Florida.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Juliet Misconi, Christopher Little

DATE: March 19, 2020

RE: Wade Trim Task Order 20-05, South Regional Water Reclamation Facility Engineering Services During Construction

Wade Trim has submitted Task Order 20-05, South Regional Water Reclamation Facility (SRWRF) Engineering Services During Construction for approval. The scope of work will consist of Engineer of Record services and on-site project management from the pre-construction process through project closeout.

On April 17, 2008, City Council awarded Wade Trim Task Order 07-06, South Regional Water Reclamation Facility Design, Permitting, Competitive Solicitation Process Assistance and Construction Services, through competitive Request for Qualifications process (RFQ #68-0-2007). This project was subsequently put on hold when development in the City declined. Over the past several years, the City has been experiencing growth and will require an increase in wastewater treatment disposal capacity to meet demands. In 2015 the process was re-started for the construction of a SRWRF using the original design from RFQ #68-0-2007. It was determined that a design assessment, update, and permitting would be required and these were completed under Wade Trim Task Orders 15-06, 16-08, and 0018-2017 (approved by Council September 17, 2015, August 4, 2016, and November 2, 2017 respectively).

In addition, funding for the project will be provided by a low interest loan via the Florida Department of Environmental Protection's State Revolving Fund (SRF). Council approved 1) the SRF Capital Financing Plan and authorized submission of the plans to Florida Department of Environmental Protection (FDEP) on June 20, 2019, Resolution 2019-18; and 2) the State Revolving Loan

Mayor and Council: Wade Trim Task Order 20-05, South Regional Water Reclamation Facility
Engineering Services During Construction

March 19, 2020

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Program loan application on December 5, 2019, Resolution 2019-54. The requested amount of the loan, which does not include capitalized interest, is \$35,926,800 which will be amortized over twenty years.

Staff has reviewed the scope of work and requests Council approval to proceed with Task Order 20-05 in the amount of \$1,896,353.

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

The total amount for the task order is \$1,896,353. Funding for this will be from State Revolving Fund; and will be available in the Utilities Department's Utilities Connection Fee Fund 423-8031-535-6221, project 16WS05.

RECOMMENDATION:

Motion to approve Wade Trim Task Order 20-05, South Regional Water Reclamation Facility Engineering Services During Construction.

Attachment: (available upon request)

1) Task Order 20-05



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Juliet Misconi, Christopher Little

DATE: March 19, 2020

RE: Emergency Procurement – Repair Services Gregori Construction Inc. –
Additional Expenditure

On February 6, 2020 Council approved the Emergency Purchase for vacuum and pump truck services; and repair services for a sanitary sewer manhole and lift station 42 located on Danr Drive. Gregori Construction was the only contractor available immediately and provided an estimate for the repair services in the amount of \$37,700. Once the work started there were two change orders totaling \$5,050. The work included excavation of the site to determine extent of damage, removal and replacement of the pipe, manhole repair and site restoration. The total cost for the emergency repair \$42,750.

During the repair unforeseen issues occurred and additional repair services were required to complete the project. The additional repair services were necessary to minimize disruption to the community, to assist Utilities Staff in removing mud and debris from the lift station and force main, and to properly complete the repair of the failed manhole and gravity sewer. The Contractor has submitted a change order in the amount of \$22,100 for the cost of the additional items. Staff's initial estimate to complete this repair was \$50,000 to \$150,000.

Staff has reviewed the change order and concurs with the with the items listed. On February 28, 2020 Utilities staff advised the City Manager and Chief Procurement Officer of the change order request.

March 19, 2020

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

REQUESTING DEPARTMENTS:

Utilities Department, Procurement Department

FISCAL IMPACT:

Funds are available in Utilities renewal and replacement fund 424-8032-535-4634. The total for the change order is \$22,100.

RECOMMENDATION:

Motion to approve the increase of \$22,100 for the additional services to complete the repair from Gregori Construction Inc., located in Titusville, Florida, bringing the total expenditure to \$64,850.

Attachments: (available upon request)

- 1) Legislative Memo February 6, 2020
- 2) Change Order



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Terese M. Jones, City Clerk

DATE: March 19, 2020

RE: Two (2) Appointments – Police and Firefighters' Retirement Pension Plan, Board of Trustees

SUMMARY:

As you may recall the terms of Mayor Capote and James Brock on the above subject board will expire on March 31, 2020. Mr. Brock has reapplied to serve the board.

The above board consists of five (5) member trustees. Two (2) of the trustees are appointed by Council. These trustees represent the position of one (1) Councilmember and one (1) city resident who is not a beneficiary to the pension plan. Council needs to appoint one of its members to the Board of Trustees.

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

The following application has been received:

James Winfield Brock
398 Winfall Avenue, SW 32908

REQUESTING DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the appointment of one (1) member to serve on the Police and Firefighters' Retirement Pension Plan, Board of Trustees.

Attachment(s): 1) James Brock Application

/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: Terese M. Jones, City Clerk
DATE: March 19, 2020
RE: Conditional Use, Extension – Carmel Development LLC

SUMMARY:

Carmel Development LLC has requested an extension to the commencement period of the conditional use granted by Resolution 2019-08. The request is to extend the commencement period for one (1) year for retail automotive gas/fuel sales in CC (Community Commercial District) zoning. The property is located at the northeast corner of Babcock Street and Valkaria Road.

This is the applicant's first request for an extension. The reasons for same are stated in the attached email. The conditional use will expire on March 21, 2020.

STAFF COMMENTS:

There were no adverse comments.

REQUESTING DEPARTMENTS:

Growth Management Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to adopt Resolution 2020-06, granting a one (1) year extension to the conditional use.

Attachment(s): 1) Request for Extension (available upon request)
2) Resolution 2019-08 (available upon request)
3) Resolution 2020-06

Case CU-2-2019

/tjl

RESOLUTION 2020-06

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-08, SECTION 3, BY EXTENDING THE COMMENCEMENT PERIOD OF THE CONDITIONAL USE GRANTED FOR RETAIL AUTOMOTIVE GAS/FUEL SALES IN CC (COMMUNITY COMMERCIAL DISTRICT) ZONING; WHICH PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF BABCOCK STREET AND VALKARIA ROAD; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 21, 2019, the City of Palm Bay granted a conditional use through Resolution 2019-08 to Carmel Development LLC for retail automotive gas/fuel sales in CC (Community Commercial District) zoning, and

WHEREAS, an additional one (1) year extension to the commencement period for the conditional use is being requested by Carmel Development LLC.

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

SECTION 1. The City Council of the City of Palm Bay hereby amends Resolution 2019-08, Section 3, to read as follows:

“Section 3.

- A. The modification to the conditional use must be commenced within two (2) years from the effective date of this resolution. Commencement shall mean the issuance of the appropriate permit(s), which must remain active. Failure to commence such construction within two (2) years shall void the conditional use.
- B. Failure to make payment of the business tax within one (1) year shall void the conditional use.”

SECTION 2. The effective date of the commencement period, as amended, for the conditional use shall be determined from the effective date of Resolution 2019-08, enacted on March 21, 2019.

SECTION 3. This Resolution shall be recorded in the Public Records of Brevard County at the applicant's expense.

SECTION 4. 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

Applicant: Carmel Development LLC
Case: CU-2-2019

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 19, 2020

RE: Resolution Supporting Brevard Zoo's Aquarium Project

The Brevard Zoo is in the process of planning and funding the development of a world-class Aquarium in Port Canaveral that will serve as center for Indian River Lagoon restoration. The Zoo has held a "Strategic "Doing" event in November of 2019 seeking resolution support of the Aquarium project to every Brevard County city government. The Aquarium will be partially funded by Tourism Development Taxes, as well as private donations. Representative Fine filed House Bill 2489 entitled Brevard Zoo Aquarium for the current Legislative Session for the State of Florida Appropriations Committee through the Transportation and Tourism Appropriations Subcommittee.

The Resolution of support will provide a public statement regarding the City of Palm Bay's support for the project.

REQUESTING DEPARTMENT:

City Manager's Office

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve Resolution Supporting the Brevard Zoo Aquarium Project.

Attachment:

1) Resolution

RESOLUTION 2020-07

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, SUPPORTING THE EFFORTS OF BREVARD ZOO TO BRING A WORLD CLASS AQUARIUM TO BREVARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, community involvement was the genesis of Brevard Zoo and continues to be its heart more than 25 years later, and

WHEREAS, more than 16,000 Brevard residents from various industries including aerospace and the military designed and built Brevard Zoo, and

WHEREAS, Brevard zoo opened its doors in 1994 and today serves more than 450,000 visitors each year with a vital and necessary mission of Wildlife Conservation through education and participation, and

WHEREAS, Brevard Zoo has consistently been rated in top ten list of zoos across the nation and is recognized as a hub for sciences, education, and conservation in our region, and

WHEREAS, Brevard Zoo is in the process of planning and funding the development of a world-class Aquarium in Port Canaveral that will serve as center for Indian River Lagoon restoration, and

WHEREAS, nearly eighty percent (80%) of Brevard County residents support an aquarium near Port Canaveral as part of a conservation campus that supports marine restoration, education and recreation.

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

SECTION 1. The City Council of the City of Palm Bay encourages all residents to support The Aquarium Project and take the time to visit and become educated on the importance of environmental restoration and preservation.

SECTION 2. 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

REQUESTING DIRECTOR: Laurence Bradley

DATE: March 19, 2020

RE: Fee Schedule Adjustment for Returned Check Charge

The Growth Management Department processes between 3,000 to 5,000 check payments annually. Occasionally, payments in the form of checks are returned due to insufficient funds or stop payments from financial institutions. When this occurs, the department incurs additional financial institution fees and as well as administrative costs to recoup a valid payment method.

In accordance with other city departments, Public Works and Utilities, the Growth Management Department is requesting to amend the adopted fee schedule to include a Return Check Fee. This fee will help the City recover the costs associated with check payments that are returned from financial institutions.

REQUESTING DEPARTMENT:

Growth Management

FISCAL IMPACT:

Recovery of financial institution and administrative fees associated with invalid check payments.

RECOMMENDATION:

Motion to approve revised fee resolution to include Returned Check Charges.

Attachment: 1) Revised Fee Schedule for Growth Management

RESOLUTION 2020-08

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTIONS 2019-34 AND 2020-02, ADOPTING RATES, CHARGES, AND FEES, FOR FISCAL YEAR 2019-2020, PURSUANT TO THE CITY OF PALM BAY, CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

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

SECTION 1. Resolution 2019-34, as amended by Resolution 2020-02, is hereby amended by including adjustments to the fees, rates, and charges, for Fiscal Year 2019-2020, pursuant to the City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, which are, by reference, incorporated herein as Exhibit A.

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

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

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

EXHIBIT 'A'

Fiscal Year 2019-2020 Growth Management Department Fees Schedule

CHAPTER 170: CONSTRUCTION CODES AND REGULATIONS

	FY 19	FY 20
Building Permit Issuance	30.00	30.00
Building Permit Fee (unless specifically listed below)		
Value \$1,000 or less	30.00	30.00
Value \$1,001 to \$50,000 (first \$1,000)	30.00	30.00
Plus for every \$1,000 or fraction	6.00	6.00
Value \$50,001 to \$100,000 (first \$50,000)	319.00	319.00
Plus for every \$1,000 or fraction	5.00	5.00
Value \$100,001 to \$500,000 (first 100,000)	569.00	569.00
Plus for every \$1,000 or fraction	5.00	5.00
Value \$500,001 and up (first 500,000)	2169.00	2169.00
Plus for every \$1,000 or fraction	3.00	3.00
Building Permit Fee - Mobile Homes	250.00	250.00
Moving of a Building or Structure	150.00	150.00
Environmental Monitoring Fee	25.00	25.00
Demolition of Building or Structure	125.00	125.00
Plan Check Review Fees (1/2 building permit fee)	50%	50%
For every revision add	50.00	50.00
Residential	50.00	50.00
Commercial (per sheet)	40.00	40.00
Building Inspection Fee		
Residential	100.00	100.00
Commercial	100.00	100.00
Reinspection Fee (after failed inspection)		
Residential Permits		
Re-inspection	100.00	100.00
Commercial Permits		
Re-inspection	100.00	100.00
After 4 th failed inspection		400.00
Roofing or Siding Repair - Single Family	100.00	100.00

City of Palm Bay, Florida
Resolution 2020-08

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

City of Palm Bay, Florida
Resolution 2020-08

	FY 19	FY 20
Automatic Extinguishing System inspection/functional test		75.00
Plan-Checking Fees-New Installation		200.00
Plan-Checking Fees-Modifications to existing systems		100.00
Automatic extinguishing system plan check and permit		75.00
After second revision, plan checking fee for each revision		50.00
Re-inspection paid before next inspection		100.00
Emergency Light Inspection and Testing	50.00	50.00
Permit Extension	50.00	50.00
Master Plan per Model - Single Family	300.00	300.00
>>Return Check Charge (NSF, Stop Check)		
Minimum		>>25.00<<
Face value is more than \$50.00, but does not exceed \$300.00		>>30.00<<
Face value is more than \$300.00<<		>>40.00 or 5% whichever is greater<<

CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT

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

CHAPTER 178: SIGNS

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

CHAPTER 179: STREETS AND OTHER RIGHTS-OF-WAY

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

City of Palm Bay, Florida
Resolution 2020-08

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

CHAPTER 180: TREES AND SHRUBBERY LANDSCAPING

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

CHAPTER 184: SUBDIVISIONS

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

CHAPTER 185: ZONING CODE

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

CHAPTER 190: FLORIDA STATUTES

	FY 19	FY 20
Community Development Districts		
Initial Application	7500.00	7500.00
Amended Application	3750.00	3750.00
Dissolution Application	1500.00	1500.00

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 19, 2020

RE: Code of Ordinances Establishing Departments, Chapter 39,
Community and Economic Development

In accordance with the City Code of Ordinances, Title III entitled Administration, Chapter 31: City Departments, and section 31.01 Authorized, Item G; the manager may establish by ordinance other administrative departments. The City Manager recommends the establishment The Community and Economic Development Department as Chapter 39.

The Community & Economic Development Department (CED) will include the City's Economic Development, Community Development, Bayfront Community Redevelopment Agency, and Communication's Divisions. The Community & Economic Development Department (CED) also serviced the Business Improvement District initiative and Board Committee. The establishment of the department and reorganization of duties is designed to improve efficiencies and processes that incorporate a holistic approach to service both economic impacts related to both the community and commerce-based development needs of the City of Palm Bay.

Community development programs provide a wide range of neighborhood and community development strategies for the citizens of Palm Bay, to include housing grant programs and support services for very low-, low-, and moderate-income residents of the Palm Bay, affordable housing solutions, fair housing, public services, public facilities and other improvements. Economic Development attracts, retains, and provides favorable conditions for the growth of target industry and business that provides high quality employment opportunities for the citizens of Palm Bay and enhances the economic tax base of the City.

Future textual amendments to Chapter 37 and Chapter 94 related to Community Development will be amended where this code language is applicable, upon approval of the ordinance to creating The Community & Economic Development Department.

FISCAL IMPACT:

No Fiscal Impact

March 19, 2020

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REQUESTING DEPARTMENT:

City Manager's Office

RECOMMENDATION:

Motion to approve the establishment of Community & Economic Development Department and creation of Chapter 39 of the Code of Ordinances.

Attachment:

1) Ordinance

ORDINANCE 2020-21

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, BY CREATING A NEW CHAPTER 39, TO BE TITLED “COMMUNITY AND ECONOMIC DEVELOPMENT”; 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 III, Administration, is hereby amended by creating a new Chapter 39, to be titled “Community and Economic Development”, which shall read as follows:

“CHAPTER 39: COMMUNITY AND ECONOMIC DEVELOPMENT

Section 39.01 AUTHORITY.

The provisions of this Ordinance are based upon the authority granted to the City Council of the City of Palm Bay, Florida (the City), by the Florida Constitution, Florida Statutes and the Charter of the City of Palm Bay, Florida.

Section 39.02 COMPOSITION.

The Department of Community and Economic Development shall consist of a Director who shall have supervision and control of the Department, subject to the City Manager.

Section 39.03 DEPARTMENTAL DIVISIONS.

(A) Economic Development.

(1) Responsible for attracting, retaining, and providing favorable conditions for the growth of target industry and business that provides high quality employment opportunities for the citizens of Palm Bay and enhances the economic tax base of the City. Staff members of the Division serve as liaisons to the Business Improvement District.

(B) Communications.

(1) Maintains centralized communications, messaging, and branding of the City as it relates to public-facing media relations, and promotion and marketing of the City. The Public Information Officer (PIO) services as the point-of-contact for media inquiries from the general public and coordinates with Palm Bay Police and Fire Departments, and other internal and external agencies in instances of emergency preparedness and response.

(C) Housing and Community Development.

(1) Administer, monitor, and report annually on a variety of federal and state-funded housing and community development programs to provide a wide range of neighborhood and community development strategies for the citizens of Palm Bay, to include housing grant programs and support services for very low-, low-, and moderate-income residents of the Palm Bay, affordable housing solutions, fair housing, public services, public facilities and other improvements. Staff members of the Division serve as a liaison to the Community Development Advisory Board.

(D) Bayfront Community Redevelopment District.

(1) Implements redevelopment activities and reports annually in accordance with the Redevelopment Plan as outlined in Chapter 163, Part III, of the Florida Statutes. The Bayfront CRA Administrator/Department Director serves as a liaison to the Bayfront Community Redevelopment Agency Board.”

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

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

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable,

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

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

Read in title only at Meeting No. 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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Joan Junkala

DATE: March 19, 2020

RE: Budget Amendment – SHIP Project Programming

For review and consideration, staff requests a Budget Amendment to allocate funds from SHIP Designated Fund Balance (111-0000-392-2001) to the following accounts: SHIP Single-Family Rehab account (111-3353-554-3807) in the amount of \$100,000 for approximately two (2) additional rehab clients as well as \$4,000 for title search fees required per SHIP regulations for SHIP Single-Family Rehab; Other Current Charges (111-3351-554-4909) in the amount of \$100 for recording fees; and Other Contractual Services (111-3351-554-3409) in the amount of \$5,000 for SHIP technical assistance from Florida Housing Coalition.

REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

A total of \$109,100 originating from Designated Fund Balance (111-0000-392-2001) will be allocated to SHIP Single-Family Rehab (111-3353-554-3807), Other Current Charges (111-3351-554-4909), and Other Contractual Services (111-3351-554-3409) for the purposes of SHIP programming.

RECOMMENDATION:

Motion to approve a budget amendment allocating \$109,100 from Designated Fund Balance to SHIP Single Family Rehab, Other Current Charges, and Other Contractual Services account.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Nelson Moya

DATE: March 19, 2020

RE: LETF 20-05

SUMMARY:

In accordance with Florida law, funding in the amount of \$79,852 is being requested from the Law Enforcement Trust Fund (LETF) designated fund balance for fiscal year 2019/2020.

The Police Department is requesting to use LETF monies to purchase three unmarked Police vehicles. These new vehicles will not be considered replacement vehicles but will be an addition to the Fleet for the Police Department. This purchase will help to offset the critical shortage of serviceable unmarked vehicles and will be assigned to officers that currently have vehicles from seizures and/or old vehicles that are not suitable for daily police operations. The older vehicles will in turn become pool vehicles that will be used temporarily when needed. \$69,275 is needed to purchase one Nissan Altima and 2 Chevy Equinox's fully equipped and city tagged.

The United Way is a large organization that supports and contributes to many not-for-profit organizations in Brevard County such as Club Esteem. Club Esteem is housed in the South Melbourne neighborhood on Lipscomb Street and believes all youth can achieve success with a solid educational foundation and caring adult relationships. Their intention is to work to create opportunities that help children gain the academic and personal skills needed to break free from the cycle of poverty and become productive citizens. Currently, Club Esteem serves 150 students in their main program and an additional 15 at their satellite locations. 98% of the students are minorities, 84% are from female headed households, 11% are from traditional two parent household, and 5% reside with foster families or with other relatives. Club Esteem is creating a Cool Cops Mentoring Program in collaboration with the Palm Bay Police Department. Therefore, the Police Department is requesting LETF funding of \$10,500 to initiate this program. Their six-month budget includes costs for supervision, supplies, workbooks, life skill software & DVDs, activity costs, printing costs, fees, food and other program costs. This money will be used as part of the required 25% towards crime prevention and will be funneled through the United Way. Contributing through United Way will help in the leverage of funding that is matched by federal monies with future grants for the community.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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REQUESTING DEPARTMENTS:

Police Department

FISCAL IMPACT:

There is a designated fund balance of \$188,106 as of March 5, 2019 from account #101-0000-359-1002 and 101-0000-359-1004.

RECOMMENDATION:

Motion to approve these expenditures with LETF funding as described herein up to \$79,852.00.

Attachments: (available upon request)

1) Certification Statement



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald

DATE: March 19, 2020

RE: January 31, 2020 Financial Report (Unaudited)

SUMMARY:

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 January 31, 2020. January is the fourth month of the fiscal year and represents 33% of the annual budget.

JANUARY 2020 CASH & INVESTMENTS HIGHLIGHTS

General Fund

Total General Fund cash and investments are up \$9,845,271.07 or 38.9% from the same period last year. General Fund Cash & Investments at 1/31/20 totaled \$35,162,286.83

In comparison to the prior year in January General Fund revenues increased by \$1,599,733.54 while expenditures decreased by \$2,616,474.17.

Transportation Impact Fee Fund

Transportation Impact Fee cash and investments is up \$22,500.69 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 \$1,039,439.26 in January 2019 to \$2,161,845.16 million in January 2020, an increase of \$1,122,405.90.

Stormwater Utility Fund

Cash and investment balances in the Stormwater Fund on January 31, 2020, totaled \$11.0 million.

Revenue collections in FY20 through the end of December totaled \$8,081,027.82. Revenue collections included assessment collections of \$7,959,654.52 collected through the Brevard County Tax Collector Office and \$43,438.00 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 January 31, 2020. 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 \$51,016,594.82 at 1/31/20.

Citywide

The City's total cash and investments portfolio, increased to \$132,683,978.36 from \$116,439,799.80, an increase of \$16,244,178.56 or 14.0%, from January 2019 to January 2020. 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 DEPARTMENTS:

Finance Department

FISCAL IMPACT:

None

Honorable Mayor and Members of the City Council

Legislative Memorandum

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RECOMMENDATION:

Motion to acknowledge receipt of the January 2020 Financial Report

Attachment: 1) January 31, 2020 Monthly Financial Report (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Joan Junkala

DATE: March 19, 2020

RE: Bayfront CRA 2019 Annual Report

Per Chapter 163.371, Florida Statutes, not later than March 31 of each year, a community Redevelopment agency (CRA) shall file an annual report with the County or municipality that created the agency and publish the report on the agency's website, and shall be required to provide such information as defined by the Chapter.

Additionally, per the Interlocal Agreement (ILA) between the City of Palm Bay, Bayfront CRA and Brevard County, the Agency shall file an annual report, in the format provided in Exhibit A of the ILA, to include additional information beyond what is required by Chapter 163.371.

Attached for review and consideration is the 2019 Annual Report of the Bayfront CRA. Please note that the financial information is unaudited. The City expects the final audit review to be complete on March 31; therefore, an update to the Annual Report will be provided within 45 days after completion of the audit, as allowed by Chapter 163.371(2)(a), Florida Statutes.

REQUESTING DEPARTMENTS:

Community & Economic Development; Bayfront CRA

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve the 2019 Annual Report of the Bayfront CRA.

Attachments: (all available upon request)

- 1) 2019 Annual Report of the Bayfront CRA
- 2) Interlocal Agreement between the City of Palm Bay, Bayfront CRA and Brevard County



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Joan Junkala

DATE: March 19, 2020

RE: 2019 Ad Valorem Tax (AVT) Exemption Annual Report for L3Harris Technologies Inc

Palm Bay City Council adopted Resolution 98-55 approving an economic development ad valorem tax exemption program of the City, and subsequently approved for another 10 years by the residents of Palm Bay by a referendum vote at the Regular Municipal Election held on November 6, 2018, to authorize the City to continue to grant economic development ad valorem tax exemptions to new business and the expansion of new businesses for the purpose of encouraging job creation.

On December 15, 2011, City Council adopted Ordinance 2011-67 granting an economic development ad valorem tax exemption to Harris Corporation (now L3Harris Technologies Inc) for a term of 10 years commencing with the first fiscal year the new personal property and construction of new facilities are adding to the assessment roll, and lasting 10 years thereafter for 100 percent of City ad valorem taxes.

Per the Ordinance, Harris Corporation shall submit to the City an annual report providing evidence of continued compliance with the definition of an existing business planning to expand, per Section 196.012, Florida Statutes. The 2019 Annual Report and IRS form 941 indicates a net increase in employment by 168 new persons and increased total sales in Florida from this facility by \$11,611,678 since the 2018 annual report.

On March 3, 2020, the Brevard County Property Appraiser certified that the estimated revenue which will be lost to the City during the current fiscal year is \$554,105.55. The estimated taxable value lost to the City for improvements to real property and personal property is \$56,106,780 and \$11,957,720,

March 19, 2020

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respectively.

REQUESTING DEPARTMENT:

Community & Economic Development

FISCAL IMPACT:

The City is expected to lose \$554,105.55 in tax revenue during the current fiscal year.

RECOMMENDATION:

Motion to accept the 2019 Ad Valorem Tax Exemption Annual Report for L3Harris Technologies Inc as certified by the Brevard County Property Appraiser for the 2019 property tax year.

Attachment: (available upon request)

1) 2019 AVT Exemption Annual Report for L3Harris Technologies Inc



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Joan Junkala

DATE: March 19, 2020

RE: 2019 Ad Valorem Tax (AVT) Exemption Annual Report for Midwest Dental Arts

Palm Bay City Council adopted Resolution 98-55 approving an economic development ad valorem tax exemption program of the City, and subsequently approved for another 10 years by the residents of Palm Bay by a referendum vote at the Regular Municipal Election held in November 2008 and again on November 6, 2018, to authorize the City to continue to grant economic development ad valorem tax exemptions to new business and the expansion of new businesses for the purpose of encouraging job creation.

On September 6, 2018, City Council adopted Ordinance 2018-36 granting an economic development ad valorem tax exemption to Project Rainbow (later adopted as Midwest Dental Arts by Ordinance 2019-40) for a term of 8 years commencing with the first fiscal year the new personal property and construction of new facilities are adding to the assessment roll, and lasting 8 years thereafter for 80 percent of City ad valorem taxes.

Per the Ordinance, Midwest Dental Arts shall submit to the City an annual report providing evidence of continued compliance with the definition of an existing business planning to expand, per Section 196.012, Florida Statutes. The 2019 Annual Report indicates a that construction of the new facility in Palm Bay has not yet been completed and; therefore, there is no net increase in employment.

On March 3, 2020, the Brevard County Property Appraiser certified that the estimated revenue which will be lost to the City during the current fiscal year is zero.

March 19, 2020

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REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to accept the 2019 Ad Valorem Tax Exemption Annual Report for Midwest Dental Arts as certified by the Brevard County Property Appraiser for the 2019 property tax year.

Attachment: (available upon request)

1) 2019 AVT Exemption Annual Report for Midwest Dental Arts



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Nelson Moya

DATE: March 19, 2020

RE: Travel Request – Police Department

SUMMARY:

Accreditation Unit Member Alyssa Bermudez and Sergeant Jeff Spears will be traveling to Jacksonville, FL March 24, 2020 – March 26, 2020 to attend the New Assessor Orientation. This training is designed and recommended for agencies that are pursuing reaccreditation with the Commission for Florida Law Enforcement Accreditation. The Registration Cost is FREE, the Lodging Cost is estimated at \$576.00, and the per diem is estimated at \$214.00 with an approximate total of \$790.00. This will be paid out of the Executive Division Account (5010) and the Investigation Division Account (5013).

Commander Tim Zander will be traveling to Tallahassee, FL April 19, 2020 – April 23, 2020 to attend the Future Police Chief's Seminar. This course focuses specifically on preparing the attendee for a Command Leadership position in Law Enforcement; focusing on different leadership skills and tactics within the field. The Registration Cost is estimated at \$575.00, the Lodging Cost is estimated at \$476.00, the Parking Cost is estimated at \$72.00, and the per diem is estimated at \$244.00 with an approximate total of \$1,367.00. This will be paid out of the Investigation Division Account (5013).

REQUESTING DEPARTMENTS:

Police Department

FISCAL IMPACT:

The total cost of travel is estimated at \$2,157.00 and is available in 001-5010-521-4001 (\$395); 001-5013-521-5501 (\$575); and 001-5013-521-4001 (\$1187).

Honorable Mayor and Members of the City Council

Legislative Memorandum

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RECOMMENDATION:

Motion to acknowledge and approve travel as mentioned above

Attachment:

- 1) Travel information (available upon request)