



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

## **AGENDA**

### **State of City Message (5:30 P.M.) and Regular Council Meeting 2023-15 (6:00 P.M.) Thursday**

**May 18, 2023 - 6:00 PM  
Council Chambers**

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

#### **INVOCATION:**

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

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

#### **ROLL CALL:**

#### **ANNOUNCEMENTS:**

1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++

#### **AGENDA REVISIONS:**

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

1. Recognition: Presentation of the American Flag - honoring the service of Thomas Rebman. (Deputy Mayor Felix)

#### **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 2023-15, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 1865, Port Malabar Unit 41 (Case VE-3-2023, Dominick Migliaccio), final reading.
2. Consideration of a Development Agreement with KB Home Orlando, LLC, pertaining to a development project known as 'Gardens at Waterstone Phases 2 and 3', final hearing.
3. Ordinance 2023-25, granting approval of a Final Development Plan for a proposed mixed-use

- subdivision to be known as 'Jupiter Bay PUD' on property located at the northwest corner of Jupiter Boulevard and Brevard Avenue (24.69 acres) (Case FD23-00001, Sachs Capital Group, LP, and Identical Investments, LLC), final reading. (Quasi-Judicial Proceeding)
4. Ordinance 2023-13, amending the Transportation, Housing, Recreation and Open Space, Conservation, Intergovernmental Coordination, Coastal Management, Capital Improvements, Infrastructure and Private Property Rights Elements of the Comprehensive Plan of the City of Palm Bay (Case CP-6-2023, City of Palm Bay), final reading.
  5. Consideration of the Fiscal Year 2023-2024 Community Development Block Grant (CDBG) and HOME Action Plan, final hearing.
  6. Ordinance 2023-28, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 799, Port Malabar Unit 16 (Case VE-9-2022, Jesse and Gina Detwiler), first reading.
  7. Ordinance 2023-29, rezoning property located south of and adjacent to Castanada Street, in the vicinity east of Greenbrier Avenue, from RR (Rural Residential District) to RS-2 (Single-Family Residential District) (1.13 acres) (Case Z23-00003, Anthony and Marsha Joan Rosaci), first reading. (Quasi-Judicial Proceeding)
  8. Resolution 2023-14, granting a conditional use to allow for a self storage facility in CC (Community Commercial District) zoning, on property located west of and adjacent to Minton Road, in the vicinity south of Chandler Road (6.09 acres) (Case CU23-00004, Palm Bay Storage, LLC). (Quasi-Judicial Proceeding)
  9. Resolution 2023-15, granting a conditional use to allow for a retail store occupying more than 5,000 square feet of gross floor area in NC (Neighborhood Commercial District) zoning on property located in the vicinities north of and adjacent to St. Andre Boulevard and west of and adjacent to DeGroot Road (5.32 acres) (Case CU23-00006, David Moallem Trust/Siroos Pirzadeh and Mahnaz Pirzadeh) (Quasi-Judicial Proceeding).
  10. Ordinance 2023-30, granting approval of a Final Development Plan for a single-family residential development to be known as 'Gardens at Waterstone Phase III' on property located south of and adjacent to Melbourne-Tillman Drainage District Canal 38, in the vicinity west of Mara Loma Boulevard (47.92 acres) (Case FD23-00004 (formerly FD-63-2022), KB Home Orlando, LLC), first reading. (Quasi-Judicial Proceeding)
  11. Resolution 2023-16, granting approval of a Preliminary Development Plan for a proposed residential townhome development to be known as 'Lipscomb Street PUD' in RM-10 (Single-, Two-, Multiple-Family Residential District) zoning, which property is located east of and adjacent to Lipscomb Street, in the vicinities west of Mango Street and south of Commerce Park Drive (24.56 acres) (PD23-00002 (formerly PD-20-2023), Paul Daly and Don Ballew). (Quasi-Judicial Proceeding)
  12. Ordinance 2023-31, granting approval of a Final Development Plan for a residential townhome development to be known as 'Lipscomb Street PUD' on property located east of and adjacent to Lipscomb Street, in the vicinities west of Mango Street and south of Commerce Park Drive (24.56 acres) (Case FD23-00002, Paul Daly and Don Ballew), first reading. (Quasi-Judicial Proceeding)
  13. Ordinance 2023-32, granting approval of a Final Development Plan for a commercial development to be known as 'Bayside Lakes Commercial Center' on property located north of and adjacent to Bayside Lakes Boulevard, in the vicinity east of Eldron Boulevard (2.96 acres) (Case FD23-00005 (formerly FD-67-2022), Bayside Holdings #3370 LLC, Jeffrey Hillmann / Robert and Ruth Escher), first reading. (Quasi-Judicial Proceeding)

14. Ordinance 2023-33, granting approval of a Final Development Plan for a proposed PUD for development of a tire service center to be known as 'Tire Service Center – Palm Bay' on property located north of and adjacent to Bayside Lakes Boulevard, in the vicinity west of Eldron Boulevard (1.08 acres) (Case FD23-00006 (formerly FD-10-2023), Andromeda Holdings Ltd. Partnership), first reading. (Quasi-Judicial Proceeding)
15. Ordinance 2023-34, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management and Conservation, Part 2: Drainage Plan', by modifying provisions related to the elevations for single-family residential construction (Case T23-00002 (formerly T-12-2023), City of Palm Bay), first reading. (CONTINUED FROM 04/06/23 RCM)
16. Ordinance 2023-35, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Conditional Uses', by modifying provisions related to self-storage facilities (Case T23-00003 (formerly T-13-2023), City of Palm Bay), first reading. (Councilman Johnson)
17. Ordinance 2023-36, amending the Code of Ordinances, Chapter 183, Comprehensive Plan Regulations, by creating a new subchapter to be titled 'Development Agreement' (Case T23-00005, City of Palm Bay), first reading.
18. Consideration of substantial amendments to the City's approved Program Years 2017, 2018, 2019, 2020, 2022 Annual Action Plans for Community Development Block Grant funds, only one hearing required.
19. Resolution 2023-17, identifying certain real property within the City to which the City holds fee simple title that is appropriate for permanent affordable housing.

#### **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 2023-13; April 25, 2023.
2. Award of Proposal: Catering services, emergency events - RFP 30-0-2023 (Puff 'n Stuff Catering, LLC).
3. Miscellaneous: Generator, fuel tank and automatic transfer switch replacement, Lift Station 93 – Utilities Department (LJ Power - \$7,125).
4. Sole Source Purchases from Ring Power Corporation for Caterpillar Equipment Utilized by Public Works, Fleet Services Division, FY 2023
5. Contract: Road bond paving, Unit 30 - IFB 39-0-2022, Change Order 6 - Public Works Department (Timothy Rose Contracting - \$37,268).
6. Contract: Road bond paving, Port Malabar Boulevard from Babcock Street to U.S. Highway 1 - IFB 61-0-2022, Change Order 1 - Public Works Department (Ranger Construction Industries, Inc. - \$658,454).
7. Consideration of submitting a grant application to the Florida Department of Environmental Protection's 319(h) program to fund recommended improvements as outlined in the Turkey Creek Restoration Feasibility Study.
8. Consideration of submitting a grant application to the Florida Department of Environmental Protection's State Water Quality Assistance Grant for two 'shovel-ready' stormwater retrofit projects.

9. Consideration of submitting a grant application for the Fiscal Year 2023/2024 Tourism Development Council (TDC) Cultural Support Grant Program for multiple City events.
10. Consideration of submitting a grant application to the Bureau of Justice Assistance FY 2023 Paul Coverdell Forensic Science Improvement Grants Program for software, equipment and training within the Police Department.
11. Consideration of an agreement with Florida Power and Light for additional streetlights throughout the City (Phase 2 - St. Andre and Harper Boulevards).
12. Consideration of acquiring two (2) easements for Eaglerock Street water main upgrades (\$7,000).
13. Consideration of designating two (2) City-owned single-family residential lots as surplus property and donating said lots for an affordable housing development.
14. Consideration of transferring savings from City Hall Replacement Genset (Project 22PK04) to fund warranties and contingencies on chillers at Police Headquarters and City Hall (Projects 22PK05 and 22PK06).
15. Consideration of utilizing available Departmental Operating Expenditure and Capital Savings to fund the purchase of an IT Testing Lab Environment (\$52,967).
16. Consideration of utilizing unexpended funds in capital project 22FD03 for the purchase of fire rescue equipment (\$44,746).
17. Consideration of travel and training for specified City employees (Parks and Facilities Department).
18. Acknowledgement of the City's monthly financial report for March 2023 (Unaudited).
19. Acknowledgement of the City's Budget Monitoring Report for the second quarter of Fiscal Year 2023 (Unaudited).
20. Acknowledgement of the May 2023 GO Road Bond Paving report update.

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

1. Appointment of three (3) members to the Community Development Advisory Board.

#### **NEW BUSINESS:**

1. Consideration of City's co-sponsorship of Brevard Caribbean American Sports and Cultural Association's (BCASCA) 3rd Annual Caribbean Heritage Month activities.
2. Consideration of City's co-sponsorship of United Third Bridge's 26th Annual Puerto Rican Day Parade and Multi-Cultural Festival; consideration of an exception to the co-sponsorship policy; consideration of amending the Memorandum of Mediated Settlement.
3. Consideration of allocating Undesignated Fund Balance for Parks, Fire, Police, and Transportation Impact Fee studies (\$150,000).
4. Consideration of submitting a grant application to the U.S. Department of Transportation's Federal Highway Administration's Safe Streets and Roads for All (SS4A) grant program for construction of a sidewalk on Emerson Drive NE, from Narragansett Street to Forest Street; and utilizing \$400,000 in matching funds from undesignated General Fund balance.

#### **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 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.**



## LEGISLATIVE MEMORANDUM

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

**FROM:** Suzanne Sherman, City Manager

**THRU:** Valentino Perez, Acting Public Works Director

**DATE:** 5/18/2023

**RE:** Ordinance 2023-15, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 1865, Port Malabar Unit 41 (Case VE-3-2023, Dominick Migliaccio), final reading.

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.

Dominick Migliaccio has submitted an application to vacate a 10 foot portion of the Southerly 20-foot Public Utility & Drainage Easement, running for a 15 foot distance along the Northerly line of the Southerly 20-foot Public Utility & Drainage Easement, thereof containing 150 square feet or 0.003 acres , more or less, of Lot 21, Block 1865, Port Malabar Unit 41, according to the Plat thereof, as Recorded in Plat Book 21, Pages 36 - 42, of the Public Records of Brevard County, Florida. To place a shed in the back yard.

**REQUESTING DEPARTMENT:**

Public Works

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to approve per the recommendation section on the Staff Report.

**ATTACHMENTS:**

**Description**

Staff Report- VE-3-2023

Ordinance 2023-15