



120 Malabar Road, SE - Palm Bay, FL 32907
(321-952-3400)
www.palmbayflorida.org

Mayor
WILLIAM CAPOTE

Deputy Mayor
KENNY JOHNSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

AGENDA

REGULAR COUNCIL MEETING 2020-19

THURSDAY
May 21, 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).++
6. One (1) term expiring on the Youth Advisory Board (represents youth board member 'at-large' position).+

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

AGENDA REVISION(S):

CONSENT AGENDA:

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

PROCLAMATION(S):

1. National Safe Boating Week – May 16-22, 2020.

ADOPTION OF MINUTES:

- *1. Special Council Meeting 2020-15; April 23, 2020.
- *2. Special Council Meeting 2020-16; April 29, 2020.
- *3. Regular Council Meeting 2020-17; May 7, 2020.
- *4. Special Council Meeting 2020-18; May 14, 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 2020-24, amending the Code of Ordinances, Chapter 110, Business Regulations, by revising provisions related to Business Tax Receipt exemptions, final reading.
2. Consideration of a substantial amendment to Community Development Block Grant Annual Action Plan prior year (Fiscal Year 2018) unspent funds (\$431,527).
3. Consideration of an amendment to the Citizen Participation Plan for the Community Development Block Grant to include new emergency provisions for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.
4. Consideration of the CARES Act amendment to the Fiscal Year 2020 Annual Action Plan related to COVID-19 (\$458,099).

PROCUREMENT(S):

Miscellaneous:

- *1. Pool repairs, Palm Bay Aquatic Center – Parks and Recreation Department (Oak Wells Aquatics - \$ 651,125; contingency - \$65,112 (sole source)).

COMMITTEE AND COUNCIL REPORT(S):

NEW BUSINESS:

- 1. Resolution 2020-23, 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. **(Councilman Bailey)(CONTINUED FROM SCM 05-14-20)**
- *2. Resolution 2020-24, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.
- *3. Resolution 2020-25, approving the City's 2020-2023 Local Housing Assistance Plan and the City's housing delivery goals for State Fiscal Years 2020-2023.
- *4. Consideration of the first amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization, the Florida Department of Transportation, and the Brevard County municipalities for the creation of the Transportation Planning Organization.
- *5. Consideration of a lease agreement with Little Growers, Inc., for the use of vacant, unimproved City-owned property located at 2230 Washington Street (\$12 annually).
- *6. Consideration of purchasing Microsoft server licenses for the Utilities Department from Software House International (SHI); and appropriation of funds on the next scheduled budget amendment (\$28,871).
- *7. Consideration of a budget amendment from Utilities' Impact Fee Undesignated Fund Balance to Utilities Collection/Transmission account for the sanitary sewer force main extension project (5180 Minton Road)(\$3,804).
- *8. Consideration of a reduction in Fleet Services' Fiscal Year 2020 Internal Service Funds (\$250,000).
- *9. Acknowledgement of the correction to Employee Health Insurance Premium budget amounts adopted in Fiscal Year 2020 (\$3,651,467).
- 10. Acknowledgement of the City's monthly financial report for March 2020.

ADMINISTRATIVE AND LEGAL REPORT(S):

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

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

ADJOURNMENT:

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 21, 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. 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 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.

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Terese M. Jones, City Clerk
DATE: May 21, 2020
RE: One (1) Term Expiring – Youth Advisory Board

SUMMARY:

The term of Linval Marah on the above board will expire on May 28, 2020.

REQUESTING DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The term expiring needs to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on June 18, 2020.

/jcd

CITY OF PALM BAY, FLORIDA

SPECIAL COUNCIL MEETING 2020-15

Held on Wednesday, the 23rd 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:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	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; Frank Watanabe, Engineering Division Manager, Public Works Department.

PUBLIC COMMENTS:

Public comments were considered under the specific agenda items.

BUSINESS:

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

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

Staff Recommendation: Approval of a) the St. Johns Heritage Parkway (SJHP) and Babcock Interlocal Agreement; and b) authorization to budget and appropriate \$80,0000 in Transportation Impact Fees, Nexus 32909, to complete the paving of the last ninety-six (96) feet of the SJHP.

Bill Battin, resident, said that years ago, residents were told that it would not cost anything to the taxpayers because the developers would pay for it all. Now residents had to pay for the SJHP, the intersection and future expenses for Babcock Street.

Tom Gaume, resident, asked how the City could have a road, which was conveyed by Brevard County (County), in which the City did not control the zoning or easements on both sides of the road. He suggested that the County deed one-half mile in each direction from the Babcock Street intersection to the City and the City could make its own determination as to when the roadway needed to be widened. He said Council should deny the Interlocal Agreement (ILA) and not place any additional burdens on the taxpayers.

Mrs. Morrell advised that the County would seek similar agreements from the Towns of Malabar and Grant-Valkaria as it related to zoning.

Deputy Mayor Johnson asked how much of the roadway the City would have to take over in order to control the permitting and if that would mean that the City would also have to perform the reconstruction and maintain the roadway. Mr. Watanabe said there would be one mile of roadway and if the City took ownership, there would still be connection points with the County and other governmental agencies.

Deputy Mayor Johnson asked the total debt to the City. Mrs. Morrell answered that it was \$24.1 million, which included \$7 million for intersection mitigation fees, approximately \$9 million for the roadway, and \$3.8 million owed to developers for the SJHP access point.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the ILA as requested.

Deputy Mayor Johnson said he was hesitant with approving the agreement as the road should be taken care of by the County, but this was a better deal than the last discussion by Council.

Mr. Santiago concurred with Deputy Mayor Johnson and said it was time to move forward. He supported the request.

Mr. Anderson said the City and County both agreed to set aside fifty percent (50%) of the Transportation Impact Fees (TIF) received for any new development in the south part of their respective jurisdictions. He said those monies were committed to that area regardless of what the City wanted to do with the dollars. He further explained the effect of impact fees in that area for the residents and said that the end game was to give Babcock Street to the State and not for Palm Bay to maintain the roadway.

Mr. Bailey disagreed with a lot of what the County had stated as to why the four-laning and other maintenance should be placed on Palm Bay and its taxpayers. He said the TIF could not be used for the long-term maintenance of roadway and there were no guarantees that there would be a new road and no way for the City to maintain it. He said it would be a strain on General Fund revenues moving forward. He questioned why Council thought this agreement was better than what was presented in October.

Deputy Mayor Johnson asked if the agreement in October included the City taking over the entire roadway. Mrs. Morrell said it was not the whole roadway, but that ILA included a \$1.5 million contribution from the County. Mayor Capote said that this ILA included phases and there were no phases in the last agreement for consideration. Mr. Santiago concurred with the Mayor and said that this contract was being done in steps as opposed to just taking over everything right now. Mr. Bailey understood there was somewhat of a delay in taking over the road, but the City would still ultimately it over. He said the deal got worse without the \$1.5 million. He asked how the City would pay the obligations for the intersection if the TIF funds were not received. There were no contracts from the developers to assure the City up front. Mr. Bailey felt there should be a firm stance from the City as far as what was fair to the Palm Bay community and the County, not just a one-sided agreement. He had hoped that Council would have gone in a different direction and asked if Council wanted a commitment from the developers that if they did not pay any TIFs, they would be responsible for taking care of the intersection.

Mr. Anderson said that if Council did not approve the agreement, approximately \$250 million in potential impact fees would be lost. The tax base would also grow which would bring down the tax rate for everyone. TIFs could also be used for debt service.

Mayor Capote felt other items could have been included in the agreement, but he supported the ILA as is.

Mr. Bailey reiterated his concerns about the developers committing to the intersection. He said that growing the residential base would not fix the City's problems. There had to be a mix of commercial and industrial.

Motion carried with members voting as follows:

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

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 6:38 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

CITY OF PALM BAY, FLORIDA
SPECIAL COUNCIL MEETING 2020-16

Held on Wednesday, the 29th 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:

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

There were no public comments.

BUSINESS:

1. Resolution 2020-17, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.

The Junior Staff Attorney read the resolution in caption only.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Resolution 2020-17. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Moore Stephens Lovelace, P.A. – Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2019:

a) Consideration of forwarding report to the Auditor General.

Staff Recommendation: Approve the Fiscal Year 2018-2019 Audit Report and to forward the report to the Auditor General.

Joel Knopp, CPA, presented the audit to City Council and provided an overview of same. He answered questions posed by councilmembers. Councilmembers expressed concern with the pension-related obligations. It was stated that the pension funds were dependent upon the performance of the market and Council needed to keep an eye on it in the future, especially due to the pandemic.

Mr. Bailey said that in the report, it stated that the refinance of the 2008 Bond approximately six (6) years ago reflected a balance of \$50,855,000, and the balance for the end of last year was \$50,320,000. He asked if interest-only was being paid and requested further information on same.

Motion by Mr. Bailey, seconded by Mr. Santiago, to forward the Annual Financial Report to the Auditor General. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 6:32 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-17

Held on Thursday, the 7th day of May 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:

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

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

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

ANNOUNCEMENT(S):

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', and 'employer within the City').++**
- 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):

1. Mrs. Morrell announced that Item 1, under Proclamations, was withdrawn by staff.

CONSENT AGENDA:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, that the Consent Agenda be approved with the removal of Items 5 and 6, under New Business, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCLAMATION(S):

1. Kids to Parks Day – May 16, 2020.

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

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.**

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

Note: A correction to Item 3, under Adoption of Minutes, was considered under Council Reports.

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

A resident made a general comment.

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.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-10. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

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

The City Attorney read the ordinance in caption only.

The public hearing was opened. Mrs. Morrell presented the request to Council and advised that the definition of 'Accessory Dwelling Unit', under Section 185.006(4), should read as follows:

“(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.~~”

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-13, with the revision as stated.

Mr. Bailey asked that Council consider other accessory dwelling units, such as detached garages and sheds. He wanted to bring forth language establishing a size limit and removing the permitting requirements. He also wanted fencing provisions addressed for urban farming.

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 2020-21, amending the Code of Ordinances, Title III, Administration, by creating Chapter 39, Community and Economic Development, final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-21. 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 2020-22, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (second budget amendment), final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-22. 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 2020-23, 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.

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

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

Nosrat and Zoy Sarpoolaki, residents, provided a virtual comment objecting to the request.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-23. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣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).

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

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

Larry Hyland, resident, provided a virtual comment and asked for clarification as to where the fence would be erected.

Cheryl Huggins, resident, provided a virtual comment and asked if the additional ten (10) feet from the property line of current owner to property line of Country Club Estates had been confirmed, if the water area would remain as is behind her property, and if historic trees would remain around Seymour Road.

Mr. Spira addressed the comments. He said that an opaque fence would be erected to address Mr. Hyland's concerns. He offered to meet with Mr. Hyland and Ms. Huggins to discuss their concerns.

The public hearing was closed.

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

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.

The public hearing was opened. Mrs. Morrell presented the request to Council. She advised that the verbiage listed on the agenda should be revised to read as follows: "Consideration of Fiscal Year 2020-2021 Annual Action Plan and recommendations of programs and activities to be funded by Community Development Block Grant and HOME Investment Partnership funds".

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the Fiscal Year 2020-2021 Annual Action Plan and recommendations of programs and activities to be funded by Community Development Block Grant and HOME Investment Partnership funds. Mr. Bailey asked that any additional funds be used to support infrastructure. 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 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)).**

Staff Recommendation: Approve the award for DNA processing and database services to Bode Cellmark Forensics, Inc. (Lorton, Virginia) in the amount of \$118,540 for an initial 24-month period (\$59,270 for the first year), with three (3) additional 12-month renewal periods.

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

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).**

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment in the amount of \$125,693.04; approve the emergency purchase of the directional drilling services to Youngs Communications Co., Inc., in the amount \$81,815; line tapping services from Mac Tapping, in the amount \$14,100; pipe and fittings from Ferguson Waterworks Inc., in the amount \$14,016.40; equipment rental from United Rentals, in the amount of \$4,335; and construction contingency funding in the amount of \$11,426.64.

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

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Councilman Anderson addressed COVID-19 funding from Brevard County. He said a report should be coming next week and had contacted staff about rental assistance.

2. Mr. Bailey asked that a revision be made to Item 3, under Minutes (Page 3, Paragraph 2, third sentence), to read as follows: “Mr. Bailey asked for confirmation that the ten percent (10%) franchise fee was built in for the residential within the agreement”.

Motion by Mr. Bailey, seconded by Mr. Anderson, to revise the Special Council Meeting 2020-14 (April 22, 2020) minutes as stated. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

3. Mr. Bailey appointed Joe Laughlin to the Sustainability Board.

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.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***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).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***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.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***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.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

5. Ordinance 2020-24, amending the Code of Ordinances, Chapter 110, Business Regulations, by revising provisions related to Business Tax Receipt exemptions.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, provided a virtual comment and inquired as to how to register with the City and State to monitor how much this would end up costing the City. Mrs. Morrell replied that as the City would no longer charge the Business Tax Receipt (BTR) application fee for religious organizations, they would be removed from the City's database and would no longer be tracked through the City's system.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-24. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Consideration of utilizing Transportation Impact Fees for Phases 1 and 2 of the St. Johns Heritage Parkway Intersection Project (\$300,300).

Staff Recommendation: Budget and appropriate \$300,300 from Transportation Impact Fees, Nexus 32909, for Phases 1 and 2 of the St. Johns Heritage Parkway (SJHP) Intersection project, to complete the connection to Babcock Street and install a southbound left-turn lane.

Bill Battin, resident, provided a virtual comment stating that there was currently a \$9 million loan for the SJHP. He recommended using that fund for the remainder of the SJHP connecting to Babcock Street, then use any remaining monies from that loan to pay down the \$9 million. He felt the intersection could be paid with TIF funds as all future TIF funds from that area would pay for Babcock Street. Mrs. Morrell said that the debt was pledged with Local Option Gas Tax and was currently being paid by TIF funds. General Fund dollars were not being used.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to utilize Transportation Impact Fees as requested.

Mr. Bailey expressed concern with taking on too much with the impact fees that the City may have to utilize General Fund revenues if there was not enough TIF funds. He asked that staff be cognizant moving forward and not placing anything on the taxpayers.

Mr. Anderson said he was waiting on final figures from staff regarding liquidated damages from Community Asphalt. He said that once that was settled, he hoped that those dollars would help to alleviate the TIF funds being used.

Motion carried with members voting as follows:

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

***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).**

Staff Recommendation: Approve a budget transfer reallocating funds from the Parks Improvement and Parks Development accounts to Account 112-3353-554-6201, Buildings, for Project 20D01, Palm Bay Senior Center ADA accessibility improvements, in the amount of \$577,158.

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

ADMINISTRATIVE AND LEGAL REPORTS:

1. Mrs. Morrell advised that beginning next week, the Palm Bay City Hall site would be performing COVID-19 testing. Florida Department of Emergency Management would also be hosting a drive-thru testing clinic at Eastern Florida State College.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 7:55 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.

CITY OF PALM BAY, FLORIDA

SPECIAL COUNCIL MEETING 2020-18

Held on Thursday, the 14th day of May 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:

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

1. Tom Rebman, resident, asked Council to stop trespassing homeless. He said that the homeless were not being offered services and felt the catalyst for the trespassing violations were Code Compliance letters. He added that Council would be considering an agenda item for COVID relief monies and asked that some of those funds be dedicated to poor families that had yet to receive unemployment and need assistance. He asked Council for a motion to stop trespassing the homeless until the pandemic was over.

2. John Moore, resident, worked with the homeless camps. He had seen an influx from Melbourne as those camps were being trespassed, there was nowhere to place them, and affordable housing was needed. He said that better services were a necessity.

Mayor Capote said there was direction from Council at a previous meeting that no homeless would be trespassed prior to April 30th. Mrs. Morrell advised that a couple of individuals were removed from a business location at the request of the owner, offered services, but were not trespassed. There was a residential lot with two individuals that were not removed as the owner was sympathetic, allowed them to remain onsite, and services were being provided through the Brevard Homeless Coalition. Mrs. Morrell explained the process when a call was received by a property owner. She would ask the Chief of Police to provide an update at the June 4th Regular Council Meeting. She said there was no action at tonight's meeting regarding funding for businesses and residents, but it would be considered at the May 21st meeting.

BUSINESS:

1. Resolution 2020-22, 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 Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Resolution 2020-22. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

2. Discussion of assistance to businesses and residents affected by COVID-19.

Staff Recommendation: Acknowledge Outdoor Dining Guidelines and approve a temporary waiver to small businesses of penalties for delinquent Business Tax Receipts through December 31, 2020, a temporary waiver of building permit fees for projects valued at \$50,000 or less from June 1 thru September 30, 2020, and the Code Compliance Amnesty Program from June 1 thru December 31, 2020.

Bill Battin, resident, provided a virtual comment. He did not agree with a complete waiver for the Business Tax Receipts (BTR) and suggested that payments be deferred to a later date. He said that many people were probably going through hardships but still paid their Code fines. He asked why residents should be able to get a break now when they were not offered this program before.

Motion by Mr. Anderson, seconded by Mr. Santiago, to acknowledge the Outdoor Dining Guidelines, approve the temporary waivers and the Code Compliance Amnesty Program as requested.

Mr. Anderson said this was a start but did not feel it would help those most affected. He looked forward to discussing the assistance that would be provided to the businesses and residents at the next meeting.

Mr. Santiago asked how the Building Division operations would be affected. Mrs. Morrell said that staff compared inspections from last year and this year and there was the potential loss of approximately \$265,000. However, the Building Division budget was healthy with a \$5 million Fund Balance. Mr. Santiago wanted to make sure there were enough reserves to get through the pandemic.

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

3. Resolution 2020-23, 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. (Councilman Bailey)

Due to the absence of Councilman Bailey, Council concurred to table the item to the next meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to table the item to May 21, 2020. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Anderson, Yea.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 6:24 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Terese M. Jones, City Clerk
DATE: May 21, 2020
RE: Final Reading of Ordinance 2020-24

SUMMARY:

A public hearing is to be held on the above subject ordinance and the caption 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 Ordinance 2020-24.

Attachment(s): Ordinance 2020-24 / 05-07-20 Memo / 05-07-20 Minutes

/tjl

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 2020-17, held on May 7, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

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

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***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).**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***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.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

***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.**

The City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

5. Ordinance 2020-24, amending the Code of Ordinances, Chapter 110, Business Regulations, by revising provisions related to Business Tax Receipt exemptions.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, provided a virtual comment and inquired as to how to register with the City and State to monitor how much this would end up costing the City. Mrs. Morrell replied that as the City would no longer charge the Business Tax Receipt (BTR) application fee for religious organizations, they would be removed from the City's database and would no longer be tracked through the City's system.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-24. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Consideration of utilizing Transportation Impact Fees for Phases 1 and 2 of the St. Johns Heritage Parkway Intersection Project (\$300,300).

Staff Recommendation: Budget and appropriate \$300,300 from Transportation Impact Fees, Nexus 32909, for Phases 1 and 2 of the St. Johns Heritage Parkway (SJHP) Intersection project, to complete the connection to Babcock Street and install a southbound left-turn lane.

Bill Battin, resident, provided a virtual comment stating that there was currently a \$9 million loan for the SJHP. He recommended using that fund for the remainder of the SJHP connecting to Babcock Street, then use any remaining monies from that loan to pay down the \$9 million. He felt the intersection could be paid with TIF funds as all future TIF funds from that area would pay for Babcock Street. Mrs. Morrell said that the debt was pledged with Local Option Gas Tax and was currently being paid by TIF funds. General Fund dollars were not being used.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to utilize Transportation Impact Fees as requested.

Mr. Bailey expressed concern with taking on too much with the impact fees that the City may have to utilize General Fund revenues if there was not enough TIF funds. He asked that staff be cognizant moving forward and not placing anything on the taxpayers.

Mr. Anderson said he was waiting on final figures from staff regarding liquidated damages from Community Asphalt. He said that once that was settled, he hoped that those dollars would help to alleviate the TIF funds being used.

Motion carried with members voting as follows:

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



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 21, 2020

RE: Substantial Amendment to CDBG Prior Year (FY18) Unspent Funds

SUMMARY:

Staff wishes to make a substantial amendment to the FY 2018 Annual Action Plan relating to unspent funds in the amount of \$437,859.71 previously allocated for special economic development activity, specifically to increase employment opportunities. In early 2019, Housing Division staff issued a Notice of Funding Availability (NOFA) to solicit a subrecipient to carry out economic development-related activities eligible under 24 CFR 570.201; however, receive no eligible applications. In order to meet the timely expenditure of these funds by August 2, 2020 as required by the U.S. Housing & Urban Development (HUD), staff has identified other HUD eligible activities for the reallocation of prior year unspent funds.

The Palm Bay Fire Department has requested CDBG funds to assist with the acquisition of certain fire apparatus and life-saving equipment to meet the growing demands of Fire Stations 1 and 3, which respond to areas of the City for which more than 50 percent of residents are low- and moderate-income persons. This is an eligible use of CDBG funds under 24 CFR 570.201(c) and 570.207(b)(1)(ii) and meets HUD regulations under Local Area Benefit.

Staff recommends a reallocation of \$431,527 to the acquisition of fire apparatus and life-saving equipment to as follows: Acquisition of Fire Tender for Fire Station 3 (\$261,200); Acquisition of Brush Truck for Fire Station 1 (\$107,502); and Acquisition of Life-Saving Equipment for Fire Stations 1 and 3 (\$62,825). The acquisition of these items is not currently budgeted within the City's capital improvement plan and determined as unlikely to be accommodated within the next several fiscal

years.

REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact at this time. Following bid solicitation for the acquisition of fire apparatus and life-saving equipment, staff expects full expenditure of \$431,527 from CDBG funds (112-3353-554-5206, 112-3353-554-6401 & 112-3353-554-6405).

RECOMMENDATION:

Motion to approve a Substantial Amendment to FY 2018 CDBG Annual Action Plan to reallocate \$431,527 for the acquisition of fire apparatus and life-saving equipment for Fire Stations 1 and 3 and approve a budget transfer totaling \$572,425.

Attachments: (all available upon request)

- 1) Fire Station 1 and 3 Response Maps
- 2) Low- and Moderate-Income Census Map
- 3) Budget Transfer for acquisition of Fire Tender and Life-Saving Equipment



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 21, 2020

RE: Public Hearing – Amendment to adopted Citizen Participation Plan for CBDG to include new emergency provisions for CARES Act funding

SUMMARY:

The City received official notification by the U.S. Department of Housing & Urban Development (HUD) dated April 2, 2020 of allocations through the Coronavirus, Aid, Relief and Economic Security Act (CARES Act) in the amount of \$458,099 in CDBG-CV (Community Development Block Grant – Coronavirus) funds and \$67,066 in HOPWA (Housing Opportunities for Person with Aids) funds.

Subsequently, the City received HUD guidelines for requesting program waiver flexibilities related to such allocations, to include new emergency provisions for CARES Act funding. Such provisions include expedited procedures for amending Annual Action Plans and Citizen Participation Plans by reducing the required public comment period to no less than five (5) days.

Staff has prepared a draft substantial amendment to the Citizen Participation Plan (CPP), which was adopted City Council on March 2, 2017, relating to the administration of the community planning and development programs of the U.S. Department of Housing & Urban Development. The amendment includes Emergency Provisions to be enacted under declared disasters and as authorized by HUD. Additionally, staff recommends the removal of Appendix A: List of Organizations for Mailing Copies of All Public Notices and Advertisements. Staff does not recommend mailing notices and seeks to reduce costs related to this.

REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impact related to this item.

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 2

RECOMMENDATION:

Motion to approve the amendment to the Citizen Participation Plan for the administration of programs regulated by the U.S. Department of Housing & Urban Development to include new emergency provisions for CARES Act funding.

Attachments: (available upon request)

- 1) Amended Citizen Participation Plan



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 21, 2020

RE: Public Hearing – CARES Act Amendment to FY 2019-2020 Annual Action Plan

SUMMARY:

The City received official notification by the U.S. Department of Housing & Urban Development (HUD) dated April 2, 2020 of allocations through the Coronavirus, Aid, Relief and Economic Security Act (CARES Act) in the amount of \$458,099 in CDBG-CV (Community Development Block Grant – Coronavirus) funds and \$67,066 in HOPWA (Housing Opportunities for Person with Aids) funds. Please note, the City receives HOPWA funding as a pass-through entity; however, the program is administered through the Florida Department of Health.

Staff has prepared the following CARES Act amendment to the Fiscal Year (FY) 2019-2020 Annual Action Plan to allocate CDBG-CV funding to eligible activities that **prevent, prepare for, and respond to coronavirus** as required by HUD. Please note, as of the date of this memo, HUD has not yet released the Federal Register which provides further guidance regarding specific programs and activities related to COVID-19 eligible under CDBG-CV, to include potential business assistance. The following amendments are broad in nature, as recommended by HUD.

Staff recommends the addition of two (2) new activities, Public Services related to COVID-19 and Assistance for Special Economic Development Activity and/or Affordable Housing Activities related to COVID-19. Staff also recommends the allocation of funding as follows: \$91,619.80 towards Planning & Administration (HUD allows a maximum of 20 percent of total allocation for administrative-related activities), \$80,000 towards Public Services related to COVID-19, and \$286,479.20 toward Assistance for Special Economic Development and/or Affordable Housing Activities related to COVID-19.

On April 9, 2020, HUD released a Summary of CARES Act Provisions for Coronavirus Response with CDBG-CV and CDBG Grants which includes the elimination of the 15 percent cap on the amount of grant funds that can be used for public service activities related to the prevention, preparation for and response to COVID-19.

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 2

REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

The allocation of CARES Act funds in the amount of \$458,099 in CDBG-CV funding will result in an increase to the CDBG Fund.

RECOMMENDATION:

Motion to approve the CARES Act amendment to Fiscal Year 2019-2020 Annual Action Plan allocating a total of \$458,099 to HUD-eligible activities and programs related to COVID-19.

Attachments: (available upon request)

- 1) Public Notice for CARES Act Amendment to FY 2019-2020 Annual Action Plan
- 2) Award Letter from U.S. HUD regarding CARES Act allocation of CDBG-CV funds



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Fred Poppe, Parks and Recreation Director; Juliet Misconi, Chief Procurement Officer

DATE: May 21, 2020

RE: Sole Source Contract Award to Oak Wells Aquatics for the Repair of the Pool at the Palm Bay Aquatic Center

SUMMARY:

- On November 15, 2018 a spike in water usage was detected at the Palm Bay Aquatic Center (PBAC).
- The City had a leak test performed in December 2018 by Pool Services of Central Florida for a cost of \$4,500.00. The leak detection test found that the pool lights and main drain were leaking.
- On January 4, 2019, the lights were replaced by Weller Pools, LLC for a cost of \$1,628.00. After the work was completed, the spike in water usage continued, resulting in the closure of the Palm Bay Aquatic Center on January 30, 2019 due to major systemic failures evidenced by the constant water spike.
- Parks and Recreation recommended pursuing a sole source repair, similarly to what Indian River County did for their aquatic center repair (a sole source by Weller Pools). Parks and Recreation also requested that the original manufacturer serve as a consultant, but they would not provide consultant-only services.
- On March 1, 2019, an RFP was issued to try and find a contractor to determine the source of the leak and perform the needed repairs.
- Following a pre-proposal meeting on March 14, 2019, City Staff cancelled the solicitation; Staff did not have a subject matter expert to answer the significant amount of questions being asked by potential bidders.
- In May 2019 a second leak detection was performed by Aquatic Leak Detection for a cost of

\$7,800.00. The second leak detection revealed further leaks in the lights, and leaks in the gutters. The City determined the best course was to procure a consultant to assist with preparation of new bid documents.

- On May 8, 2019, the City issued a Request for Proposals for a PBAC Assessment and Renovation Consultant and subsequently awarded to Terracon Consultants, the sole respondent, on June 20, 2019. The City contracted with Terracon Consultants Inc. for an amount not to exceed \$33,440 to serve as the technical consultant and perform a pool assessment to determine the necessary repairs of the liner, gutters, lighting, deck, equipment, and feature amenities of the pool, and to perform an overall health and safety check to reopen the PBAC. They also were contracted to write a Scope of Work, and act as Project Manager and inspector for the subsequent bid and renovation contract. The agreement was fully executed by the City and Terracon on July 3, 2019.

Terracon coordinated with staff for an onsite assessment and provided the following deliverables to develop a scope of work for the identified repairs:

- The Initial Condition Assessment Report was submitted on August 2, 2019.
- The Assessment and Geotechnical Reports were submitted on September 5, 2019.
- The Aquatic Environmental Investigation Report was submitted on September 10, 2019.
- The Initial Estimate Repair Cost Sheet was provided on October 28, 2019.
- On November 12, 2019, Parks and Recreation requested an additional task of a gutter level survey for \$3500 at Terracon's recommendation.
- On November 21, 2019, staff reviewed the plan from Terracon for the PBAC renovations. Comments were provided back to Terracon for clarification and finalization.
- On November 26, 2019, Terracon Consultants provided probable construction repairs, more commonly known as an engineer's estimate, for a qualified vendor to perform the identified repairs of the PBAC. The probable construction repairs included a priority of repairs, ranking eight scope of work sections, to include base bid, mechanical room alternates, aesthetics alternates, deck alternates, as well as cost contingency for any unknown repairs and volatility in the marketplace for skilled labor resources and unknown material costs. To date, Terracon has been paid \$30,250 for their services.
- An Invitation to Bid for the PBAC Renovations was sent out on December 18, 2019.
- On February 5, 2020, the solicitation was opened; only one bid was received for \$807,822.00.

Procurement polled the limited marketplace of specialized contractors for reasons for no response. Reasons reported by prospective bidders include: too busy with new construction; inability to secure a bid bond; missed the due date; could not pull permits; material supplier only. The sole bid was reviewed by the consultant and City Staff, to include the City Engineer, and was deemed non-responsive for bidding an alternative approach to the repairs that did not meet the scope of work in its entirety.

- On February 12, 2020, the bid was formally rejected. Following this event, Staff went back to the manufacturer for guidance on next steps. All previous investigations, reports, analysis, and plans were provided to the manufacturer for their review.

The pool was originally constructed using patented technology by Myrtha Pools USA, Inc., whose parent company is A&T Europe. Myrtha Pools USA has provided a sole source memorandum recommending that the renovations and repairs be performed by a licensed pool contractor certified by the manufacturer. The materials are to be sourced directly from the manufacturer, Myrtha Pools USA, who has the exclusive right to sell and install Myrtha systems in the United States. For this project, Myrtha is recommending a partnership with Oak Wells Aquatics out of Jacksonville, Florida, who is a certified Myrtha contractor with satisfactory performance history and workload ability. Initially the City intended to contract directly with Myrtha Pools USA through their parent company, A&T Europe, with Oak Wells Aquatics as the subcontractor. However, because the parent company is a foreign entity, they expressed concerns in the ability to obtain a 100% Performance Bond, as required by Florida Statute 255.05, and in listing the City as an additional insured, as required by the City's risk division. As such, Staff is recommending contracting directly with the subcontractor, Oak Wells Aquatics, who will furnish a 100% Payment and Performance Bond and list the City as an additional insured, both of which are risk mitigation efforts for the City. This approach has been vetted by the City Attorney's office. All work will be supervised by both Oak Wells and Myrtha. By purchasing materials from Myrtha and using Oak Wells, a certified Myrtha installer, the City will receive a warranty on the work and all related parts. There will be a one-year warranty for all workmanship, a ten-year warranty on all PVC components, and a reaffirmation of the existing structural warranty for an additional five years.

The total proposal of \$651,124.80 includes a remodel of the pool, new lights, repairs to the deck, dewatering costs, replacement of the recirculation pumps and sand filters, and underground services to determine the source of the leak. There is also a credit available if the contractor can utilize the dewatering system originally installed with the pool. The City will be required to pay for materials totaling \$138,147.00 and bond costs totaling \$18,815.00 at contract acceptance.

The Procurement Ordinance defines a sole source as "an item that is the only one that will produce the desired results, or fulfill the specific need, and the item is available from only one source of supply. Therefore, there is an inability to obtain competition. Due diligence must be performed to verify an item is truly a sole source, and the original justification documentation shall be properly

maintained.” Ordinance 38.12(F)(2) requires Council approval of a sole source purchase over \$100,000.

Staff considers the above narrative justification of due diligence in trying to seek a competitive approach to repairs and to pursue a sole source purchase. Parks and Recreation and Procurement are requesting approval from the City Council to approve the sole source contract to Oak Wells Aquatics out of Jacksonville, Florida, a Myrtha Pools USA certified contractor, to make the necessary repairs in order to provide the community with a pool. In addition, Staff is requesting the allocation of 10% of the project value from undesignated fund balance for additional, unforeseen underground repairs. Unit costs for labor have been established in the proposal. This ensures continuity of the project work, should significant damage occur. Approval of that portion of the motion is a budgetary allocation approval only; actual change orders will be approved in accordance with the Procurement Ordinance.

REQUESTING DEPARTMENTS:

Parks and Recreation, Procurement

FISCAL IMPACT:

Project costs of \$654,160.00 were appropriated, by City Council on December 5, 2019, to GL account 001-4032-572-6301 “Improvements Other Than Buildings”, for project 20PR01 (Aquatic Center Renovations). Parks and Recreation is requesting that an additional \$65,112.48 be appropriated from General Fund to meet any contingency related expenditures.

RECOMMENDATION:

Motion to 1) approve the award of a Sole Source contract to Oak Wells Aquatics using the funds previously appropriated to 001-4032-572-6301, Improvements Other Than Buildings in the amount of \$651,124.80; and 2) approve the allocation of a 10% contingency in the amount of \$65,112.48 from General Fund Undesignated balance for unforeseen underground repairs.

Attachments: (available upon request)

- 1) Myrtha Sole Source memorandum dated March 14, 2020
- 2) Oak Wells Aquatics proposal



COMMITTEE AND COUNCIL REPORTS

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

Committee Reports

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

Council Reports



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, Growth Management

DATE: May 21, 2020

RE: Building Re-inspection Fees Reduction

SUMMARY:

City staff is proposing modifications for City Council consideration to amend The Palm Bay Code of Ordinances, Chapter 170, Construction Codes and Regulations, Reinspection fees, per the request of Councilman Bailey. The current fee schedule for residential and commercial reinspection's is \$100.00 each occurrence. The commercial reinspection fee schedule includes a \$400 fee for a fourth reinspection. The current reinspection fee schedule was adopted September 18, 2018, during the FY19 Budget Hearing to include Land Development Fee schedule in Resolution 2018-45.

To promote a more developer and permitting friendly experience with constituents and contractors, staff is proposing the following reinspection fee tiers:

Type	First Reinspection	Second Reinspection	Third Reinspection	Fourth Reinspection
Residential	\$0	\$30	\$100	\$100
Commercial	\$0	\$30	\$100	\$100

For informational purposes a sample of other local agencies has been provided in the table below.

Agency	Type	First Reinspection	Second Reinspection	Third Reinspection	Fourth Reinspection
Palm Bay	Residential	\$100	\$100	\$100	\$100
	Commercial	\$100	\$100	\$100	\$400
Brevard County	-	\$75	\$75	\$75	-
Cocoa	-	\$0	\$100	\$100	\$100
Melbourne	-	\$25	\$50	\$100	-
Satellite Beach	-	\$30	\$30 + \$50	\$30 + \$100	\$30+ \$200
Titusville	-	\$105	\$105	\$105	-
West Melbourne	-	\$25	\$50	\$75	-

REQUESTING DEPARTMENTS:

Growth Management

FISCAL IMPACT:

A reduction in the Building Fund due for reinspection services. The Building Department provides monthly activity reports including permit and reinspection fees, the table below derives fiscal years 2017, 2018, 2019, and year to date of 2020.

Fee Type	2017	2018	2019	Oct- Mar 2020
Building Permit Fees	\$1,416,264.37	\$1,966,970.18	\$2,467,448.25	\$1,299,051.55
Building Reinspection Fees	\$16,100	\$89,370	\$271,550	\$134,325

RECOMMENDATION:

Motion to approve resolution to recue reinspection fees as proposed or as desired by City Council.

Attachment available upon request: FY19 9/18/18 Memo, August 20, 2009 Memo; and Resoluion No 2018-45

RESOLUTION 2020-23

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTIONS 2019-34, 2020-02 AND 2020-08, ADOPTING RATES, CHARGES, AND FEES, FOR FISCAL YEAR 2019-2020, PURSUANT TO THE CITY OF PALM BAY, CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

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

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

SECTION 1. Resolution 2019-34, as amended by Resolutions 2020-02 and 2020-08, is hereby amended by including adjustments to the fees, rates, and charges, for Fiscal Year 2019-2020, pursuant to the City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, which are, by reference, incorporated herein as Exhibit A.

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

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

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

EXHIBIT 'A'

Fiscal Year 2019-2020 Growth Management Department Fees Schedule

CHAPTER 170: CONSTRUCTION CODES AND REGULATIONS

	FY 19	FY 20
Building Permit Issuance	30.00	30.00
Building Permit Fee (unless specifically listed below)		
Value \$1,000 or less	30.00	30.00
Value \$1,001 to \$50,000 (first \$1,000)	30.00	30.00
Plus for every \$1,000 or fraction	6.00	6.00
Value \$50,001 to \$100,000 (first \$50,000)	319.00	319.00
Plus for every \$1,000 or fraction	5.00	5.00
Value \$100,001 to \$500,000 (first 100,000)	569.00	569.00
Plus for every \$1,000 or fraction	5.00	5.00
Value \$500,001 and up (first 500,000)	2169.00	2169.00
Plus for every \$1,000 or fraction	3.00	3.00
Building Permit Fee - Mobile Homes	250.00	250.00
Moving of a Building or Structure	150.00	150.00
Environmental Monitoring Fee	25.00	25.00
Demolition of Building or Structure	125.00	125.00
Plan Check Review Fees (1/2 building permit fee)	50%	50%
For every revision add	50.00	50.00
Residential	50.00	50.00
Commercial (per sheet)	40.00	40.00
Building Inspection Fee		
Residential	100.00	100.00
Commercial	100.00	100.00
Reinspection Fee (after failed inspection)		
Residential Permits		
>>First<< Reinspection	100.00	100.00 >>0<<
>>Second Reinspection<<		>>30.00<<
>>Third Reinspection<<		>>100.00<<
>>Fourth Reinspection<<		>>100.00<<

City of Palm Bay, Florida
Resolution 2020-23

	FY 19	FY 20
Commercial Permits		
Reinspection	100.00	100.00
After 4 th failed inspection		400.00
>>First Reinspection<<	100.00	100.00 >>0<<
>>Second Reinspection<<		>>30.00<<
>>Third Reinspection<<		>>100.00<<
>>Fourth Reinspection<<		>>100.00<<
Roofing or Siding Repair - Single Family	100.00	100.00
New Roofing or Replacement Roofing or Siding - Single Family	150.00	150.00
Work Commenced without Permits (Note: double all fees or \$450.00 whichever is greater)	See Note	See Note
Non-Compliance Fine for Failure to Call for Final Inspection	75.00	75.00
Change of Contractor (each change)	40.00	40.00
City Construction and Demolition Surcharge		0.25%
Florida State Surcharge		2.5%
Refund of Permit Fees (if no inspections have occurred)	25.00	25.00
Subcontractor Fee (per subcontractor type)	40.00	40.00
Fire Permit Fee (1/2 of Building Permit Fee)	50%	50%
Fire Plan Review Fee (1/2 of Building Plan Review Fee)	50%	50%
Fire Inspection Fee - Mobile Vending	90.00	90.00
Fire Protection Systems		
Inspection of new sprinkler, standpipe, combination systems or any fire protection system for first 1,000 of contract value		15.00
Plus, for each additional \$1,000 or fraction thereof		5.00
Inspection of new fire pump installations		100.00
Underground Inspection		150.00

City of Palm Bay, Florida
Resolution 2020-23

	FY 19	FY 20
Underground Permit (if separated from sprinkler plan)		100.00
Inspection of repairs or alterations to existing fire pump installations		50.00
Plan-checking fees – new installation		200.00
Plan-checking fees – modification to existing systems		100.00
Fire Alarm Systems		
Inspection first \$1,000 of contracted value		15.00
Plus for each additional \$1,000 or fraction thereof		5.00
Automatic Extinguishing System inspection/functional test		75.00
Plan-Checking Fees-New Installation		200.00
Plan-Checking Fees-Modifications to existing systems		100.00
Automatic extinguishing system plan check and permit		75.00
After second revision, plan checking fee for each revision		50.00
Reinspection paid before next inspection		100.00
Emergency Light Inspection and Testing	50.00	50.00
Permit Extension	50.00	50.00
Master Plan per Model - Single Family	300.00	300.00
Return Check Charge (NSF, Stop Check)		
Minimum		25.00
Face value is more than \$50.00, but does not exceed \$300.00		30.00
Face value is more than \$300.00		40.00 or 5% whichever is greater

CHAPTER 174: FLOODPLAIN AND STORMWATER MANAGEMENT

	FY 19	FY 20
Floodplain Permit Fee	60.00	60.00
Stormwater Review Fee (new or modified development, up to 5 acres	650.00	650.00

City of Palm Bay, Florida
Resolution 2020-23

Over 5 acres in size (additional per acre)	15.00	15.00
4th to Final Review (per acre)	7.50	7.50
Inspection Fee (1.5% of the value of the site improvement)(due prior to construction)	1.5% of the value	1.5% of the value
Reinspection fee	50.00	50.00
Single Family Residential Construction Drainage Permit	40.00	40.00
Hold Harmless Processing (new construction)	15.00	15.00
Lot Line Improvements Permits		
Review	43.00	43.00
Final Inspection	83.00	83.00

CHAPTER 178: SIGNS

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

CHAPTER 179: STREETS AND OTHER RIGHTS-OF-WAY

	FY 19	FY 20
Creating or Vacating Easements or Drainage Rights of Way	182.00	182.00
Creating or Vacating Road Rights of Way	312.00	312.00
Driveway Permit		
Residential (construction in scattered lot subdivisions)	206.00	206.00
Residential (closed drainage (curb and gutter))	124.00	124.00
Commercial (all construction)	206.00	206.00
Revising Driveway or Temporary Driveways	75.00	75.00
Reinspection		
Open drainage (swale and pipe)	90.00	90.00

City of Palm Bay, Florida
Resolution 2020-23

	FY 19	FY 20
Closed drainage (curb and gutter)	57.00	57.00
Right of Way Use Permit	346.00	346.00
Single family residential irrigation permit	33.00	33.00
Water service connection permit		
No boring required	31.00	31.00
Boring required	140.00	140.00
Hold Harmless recording (irrigation/docks)	15.00	15.00
Each Street Cut	147.00	147.00
Projects under Section 179.096(E) (additional)	264.00	264.00
As-built fee (greater than or equal to 6" line installed)		
Right of Way Restoration Inspection Public Works	20.00	20.00
Off-site Directional Sign Permit		
Processing and Design Fee	50.00	50.00
(Up to two signs on a multiple directional sign assembly)		
Processing and Design Fee	75.00	75.00
(Up to four signs (maximum allowed) on a multiple directional sign assembly. Valid for 5 years per ROW Use permit)		
Recreational and Cultural Sign		
Single Mounted Sign	150.00	150.00
Multiple Direction Sign	115.00	115.00

CHAPTER 180: TREES AND SHRUBBERY LANDSCAPING

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

CHAPTER 184: SUBDIVISIONS

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

CHAPTER 185: ZONING CODE

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

CHAPTER 190: FLORIDA STATUTES

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

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

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.

RESOLUTION 2020-24

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, 2020-17, 2020-18 AND 2020-22, 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, the state of emergency declared in Executive Order 20-52 was extended for sixty (60) days under Executive Order 20-114 on May 8, 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, 2020-17 and 2020-18, and

WHEREAS, the City's State of Local Emergency terminates at the end of a period of seven (7) days (May 22, 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 29, 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

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

DATE: May 21, 2020

RE: SHIP Local Housing Assistance Plan 2020-2023

SUMMARY:

The State Housing Initiative Partnership (SHIP) as described in Part VII, Florida Statutes, requires that the City adopt a Local Housing Assistance Plan (LHAP) every three (3) years. The Plan provides for a concise description of local housing assistance strategies adopted by the local governing board to include programs relating to housing construction, rehabilitation, repair, or other finance programs identified to be a housing need of the local jurisdiction.

The City is currently in its third and final year of the LHAP for fiscal years 2017-2018, 2018-2019, and 2019-2020. The following is a brief description of eligible housing assistance strategies as described in the proposed LHAP for fiscal years 2020-2021, 2021-2022, 2022-2023.

Staff is recommending the following SHIP Strategies: Purchase Assistance with Rehabilitation, Owner-Occupied Rehabilitation, Demolition/Reconstruction Strategy, Emergency Repair, Utility Hook-Up Assistance, Disaster Assistance, and New Construction for rental units.

Purchase Assistance with Rehabilitation

~~Provides for a maximum of \$30,000 to very low-, low-, and moderate-income residents to assist homebuyers with the purchase of a home by providing down payment assistance and/or closing cost assistance to ensure affordable first mortgage loan payments. The terms include a 30-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-thirtieth (1/30th) per year. Recipients must own and occupy the property as their primary residence during the 30-year mortgage term. Recipients who default will be required to pay the pro-rated balance at time of default.~~

Owner-Occupied Rehabilitation

~~Provides for a maximum of \$50,000 to very low-, low-, and moderate-income residents to assist homeowners with eligible repairs as defined by Chapter 67-37, Florida Administrative Code. Rehabilitation is defined as repairs or improvements needed for safety and sanitary habitation,~~

and/or correction of substantial code violations. The terms include a 10-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-tenth ($1/10^{\text{th}}$) per year. Recipients must own and occupy the property as their primary residence during the 10-year mortgage term. Recipients who default will be required to pay the pro-rated balance at time of default.

Demolition/Reconstruction Strategy

Provides for a maximum of \$150,000 to very low-income residents only to assist homebuyers with the cost associated with demolition and reconstruction of a substandard housing unit when the home is beyond financial feasibility to repair. The terms include a 20-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-twentieth ($1/20^{\text{th}}$) per year. Recipients must own and occupy the property as their primary residence during the 20-year mortgage term. Recipients who default will be required to pay the pro-rated balance at time of default.

Emergency Repair

Provides for a maximum of \$20,000 to very low-, low-, and moderate-income residents to assist owner-occupied households with emergency repairs. The terms include a 5-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-fifth ($1/5^{\text{th}}$) per year. Recipients must own and occupy the property as their primary residence during the 5-year mortgage term. Recipients who default will be required to pay the pro-rated balance at time of default.

Special Needs Rehabilitation

Provides for a maximum of \$20,000 to very low-, low-, and moderate-income residents to assist owner-occupied households with repairs related to special needs (as defined in Florida Statute 420.907-909), particularly developmental disabilities which allow the household member with special needs to remain independent in their own home. Repairs and replacement of items shall meet the requirements per Florida Building Codes related to ADA accessibility guidelines. The terms include a 5-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-fifth ($1/5^{\text{th}}$) per year. Recipients must own and occupy the property as their primary residence during the 5-year mortgage term. Recipients who default will be required to pay the pro-rated balance at time of default.

Utility Hook-Up Assistance

Provides for a maximum of \$20,000 to extremely low-, very low-, low-, and moderate-income homeowners to assist with connection to water and/or sewer systems. Assistance includes costs necessary to connect to the systems, payment of connection fees, and abandonment of private well and septic systems. The terms include a 5-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-fifth ($1/5^{\text{th}}$) per year. Recipients must own and occupy the property as their primary residence during the 5-year mortgage term. Recipients who default will be required to pay the pro-rated balance at time of default.

Disaster Assistance

Provides for a maximum of \$15,000 to very low-, low-, and moderate-income residents to who rent, or own and occupy their principle residence. Assistance shall only be available following a disaster or emergency declared by the President of the United States or Governor of the State of Florida. Eligible use of funds include, but not limited to, purchase of emergency supplies to weatherproof damaged homes; interim repairs to avoid further damage; construction of new or repairs to existing wells where public water is unavailable; payment of insurance deductibles for rehabilitated homes; security deposits for eligible recipients who have been displaced from their homes due to disaster; rental or mortgage and utility assistance. Applicants must provide proof of one-time rent or mortgage and utility payments prior to the declared disaster, to include property taxes and rent or mortgage insurance. All assistance shall be paid directly to landlord, lender or utility provider upon receipt and review of monthly bill. This grant program does not require repayment or a mortgage lien.

New Construction Rental

Provides for a maximum award of \$25,000 per unit to eligible sponsor organizations for the production of affordable rental housing through partnerships with for-profit affordable housing developers and non-profit sponsor agencies. The construction of new or rehabilitation of existing rental units must serve very low or low-income residents of the City. The terms include a 15-year deferred loan secured by a subordinated mortgage, forgiven by a principal reduction of one-twentieth (1/20th) per year. All assisted rental properties must maintain a 15-year affordability period and annual reporting of tenants and their respective income certification during the 15-year period. Rental properties that default will be required to pay the pro-rated balance at time of default.

REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

There is no fiscal impacted related to this item.

RECOMMENDATION:

Motion to adopt Resolution to approve the SHIP Local Housing Assistance Plan for fiscal years 2020-2021, 2021-2022, and 2022-2023.

Attachments:

1) SHIP Local Housing Assistance Plan 2020-2023 (available upon request)

2) **Resolution**



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: May 21, 2020

RE: First Amendment to Restated Interlocal Agreement for Creation of the Transportation Planning Organization

SUMMARY:

The original Restated Interlocal Agreement was recorded on July 15, 2014 between the Space Coast Transportation Planning Organization (TPO), the Florida Department of Transportation, and Brevard County municipalities, including Palm Bay, and provides a mechanism for the TPO to provide transportation planning services to the members. The Interlocal Agreement is being amended to include the Central Florida Expressway Authority as Brevard County is a member of the Central Florida Expressway Authority (CFX) Board. The Central Florida Expressway Authority has a vital and increasing role in the transportation facilities and services in Brevard County. The TPO has requested that all parties to the Agreement review and sign the attached First Amendment to the Restated Interlocal Agreement.

REQUESTING DEPARTMENTS:

City Manager's Office

FISCAL IMPACT:

None.

RECOMMENDATION:

Authorize the City Manager to sign the Agreement.

Attachment:

- 1) First Amendment to Restated Interlocal Agreement for Creation of the Transportation Planning Organization (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 21, 2020

RE: Land lease of vacant unimproved City-owned surplus real estate located at 2230 Washington Street NE

SUMMARY:

Little Growers Inc., based in Palm Bay, has requested the use of a vacant, unimproved City-owned lot, approximately 0.16 acres located at 2230 Washington Street NE in the Driskell Heights subdivision. Little Growers proposes to use the property as a community garden for a youth-centered urban agriculture project that promotes community food security, sustainability and serve as a gateway to leadership development opportunities for at-risk youth. The program will also serve to improve nutrition and decrease the risk of food insecurity by teaching children lessons on where food comes from, the importance of eating fruits and vegetables and how to grow food through fun, hands-on activities.

Little Growers' community garden program will serve children of low- to moderate-income families between the ages of 5-15 years old who reside within a one-mile radius of the community garden site. Little Growers intends to serve approximately 12 children in its first year of operation, selected through an application review process administered by its advisory board.

The community garden will also serve to provide fresh produce to the community through a membership program. Subsidized memberships will be made available through fundraising efforts such as events, donations, sponsorships and grants.

Little Growers is currently in the process of obtaining a 501(c)3 tax-exempt/charitable organization status and will seek to secure funds through individual donations and grants. The company is comprised of one full-time Executive Director and one part-time Garden Coordinator. Its community partners include Lipscomb Park Association, Evans Center, Inc., Palm Bay Police Department, Melbourne Police Department, The Education Network, Inc. and Youth Keepin It 100 Magazine.

REQUESTING DEPARTMENTS:

Community & Economic Development

FISCAL IMPACT:

The fiscal impact of this item will result in revenue of \$12 annually.

RECOMMENDATION:

Motion to ~~approve/acknowledge/consider etc.~~ >> **authorize the City Manager to execute the public land lease agreement at 2230 Washington Street, NE, with Little Growers Inc., for the use of Youth Community Garden Program.<<**

Attachments: (available upon request)

- 1) Proposal for Little Growers Community Garden
- 2) Lease Agreement for 2230 Washington Street NE



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Brian Robinson, Information Technology Director
Yvonne McDonald, Finance Director
Christopher A. Little, P.E., Utilities Director

DATE: May 21, 2020

RE: Microsoft Server Licenses True-up

SUMMARY:

The Information Technology Department requests on behalf of the Utilities Department, the purchase of additional server licenses in order to utilize recently upgraded server equipment and to meet the City's current Microsoft Enterprise Agreement (EA) License Agreement for use. Microsoft requires a yearly alignment of the total number of licenses used by the City. This True-up process must be completed before the EA's annual renewal term that commences on July 1, 2020. Once True-up is completed, these licenses will align with the City's current software license usage which renews June 30, 2022.

REQUESTING DEPARTMENTS:

Information Technology, Finance, Utilities

FISCAL IMPACT:

Total cost will be \$28,870.56. A budget amendment will be submitted. Pending approval of the budget amendment, funds will be available in 421-8013-536-4604.

RECOMMENDATION:

Motion to 1) approve the appropriation of funds on the next scheduled budget amendment in the amount of \$28,870.56; 2) approve the purchase of Microsoft Server Licenses from Shi.

Attachments: (available upon request)

- 1) Pricing Proposal from Software House International (SHI)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Christopher A. Little, P.E., Utilities Director

DATE: May 21, 2020

RE: Budget Amendment – Project #20WS17 – Sanitary Sewer Force Main Extension – 5180 Minton Road NW

SUMMARY:

For review and consideration, staff requests a Budget Amendment to allocate funds from the Impact Fee Undesignated Fund Balance (423-0000-392-3006) to account 423-8031-535-6325, Project #20WS17, in the amount of \$3,804 for the City-required oversizing of a developer-installed sanitary sewer force main (FM) extension to 5180 Minton Road NW. The development's hydraulic share is a 4-inch sanitary sewer FM, but the extension requires the developer to install a 6-inch sanitary sewer FM from an existing 6-inch sanitary sewer FM. As part of the utility agreement, the developer was given credit for the City-required oversizing in the amount of \$3,804 which must be capitalized.

REQUESTING DEPARTMENTS:

Utilities Department

FISCAL IMPACT:

A total of \$3,804 originating from Impact Fee Undesignated Fund Balance (423-0000-392-3006) will be allocated to Project #20WS17, Account 423-8031-535-6325 (Collection/Transmission).

RECOMMENDATION:

Motion to approve a budget amendment allocating \$3,804 from Undesignated Fund Balance (423-0000-392-3006) to account #423-8031-535-6325, Project #20WS17.

>>Attachment: 1) Developer Utility Agreement- Nicole Cote School of Dance (available upon request)<<



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald, Finance Director

DATE: May 21, 2020

RE: FY 20 Fleet Fund Internal Service Allocation Transfer Reduction

SUMMARY:

Internal Service Funds account for the financing of goods and services provided by one department or agency to other departments or agencies of the government and to other government units on a cost reimbursement basis.

Upon close out of each Fiscal Year and completion of the Comprehensive Annual Financial Report (CAFR), the Finance Department completes a review of each Internal Service Fund's allocations budgeted for transfer in the current fiscal year from other funds. The review is performed to determine if Internal Service Funds are adequately funded to cover their costs of operations and that other funds do not contributed more or less than required for services provided by the Internal Service Fund in the current fiscal year.

Finance conducted a review of the Fleet Services Fund's amount budgeted for transfer in, its undesignated fund balance available for spending, and known future expenditures.

On a cash basis, the Fleet Funds ended FY 19 with cash and investments totaling \$999,487. An additional \$4,331,064 is budgeted for transfer in for service charges from other funds in FY 20 for a total of \$5,330,551. After allowing for FY 19 encumber/unencumber funds to be expended in FY 20 and funds needed to cover the FY 20 Fleet fund budget, an estimated cash balance of \$552,801 is in excess of what is required to meet the Fleet Division's budgeted needs for the 2020 Fiscal Year is available.

Based on the analysis done, Finance is recommending that allocations budgeted for transfer from other funds be reduced by \$250,000 in order to use funds available in the Fleet Fund from the period ending 9/30/19. With the reduction of the 2020 Fiscal Year allocation transfers by \$250,000, it is projected that the Fleet Services Fund will maintain in excess of \$300,000 to safely cover any unexpected expenditures not accounted for in FY 20.

REQUESTING DEPARTMENTS:

Finance Department

FISCAL IMPACT:

The following Funds' budgeted allocations for service charges to the Fleet Fund will be reduced as follows for FY 20: General Fund \$178,763.16; Building Fund \$2,921.92; Stormwater Utility Fund 27,878.18; Solid Waste Fund \$2,895.56; Fleet Services Fund \$1,861.41; Utilities Operating Fund \$35,679.77.

RECOMMENDATION:

Motion to approve the reduction of \$250,000 in FY 20 allocations budgeted for transfer among the following Funds to the Fleet Fund: General Fund \$178,763.16; Building Fund \$2,921.92; Stormwater Utility Fund 27,878.18; Solid Waste Fund \$2,895.56; Fleet Services Fund \$1,861.41; Utilities Operating Fund \$35,679.77.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald, Finance Director

DATE: May 21, 2020

RE: FY 2020 Adopted Budget Correction – Reduction in Budgeted Medical Insurance Allocations from Other Funds

SUMMARY:

Internal Service Funds account for the financing of goods and services provided by one department or agency to other departments or agencies of the government on a cost reimbursement basis. The Employee Health Insurance Internal Service Fund is funded by premiums paid by other Funds to cover operations and claims charged to the Employee Health Insurance Fund.

While preparing the FY 20 budget, review of the Employee Health Insurance Fund revealed that excess funds were accumulating in the Fund. Funds which would exceed the estimated amount required to maintain the 60-day operational balance requirement and other known expenditures through the end of FY 19.

Excess funds in the Employee Health Insurance fund accumulate from collected but unspent health insurance premiums and interest income earnings. Reasons why funds may buildup in the fund: As a self-funded insurer, premiums not paid out in claims remain in the fund, lower than anticipated medical expenses, funds budgeted at the highest city funded coverage rate for full time positions that are vacant all or part of fiscal year, and the amount of time elapsed time between reviews.

It was estimated that a budget of \$12,332,473 would be needed to cover operations and claims in FY 20. However, because of the excess funds already in the Health insurance Fund, the FY 20 allocations to be received from departments was budgeted at \$8,681,006, with the balance, \$3,651,467 coming from the Employee Health Insurance Fund Balance. While working on the health insurance allocations for FY 21, it was realized that the offsetting reduction incorporated in

the adopted budget for the Health Insurance Fund allocations had not been deducted from the budget of the Funds that provide the allocations to the Health Insurance Fund. A budget amendment, to reduce the amount currently budgeted and being allocated monthly from the contributing Funds is required to balance to the reduction approved in the Health Insurance Fund for FY 20.

REQUESTING DEPARTMENTS:

Finance Department

FISCAL IMPACT:

Based on the current allocations, the Employee Health Insurance Premium (2320) line items budgets are to be reduced as follows: General Fund \$2,571,268.94; SHIP Fund \$825.06; CDBG Fund \$3,715.19; HOME Fund \$495.83; NSP Fund \$2,530.91; BCRA \$883.61; Utilities Operating Fund \$590,958.94; Building Fund \$139,156.83; Stormwater Utility Fund \$207,805.95; Solid Waste Fund \$11,051.38; Health Insurance Fund \$7,686.36; Risk Fund \$48,378.36; Other Employee Benefits Fund \$4,541.95 and Fleet Services Fund \$62,167.69.

RECOMMENDATION:

Motion to acknowledge the correction of the Employee Health Insurance Premium (2320) budget amounts adopted in FY 20 for the following funds: General Fund, SHIP Fund, CDBG Fund, HOME Fund, NSP Fund, BCRA Fund, Utilities Operating Fund, Building Fund, Stormwater Utility Fund, Solid Waste Fund, Health Insurance, Risk Fund, Other Employee Benefits Fund and Fleet Services Fund.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald

DATE: May 21, 2020

RE: March 31, 2020 Financial Report (Unaudited)

SUMMARY:

Attached for your information is the monthly financial report which will provide you with an overview of the City's financial activities that occurred through March 31, 2020. March is the sixth month of the fiscal year and represents 50% of the annual budget.

As recommended under the Auditor General Finding 28: Budget and Financial Condition Monitoring, the monthly financial report for March 2010 has been revised to include a Financial Activity section which shows the total budget, receipts, and disbursements of all forty-eight (48) Funds accounted for City-wide.

Also based on comments by the Auditor General, staff is requesting Council review the revised report and provide feedback as to the sufficiency of the detail provided, whether or not sufficient information is provided for the reader to have an understanding of the financial condition of the city and advise of any additional information Council would like to see added.

REQUESTING DEPARTMENTS:

Finance Department

FISCAL IMPACT:

None

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 2

RECOMMENDATION:

Motion to acknowledge receipt of the March 2020 Financial Report as presented and provide feedback as to the sufficiency of the detail provided, frequency of the report to be provided, method of distribution and any other required changes.

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



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald, Finance Director

DATE: May 21, 2020

RE: Non-Competitive Refinancing of Energy Performance Lease/Purchase Agreement

SUMMARY:

On July 6, 2018, the City of Palm Bay entered into a Lease Purchase Agreement with the Bank of America for the purpose of funding energy conservation measures pursuant to an energy performance contract between the City of Palm Bay and Honeywell Building Solutions. A total of \$4,369,350 was funded for a period of 19 years. The lease purchase agreement, which is subject to annual appropriation, matures on July 6, 2037. One annual debt payment has been made to date.

Because of the current low interest rate environment and period when lease/purchase refinancing can occur, there is a short window of opportunity to reduce the current interest rate on the lease/purchase agreement with Bank of America. Under the current lease/purchase agreement, the City can pay off the lease by refinancing at the end of each annual lease period, at a prepayment premium of 102% of the Outstanding Balance. Bank America was contacted regarding refinancing the lease/purchase agreement in lieu of the City having to go out for competitive Request for Proposals in the current market.

Bank of America has offered to refinance the agreement at a rate of 2.55%. The current rate is 3.597%. The amount refinanced would include the current principal balance, the prepayment cost and issuance cost. Based on the proposed rate, the City would reduce its July 6, 2020 payment by \$18,716 for FY 20 and realize total savings of \$336,895 over the 18 years the lease purchase agreement is outstanding. The lease/purchase payments are funded by the General Fund.

The City's Financial Advisor has advised that the rate offered seems reasonable given the structure of the loan. As a lease/purchase financing, the lease is subject to annual appropriation and offers limited recourse to the lender if funds are not appropriated. The attractiveness of the refinancing to other lenders, given the non-appropriation and length of time remaining, if placed out to bid is unknown, with no guarantee that the City would receive a lower or higher rate than the rate being offered by Bank of America. Timing is another factor if the City wants to benefit from the reduced

payment for July 6, 2020. Staff also does not currently have the capacity to seek proposals, review responses, produce/execute the required documents and close the financing by July 6, 2020.

The purpose of this memo is to ascertain Council direction as to whether or not to move forward with the offer received from Bank of America, so that staff and the bank can move forward with the necessary steps required to refinance the lease/purchase agreement and close on or before July 6, 2020.

REQUESTING DEPARTMENTS:

Finance Department

FISCAL IMPACT:

General Fund Savings: FY 20 - \$18,716, and FY 20 thru FY 37 - \$336,895

RECOMMENDATION:

Motion to approve the non-competitive refinancing of the Energy Performance Lease/Purchase Financing with the Bank of America, and authorize execution of all required documents by the Mayor or City Manager.

Attachment:

1) Bank of America Tax Exempt Lease/Purchase Refinancing Proposal (available upon request)