



**Mayor**  
ROB MEDINA  
**Deputy Mayor**  
KENNY JOHNSON  
**Councilmembers**  
JEFF BAILEY  
RANDY FOSTER  
DONNY FELIX

## **AGENDA**

### **Regular Council Meeting 2021-11 Thursday**

**May 6, 2021 - 7:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

#### **CALL TO ORDER:**

#### **INVOCATION:**

1. Senior Pastor Ken Delgado - The House Church, Palm Bay

#### **PLEDGE OF ALLEGIANCE:**

#### **ROLL CALL:**

#### **ANNOUNCEMENTS:**

1. One (1) vacancy on the Business Improvement District Board (represents 'at-large' member who owns a commercial property or operates a business within the District; preferably a member of the Palm Bay Chamber of Commerce).++
2. One (1) vacancy on the Community Development Advisory Board (represents 'residential home builder', 'actively engaged in home building', 'employer within the City', or 'for-profit provider' positions).++
3. Three (3) vacancies on the Youth Advisory Board (represents 'at-large' student member positions).++
4. One (1) vacancy on the Sustainability Advisory Board (represents 'at-large' position).+

#### **AGENDA REVISIONS:**

1. Item 4, under Public Hearings, relating to Ordinance 2021-27 (Cypress Bay West Phase 1 PUD): The Legislative Memorandum, Staff Report, and Ordinance have been revised to include an additional condition.

#### **CONSENT AGENDA:**

**There will be no separate discussion on those items listed under Consent Agenda. 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.**

1. Adoption of Minutes: Regular Council Meeting 2021-09; April 1, 2021.
2. Award of Bid: Culvert pipe replacement, Emerson Drive at Canal C-51 – IFB 32-0-2021 – Public Works Department (Timothy Rose Contracting, Inc. - \$338,519, plus 10% contingency of \$33,852).
3. Contract: Road Bond Paving, Units 1, 2, 3, 4, 27, 35, 43, and 47, Change Order 1 – Public Works Department (VA Paving, Inc., \$246,077).
4. Miscellaneous: Negotiate master consultant agreements and fee schedule, architectural and engineering design services, new building addition to Malabar Road City Hall Campus – RFQ 34-0-2021 – Growth Management, Building, Utilities Departments (Silling Architects).
5. Ordinance 2021-25, amending the Code of Ordinances, Chapter 51, Public Hearings, by including provisions for establishing time limits for land use (quasi-judicial) public hearings held before the City Council, first reading.
6. Consideration of a three-year lease agreement with the Greater Palm Bay Senior Center, with the option to renew for two (2) additional one-year terms.
7. Consideration of designating 648 Osmosis Drive as surplus real estate and negotiating the sale to Brevard Island Oaks, LLC.
8. Consideration of a transfer from General Fund to the SHIP Fund to reimburse administrative costs incurred in Fiscal Year 2020 (\$77,595).
9. Consideration of submitting an application for the Florida Department of Economic Opportunity's Community Planning Technical Assistance (CPTA) Grant to fund the development of a Business Corridor Improvement Plan (\$50,000).
10. Consideration of executing the Brevard Emergency Medical Services (EMS) Trust Grant for a Life Pack 15 (\$21,700) and appropriation of funds from the Undesignated Fund General Fund balance to cover remainder of funding (\$9,205).
11. Consideration of construction funding for replacing the culvert on Tranter Avenue at Melbourne Tillman Water Control District Canal C41R (\$285,000).
12. Consideration of transferring funds from Public Works operating budget to Fleet Services capital account for the replacement of a tractor bush hog attachment (estimated \$7,681).
13. Consideration of City's co-sponsorship with the Court Kingz 2021 Summer Streetball League.
14. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$13,300).
15. Consideration of travel and training for specified City Employees (Office of the City Clerk).
16. Consideration of travel and training for specified City employees (Finance Department).
17. Consideration of travel and training for specified City employees (Police Department).
18. Acknowledgement of the City's monthly financial report for March 2021.
19. Acknowledgement of Budget Monitoring Report for Fiscal Year 2021 Quarter 2 (Unaudited).

#### **RECOGNITIONS AND PROCLAMATIONS:**

1. National Day of Prayer - May 6, 2021. (Mayor Medina)
2. National Police Week - May 9-15, 2021. (Councilman Foster)
3. National Women's Lung Health Week - May 9-15, 2021.
4. Economic Development Week - May 10-14, 2021.

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

**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 HEARINGS:**

1. Ordinance 2021-08, completing an Evaluation and Appraisal Report (EAR) and amending the City's Comprehensive Plan Capital Improvements Element, Coastal Management Element, Infrastructure Element, Intergovernmental Coordination Element, and Transportation Element (Case CP-3-2021, City of Palm Bay), final reading.
2. Ordinance 2021-24, vacating a portion of the rear public utility and drainage easement located within Lot 8, Block 912, Port Malabar Unit 22 (Case VE-3-2021, Magaly and Peter Martz), final reading.
3. Ordinance 2021-26, amending the Code of Ordinances, Chapter 178, Signs, by establishing provisions for wayfinding signs and modifying language for wall signs (Case T-14-2021, City of Palm Bay), first reading.
4. Ordinance 2021-27, granting approval of a Final Development Plan for a Planned Unit Development of a proposed single-family residential subdivision to be known as 'Cypress Bay West Phase 1 PUD' on property located in the vicinities south of Mara Loma Boulevard and west of Babcock Street (77.52 acres) (Case FD-11-2021, Waterstone Farms, LLC) (Quasi-Judicial Proceeding), first reading.
5. Ordinance 2021-28, granting approval of a Final Development Plan for a Planned Unit Development of a proposed single-family residential subdivision to be known as 'Chaparral Phase 3' on property located west of and adjacent to Flying U Lane, in the vicinities south of Malabar Road and east of Allison Drive (68.82 acres) (Case FD-12-2021, Chaparral Properties, LLC) (Quasi-Judicial Proceeding), first reading.
6. Resolution 2021-19, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a single-family residential subdivision to be known as 'Richmond Cove PUD', which property is located west of and adjacent to Gaynor Drive, in the vicinity north of Ocean Spray Street (60.22 acres) (Case PD-13-2021, Joseph Cleo/Josiah King, Inc./RFK Residential Development Properties, LLC) (Quasi-Judicial Proceeding).
7. Request by Mary Vargas for a variance to allow a proposed screen room enclosure to encroach six (6) feet and an existing swimming pool to encroach eight (8) feet into the eight-foot side accessory structure setback as established by Section 185.118(A)(4), Palm Bay Code of Ordinances. (0.47 acres) (V-10-2021) (Quasi-Judicial Proceeding).

#### **UNFINISHED AND OLD BUSINESS:**

1. Appointment of two (2) members to the Building and Construction Advisory Committee.

#### **COUNCIL REPORTS:**

#### **NEW BUSINESS:**

1. Resolution 2021-20, urging the Centers for Disease Control and Prevention (CDC) to remove the ban on cruise ship operations from Port Canaveral no later than July 1, 2021. (Mayor Medina)
2. Ordinance 2021-29, amending the Code of Ordinance, Chapter 34, Human Resources, Subchapter 'Whistle-Blower's Ordinance', by modifying provisions related to the audit committee, first reading. (Deputy Mayor Johnson)
3. Ordinance 2021-30, amending the Code of Ordinances, by creating Chapter 62, Fraud Investigation Committee, first reading. (Councilman Bailey)

4. Consideration of scheduling a special Council meeting for June 2021.

**ADMINISTRATIVE AND LEGAL REPORTS:**

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

**ADJOURNMENT:**

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

**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 (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.**

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

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

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

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