



**Mayor**  
ROB MEDINA  
**Deputy Mayor**  
KENNY JOHNSON  
**Councilmembers**  
RANDY FOSTER  
DONNY FELIX  
PETER FILIBERTO

## **AGENDA**

### **Regular Council Meeting 2022-21 Thursday**

**August 4, 2022 - 6:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

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

#### **INVOCATION:**

1. Campus Pastor David Fitzgerald, Tomoka Christian Church, Palm Bay.

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

#### **ROLL CALL:**

#### **ANNOUNCEMENTS:**

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
2. One (1) vacancy on the Community Development Advisory Board (represents one of the following positions: 'banking Industry'; 'actively engaged in home building'; 'residential home building'; or 'not-for-profit provider').+

#### **AGENDA REVISIONS:**

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

1. Recognition: Presentation of the American Flag - honoring the service of Larry Lawton. (Councilman Filiberto)
2. Recognition: One (1) year of service as a City boardmember on the Infrastructure Advisory and Oversight Board and the Recreation Advisory Board - Thomas Gaume Jr.
3. Proclamation: Florida Water Professionals Month - August 2022.

#### **PRESENTATIONS:**

1. S&ME Inc. - Comprehensive Plan Update.

#### **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 2022-75, vacating a portion of the rear public utility and drainage easement located within Lots 17 and 18, Block 2222, Port Malabar Unit 44 (Case VE-5-2022, Judith Kennedy), final reading.
2. Ordinance 2022-77, providing for a referendum election to be held on November 8, 2022, for the purpose of determining whether the City Charter should be amended, final reading.
3. Ordinance 2022-78, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity west of Ladner Road and south of Melbourne Tillman Water Control District Canal 82, from Single-Family Residential Use to Multiple-Family Residential Use (17.41 acres) (Case CP-25-2022, Francis and Anna Bourne), only one reading required.
4. Ordinance 2022-79, rezoning property located in the vicinity west of Ladner Road and south of Melbourne Tillman Water Control District Canal 82, from RS-2 (Single-Family Residential District) to RM-10 (Single-, Two-, Multiple-Family Residential District) (17.41 acres) (CPZ-25-2022, Francis and Anna Bourne), first reading. (Quasi-Judicial Proceeding)
5. Ordinance 2022-80, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and the Florida East Coast Railway (0.50 acres) (Case VRW-2-2022, Palm Bay Marina, LLC), first reading.
6. Ordinance 2022-81, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north and south of Orange Blossom Trail, in the vicinity west of Dixie Highway, from Bayfront Mixed Use Village to Bayfront Mixed Use (8.941 acres) (CP-27-2022, Adelon), only one reading required.
7. Ordinance 2022-82, rezoning property located north and south of Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (8.941 acres) (CPZ-27-2022, Adelon), first reading. (Quasi-Judicial Proceeding)
8. Ordinance 2022-83, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing the conditional use requirement for permitted uses on parcels of ten (10) or more acres within BMU (Bayfront Mixed Use District) zoning (T-29-2022, City of Palm Bay), first reading.
9. Ordinance 2022-84, amending the Code of Ordinances, Chapter 169, Land Development Code, by modifying the applicability provisions for citizen participation plans (T-30-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)
10. Ordinance 2022-85, amending the Code of Ordinances, Chapter 169, Land Development Code, Subchapter 'Green Development Incentive Program', by repealing the subchapter in its entirety (T-33-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)
11. Ordinance 2022-86, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management and Conservation – Part 2: Drainage Plan', by including provisions for voluntary low impact development design standards for new development or redevelopment (T-33-2022, City of Palm Bay), first reading. (Deputy Mayor Johnson)
12. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', by allowing for Infill Planned Unit

Developments (Case T-25-2022). (WITHDRAWN)

13. Request by ACIS Investment Group, LLC, for a variance to allow a proposed 8-foot-high privacy fence within HC (Highway Commercial District) zoning and RM-10 (Single-, Two-, Multiple-Family Residential District) zoning by granting relief from the 6-foot-high wall or fence requirements established by Section 185.036(B)(3)(b), Palm Bay Code of Ordinances (18.42 acres) (V-28-2022). (WITHDRAWN)

#### **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: Meeting 2022-19; July 7, 2022.
2. Award of Bid: Well Repair, Maintenance and Rehabilitation Services - IFB 40-0-2022/SM - Utilities Department (AMPS Inc., \$123,000 annually).
3. Contract: Enterprise Resource Planning (ERP) Consultant Services - Information Technology Department (Government Finance Officers Association - not to exceed \$205,000).
4. Miscellaneous: "Other Agency" Contract for Hydrofluosilicic Acid System Upgrades at SRWTP (Town of Davie contract) – Utilities Department (Odyssey Manufacturing - \$154,840)
5. Miscellaneous: Grit drive assembly, emergency purchase - Utilities Department (Electro Mechanic Industries, Inc. dba Vermana - \$85,112).
6. Consideration of allocating Impact Fee Undesignated Fund Balance for water main extension and upsizing completed at 942-948 U.S. Highway 1 (\$7,938).
7. Consideration of allocating funds for the purchase and installation of reclaimed water meters in Sandy Pines Preserves (\$355,004).
8. Consideration of reallocating funds for well repairs at Fred Poppe Regional Park (\$28,189).
9. Consideration of pursuing legal action for code violations at 2557 Amberly Road NE.
10. Consideration of pursuing legal action for code violations at 539 Ocean Spray Street SW.
11. Consideration of an Easement Agreement with Charter Communications for fiber optic cable installation.
12. Consideration of a letter of support for the Brevard County Sheriff's Office for the Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant Program, Countywide Prisoner Transport Program.
13. Consideration of submitting a grant application for the Edward Byrne Justice Assistance Grant Program for Fiscal Year 2022 Local Solicitation.
14. Consideration of travel and training for specified City employees (Police Department).
15. Consideration of travel and training for specified City employees (Parks and Facilities Department).

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

1. Appointment of one (1) member to the Sustainability Advisory Board.

#### **COUNCIL REPORTS:**

## **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.

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website or documents contained therein interferes with your ability to access information, please contact us. To enable us to respond in a manner most helpful to you, please indicate the nature of your accessibility problem, the preferred format in which to receive the material, the web address of the requested material, and your contact information. Users who need accessibility assistance can also contact us by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

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.**