



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

Mayor  
WILLIAM CAPOTE

Deputy Mayor  
KENNY JOHNSON

Councilmembers  
HARRY SANTIAGO, JR.  
JEFF BAILEY  
BRIAN ANDERSON

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# AGENDA

## REGULAR COUNCIL MEETING 2020-17

THURSDAY  
May 7, 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).++
5. Three (3) terms expiring on the Community Development Advisory Board (represents 'residential home building', 'banking industry', and 'advocate for low-income persons' positions).+

**AGENDA REVISION(S):**

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

**CONSENT AGENDA:**

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

**PROCLAMATION(S):**

1. Kids to Parks Day – May 16, 2020.

**ADOPTION OF MINUTES:**

- \*1. Special Council Meeting 2020-12; April 15, 2020.
- \*2. Regular Council Meeting 2020-13; April 16, 2020.
- \*3. Special Council Meeting 2020-14; April 22, 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 2020-10, amending the City's Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), final reading.
2. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), final reading.
3. Ordinance 2020-21, amending the Code of Ordinances, Title III, Administration, by creating Chapter 39, Community and Economic Development, final reading.
4. Ordinance 2020-22, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (second budget amendment), final reading.
5. Ordinance 2020-23, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Barber Street, in the vicinity north of Barcelona Road, from Recreation and Open Space Use to Single-Family Residential Use (1.7 acres)(Case CP-3-2020, M. David and Joan Moallem), only one reading required.

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- ♣6. Request by Palm Bay Greens, LLC for preliminary subdivision approval for a proposed 68-lot single-family subdivision to be known as 'Country Club Lakes Estates Phase 4', which property is located east of Interstate 95, in the vicinity north of Meadowbrook Road and south of Riviera Drive, in RS-1 (Single-Family Residential District) zoning (32.31 acres)(Case PS-1-2020).
- 7. Consideration of the public service agencies to receive funding from the Fiscal Year 2020-2021 Community Development Block Grant and HOME Investment Partnership funds.
- 8. Request by Palm Bay Partners Holding, LLC for a variance to reduce the minimum square footage of proposed efficiencies to 347 square feet and one-bedroom apartments to 521 square feet in BMU (Bayfront Mixed Use District) zoning (4.33 acres)(Case V-6-2020). **(WITHDRAWN)**

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

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

- \*1. DNA processing and database services – RFP 20-0-2020 – Police Department (Bode Cellmark Forensics, Inc. - \$59,270 annually (two-year contractual obligation total of \$118,540)).

##### **Waive of Bid Process and Award:**

- \*1. Relocation of water and force mains (Babcock Street, Wyoming Drive, and Valkaria Road), emergency purchase – Utilities Department (Youngs Communications Co., Inc. - \$81,815; Mac Tapping - \$14,100; Ferguson Waterworks Inc. - \$14,016; United Rentals - \$4,335; contingency - \$11,427); authorize appropriation of funds (\$125,693).

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

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

- \*1. Resolution 2020-18, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.
- \*2. Resolution 2020-19, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (second amendment).

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- \*3. Resolution 2020-20, amending Resolution 2019-49, authorizing the execution of a Local Agency Program Supplemental Agreement with the Florida Department of Transportation regarding construction services for sidewalks and surrounding crosswalks for Christa McAuliffe Elementary School as part of the Safe-Routes-To-School program.
- \*4. Resolution 2020-21, amending Resolution 2019-51, authorizing the execution of a Local Agency Program Supplemental Agreement with the Florida Department of Transportation regarding construction services for sidewalks and surrounding crosswalks for Discovery Elementary School as part of the Safe-Routes-To-School program.
- \*5. Ordinance 2020-24, amending the Code of Ordinances, Chapter 110, Business Regulations, by revising provisions related to Business Tax Receipt exemptions.
- \*6. Consideration of utilizing Transportation Impact Fees for Phases 1 and 2 of the St. Johns Heritage Parkway Intersection Project (\$300,300).
- \*7. Consideration of a budget transfer reallocating funds from the Parks Improvement and Parks Development accounts to the Buildings account for the Palm Bay Senior Center ADA accessibility improvements project (\$577,158).

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

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

**ADJOURNMENT:**

**♣Quasi-judicial proceeding.**

**Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that the City of Palm Bay shall hold the above public meeting on May 7, 2020, beginning at 7:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).**

**Public comments may be submitted via email at [publiccomments@palmbayflorida.org](mailto:publiccomments@palmbayflorida.org). Members of the public may also call (321) 726-2740 to provide comments via a dedicated City of Palm Bay public comment voicemail. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the City Council prior to**

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**any action taken. Comments must be received at least twenty-four (24) hours prior to the meeting and shall have a time limit of three (3) minutes.**

**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.**

**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.**

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

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## LEGISLATIVE MEMORANDUM

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

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

**DATE:** May 7, 2020

**RE:** Three (3) Terms Expiring – Community Development Advisory Board

***SUMMARY:***

The terms of David Hernandez, Alan Borkowski and Amaya Vinuela on the above board will expire on June 15, 2020.

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

Legislative Department

***FISCAL IMPACT:***

None

***RECOMMENDATION:***

The terms expiring need to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on June 4, 2020.

/jcd

**CITY OF PALM BAY, FLORIDA**  
**SPECIAL COUNCIL MEETING 2020-12**

Held on Wednesday, the 15<sup>th</sup> day of April 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

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

The meeting was called to order at the hour of 6:00 P.M.

**ROLL CALL:**

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

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

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

There were no public comments.

**BUSINESS:**

**1. Resolution 2020-13, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.**

The City Attorney read the resolution in caption only.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-13. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

Mrs. Morrell said that the weekly special meetings required to extend the State of Local Emergency fell on Wednesdays, with regular Council meetings being on Thursdays. She suggested combining the meetings thereby prompting the extensions to be held on Thursdays to coincide with the regular meetings. Council concurred.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 6:04 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

### **REGULAR COUNCIL MEETING 2020-13**

Held on Thursday, the 16<sup>th</sup> day of April 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.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

#### **ROLL CALL:**

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

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager

#### **AGENDA REVISION(S):**

There were no agenda revisions.

#### **CONSENT AGENDA:**

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

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

**ADOPTION OF MINUTES:**

- \*1. Special Council Meeting 2020-10; April 8, 2020.**
- \*2. Special Council Meeting 2020-11; April 8, 2020.**

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

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

Residents made general comments.

**PROCUREMENT(S):**

**Award of Bid(s):**

- \*1. Road bond paving, Port Malabar Unit 42 and Garvey Road – IFB 29-0-2020 – Public Works Department (Asphalt Paving System, Inc. - \$7,921,652).**

Staff Recommendation: Approve the award for road bond paving for Port Malabar Unit 42 and Garvey Road to Asphalt Paving System, Inc. (Zephyrhills) in the amount of \$7,921,652.40.

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

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

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

1. TOURIST DEVELOPMENT COUNCIL (TDC) – Mr. Anderson advised that the \$1.3 million earmarked for the campground would most likely have to be given back to the TDC as the City had not moved forward with the project.
2. Mr. Anderson said a plan needed to be in place for when the City reopened and requested an update on the Palm Bay Aquatic Center. He also asked that any local businesses that wanted to give back to the community, such as First Responders, to contact any member of Council to coordinate same.
3. Mr. Bailey said that people needed to make plans to initiate personal gardening. He said that residents should be able to keep more than the permitted four (4) chickens and people needed to prepare for price inflation. He added that Council needed to take a firm

stance and become unified on the interlocal agreement (ILA) with Brevard County and support the needs of the residents. He felt the preliminary agreement still needed a lot of work.

4. Mr. Santiago suggested a workshop to discuss the ILA so that Council could come to a consensus as to what it wanted in the ILA. He said he was still moving forward with the parking regulations and multi-family ordinances, but everything was being delayed due to the COVID-19.

5. Deputy Mayor Johnson said that he did not want to take on something that would be a detriment to the City in the future with regard to the ILA. Council should move forward carefully.

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

**\*1. Resolution 2020-14, amending Resolution 2019-37, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (second amendment).**

The City Attorney read the resolution in caption only.

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

**\*2. Ordinance 2020-22, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (second budget amendment).**

The City Attorney read the ordinance in caption only.

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

**\*3. Consideration of budget amendment to allocate funds from the Neighborhood Stabilization Program account for properties owned by the City through the Homes for Warriors Program.**

Staff Recommendation: Approve a budget amendment allocating \$1,500 from the Neighborhood Stabilization Program's Other Professional Services account to the Electric Services account (\$1,000) and Water and Sewer Services (\$500) for existing utility services for properties continued to be owned by the City through the Homes for Warriors Program.

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

**\*4. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$10,000 under the approved LHAP for 152 Donald Avenue.**

Staff Recommendation: Approve exceeding the \$50,000 maximum award for State Housing Initiatives Partnership Program (SHIP) Owner-Occupied rehabilitation by \$10,000 under the approved Local Housing Assistance Plan (LHAP) for a total of \$60,000 to make necessary drainage repairs to 152 Donald Avenue.

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

**\*5. Consideration of Community Development Block Grant Disaster Recovery (CDBG-DR) Voluntary Home Buyout Program Subrecipient grant agreement with the Florida Department of Economic Opportunity.**

Staff Recommendation: Approve the Community Development Block Grant Disaster Recovery (CDBG-DR) Voluntary Home Buyout Program Subrecipient grant agreement with the Florida Department of Economic Opportunity.

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

**\*6. Acknowledgement of the City's monthly financial report for February 2020.**

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

**ADMINISTRATIVE AND LEGAL REPORTS:**

Mrs. Morrell requested and Council concurred with the following special meetings:

a) Wednesday, April 22nd, at 6:00 P.M., to extend the state of local emergency by one day and to consider the authorization to negotiate the solid waste services contract;

b) Thursday, April 23rd, at 6:00 P.M., to extend the state of local emergency by one week and to consider the interlocal agreement with Brevard County for the St. Johns Heritage Parkway and Babcock Street intersection; and

c) Wednesday, April 29th, at 6:00 P.M. to consider forwarding the Comprehensive Annual Financial Report to the Auditor General.

**PUBLIC COMMENTS/RESPONSES:**

There were no comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 7:39 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

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

### **SPECIAL COUNCIL MEETING 2020-14**

Held on Wednesday, the 22<sup>nd</sup> day of April 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

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

The meeting was called to order at the hour of 6:00 P.M.

#### **ROLL CALL:**

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

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager.

#### **PUBLIC COMMENTS:**

Public comments were considered under the specific agenda items.

Council concurred to consider Item 1, under Business, at this time.

**1. Resolution 2020-15, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.**

The City Attorney read the resolution in caption only.

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

## **PROCUREMENT(S):**

### **Miscellaneous:**

#### **1. Solid waste and recycling collection services, authorization to negotiate – RFP 03-0-2020 – Public Works Department (Republic Services of Florida).**

Staff Recommendation: Authorize staff to negotiate the franchise agreement for solid waste and recycling collection services with Republic Services of Florida, with the option of either: a) base proposal providing for twice weekly residential services; or b) alternate proposal providing for once a week residential service.

Ms. Morrell provided a process timeline for the Request for Proposal (RFP). Proposals were received from Great Waste, Republic Services of Florida (Republic) and Waste Pro. Waste Management submitted a letter of no proposal. She advised that tonight's meeting was to request authorization to negotiate the franchise agreement with the top ranked firm, Republic, and the final agreement would be considered by City Council in approximately 4-6 weeks.

The unit price for residential costs per month from Republic was as follows:

CATEGORY 1 BASE PROPOSAL - Two (2) times per week solid waste pick-up; one time per week recycling and yard waste pick-up	\$29.09
CATEGORY 2 ALTERNATE PROPOSAL - One time per week solid waste, recycling and yard waste pick-up	\$19.08

Mrs. Morrell provided key highlights of Republic's solid waste services, current franchise revenues versus proposed revenues, and a proposal rates summary.

Bill Battin, resident, asked how yard waste would be handled and in what type of container it should be placed; and if the claw truck would automatically be scheduled to pick-up when seen by the workers or if residents had to call for same. Mrs. Morrell answered that yard waste could be placed in a personal container or on the roadside. The yard truck would be scheduled if the workers were unable to handle manually. Residents could still call for the service as well.

Joanne Stanley, Manager of Municipal Sales for Republic, provided an overview of the company's transition timeline, available vehicle resources, routes for trucks, transitioning and maintenance of carts, etc. Customers would be provided a 96-gallon cart but could choose to have a smaller container if desired.

Mr. Bailey said there were issues with Monday and Friday holidays and missed pick-ups. He asked how Republic would handle those issues. Trey Richardson, General Manager for Republic, said that the company's internal service commitment was a 24-hour turnaround for any missed customers. Mr. Bailey asked for confirmation that residential properties were built into the franchise agreement. Ms. Stanley advised that although it was not part of the RFP, Republic typically provided residential, commercial and industrial as part of the franchise agreement and included it in the pricing. Mr. Bailey asked if Republic would be willing to eliminate the residential portion which could reduce the costs to the citizens. Mr. Richardson advised that it would potentially be a reduction in the overall residential rate.

Mr. Anderson questioned the length of the contract. Mrs. Morrell said it was a ten (10) year contract with one five (5) year renewal. Mr. Anderson asked if there was an additional cost for those residents that had multiple carts. Ms. Stanley said those figures were built into the RFP. Mr. Anderson asked if Republic planned on taking over the carts and billing or leave as is with the City. Mr. Richardson answered that the reduced cost was for billing and carts to remain with the City, but Republic had no issue with taking over same.

Mayor Capote asked staff's preference on keeping the billing and carts. Mrs. Morrell preferred that Republic take over the billing and carts. Mr. Bailey felt that turning over the billing would be a cost to the City and asked staff to explain. Mrs. Morrell said that final numbers would have to be negotiated and she agreed that, in looking at the pricing, the billing would be better retained by the City, but there was also an operational impact to the Utilities Department that was outside of the General Fund. She said the only item to be considered tonight was whether Council preferred once or twice per week pick-up and to authorize negotiations.

Mr. Bailey asked how bulk waste, such as fencing, light construction debris, etc., would be handled. Ms. Stanley said that the limit was typically two (2) cubic yards which would be picked up by a clamshell truck or rear load truck. Mr. Richardson added that if it was a construction and/or demolition type job, Republic would tag it, call it in and get an open-top container to dispose of it properly at the landfill.

Deputy Mayor Johnson asked how hurricane debris would be addressed. Mr. Richardson said that if there were additional piles, Republic would provide additional resources for pick-up. Generally, there would be third-party companies to assist. Ms. Stanley said Republic would work closely with the City's monitoring companies for Federal Emergency Management Agency (FEMA) purposes. Deputy Mayor Johnson asked if Republic had any contracts where there was twice a week pick-up during the summer months and once per week during the cooler months. Ms. Stanley answered in the negative.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to authorize staff to negotiate with the top ranked firm, Republic Services of Florida, for twice per week residential service.

Mr. Bailey said there was a huge difference in pricing to have larger bins and for the twice per week pick-up. He knew that many residents did not want to pay more and felt that once a week may be more feasible, especially with people experiencing layoffs and a downturn in the economy.

Mayor Capote said that Council knew that prices would increase and said that Council should have negotiated with Waste Management in order to keep the prices low. He said the City was continuing to grow and most cities our size had twice per week pick-up.

Mr. Santiago said he had some of the same concerns as Councilman Bailey regarding what people were going through today, but he knew there would be an increase even with once per week pick-up. He said the survey reflected that half wanted once and half wanted twice per week pick-up, but he supported twice per week.

Mr. Anderson wanted to make sure that Council was ready to make this decision because it would be between a 125%-137% increase for twice per week service. Although residents wanted twice per week, the biggest part of the survey was that they did not want a price increase. He understood that twice a week was the way to go in order to address the issue of flies and sanitary conditions and expected the City Manager to negotiate the lowest price possible.

Mr. Bailey said that the surveys have consistently shown that the number one factor was price and there would be an increase of \$10 per month, which was almost as much as what residents were currently paying for the existing service.

Motion carried with members voting as follows:

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

**BUSINESS:**

**1. Resolution 2020-15, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.**

The item was considered earlier in the meeting prior to Procurement(s).

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 7:08 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

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

**DATE:** May 7, 2020

**RE:** Final Reading of Ordinances 2020-10, 2020-13, 2020-21 and 2020-22

**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 2020-10, 2020-13, 2020-21 and 2020-22.

Attachment(s): 1) Ordinance 2020-10/Memo/Minutes  
2) Ordinance 2020-13/Memo/Minutes  
3) Ordinance 2020-21/Memo/Minutes  
4) Ordinance 2020-22/Memo/Minutes

/tjl



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Laurence Bradley, AICP, Growth Management Director

**DATE:** May 7, 2020

**RE:** Comprehensive Plan Text Amendment Request – City of Palm Bay (Growth Management Department) 2<sup>nd</sup> Reading

### SUMMARY:

This item had its first reading at City Council on February 6, 2020, approval was unanimous. Changes to the text of the Comprehensive Plan are considered Large Scale amendments to the Comprehensive Plan. Large scale Comp Plan amendments are required to be referred to the Department of Economic Opportunity (DEO). CP-1-2020 was referred to DEO on February 20, 2020. It was returned to the City from DEO on March 16, 2020. It should be noted that this application has a companion Text Amendment application T-3-2020.

The DEO in its comment back to the City requested that Growth Management make a finding as to whether or not Accessory Dwelling Units (ADUs) would count toward residential density. Based upon the information supplied by DEO and the fact that ADUs can only be allowed when accessory to a Principal Single-Family dwelling. ADUs are not permitted as stand-alone housing units and are also limited in size to 750 square feet maximum and only 1 per property. ADUs do not increase the number of Single-Family homes that are permitted. It should be noted that the Comprehensive Plan recommends Single-Family Density to be at or below 5 dwelling units per acre. The attached analysis indicates that if all residential lots within the City were built out the average density in Single-Family zones would only be about 3 units per acre (See Attached). Thus, the proposed amendment does not adversely impact the residential density as contemplated within the Comp Plan of a maximum of 5 units per acre. Given this information it is the conclusion of the Growth Management Department that ADUs should not be considered as an increase in residential density.

The City of Palm Bay (Growth Management Department) has applied for a Comprehensive Plan amendment to the Future Land Use Element text to provide for accessory dwelling units in the Single-Family Residential Use category. This change to the Comprehensive Plan modifies the text in the Future Land Use Element section covering Single Family Residential Land Use. This a companion change to the Text Amendment T-3-2020 which will be adding Accessory Dwelling Unit to the six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

**REQUESTING DEPARTMENTS:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case CP-1-2020.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request

**Attachments:**

- 1) Case CP-1-2020 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance
- 4) Comment from DEO (*available upon request*)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** February 6, 2020

**RE:** Comprehensive Plan Text Amendment Request – City of Palm Bay (Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a Comprehensive Plan amendment to the Future Land Use Element text to provide for accessory dwelling units in the Single-Family Residential Use category. This change to the Comprehensive Plan modifies the text in the Future Land Use Element section covering Single Family Residential Land Use. This a companion change to the Text Amendment T-3-2020 which will be adding Accessory Dwelling Unit to the six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

### REQUESTING DEPARTMENT:

Growth Management

### RECOMMENDATION:

Motion to approve Case CP-1-2020.

### Planning and Zoning Board Recommendation:

Unanimous approval of the request.

### Attachments:

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

The public hearing was closed.

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

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

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

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

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

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

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

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

The public hearing was closed.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ORDINANCE 2020-10**

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

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on January 8, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on February 6, 2020, after public notice, and

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

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

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

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on May 7, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay desires to adopt said amendment to the Future Land Use Element of the Comprehensive Plan of the City of Palm Bay.

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

**SECTION 1.** The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the changes to the Future Land Use Element as identified in Exhibit A, attached hereto and made an integral part hereof.

**SECTION 2.** All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 4.** This ordinance shall become effective thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

**EXHIBIT 'A'**

**PROPOSED AMENDMENT**

**FUTURE LAND USE CATEGORY:**

**SINGLE FAMILY RESIDENTIAL USE** – Maximum residential density of 5 units per acre with a range of 0 to 5 units per acre. Typical uses permitted include single family homes, **>>accessory dwelling units<<**, recreational uses, and institutional uses such as schools, churches and utilities.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Laurence Bradley, AICP, Growth Management Director

**DATE:** May 7, 2020

**RE:** Textual Amendment Request – City of Palm Bay (Growth Management Department) 2<sup>nd</sup> Reading

### SUMMARY:

This item had its first reading at City Council on February 6, 2020, approval was unanimous. This Text Amendment also has a companion a Large-Scale Comprehensive Plan Amendment CP -1-2020. Large scale Comp Plan amendments are required to be referred to the Department of Economic Opportunity (DEO). CP-1-2020 was referred to DEO on February 20, 2020. It was returned to the City from DEO on March 16, 2020 and this is the first opportunity to have it placed on an agenda for the Council's consideration.

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

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

- ADUs may be either attached or in detached structures
- Only 1 ADU per property is permitted
- Owner must reside on the property

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

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

**REQUESTING DEPARTMENTS:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case T-3-2020.

**Planning and Zoning Board Recommendation:**

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

**Attachments:**

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** February 6, 2020

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

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

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

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

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

Mayor and Council: T-3-2020

February 6, 2020

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**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case T-3-2020.

**Planning and Zoning Board Recommendation:**

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

**Attachments:**

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

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

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

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

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

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

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

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

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

The public hearing was closed.

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

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

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

Mr. Anderson withdrew his second.

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

## **PROCUREMENT(S):**

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

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

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

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

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

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

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

## ORDINANCE 2020-13

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'DISTRICT REGULATIONS', BY CREATING DEFINITIONS AND ESTABLISHING REGULATIONS RELATED TO ACCESSORY DWELLING UNITS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions', is hereby amended and shall henceforth read as follows:

### **"GENERAL PROVISIONS**

#### **Section 185.006 DEFINITIONS.**

\* \* \*

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

**“DISTRICT REGULATIONS**

\* \* \*

**Section 185.031 RR — RURAL RESIDENTIAL DISTRICT.**

\* \* \*

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

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

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

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

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

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

\* \* \*

#### **Section 185.032 RE — ESTATE RESIDENTIAL DISTRICT.**

\* \* \*

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

\* \* \*

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

\* \* \*

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

\* \* \*

(F) *Lot and structure requirements:*

\* \* \*

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

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

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

\* \* \*

(F) *Lot and structure requirements:*

\* \* \*

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

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

\* \* \*

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

\* \* \*

**Section 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.**

\* \* \*

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

\* \* \*

(F) *Lot and structure requirements.*

\* \* \*

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

\* \* \*

**Section 185.051 SRE — SUBURBAN RESIDENTIAL ESTATE CATEGORY.**

\* \* \*

(B) *Principal uses and structures:*

(1) Single-family dwellings.

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

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

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

\* \* \*

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 4.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 5.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

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

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

---

William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

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

## **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. 2020-06, held on March 19, 2020; and read in title only and duly enacted at Meeting No. 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## 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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to appoint Mayor Capote as Council representative to the Board of Trustees. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

#### **COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

#### **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).**

The City Attorney read the resolution in caption only.

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

**\*2. Resolution 2020-07, supporting the efforts of Brevard Zoo to bring a world class aquarium to Brevard County.**

The City Attorney read the resolution in caption only.

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

**\*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.**

The City Attorney read the resolution in caption only.

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

**\*4. Ordinance 2020-21, amending the Code of Ordinances, Title III, Administration, by creating Chapter 39, Community and Economic Development.**

The City Attorney read the ordinance in caption only.

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

**\*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).**

Staff Recommendation: Approve a budget amendment allocating \$109,100 from Designated Fund Balance to SHIP Single Family Rehabilitation, Other Current Charges and Other Contractual Services account.

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

**\*6. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$79,852).**

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

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

**\*7. Acknowledgement of the City's monthly financial report for January 2020.**

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

**\*8. Acknowledgement of the 2019 Annual Report for the Bayfront Community Redevelopment Agency.**

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

**\*9. Acknowledgement of the 2019 Ad Valorem Tax Exemption Annual Report for L3Harris Technologies Inc.**

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

**\*10. Acknowledgement of the 2019 Ad Valorem Tax Exemption Annual Report for Midwest Dental Arts.**

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

## **ORDINANCE 2020-22**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2020 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USAGE OF UNDESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: GENERAL FUND; LAW ENFORCEMENT TRUST FUND; POLICE IMPACT FEE FUNDS; GO ROAD BOND PROGRAM FUND; UTILITIES OPERATING FUND; UTILITIES CONNECTION FEE FUND; UTILITIES RENEWAL/REPLACEMENT FUND; BUILDING FUND; STORMWATER UTILITY FUND; SOLID WASTE FUND AND FLEET SERVICES FUND; USAGE OF DESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: SHIP GRANT FUND; CDBG FUND; HOME INVESTMENT GRANT FUND; NSP FUND; IMPACT FEE FUNDS FOR FIRE, PARKS AND TRANSPORTATION; RECOGNIZE THE FOLLOWING REVENUE, GRANTS AND AGREEMENTS: FEMA PUBLIC ASSISTANCE REIMBURSEMENTS FOR HURRICANES MATTHEW AND IRMA; EMERGENCY MEDICAL TRUST FUND GRANT PROCEEDS; FEMA HMGP GRANT MODIFICATION AGREEMENT; FDOT SAFE ROUTES TO SCHOOL LAP AGREEMENT; AND BOND PROCEEDS FROM THE PARTIAL REFUNDING OF THE 2013 TAXABLE SPECIAL OBLIGATION REFUNDING BONDS; TRANSFER CITY-OWNED PROPERTY SALE PROCEEDS FROM THE GENERAL FUND TO THE ROAD MAINTENANCE FUND; TRANSFER FUNDS FROM THE GENERAL FUND AND ALL NEXUS POLICE IMPACT FEE FUNDS TO THE FLEET SERVICES FUND FOR VEHICLE PURCHASES; TRANSFER FUNDS FROM THE GENERAL FUND TO THE BUILDING FUND FOR VEHICLE PURCHASES; AND TRANSFER FUNDS FROM THE UTILITIES OPERATING FUND TO THE UTILITIES RENEWAL/REPLACEMENT FUND FOR WATER PLANT IMPROVEMENT PROJECTS; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

**SECTION 2.** The City Council adopts, ratifies, and approves the appropriations as listed above.

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

Read in title only at Meeting No. 2020-13, held on April 16, 2020; and read in title only and duly enacted at Meeting No. 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Yvonne McDonald, Finance Director

**DATE:** April 16, 2020

**RE:** FY 2020 Second Budget Amendment

### SUMMARY:

Summary of the proposed budget amendment:

#### General Fund (001)

##### ***Revenues – Total \$321,643***

- Recognize Federal Grant revenue for FEMA reimbursements related to Hurricane Irma and Matthew – **\$62,568.**
- Recognize State Grant revenue for FEMA reimbursements related to Hurricane Irma and Matthew – **\$9,346.**
- Record city-owned property sales proceeds – **\$134,185.**
- Recognize revenue from Brevard County Fire Rescue for Emergency Medical Trust Fund Grant Program; approved by Council 02/20/20– **\$12,392.**
- Recognize revenues for the 2019 Justice Assistance Grant (JAG); awarded 09/18/2019 – **\$38,106.**
- Recognize revenues for HMGP Grant Modification; approved by Council 03/05/2020 – **\$65,046.**

##### ***Expenditures – Total \$832,165***

- Purchase of (7) easements of private property to be paid out of the land acquisition account – **\$50,000.**
- Transfer sales/proceeds from property sales to the Road Maintenance Fund– **\$134,185.**

- Appropriate funds for bullet-proof vests, NAR MCI-Walk and Infinium Clear-Vue Video Laryngoscopes from Grant funding received; approved by Council 02/20/2020 – **\$12,392.**
- Appropriate funds for purchase of squad radio for Fire Station #1 since funds were not rolled to the new fiscal year due to issue with purchase order; approved by Council 02/20/2020 – **\$4,905.**
- Funding needed to convert abandoned septic system to sewer at Fred Poppe Regional Park project 19PR06; approved by Council 02/20/2020 – **\$359,718.**
- Appropriate funds for SWAT ballistic vests, helmets, and traffic radar trailer replacements; per JAG funding; approved by Council 09/05/19 – **\$38,106.**
- NAGE Blue salary increases (General Fund Employees); retroactive to 10/01/2019 – 2.0% adjustment; approved by Council 01/16/2020 – **Net Impact \$47,787.**
- NAGE White salary increases (General Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$33,903.**
- Appropriate funds for Fire Station Hardening (Project 19FD01) for generator purchases from Grant modification; approved by Council 03/05/2020 – **\$65,046.**
- Reduction of transfer to the 2013 T.S.O. Refunding Bond Fund (221) sinking interest payment due to partial refinancing of the 2013 Taxable Special Obligation (T.S.O.) Refunding Bonds – **(\$668,972).**
- Transfer to the 2019 T.S.O. Refinancing Bond Fund (229) for the sinking interest payment due to the bond refinancing – **\$453,425.**
- Transfer to the Building Fund for 4 newer vehicles that Code Compliance will be reimbursing them for; approved by Council 02/20/2020 – **\$51,670.**
- St. Johns Heritage Parkway/Interchange Project forensic audit; approved by Council 03/05/2020 – **\$250,000.**

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

##### ***Expenditures – Total \$20,963***

- LETF 20-04 – Registration for 12 Police Department employees to attend FBI-LEEDA Supervisor Leadership Course \$8,340, Training & travel for D. Packard SMIP Program \$10,623, and donation to support the Red Ribbon Event for drug prevention awareness \$2,000; approved by Council 02/20/20 – **\$20,963.**

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

#### ***Expenditures – Total \$98,806***

- SHIP general ledger cleanup and appropriate funding to the following projects: (20CD02) \$42,140; (20CD03) \$11,588; and (20CD04) \$19,952 – **\$73,680.**
- NAGE White salary increases (State Housing Grant Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$126.**
- Request to utilize additional SHIP special needs program funding to accommodate improvements needs for safety and sanitation for client; approved by Council 03/05/20– **\$25,000.**

### **Community Development Block Grant (CDBG) Fund (112)**

#### ***Expenditures – Total \$54***

- NAGE White salary increases (Community Dev. Block Grant Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$54.**

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

#### ***Expenditures – Total \$36***

- NAGE White salary increases (Home Investment Grant Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$36.**

### **NSP Fund (123)**

#### ***Expenditures – Total \$144***

- NAGE White salary increases (NSP Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$144.**

### **Fire Impact Fees Fund (153)**

#### ***Expenditures – Total (\$386,108)***

- Balance re-allocation of approved budget in Fund 153 to the following new nexus funds: Fund 188 Project 19FD02 for (\$56,697) and Fund 190 Project 18FD01 for (\$329,411) – **(\$386,108).**

**Park Impact Fees Fund (154)**

***Expenditures – Total (\$218,345)***

- Balance re-allocation of approved budget from Fund 154 to the following new nexus funds: Fund 191 Project 17PR02 for (\$17,438); Fund 192 Project 16PK08 for (\$17,717); Fund 192 Project 18PR04 for (\$77,869) and Fund 192 Project 17PR06 for (\$4,321) – **(\$117,345)**.
- Balance re-allocation of approved budget from Fund 154 and return to fund balance to closeout project 18PR01 – **(\$101,000)**.

**Transportation Impact Fees Fund (155)**

***Expenditures – Total (\$1,344,818)***

- Balance re-allocation of approved budget from Fund 155 to new nexus Fund 197 Project 16PW13 for (\$1,046,529) and Project 18PW01 for (\$298,289) – **(\$1,344,818)**.

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

***Expenditures – Total \$6,505***

- Transfer Police Impact Fees to Fleet Funds to purchase and build out a 2020 Nissan Pathfinder for the Crime Suppression Unit; approved by Council on 12/19/19 – **\$6,505**.

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

***Expenditures – Total \$6,505***

- Transfer Police Impact Fees to Fleet Funds to purchase and build out a 2020 Nissan Pathfinder for the Crime Suppression Unit; approved by Council on 12/19/19 – **\$6,505**.

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

***Expenditures – Total \$6,505***

- Transfer Police Impact Fees to Fleet Funds to purchase and build out a 2020 Nissan Pathfinder for the Crime Suppression Unit; approved by Council on 12/19/19 – **\$6,505**.

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

***Expenditures – Total \$6,505***

- Transfer Police Impact Fees to Fleet Funds to purchase and build out a 2020 Nissan Pathfinder for the Crime Suppression Unit; approved by Council on 12/19/19 – **\$6,505.**

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

***Expenditures – Total \$56,697***

- Balance re-allocation of approved budget in Fund 153 to new nexus Fund 188 (project 19FD02) – **\$56,697.**

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

***Expenditures – Total \$329,411***

- Balance re-allocation of approved budget in Fund 153 to new nexus Fund 190 (project 18FD01) – **\$329,411.**

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

***Expenditures – Total \$17,438***

- Balance re-allocation of approved budget in Fund 154 to new nexus Fund 191 (project 17PR02) – **\$17,438.**

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

***Expenditures – Total \$99,907***

- Balance re-allocation of approved budget in Fund 154 to new nexus Fund 192 for the following projects: 16PK08 for \$17,717; 18PR04 for \$77,869; and 17PR06 for \$4,321 – **\$99,907.**

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

***Expenditures – Total \$1,344,818***

- Balance re-allocation of approved budget from Fund 155 to new nexus Fund 197 Project 16PW13 for (\$1,046,529) and Project 18PW01 for (\$298,289) – **\$1,344,818.**

**2013 T.S.O. Refunding Bond Fund (221)**

***Revenues – Total (\$668,972)***

- Transfer reduction from the General Fund (001) for the sinking interest payment due to bond refinancing – **(\$668,972).**

***Expenditures – Total (\$668,972)***

- The 2013 Taxable Special Obligation (T.S.O.) Refunding Bonds had a partial refunding in December 2019. Record the difference of debt interest payment due to the bond refinancing – **(\$1,341,445).**
- Transfer funds held in bond service account to the 2019 T.S.O. Refinancing Bond Fund (229) for deposit in the escrow account in accordance with the terms and provisions of the Escrow Deposit Agreement – **\$670,723.**
- Allocate funding for the incurred issuance costs – **\$1,750.**

**2019 G.O. Bond Fund (228)**

***Expenditures – Total \$6,248***

- Transfer funds from the GO Road Program Fund (309) to apply to Debt Service payment – **\$6,248.**

**2019 T.S.O. Refinancing Bond Fund (229)**

***Revenues – Total \$52,681,949***

- Transfer bond service account funds from the 2013 Taxable Special Obligation (T.S.O.) Refunding Bond Fund (221) for deposit in the escrow account in accordance with the terms and provisions of the Escrow Deposit Agreement – **\$670,723.**
- Transfer from the General Fund (001) for the 04/01/2020 sinking interest payment due to the bond refinancing – **\$453,425.**
- Record Refinancing Bond Proceeds – **\$51,557,801.**

***Expenditures – Total \$814,304***

- Partial refunding of the 2013 Taxable Special Obligation (T.S.O.) Refunding Bonds in December 2019. Record bond issuance costs \$360,879 and interest payment \$453,425 – **\$814,304.**

### **Community Investment Fund (301)**

#### ***Revenues – Total \$2,490,058***

- Local Agency Program (LAP) agreement with the Florida Department of Transportation (FDOT) for the Safe Routes to School project (18PW02); approved by Council on 12/05/19 – **\$2,490,058.**

#### ***Expenditures – Total \$2,490,058***

- Funding for the Safe Routes to School project (18PW02) involving the construction of five sidewalks and surrounding crosswalks at the following locations: Port Malabar Elementary; Christa McAuliffe Elementary; Columbia Elementary; Discovery Elementary and Jupiter Elementary; approved by Council 12/05/2019 – **\$2,490,058.**

### **Road Maintenance CIP Fund (307)**

#### ***Revenues – Total \$134,185***

- Transfer of city-owned property sales proceeds from the General Fund – **\$134,185.**

#### ***Expenditures – Total \$134,185***

- Increase expenditure budget in the FY 20 Road Maintenance Program (20RD01) due to the appropriation of property sale proceeds from General Fund – **\$134,185.**

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

#### ***Expenditures – Total \$29,137,248***

- Provide budget for Road Bond re-paving of seven (7) locations – Unit 42 (20GO03), Garvey Road (20GO04), Unit 11 (20GO05), Unit 15 (20GO06), Unit 18 (20GO07), Unit 23 (20GO08), and Unit 56 (20GO09); approved by Council 03/07/2019 – **\$29,131,000.**
- Transfer of remaining issuance proceeds from the GO Road program to the 2019 G.O. Bond Fund (228) for debt service payment – **\$6,248.**

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

#### ***Expenditures – Total \$1,112,892***

- Appropriation of funds for Wade trim Task Order 18-11, Amendment No. 3 for the engineering services for the construction of the Nutrient Removal Facilities (17WS16); approved by Council on 12/19/19 – **\$154,034.**
- Funding for Mechanical Integrity Test for the SRWTP Deep Injection Well for \$16,500 and invoice for rental pumps needed for Hurricane Dorian for \$23,591– **\$40,091.**
- Emergency purchase of mobile belt filter press (BFP) services from Synagro South required to keep NRWTP operational; approved by Council on 12/19/19 – **\$116,400.**
- Extension for emergency purchase of mobile BFP services from Synagro South due to delay in shipment for the parts to repair the BFP; approved by Council on 03/05/20– **\$50,711.**
- Emergency purchase of vacuum and dump truck services from Meeks Plumbing due to road failure that lead to sewer pipe damage in lift station 42; approved by Council on 02/06/20 – **\$95,355.**
- Project completion/closure for NRWTP Rear Yard Swale & Fence (18WS23) and return remaining funds to fund balance – **(\$24,499).**
- Reduce Project 17WS13 due to delay until FY 21 and move a portion of the budget to Utilities R&R Fund for NRWTP Improvements; approved by Council 03/05/2020 – **(\$1,218,573).**
- Transfer funds to the Utilities R&R Fund for NRWTP Improvements for projects 17WS04 & 18WS19; approved by Council 03/05/2020 – **\$1,725,532.**
- Appropriate funds for biosolids transportation and disposal due to BFP operational issues for \$98,500 and required fuel tank generator cleaning and treatment at NRWTP for \$5,400; approved by Council on 03/05/20 – **\$103,900.**
- NAGE Blue salary increases (Utilities Operating Fund Employees); retroactive to 10/01/2019 – 2.0% adjustment; approved by Council 01/16/2020 – **Net Impact \$60,577.**
- NAGE White salary increases (Utilities Operating Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$9,364.**

#### Utility Connection Fee Fund (423)

**Expenditures – Total \$10,425**

- Appropriation of Utility Water Connection Fees for the Florida Department of Environmental Protection (FDEP) construction permit application fee and legal ad (Project 18WS04); approved by Council on 02/06/20 – **\$10,425.**

#### **Utility Renewal/Replacement Fund (424)**

##### ***Revenues – Total \$1,725,532***

- Transfer in from Utilities Operating Fund for NRWTP Improvements; approved by Council on 03/05/20 – **\$1,725,532.**

##### ***Expenditures – Total \$1,839,535***

- Additional funding needed for Reuse High Service Pumps Replacement (18WS01); project award came in higher than budgeted; approved by Council on 02/20/20 – **\$104,018.**
- Appropriate funds for North Regional Water Treatment Plant Rehabilitation projects 17WS04 for \$474,786 and 18WS19 for \$743,787; approved by Council on 03/05/20 – **\$1,218,573.**
- Reserves for projects 17WS04 and 18WS19; approved by Council on 03/05/20 – **\$506,959.**
- Digester sludge transfer pump base replacement for project 18WS09 – **\$9,985.**

#### **Building Fund (451)**

##### ***Revenues – Total \$51,670***

- Transfer in from the General Fund for reimbursement for the four (4) newer vehicles that were transferred to the Code Compliance Department; approved by Council 02/20/2020 – **\$51,670.**

##### ***Expenditures – Total \$304,738***

- Additional funding needed to cover costs of increased services of the contract for Building Inspectors due to shortage; approved by Council on 01/02/20 – **\$299,102.**
- NAGE White salary increases (Building Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$5,636.**

#### **Stormwater Utility Fund (461)**

##### ***Expenditures – Total \$87,603***

- Utilize funds for ditch construction of a stormwater outfall from Northshore Development, LLC and surrounding area; approved by Council on 12/05/2019 – **\$63,600.**
- NAGE Blue salary increases (Stormwater Utility Fund Employees); retroactive to 10/01/2019 – 2.0% adjustment; approved by Council 01/16/2020 – **Net Impact \$17,623.**
- NAGE White salary increases (Stormwater Utility Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$6,380.**

### **Solid Waste Fund (471)**

#### ***Expenditures – Total \$53,916***

- Appropriate funds for Kessler Consulting, Inc. for solid waste and recycling collection services through piggyback arrangement under Manatee County competitive solicitation 16-1987FL; approved by Council on 01/16/20 – **\$50,000.**
- NAGE Blue salary increases (Solid Waste Fund Employees); retroactive to 10/01/2019 – 2.0% adjustment; approved by Council 01/16/2020 – **Net Impact \$3,527.**
- NAGE White salary increases (Solid Waste Fund Employees); retroactive to 10/01/2019 – 1.0% adjustment; approved by Council 02/20/2020 – **Net Impact \$389.**

### **Fleet Services Fund (521)**

#### ***Revenues – Total \$86,645***

- Transfer in from General Fund to purchase two (2) trucks for the Parks Department to replace vehicles that are beyond repair approved by Council 03/05/2020 – **\$60,625.**
- Transfer in from Police Impact Fees Fund to purchase a 2020 Nissan Pathfinder for the Crime Suppression Unit; approved by Council on 12/19/19 – **\$26,020.**

#### ***Expenditures – Total \$97,354***

- Purchase of two (2) trucks for the Parks Department to replace vehicles that are beyond repair approved by Council 03/05/2020 – **\$60,625.**
- Appropriation of Police Impact Fees for the purchase and build out of a 2020 Nissan Pathfinder for the Crime Suppression Unit; approved by Council on 12/19/19 – **\$26,020.**
- NAGE Blue salary increases (Fleet Services Fund Employees); retroactive to 10/01/2019 – 2.0% adjustment; approved by Council 01/16/2020 – **Net Impact \$10,709.**

**REQUESTING DEPARTMENTS:**

Finance Department, City Manager's Office, Community & Economic Development Department, Fire Department, Growth Management Department, Human Resources Department, Parks & Recreation Department, Police Department, Public Works Department, and Utilities Department.

**FISCAL IMPACT:**

Please refer to summary section for budget amendment impacting details.

**RECOMMENDATION:**

Motion to adopt, by Ordinance, the FY 2020 Second Budget Amendment.

Attachments:

- 1) Ordinance
- 2) Exhibit A – BA #2 Appropriations (available upon request)

**and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (second amendment).**

The City Attorney read the resolution in caption only.

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

**\*2. Ordinance 2020-22, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (second budget amendment).**

The City Attorney read the ordinance in caption only.

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

**\*3. Consideration of budget amendment to allocate funds from the Neighborhood Stabilization Program account for properties owned by the City through the Homes for Warriors Program.**

Staff Recommendation: Approve a budget amendment allocating \$1,500 from the Neighborhood Stabilization Program's Other Professional Services account to Electric Services account (\$1,000) and Water and Sewer Services (\$500) for existing utility services for properties continued to be owned by the City through the Homes for Warriors Program.

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

**\*4. Consideration of exceeding the \$50,000 maximum award for SHIP Owner-Occupied Rehabilitation by \$10,000 under the approved LHAP for 152 Donald Avenue.**

Staff Recommendation: Approve exceeding the \$50,000 maximum award for SHIP Owner-Occupied rehabilitation by \$10,000 under the approve LHAP for a total of \$60,000 to make necessary drainage repairs to 152 Donald Avenue.

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

**\*5. Consideration of Community Development Block Grant Disaster Recovery (CDBG-DR) Voluntary Home Buyout Program Subrecipient grant agreement with**



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Laurence Bradley, AICP, Growth Management Director

**DATE:** May 7, 2020

**RE:** Comprehensive Plan Future Land Use Map Amendment  
Request – M. David Moallem and Joan P. Moallem (Tracey Parrish, Representing)

### SUMMARY:

Mr. M. David Moallem and Ms. Joan P. Moallem (Tracey Parrish, Representing) have asked for a small-scale Comprehensive Plan Future Land Use Map Amendment to change 1.70 acres of Recreation and Open Space Use (ROS) to Single-Family Residential Use (SFR).

The property is located in Port Malabar Unit 10, south of and adjacent to Barber Street SE, in the vicinity of Barcelona Road SE, and is bordered by single-family residential land uses on all sides. The applicant intends to construct one (1) single-family home. It shall be noted that the parcel may only be split one time (to create 2 properties) without having the follow to the City's subdivision ordinance. Any further splits will require compliance and legislative review.

### REQUESTING DEPARTMENTS:

Growth Management

### RECOMMENDATION:

Motion to approve Case CP-3-2020, subject to the staff report comments.

### Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff report comments.

### Attachments:

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

## **ORDINANCE 2020-23**

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

**WHEREAS**, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on March 4, 2020, after public notice, and

**WHEREAS**, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on May 7, 2020, after public notice, and

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

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

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

Tract "E", Port Malabar Unit 10, according to the plat thereof as recorded in Plat Book 15, Page 13, of the Public Records of Brevard County, Florida; Section 06, Township 29S, Range 37E; containing 1.70 acres, more or less.

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

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

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

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

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

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

Applicant: M. David and Joan Moallem  
Case: CP-3-2020

cc: (date) Applicant  
Case File



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Laurence Bradley, AICP, Growth Management Director

**DATE:** May 7, 2020

**RE:** Preliminary Subdivision Request – Palm Bay Greens, LLC  
(Jack Spira, Representing)

### SUMMARY:

Palm Bay Greens, LLC (Jack Spira, Representing) has asked for Preliminary Subdivision approval for the 4th phase of the Country Club Lakes Estates residential subdivision. The site is the former Port Malabar Country Club Golf Course.

In November of 2015 the applicant received Final Subdivision approval from City Council for Phases 1 and 2, which consisted of 101 lots on 52.2 acres of land (Case FS-2-2015). In July of 2018 the Applicant received Final Subdivision approval for Phase 3, which consisted of 30 lots on 13.48 acres (Case FS-3-2018). Phase 4 consists of 68 lots on 32.31 acres of land. The entire Country Club Lakes Estates will eventually span 173 acres of land.

To receive Preliminary Subdivision Approval, the proposal must meet the requirements of Section 184.07 of the Palm Bay Code of Ordinances. Upon review of the submitted materials the Preliminary Subdivision request is in substantial conformance with the applicable requirements of this section. The following items shall be addressed and provided upon submission of the Final Subdivision application:

- A. Declaration of Covenants, Conditions, and Restrictions;
- B. School Concurrency Determination Letter from the School Board;
- C. A photometric plan and light pole detail;
- D. An Environmental Study shall be provided that includes a Wetland and Endangered Species Assessment;
- E. A Remedial Action Plan, approved by the FDEP, for mitigation of potential soil contaminants;

- F. The Applicant is required to design water & sewer systems of adequate size to accommodate the development and depict such design on construction drawings;
- G. A traffic impact analysis that includes the A.M. and P.M. trip generations in conformance with ITE Trip Generation Manual 10th Edition;
- H. As part of the Final Subdivision submittal the Applicant shall provide the tree survey data atop the Preliminary Plat and final drainage plans, to determine where existing, specimen trees may be preserved; and
- I. The Preliminary Plat shall be separated from the construction drawings; and the drawings revised for consistency as the Sheet Numbers are inconsistently numbered.

**REQUESTING DEPARTMENTS:**

Growth Management

**RECOMMENDATION:**

Motion to approve Case PS-1-2020, subject to the conditions listed in the staff report.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the conditions listed in the staff report and to the voluntary condition that perimeter lots to abut existing properties outside Country Club Lakes Estates be restricted to no more than one-story in height, and that a six-foot high opaque fence be erected along the common property line of Lot 21, Block 102, Port Malabar Country Club Unit 10 prior to construction of the cul-de-sac on Killian Drive NE.

Attachments: *(all available upon request)*

- 1) Case PS-1-2020
- 2) Board minutes



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Joan Junkala-Brown, Community & Economic Development

**DATE:** May 7, 2020

**RE:** Public Hearing – FY 2020-2021 Annual Action Plan and recommendations of programs and activities to be funded by CDBG and HOME

### SUMMARY:

The Fiscal Year 2020-2021 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Investment Partnership funds outlines programs and activities to be funded for program year starting October 1, 2020 thru September 30, 2021. This is the fifth annual action plan of the 5-Year Consolidated Plan (covering October 1, 2016 thru September 30, 2021) as adopted by City Council and approved by the U.S. Department of Housing & Urban Development (HUD).

It is estimated that the City will receive an allocation of \$778,726 in CDBG funding and \$274,492 in HOME funds for FY 2020-2021. Of the total CDBG allocation, up to 15 percent, or \$116,808.90, may be allocated for eligible public services. Additionally, up to 20 percent, or \$155,745.20, may be allocated towards eligible Planning & Administration costs. The remaining allocation, approximately \$506,171.90, must be used on HUD-eligible activities to meet the priority needs of the City as identified in the 5-Year Consolidated Plan. Per the Consolidated Plan, the top five (5) priority needs of the City are in order as follows: 1) Public Facility Improvements, 2) Affordable Housing – Down Payment Assistance, 3) Fair Housing, 4) Public Services, and 5) Administration.

On March 6, 2020, the City published a Request for Applications/Proposals to solicit CDBG and HOME funding requests from public entities or non-profit 501(c)3 for HUD-eligible public services and activities. The City received seven (7) applications requesting CDBG funding for public services, two (2) applications for public facility improvements, and two (2) application for HOME funds. Staff has reviewed all applications and makes the following recommendations on funding for CDBG and

HOME programs and activities.

- CDBG Planning & Administration: \$155,745.20
  - Fair Housing related activities
  - Housing Division salaries related to CDBG program administration costs
- Public Service: \$106,895

After internal review for application completeness and eligibility, only five (5) applications were considered for evaluation. Of those five (5) applications, the evaluation committee recommends approval of funding for the following four (4) entities.

- Brevard County Legal Aid: \$20,000
- Early Learning Coalition: \$30,000
- Evan's Center: \$20,000
- South Brevard Women's Center: \$36,895

The remaining entities not funded include Greater Melbourne Police Athletic League, whose application was complete and eligible but not determined to meet a priority need of the Consolidated Plan; Aging Matters, whose applications was considered incomplete; and Space Coast Cultural Arts & Business Organization, whose application did not meet a HUD-eligible use of funds for public service.

- Public Facility Improvements: \$345,440

The City received two (2) applications requesting CDBG funding for public facility improvements, to include the Parks & Recreation Department and Palm Bay Fire Rescue. The application for funding from Parks & Recreation for improvements to Tony Rosa Community Center was considered incomplete.

Palm Bay Fire Rescue submitted an application for CDBG funding in the amount of \$345,440

for demolition of Fire Station #1 located at 2144 Palm Bay Road. Funding for demolition of Fire Station #1 was included in the City's 2020 State Legislative Priorities; however, funding was not approved. The site is a registered brownfields site by the U.S. Environmental Protection Agency (EPA) and is currently being monitored, tested, and remediated through the EPA's Leaky Underground Storage Tank (LUST) Program. The structure is also believed to be contaminated with asbestos. Fire Rescue is proposing demolition and remediation in order to put the site back into use by the Fire Department to meet the growing needs of the northeast quadrant of Palm Bay.

- Affordable Housing – Down Payment Assistance: \$417,688.60

The City received one (1) application for HOME funds from Community Housing Initiative (CHI) requesting both CDBG and HOME funds to provide closing costs and down payment assistance. CHI requests CDBG funds in the amount of \$170,645.80 and HOME funds in the amount of \$247,042.80 to provide Down Payment Assistance and closing costs for 25 very-low to low-income residents of Palm Bay to facilitate in affordable housing home ownership through one-on-one counseling, group education and access to down payment and closing costs assistance. The HOME program requires a 15 percent CHDO set-aside. A Community Housing Development Organization (CHDO) is a private non-profit, community-based organization that has the capacity to develop affordable housing for the community it serves. CHI is a HUD-approved CHDO and Housing Counselling Agency.

- HOME Planning & Administration: \$27,449.20

Regulations under the HOME program allow for a maximum of 10 percent total allocation to be used for planning and administration activity related, for which 2.57 percent (or \$7,054.44) is set aside for the Lead Agency, Brevard County Housing & Human Services, which is responsible for the monitoring and compliance of all members of the Brevard County HOME Investment Partnership.

**REQUESTING DEPARTMENTS:**

Community & Economic Development

Honorable Mayor and Members of the City Council

Legislative Memorandum

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**FISCAL IMPACT:**

The City is expected to receive an estimated \$778,726 in CDBG and \$274,492 in HOME allocations in FY 2020-2021. Allocations are subject to actual funding by HUD.

**RECOMMENDATION:**

Motion to approve the recommendations for programs and activities to be funded for FY 2020-2021 CDBG and HOME funds.

Attachments: (all available upon request)

- 1) Public Service Evaluation Committee Final Recommendations



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Nelson Moya, Chief of Police  
Juliet Misconi, Chief Procurement Officer

**DATE:** May 7, 2020

**RE:** Award of RFP# 20-0-2020, DNA Processing and Database Services

### SUMMARY:

The City's Police Department utilizes a third-party contractor to perform forensic DNA Analysis, data basing and reporting of swab samples collected by patrol officers, detectives, and crime scene technicians. DNA samples are routinely obtained from a variety of sources to include persons, evidence items, and crime scene locations. Forensic analysis is an integral part of Palm Bay Police Department's crimefighting efforts as the DNA information is used to generate intelligence leads and provide court acceptable evidence for trials. Palm Bay Police Department has been a national pioneer in use of local DNA databasing and private-public initiatives for over a decade. Through the efforts of the DNA program, Palm Bay Police Department has seen a steady decline in property crimes as well as developed key evidence for the successful prosecution of violent crimes.

The current contract for these services is set to expire on May 31, 2020, therefore, a request for proposal process was initiated by the City for services required for continuity of this critical program.

A Request for Proposal (RFP) was issued and responses were received from two (2) vendors. Procurement staff reviewed the proposals for responsiveness. An Evaluation Team comprised of Police Department staff evaluated the proposals for qualifications and technical response. The Evaluation Team ranked Bode Cellmark Forensics Inc. out of Lorton, Virginia as the top-ranked vendor.

Staff recommends Bode Cellmark Forensics Inc. as the vendor for DNA Processing and Database Services. The contract is for an initial twenty-four (24) month period, with an estimated annual value of \$59,270 and a two-year contract value in the amount of \$118,540.

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

**REQUESTING DEPARTMENTS:**

Police Department, Procurement Department

**FISCAL IMPACT:**

The estimated annual cost for these services is \$59,270, with a total contractual obligation of \$118,540. Funding in the amount of \$40,290 is currently available within FY20 budget under the Law Enforcement Professional Services Fund 001-5013-521-3141. The remaining costs associated to these services (\$78,250) will be budgeted for in FY21 and FY22.

**RECOMMENDATION:**

Motion to approve award of RFP #20-0-2020, DNA Processing and Database Services to Bode Cellmark Forensics Inc. of Lorton, Virginia for an initial twenty-four (24) month period, with three (3) additional twelve (12) month renewal periods, up to a cumulative total of sixty (60) 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:** Chris Little, P.E. Utilities Director  
Juliet Misconi, Chief Procurement Officer  
Yvonne McDonald, Finance Director

**DATE:** May 7, 2020

**RE:** Emergency Procurement and Fund Appropriation for  
Relocation of Water and Force Mains at Babcock Street,  
Wyoming Drive and Valkaria Road

### **SUMMARY:**

Brevard County has started construction of an intersection improvement project at Babcock Street, Wyoming Drive and Valkaria Road. The project includes realignment and signalization of the intersection as well as stormwater drainage improvements. The City is subject to the County's schedule and must relocate utilities in conflict with the County's project, in accordance with Florida Statute 337.403, in order to avoid delaying the project.

In FY 2017, the County's Engineer of Record (KCG, Inc.) coordinated with the City's Utilities Engineer to identify and note all water and sewer utility conflicts for the County's project. Most conflicts in the County's right-of-way were identified to be addressed and coordinated with the County's Contractor during construction. In FY 2018, the City's Utilities Department mobilized, in preparation for the intersection project, to address another conflict by relocating approximately 200 linear feet of water main along Wyoming Drive.

On February 27, 2020, the City's Utilities Department attended a preconstruction meeting hosted by Brevard County for the intersection improvement project. After the preconstruction meeting and while working with the County's Contractor, City staff determined that assistance will be required from an underground construction contractor to complete portions of the utility relocations within

the County's right-of-way. In accordance with Section Z of the Procurement Manual, Emergency Purchases, the declaration of an emergency is made in writing by the department affected. Utilities Staff initially advised the City Manager (CM) of the emergency on April 9, 2020; the Chief Procurement Officer (CPO) was advised by the CM on April 9, 2020. An update on the total cost was provided to CM and CPO on April 23, 2020. In accordance with the Procurement Manual, an emergency can occur to address non-compliance with Florida Statutes or other regulatory laws and permits; situations which may cause financial impact to the City should immediate action not be taken; and when following requisition protocol would negatively impact the convenience of citizens, or which may interfere with the conduct of normal business.

The work and costs involved in this project include:

- 1) Directional drilling services provided by Young's Communications Co., Inc., in the amount of \$81,815.00. Procurement has executed a contract for this work. The City attempted to get a quote utilizing the City of Melbourne's existing line item contract #3-021-0-2017/LT; however, all line items required for the job were not available under contract;
- 2) Installation of line stops provided by Mac Tapping, Inc., in the amount of \$14,100.00. Three competitive quotes were received, and the selected quote is the lowest;
- 3) Pipe and fittings purchased from Ferguson Waterworks Inc., in the amount of \$14,016.40. This purchase is requested as an emergency purchase, as the project is time sensitive and the vendor has all the pipe and fittings available for immediate delivery;
- 4) Equipment rental from United Rentals in the amount of \$4,335.00; this purchase is under the City's existing term contract for Equipment Rental, IFB #51-0-2017; and
- 5) Construction Contingency for unseen conditions in the amount \$11,426.64. This is a funding request only. Any change orders will be processed in accordance with the Procurement Manual.

Total cost to complete the project \$125,693.04.

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, Finance Department

**FISCAL IMPACT:**

Total estimated cost \$125,693.04. A budget amendment will be submitted. Pending approval of the budget amendment, funds will be available for this project in renewal replacement fund 424-8022-533-6324 and 424-8032-535-6325, project 20WS18.

**RECOMMENDATION:**

Motion to 1) approve the appropriation of funds on the next scheduled budget amendment in the amount of \$125,693.04; 2) approve the Emergency Purchase of the services from Youngs Communications Co., Inc., amount \$81,815.00; line tapping services from Mac Tapping, amount \$14,100; and pipe and fittings from Ferguson Waterworks Inc., amount \$14,016.40.

Attachments: (All available upon request)

- 1) Young's Communications Co., Inc., Quote
- 2) Mac Tapping, Inc., Quote
- 3) Ferguson Waterworks Inc., Quote

## **RESOLUTION 2020-18**

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2020-09, AS AMENDED BY RESOLUTIONS 2020-10, 2020-11, 2020-13, 2020-15, 2020-16 AND 2020-17, BY EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED BY LEGISLATIVE ORDER D-2020-01; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, during the past weeks, a severe acute respiratory illness known as Coronavirus Disease 2019 (COVID-19) has spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza with the elderly and persons with underlying medical issues particularly at risk, and

**WHEREAS**, Governor Ron Desantis declared that a state of emergency existed within the State of Florida and issued Executive Order 20-52 on March 9, 2020, and

**WHEREAS**, Mayor Capote declared a State of Local Emergency and issued Legislative Order D-2020-01 on March 19, 2020, and

**WHEREAS**, City Council approved extensions to the State of Local Emergency via Resolutions 2020-09, 2020-10, 2020-11, 2020-13, 2020-15, 2020-16 and 2020-17, and

**WHEREAS**, the City's State of Local Emergency terminates at the end of a period of seven (7) days (May 8, 2020) unless prior to the end of the time frame, the City Council extends or terminates same by resolution, and

**WHEREAS**, the City Manager has certified that the emergency continues to exist.

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

**SECTION 1.** The State of Local Emergency, declared by Legislative Order D-2020-01, is hereby extended by seven (7) days (May 15, 2020).

**SECTION 2.** All provisions contained within Legislative Order D-2020-01 shall remain in full force and effect.

**SECTION 3.** 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.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Yvonne McDonald, Finance Director

**DATE:** May 7, 2020

**RE:** FY 2020 Second Capital Improvements Program Amendment

### **SUMMARY:**

The following is a summary of the revisions to the Capital Improvements Program/CIP in FY 2020.

#### **Budget Amendment # 1 Modifications:**

The following CIP-impacting funding appropriations were completed during Budget Amendment #1, approved by Council 01/02/2020, and not updated on the FY 2020 First Capital Improvements Program Summary Amendment:

- 1. Fire Department** – 10.00% required city-match to Federal Emergency Management Association's (FEMA) Assistance to Firefighters Grant for the purchase of Automated Chest Compression Devices (CPR); application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$10,649.**
- 2. Fire Department** – Purchase of Automated Chest Compression Devices (CPR); capital-improvement qualifying expenditures only – **\$82,363.**

#### **Budget Amendment # 2 Modifications:**

- 3. Finance Department (on behalf of the Fire Department)** – Impact Fee balance re-allocation of approved funding to new Nexus-specific Funds for the following projects: Fire Station 5 Rebuild project (18FD01) \$329,411 and Fire Dispatch Upgrade project (19FD02) \$56,697 – **Net Impact \$0.**
- 4. Finance Department (on behalf of the Parks Department)** – Impact Fee balance re-allocation of approved funding to new Nexus-specific Funds for the following projects: Campgrounds @ Palm Bay Regional Park project (16PK08) \$17,717; Palm Bay Senior Center Improvements

project (17PR06) \$4,321; and Wake Forest Basketball Courts project (18PR04) \$77,869 – **Net Impact \$0.**

5. **Finance Department (on behalf of the Parks Department)** – Close the Musco Control Link/Lights project (18PR01) \$101,000 and return impact fee funding to undesignated fund balance – **(\$101,000).**
6. **Finance Department (on behalf of the Public Works Department)** – Impact Fee balance re-allocation of approved funding to new Nexus-specific Funds for the following projects: Culver Street project (16PW13) \$1,046,529 and SJHP Traffic Signal @ Malabar Road project (18PW01) \$298,289 – **Net Impact \$0.**
7. **Finance Department** – Record sales/proceeds from property sales within the Road Maintenance Fund (307) in the FY 2020 Road Program project (20RD01) – **\$134,185.**
8. **Finance Department** – Appropriate HMGP Grant Modification funding to the Fire Station Hardening project (19FD01) for generator purchases from; approved by Council 03/05/2020 – **\$65,046.**
9. **Parks & Recreation Department** – Appropriate funding to the Septic System Sewer Conversion @ Fred Poppe Regional Park project (19PR06); approved by Council 02/20/2020 – **\$359,718.**
10. **Police Department** – Purchase one (1) unmarked police vehicle (2020 Nissan Pathfinder) through Fleet Services Fund to be assigned to the Crime Suppression Unit; capital-impacting expenditures only; approved by Council 12/19/2019 – **\$25,540.**
11. **Police Department** – Utilize 2019 JAG Grant award funding to purchase radar trailer with software; approved by Council 09/03/2019 – **\$17,490.**
12. **Public Works Department** – Establish budgets for the following seven (7) road program repaving projects: Unit 42 (20GO03) \$10,000,000; Garvey Road (20GO04) \$1,000,000; Unit 11 (20GO05) \$3,700,000; Unit 15 (20GO06) \$2,250,000; Unit 18 (20GO07) \$5,000,000; Unit 23 (20GO08) \$5,681,000; and Unit 56 (20GO09) \$1,500,000; approved by Council 03/07/2019 – **\$29,131,000.**
13. **Public Works Department** – Local Agency Program (LAP) agreement with the Florida Department of Transportation (FDOT) for the Safe Routes to School project (18PW02); construction of five (5) sidewalks and surrounding crosswalks at the following locations: Port Malabar Elementary; Christa McAuliffe Elementary; Columbia Elementary; Discovery Elementary and Jupiter Elementary; approved by Council 12/05/2019 – **\$2,490,058.**

- 14. Public Works Department** – Northshore Development: Land Acquisition/purchase of seven (7) easements of private property \$50,000; approved by Council on 12/05/2019 – **\$50,000**.
- 15. Utilities Department** – Close the completed NRWTP Rear Yard Swale & Fence project (18WS23) and return remaining funds to fund balance – **(\$24,499)**.
- 16. Utilities Department** – Appropriate funds for Wade Trim Task Order 18-11, Amendment No. 3 for the engineering services of the Nutrient Removal Facilities project (17WS16); approved by Council on 12/19/2019 – **\$154,034**.
- 17. Utilities Department** – Appropriate additional funding for the Reuse High Service Pumps Replacement project (18WS01); project award came in higher than budgeted; approved by Council on 02/20/2020 – **\$104,018**.
- 18. Utilities Department** – Appropriate funding for the Florida Department of Environmental Protection (FDEP) construction permit application fee and legal ad for the expansion of the South Regional Water Treatment (SRWT) Facility from 4MG to 6MG project (18WS04); approved by Council on 02/06/2020 – **\$10,425**.
- 19. Utilities Department** – The North Regional Wastewater Treatment Plant (NRWWTP) Clarifier 2 project (17WS13) has experienced a delay until FY 2021; transfer funding to the Utilities R&R Fund for NRWWTP Improvements; approved by Council 03/05/2020 – **(\$1,218,573)**.
- 20. Utilities Department** – Appropriate funding to the Transfer Filter/Backwash Pump project (17WS04) \$474,786 and the Generator & Air Compressor project (18WS19) \$743,787 through the NRWWTP Clarifier 2 project (17WS13) savings transfer from the Utilities' Operating Fund; approved by Council 03/05/2020 – **\$1,218,573**.
- 21. Utilities Department** – Appropriate funding to the Wastewater Treatment Plant (WWTP) Digester 6 Rehab project (18WS09) for the replacement of the digester sludge transfer pump base – **\$9,985**.

**Transfer of Funds Between Capital Projects/Accounts:**

**1. Public Works Department – Budget Transfer #28**

Close-out the following projects and return funding to the FY 2020 Road Program project (20RD01) \$73,721: FY 2019 Road Program project (19RD01) (\$69,223) and Rejuvenation of Seven City Roads project (19RD02) (\$4,498) – **Net Impact \$0**

**2. Public Works Department – Budget Transfer #32**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$800,000) to the following projects: Waterbury @ C-39 Pipe Replacement project (20SU06) \$475,000 and Freehold @ C41R Pipe Replacement project (20SU07) \$325,000; establish project budget – **\$0**.

**3. Public Works Department – Budget Transfer #33**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$460,000) to the FY 2020 Cured in Place Pipe project (20SU09) \$460,000; establish project budget – **\$0**.

**4. Public Works Department – Budget Transfer #38**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$30,000) to the Gallash @ C-14 Culvert Replacement project (20SU10) \$30,000 for design costs – **\$0**

**5. Public Works Department – Budget Transfer #43**

Close the following completed projects and transfer funds to the FY 2020 Stormwater Utility Program project (20SU01) \$34,202: Pembroke Ave. @ C-75 Culvert Replacement project (18SU04) (\$3,090); Emerson Dr. @ C-75 Culvert Replacement project (18SU06) (\$10,554); Pebble Ave. @ C-75 Culvert Replacement project (18SU09) (\$7,164); and Install Cured Pipe 23 Locations project (19SU07) (\$13,394) – **\$0**.

**6. Public Works Department – Budget Transfer #45**

Close the following non-completed projects and transfer unused funds to the FY 2020 Stormwater Utility Program project (20SU01) \$12,914: Replacement Pipe Crossing Unit 44 project (19SU05) (\$6,166); and Phase 2 Unit 44 Pipe Replacement project (19SU06) (\$6,748) – **\$0**.

**7. Public Works Department – Budget Transfer #46**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$5,500) to the Unit 46 Pipes project (20SU11) \$5,500 for design costs – **\$0**.

**Added/Removed Capital Projects, Addition/Reduction of Funding:**

**1. Growth Management Department – Budget Transfer #26**

Transfer funds budgeted for capital expenditures from General Ledger Account 6407– IS Related Projects to non-capital operating expenditures for the TRACK-it Software project completion – **(\$8,080)**.

**2. Fire Department – Budget Transfer #29**

The Fire Station #5 Rebuild project (18FD01) requires furnishings and toning services; transfer (\$9,408) of capitalized funding to the following General Ledger Account: 6408 – Emergency

Communications \$5,770 and non-capital operating expenditures for operating supplies \$3,638 –  
**Net-Capital Impact (\$3,638)**

**3. Utilities Department – Budget Transfer #36**

Transfer funds budgeted for capital expenditures from General Ledger Account 6407– IS Related Projects to non-capital operating expenditures for the Dedicated Attached Storage Network project completion – **(\$3,823).**

**4. Public Works Department – Budget Transfer #41**

Transfer non-capital operating funds to General Ledger Account 6401 – Machinery & Equipment for the purchase of two (2) variable message boards; capitalize expenditures – **\$31,798.**

**5. Fire Department – Budget Transfer #47**

The Fire Station #5 Rebuild project (18FD01) requires furnishings and a generator purchase; transfer (\$10,218) of capitalized funding to the following General Ledger Account: 6401 – Machinery & Equipment \$1,178 and non-capital operating expenditures for furnishings \$9,040 –  
**Net-Capital Impact (\$9,040)**

**FY 2019 to FY 2020 Project Funding Roll Adjustments:**

The following projects have been adjusted per the final FY 2019 to FY 2020 funding rollover close-out:

- Culvert Street (16PW13) – **(\$622).**
- Pembroke Ave. @ C-75 Culvert Replacement (18SU04) – **(\$221).**
- Emerson Dr. @ C-75 Culvert Replacement (18SU06) – **(\$160).**
- Pebble Ave. @ C-75 Culvert Replacement (18SU09) – **(\$221).**
- Harper Blvd. @ C-18 Culvert Replacement (18SU14) – **(\$502).**
- Culvert Replacement Garvey C17 (19SU02) – **(\$1,268).**
- Culvert Replacement Garvey C18 (19SU03) – **(\$381).**
- PH Pipe Replacement Unit 42 (19SU04) – **(\$3,450).**
- Replacement Pipe Crossing Unit 44 (19SU05) – **(\$662).**
- PH2 Unit 44 Pipe Replacement (19SU06) – **(\$100).**

**REQUESTING DEPARTMENTS:**

Finance Department, Growth Management Department; Fire Department; Parks & Recreation

Honorable Mayor and Members of the City Council

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Department; Police Department; Public Works Department; and Utilities Department.

**FISCAL IMPACT:**

Please refer to summary section for capital improvement program impacting details.

**RECOMMENDATION:**

Motion to adopt, by Resolution, the Second Amendment to the FY 2020 Capital Improvements Program.

Attachments: 1) Resolution

2) Exhibit A – Available Upon Request

## RESOLUTION 2020-19

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-38, AS AMENDED BY RESOLUTION 2020-04, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL YEARS 2019-2020 THROUGH 2023-2024 FOR THE CITY OF PALM BAY, FLORIDA; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Capital Improvements Program, formally known as the Community Investment Program, was adopted by the City Council on September 26, 2019.

**WHEREAS**, the City of Palm Bay desires to amend the Capital Improvements Program.

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

**SECTION 1.** Resolution 2019-38, as amended by Resolution 2020-04, is hereby amended by including additional projects to the Five-Year Community Investment Program for Fiscal Years 2019-2020 through 2023-2024, which are, by reference, incorporated herein as Exhibit "A".

**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, on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Gary Woodson, Public Works Director

**DATE:** May 7, 2020

**RE:** Local Agency Program (LAP) supplemental agreements 439494-1-58-01, Christa McAuliffe Elementary and 439667-1-58-01, Discovery Elementary and resolutions for Bid #19-0-2020/SB, Safe Routes to School Sidewalk Construction,

### SUMMARY:

The City of Palm Bay was awarded federal funding under the Safe Routes to School (SRTS) Program from the Florida Department of Transportation Local Agency Program (FDOT LAP) for the design of sidewalks and surrounding crosswalks for the following five City elementary schools - Port Malabar Elementary, Christa McAuliffe Elementary, Columbia Elementary, Discovery Elementary, and Jupiter Elementary. Council competitively solicited an engineering contract which was awarded to Infrastructure Engineers, Inc. (now called Consor Engineers, LLC) on June 7, 2018. The City through Resolution 2018-10-14 entered into LAP agreements with FDOT for those designs on April 5, 2018. This LAP award amount covered 100% of the engineering award amount. The Design is now complete.

The City of Palm Bay was subsequently awarded additional Safe Routes to School FDOT LAP federal funds for the construction of the same five sidewalks and surrounding crosswalks for the following five elementary schools in the amounts listed below:

- Columbia Elementary \$338,689
- Discovery Elementary \$412,497
- Jupiter Elementary \$917,369
- Christa McAuliffe Elementary \$552,383
- Port Malabar Elementary \$269,120

Funds for construction are programmed by the State for fiscal year 2020. The LAP Agreements for construction were approved by City Council by Resolution 2019-49 through 2019-53 in order to accept the funds and solicit for construction bids. The City Procurement Department, with the assistance of the Public Works Department, solicited bids for the construction of the projects following signature of the LAP agreement by both the City and FDOT and receipt of the Notice to

Proceed from FDOT. The City awarded the construction to Gregory Construction, Titusville, Florida for award of IFB 19-0-2020/SB- Safe Routes to School Sidewalk Construction on April 9, 2020 in the amount of \$2,185,984.

Due to the reduction in cost from the construction award IFB 19-0-2020/SB and concurrence of award by FDOT; FDOT is now requesting two supplemental LAP agreements in addition to the original construction LAP agreements and updated resolutions for two of the Schools: 439494-1-58-01, Christa McAuliffe Elementary and 439667-1-58-01, Discovery Elementary. The agreements have been reviewed by the City legal department and are acceptable.

The supplemental LAP agreements allow for the awarded construction amounts plus a potential additional ten percent should construction change order(s) be needed during the project constructions, provided that are eligible.

Listed below are the supplemental LAP agreements amounts proposed per the supplemental agreements for two of the schools and the total possible funded amounts. These agreements revise the previously funded amount for the two schools for the project construction. The other three LAP agreements remain unchanged and have the eligible funded amount mentioned above.

- Discovery Elementary \$333,376 Plus 10% \$33,338 total \$366,714
- Christa McAuliffe Elementary \$398,640 Plus 10% \$39,864 total \$438,504

New resolutions and supplemental agreements to LAP agreement for the above two schools now require approval and execution by the City.

#### **REQUESTING DEPARTMENTS:**

Public Works Department

#### **FISCAL IMPACT:**

Total funding in the amount of \$2,490,058, approved by Council on 12/05/2019, for Safe Routes to School (SRTS) program, will be reduced by \$304,074 as a result of the reduction in cost for two school locations. The new total project cost of \$2,185,984 will be appropriated from the Community Investment Fund G/L Account 301-7090-541-6315, Project No. 18PW02.

#### **RECOMMENDATION:**

Motion to approve the two LAP supplemental agreements to the original LAP construction agreements and resolutions per the awarded IFB 19-0-2020/SB, Safe Routes to School Sidewalk Construction.

Attachments: (all available upon request)

- 1) LAP amendments
- 2) Resolutions

## RESOLUTION 2020-20

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE CONSTRUCTION SERVICES FOR SIDEWALKS AND SURROUNDING CROSSWALKS FOR CHRISTA MCAULIFFE ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida Department of Transportation (FDOT) and the City of Palm Bay desire to facilitate the Christa McAuliffe Elementary School Safe Routes to School project, FPN 439494-1-58-01, and

**WHEREAS**, in order to locally implement these projects, Local Agency Program (LAP) Supplemental Agreement(s) will be required, and

**WHEREAS**, the FDOT has requested the City of Palm Bay execute and deliver to FDOT the LAP Supplemental Agreement for the aforementioned project, FPN 439494-1-58-01.

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

**SECTION 1.** The City Council hereby authorizes the Mayor to execute the LAP Supplemental Agreement for the aforementioned project, FPN 439494-1-58-01.

**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.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Gary Woodson, Public Works Director

**DATE:** May 7, 2020

**RE:** Local Agency Program (LAP) supplemental agreements 439494-1-58-01, Christa McAuliffe Elementary and 439667-1-58-01, Discovery Elementary and resolutions for Bid #19-0-2020/SB, Safe Routes to School Sidewalk Construction,

### SUMMARY:

The City of Palm Bay was awarded federal funding under the Safe Routes to School (SRTS) Program from the Florida Department of Transportation Local Agency Program (FDOT LAP) for the design of sidewalks and surrounding crosswalks for the following five City elementary schools - Port Malabar Elementary, Christa McAuliffe Elementary, Columbia Elementary, Discovery Elementary, and Jupiter Elementary. Council competitively solicited an engineering contract which was awarded to Infrastructure Engineers, Inc. (now called Consor Engineers, LLC) on June 7, 2018. The City through Resolution 2018-10-14 entered into LAP agreements with FDOT for those designs on April 5, 2018. This LAP award amount covered 100% of the engineering award amount. The Design is now complete.

The City of Palm Bay was subsequently awarded additional Safe Routes to School FDOT LAP federal funds for the construction of the same five sidewalks and surrounding crosswalks for the following five elementary schools in the amounts listed below:

- Columbia Elementary \$338,689
- Discovery Elementary \$412,497
- Jupiter Elementary \$917,369
- Christa McAuliffe Elementary \$552,383
- Port Malabar Elementary \$269,120

Funds for construction are programmed by the State for fiscal year 2020. The LAP Agreements for construction were approved by City Council by Resolution 2019-49 through 2019-53 in order to accept the funds and solicit for construction bids. The City Procurement Department, with the assistance of the Public Works Department, solicited bids for the construction of the projects following signature of the LAP agreement by both the City and FDOT and receipt of the Notice to

Proceed from FDOT. The City awarded the construction to Gregory Construction, Titusville, Florida for award of IFB 19-0-2020/SB- Safe Routes to School Sidewalk Construction on April 9, 2020 in the amount of \$2,185,984.

Due to the reduction in cost from the construction award IFB 19-0-2020/SB and concurrence of award by FDOT; FDOT is now requesting two supplemental LAP agreements in addition to the original construction LAP agreements and updated resolutions for two of the Schools: 439494-1-58-01, Christa McAuliffe Elementary and 439667-1-58-01, Discovery Elementary. The agreements have been reviewed by the City legal department and are acceptable.

The supplemental LAP agreements allow for the awarded construction amounts plus a potential additional ten percent should construction change order(s) be needed during the project constructions, provided that are eligible.

Listed below are the supplemental LAP agreements amounts proposed per the supplemental agreements for two of the schools and the total possible funded amounts. These agreements revise the previously funded amount for the two schools for the project construction. The other three LAP agreements remain unchanged and have the eligible funded amount mentioned above.

- Discovery Elementary \$333,376 Plus 10% \$33,338 total \$366,714
- Christa McAuliffe Elementary \$398,640 Plus 10% \$39,864 total \$438,504

New resolutions and supplemental agreements to LAP agreement for the above two schools now require approval and execution by the City.

#### **REQUESTING DEPARTMENTS:**

Public Works Department

#### **FISCAL IMPACT:**

Total funding in the amount of \$2,490,058, approved by Council on 12/05/2019, for Safe Routes to School (SRTS) program, will be reduced by \$304,074 as a result of the reduction in cost for two school locations. The new total project cost of \$2,185,984 will be appropriated from the Community Investment Fund G/L Account 301-7090-541-6315, Project No. 18PW02.

#### **RECOMMENDATION:**

Motion to approve the two LAP supplemental agreements to the original LAP construction agreements and resolutions per the awarded IFB 19-0-2020/SB, Safe Routes to School Sidewalk Construction.

Attachments: (all available upon request)

- 1) LAP amendments
- 2) Resolutions

## RESOLUTION 2020-21

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING THE CONSTRUCTION SERVICES FOR SIDEWALKS AND SURROUNDING CROSSWALKS FOR DISCOVERY ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida Department of Transportation (FDOT) and the City of Palm Bay desire to facilitate the Discovery Elementary School Safe Routes to School project, FPN 439667-1-58-01, and

**WHEREAS**, in order to locally implement these projects, Local Agency Program (LAP) Supplemental Agreement(s) will be required, and

**WHEREAS**, the FDOT has requested the City of Palm Bay execute and deliver to FDOT the LAP Supplemental Agreement for the aforementioned project, FPN 439667-1-58-01.

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

**SECTION 1.** The City Council hereby authorizes the Mayor to execute the LAP Supplemental Agreement for the aforementioned project, FPN 439667-1-58-01.

**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.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Yvonne McDonald, Finance Director

**DATE:** May 7, 2020

**RE:** Amending Chapter 110 – Business Taxes

### **SUMMARY:**

Florida Statutes. 205.191, states that religious organizations are exempt from the requirement of business tax receipts. City of Palm Bay Ordinance, Chapter 110.20, Exemptions, Section B(D) states no business tax shall be required of any charitable, religious, fraternal, youth, civic, service or other such not-for-profit organization, as provided by state law. However, Chapter 110.20(A) under Exemptions states in the event of a business tax exemption applies, a business tax receipt must still be obtained.

The City Attorney's Office has advised that the section requiring a business tax receipt be obtained contradicts both State Statute and Section B (D) of the City's Ordinance and recommends that the City amend Title XI, Business Regulations; Chapter 110, Business Taxes; Section 110.20, Exemptions; paragraph (A) of the City Ordinance to remove the last sentence of the paragraph, "In the event a business tax exemption provision applies, a business tax receipt must still be obtained."

### **REQUESTING DEPARTMENTS:**

Finance Department

### **FISCAL IMPACT:**

The estimated decrease in revenue, as a result of no longer charging an application fee to religious organizations, is less than \$750.00 a year.

### **RECOMMENDATION:**

Motion to approve the amendment by Ordinance to Chapter 110.20(A), removing language in conflict with the Florida State Statute and Palm Bay Ordinance Chapter 110.

Attachment:

1) Amended Ordinance

## **ORDINANCE 2020-24**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XI, BUSINESS REGULATIONS, CHAPTER 110, BUSINESS TAXES, SUBCHAPTER 'BUSINESS TAXES; TAX RECEIPTS; RECEIPTS', BY REVISING PROVISIONS RELATED TO EXEMPTIONS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XI, Business Regulations, Subchapter 'Business Taxes; Tax Receipts; Receipts', Section 110.20, Exemptions, is hereby amended and shall henceforth read as follows:

"Section 110.20 EXEMPTIONS.

(A) Any persons or entities entitled to exemptions or partial exemptions under the laws of the State of Florida shall be exempt from payment of the business tax to the city. ~~In the event a business tax exemption provision applies, a business tax receipt must still be obtained.~~

\* \* \*

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

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

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

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

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

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

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

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



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Gary Woodson, Public Works Director

**DATE:** May 7, 2020

**RE:** St. Johns Heritage Parkway Phase 1 and 2 Completing Babcock Connection and Installing Left Turn Lane

### SUMMARY:

Per the April 23, 2020, City Council Special meeting, Council approved the Interlocal Agreement (ILA) with Brevard County for the St. Johns Heritage Parkway and Babcock Street Intersection. At this time, Staff has prepared the Phase 1 design plans for the remaining 96-foot connection and temporary traffic condition and the Phase 2 design plans for the southbound left turn lane to be funded and advertised. Staff is combining the two projects into one bid document to ensure the most efficient and competitive bid. Staff did review the option of piggyback contract, but the timing of the piggyback would result in an award of contract for just the Phase 1 in June 2020. Combining Phase 1 and 2 has a tentative schedule to award in July 2020.

The Procurement Department staff has reviewed the bid schedule and prepared to release the bid next week pending County review comments on the plans. The tentative date to award the contract is early July 2020 and the contract construction schedule is 60 days for substantial completion and 90 days for final completion. The construction schedule is very conservative, and staff will be discussing with the selected contractor on tightening the schedule even more.

The City's engineers estimate for Phase 1 is \$80,000 and for Phase 2 is \$193,000, for a total of \$273,000. In addition, staff recommends a 10% contingency fund of \$23,700 to cover any unforeseen change orders which may occur. The City's Procurement Policy allows the Chief Procurement Officer to approve change orders up to 10%; any change order in excess of 10% will be brought before Council for approval. Staff is requesting to use Traffic Impact Fees (TIF) to fund the total cost of \$300,300 for this project.

This project will also include the installation of a span wire traffic signal. At their November 7, 2019 meeting, City Council previously authorized staff to procure the signal at a project cost of \$49,746.12.

**REQUESTING DEPARTMENTS:**

Public Works Department

**FISCAL IMPACT:**

Funding for the total project cost for Phase 1 and Phase 2 of \$273,000 plus \$27,300 for contingency change orders will result in a total appropriation of \$300,300 which is available in Fund 199, Transportation Impact Fees, Nexus 32909. Funding will be appropriated on the 3<sup>rd</sup> Quarterly Budget Amendment to G/L Account 199-7050-541-6303/ Project 15PW11 (So. I-95 Interchange).

**RECOMMENDATION:**

Motion to budget and appropriate \$300,300 from Transportation Impact Fees, Nexus 32909, for Phase 1 and 2 of the St. Johns Heritage Parkway Intersection project, to complete the connection to Babcock Street and install a southbound left turn lane.

Attachments: 1) Engineers Estimates (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**REQUESTING DIRECTOR:** Joan Junkala-Brown, Community & Economic Development

**DATE:** May 7, 2020

**RE:** Budget Transfer for Project 20CD01 Palm Bay Senior Center

### SUMMARY:

The adopted Fiscal Year (FY) 2019-2020 Annual Action Plan identifying CDBG funds in the amount of \$527,158 be allocated to Palm Bay Senior Center (Project 20CD01) for ADA accessibility improvements to the facility. Additionally, a minor amendment to allocate an additional \$50,000 from prior year Annual Action Plans was approved on March 13, 2020 to make up the difference in estimated construction costs from original bid in 2017 to current construction costs.

FY 2020 funds were inaccurately budgeted in account 112-3353-554-6332 Improvements Other Than Buildings/Parks Improvements and should be budgeted in account 112-3353-554-6201 Buildings.

The attached Budget Transfer will reallocate \$527,158 to the appropriate account as well as allocate an additional \$50,000 to the same appropriate account for a total of \$577,158 to account 112-3353-554-6201 Buildings for Project 20CD01 Palm Bay Senior Center Improvements.

### REQUESTING DEPARTMENTS:

Community & Economic Development

### FISCAL IMPACT:

There is no fiscal impact at this time. A Budget Transfer will reallocate \$527,158 from Parks Improvement account 112-3353-554-6332 and \$50,000 from 112-3353-554-6308 Parks Development (Project 14CDBG CDBG Uncommitted Funds) to 112-3353-554-6201 Buildings.

Honorable Mayor and Members of the City Council

Legislative Memorandum

P a g e | 2

Following bid solicitation for construction, staff expects full expenditure of \$577,158 from CDBG fund (112).

**RECOMMENDATION:**

Motion to approve a budget transfer reallocating a total of \$577,158 to account 112-3353-554-6201 Buildings for Project 20CD01 Palm Bay Senior Center improvements.

Attachments: (all available upon request)

- 1) Budget Transfer
- 2) Interoffice Memo dated March 13, 2020