



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

## **AGENDA**

### **Regular Council Meeting 2022-22 Thursday**

**August 18, 2022 - 6:00 PM  
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

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

#### **INVOCATION:**

1. Pastor Luis Lugo - Iglesia El Sinai, 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').++
3. One (1) term expiring on the Melbourne-Tillman Water Control District Board.+

#### **AGENDA REVISIONS:**

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

1. Proclamation: Recognizing Melbourne-Tillman Water Control District. (Deputy Mayor Johnson)

#### **PRESENTATIONS:**

1. Peter Napoli, Senior Consultant, Stantec - General Fund Sustainability Analysis.

#### **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 2022-80, 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), final reading.
2. 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), final reading. (Quasi-Judicial Proceeding)
3. 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), final reading.
4. 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), final reading. (Deputy Mayor Johnson)
5. 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), final reading. (Deputy Mayor Johnson)
6. 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), final reading. (Deputy Mayor Johnson)
7. Ordinance 2022-87, vacating a portion of the road right-of-way known as Maplewood Street, lying southeasterly of the southerly right-of-way of Pospisil Avenue and adjoining the easterly right-of-way of the Florida East Coast Railway, as recorded in Plat Book 2, Page 3, of the Public Records of Brevard County, Florida (0.30 acres, more or less) (Case VRW-3-2022, Space Coast Marinas LLC), first reading.
8. Resolution 2022-40, granting approval of a Preliminary Development Plan for a proposed Regional Activity Center to be known as '3 Forks Mixed Use' in AU (Agricultural Residential) (Brevard County) and SR (Suburban Residential) (Brevard County) zoning, with a tentative zoning of RAC (Regional Activity Center District), which property is located south of and adjacent to Malabar Road, in the vicinity east of St. Johns Heritage Parkway and west of Melbourne-Tillman Water Control District Canal 8 (124.33 acres) (Case PD-26-2022, Parkside Commons Center, LLC, and West 80 Acres, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 07/07/22 RCM)

## **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 2022-20; July 21, 2022.
2. Adoption of Minutes: Meeting 2022-21; August 4, 2022.
3. Award of Bid: Lift Station 2 rehabilitation – IFB 53-0-2022 – Utilities Department (Hinterland

Group, Inc. - \$143,654); and approve appropriation of funds on the next scheduled Budget Amendment.

4. Contract: Reverse Osmosis Rehabilitation Engineering, North Regional Water Treatment Plant - TO 01-2019-006 - Utilities Department (Tetra Tech - \$1,082,429); appropriation of funds (\$108,697).
5. Contract: Water meter boxes and covers (Carson and Brooks), purchasing authority – Utilities Department (Ferguson Waterworks, \$160,000).
6. Contract: Brass fittings (Ford brand only), purchasing authority – Utilities Department (Ferguson Enterprises, Inc. - \$250,000).
7. Contract: Neptune water meters and parts, purchasing authority – Utilities Department (Ferguson Waterworks – \$700,000) (sole source)).
8. Contract: Design services for City Hall Complex Building E – Task Order 1, Amendment 2 (Parking); Task Order 1 Amendment 2 (Main Entry); Task Order 2 (Bidding, Award and Construction Administration; Task Order 3 (Furniture Fixtures and Equipment Design) – Facilities/Parks and Building Departments (Silling Architects - \$268,633)
9. Ordinance 2022-88, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Utilities Advisory Board', by repealing the subchapter in its entirety, thereby dissolving the Palm Bay Utilities Advisory Board, first reading.
10. Consideration of reallocating American Rescue Plan Act (ARPA) funds for an emergency operations center (\$2,000,000) and appropriating funds towards replacement of the Citywide financial system utilizing Undesignated Fund Balance (\$2,000,000).
11. Consideration of a new full-time equivalent (FTE) Firefighter position within the Fire Department.
12. Consideration of a budget amendment to fund a change order to the Turkey Creek channel marker replacement project (\$409).
13. Acknowledgement of the August 2022 GO Road Bond Paving update.
14. Acknowledgement of the City's monthly financial report for June 2022 (Unaudited).
15. Acknowledgement of the City's quarterly Budget Monitoring Report for Fiscal Year 2022 Quarter Three (Unaudited).
16. Consideration of travel and training for specified City employees (Building Department).
17. Consideration of travel and training for specified City employees (Community and Economic Development).
18. Consideration of travel and training for specified City employees (Growth Management Department, Code Compliance Division).
19. Consideration of travel and training for specified City employees (Growth Management Department, Land Development Division).
20. Consideration of travel and training for specified City employees (Police Department).

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

1. Ministerial appointment of one (1) member to the Police and Firefighters Retirement Pension Plan, Board of Trustees.

#### **NEW BUSINESS:**

1. Ordinance 2022-89, amending the Code of Ordinances, Chapter 36, Recreation Department,

by including provisions prohibiting smoking and vaping within municipal parks, first reading.

2. Consideration of City Council Flag Program nominee, Arcadio Santiago-Rodriguez. (Mayor Medina)
3. Consideration of establishing a Road Maintenance Fund Policy. (Deputy Mayor Johnson)
4. Consideration of scheduling a workshop meeting for August 2022.

#### **COMMITTEE AND COUNCIL REPORTS:**

1. Committee/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