

***5:30 P.M. - HOLIDAY SEASON MERRIMENT, HERITAGE HIGH
SCHOOL CHORUS***



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

AGENDA

**Regular Council Meeting 2023-33
Thursday**

**December 21, 2023 - 6:00 PM
Council Chambers, 120 Malabar Road SE, Palm Bay FL 32907**

CALL TO ORDER:

INVOCATION:

1. Pastor Paul Fournier - Lifepoint Church, Palm Bay.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Three (3) terms expiring and one (1) vacancy on the Disaster Relief Committee Executive Board.++
2. One (1) vacancy on the Community Development Advisory Board (represents 'employer within the city').++

AGENDA REVISIONS:

PROCLAMATIONS AND RECOGNITIONS:

1. Proclamation: Mayor's Business Spotlight recipient - Trattoria Bella Restaurant.

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.

APPROVAL OF 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 under the agenda heading Consideration of Items Removed from Consent Agenda.

1. Adoption of Minutes: Meeting 2023-30; December 7, 2023.
2. Contract: Engineering and design services, bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, 12/08/23 Task Order (against Master Agreement 28-0-2022) – Public Works Department (Kimley-Horn - \$435,095); and approve the utilization of Parks Impact Fees (32907 and 32908 Nexus).
3. Miscellaneous: 'Cooperative Purchase', 'as needed' asphalt rejuvenation (City of Plantation contract) - Public Works Department (Pavement Technology, Inc. - \$1,888,787).
4. Resolution 2023-48, authorizing a State-Funded Grant Agreement with the Florida Department of Transportation for the St. Johns Heritage Parkway widening project; consideration of utilizing Transportation Impact Fee funds (\$1,737,000 (TIF funds)).
5. Consideration of accepting a funding agreement with Florida Department of Emergency Management for the 2023/2024 Hurricane Legislative Appropriation Program for impacts from Hurricane Nicole and consideration of entering into an agreement for waiver of local match requirements for Public Assistance for Hurricanes Ian and Nicole (SB4-A).
6. Consideration of a Ground Equipment Easement with Florida Power and Light to be located at the Fire Headquarters (895 Carlyle Avenue, SE).
7. Consideration of an extension of the Hazard Mitigation Grant Program Agreement with the Florida Division of Emergency Management.
8. Consideration of utilizing Police Impact Fees (32907 Nexus) for engineering expenditures associated with new office additions to the Police Headquarters (\$12,000).
9. Consideration of utilizing General Fund Undesignated Fund Balance for emergency repairs at Castaways Park (\$19,611).
10. Consideration of utilizing Parks Impact Fees (32905 Nexus) to purchase a prefabricated restroom for Turkey Creek Sanctuary (\$300,000).
11. Consideration of utilizing Parks Impact Fees (32907 Nexus) to add outdoor electrical infrastructure for events held at Fred Poppe Regional Park (\$277,525).
12. Consideration of utilizing General Fund Undesignated Fund Balance for the Access Control project (\$53,600).
13. Consideration of reallocating a portion of Fire Department funds designated for Fiscal Year 2024 projects (\$206,930).
14. Acknowledgement of the City's Budget Monitoring Report for the fourth quarter of Fiscal Year 2023 (Unaudited).
15. Acknowledgement of the December 2023 GO Road Bond Paving Report.

PUBLIC HEARINGS:

1. Ordinance 2023-105, vacating a portion of the rear public utility and drainage easement located within Lot 15, Block 2124, Port Malabar Unit 42 (Case VE-16-2023, John and Colleen Pechulis), final reading.
2. Ordinance 2023-103, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Palm Bay Infrastructure Advisory and Oversight Board', by modifying the sunset date and reinstating the board, final reading.

3. Ordinance 2023-104, amending the Code of Ordinances, Chapter 96, Florida Building Code, Subchapter 'Building Code', by updating references to the Florida Building Code, final reading.
4. Ordinance 2023-106, rezoning property located south of and adjacent to Alcantarra Street, in the vicinity between Calcutta and Chamberlin Avenues, from RS-2 (Single-Family Residential District) and SRE (Suburban Residential Estate Category) to RR (Rural Residential District) (10.58 acres) (Case Z23-00013, Michael and Rebecca Crews), first reading. (Quasi-Judicial Proceeding)
5. Ordinance 2023-107, rezoning property located west of and adjacent to Glenham Drive, in the vicinity south of Palm Bay Road, from RS-1 (Single-Family Residential District) to RS-2 (Single-Family Residential District) (15.53 acres) (Case Z23-00014, SKA Properties, LLC), first reading. (Quasi-Judicial Proceeding)
6. Request by DRP FL 6, LLC, for final plat approval of a proposed 124-lot residential subdivision to be known as 'Riverwood at Everlands Phase 1', which property is located east of and adjacent to St. Johns Heritage Parkway, in the vicinity north of Emerson Drive, in PUD (Planned Unit Development) zoning (52.77 acres) (Case FS23-00010). (Quasi-Judicial Proceeding)
7. Request by KB Home Orlando, LLC, for preliminary subdivision plan/plat approval of a proposed 199 single-family residential unit development to be known as 'Gardens at Waterstone Phase 3', which property is located in the vicinities west of Mara Loma Boulevard and south of Brookfield Street, in PUD (Planned Unit Development) zoning (47.92 acres) (Case PS23-00012). (Quasi-Judicial Proceeding)
8. Request by KB Home Orlando, LLC, for a final subdivision plan/plat approval to be known as 'Gardens of Waterstone Phase 3', including the proposed 84 single-family residential lots to be known as 'Gardens of Waterstone Phase 3A', which property is located in the vicinities west of Mara Loma Boulevard and south of Brookfield Street, in PUD (Planned Unit Development) zoning (47.92 acres) (Case FS23-00012). (Quasi-Judicial Proceeding)
9. Ordinance 2023-108, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity west of Melbourne Tillman Drainage District Canal 7, from Residential 1 Unit Per Acre (Brevard County) to Commercial Use (6.00 acres) (Case CP23-00017, Diaz Properties, LLC), only one reading required.
10. Ordinance 2023-109, rezoning property located south of and adjacent to Malabar Road, in the vicinity west of Melbourne Tillman Drainage District Canal 7, from AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (6.00 acres) (Case CPZ23-00009, Diaz Treasures, LLC), first reading. (Quasi-Judicial Proceeding)
11. Ordinance 2023-110, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity southwest of St. Johns Heritage Parkway and west of Melbourne Tillman Drainage District Canal 7, from Residential 1 Unit Per Acre (Brevard County) to Commercial Use (13.05 acres) (Case CP23-00019, City of Palm Bay), only one reading required.
12. Ordinance 2023-111, rezoning property located south of and adjacent to Malabar Road, in the vicinity southwest of St. Johns Heritage Parkway and west of Melbourne Tillman Drainage District Canal 7, from AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (13.05 acres) (Case CPZ23-00011, City of Palm Bay), first reading. (Quasi-Judicial Proceeding)
13. Ordinance 2023-112, amending the City's Comprehensive Plan Future Land Use Map to

change the designated use of property, located at the southeast corner of Treeland Boulevard and San Filippo Drive , from Public/Semi-Public Use and Recreation and Open Space Use to High-Density Residential Use (7.02 acres) (Case CP23-00018, Treeland Apartments, LLC), only one reading required.

14. Ordinance 2023-113, rezoning property located at the southeast corner of Treeland Boulevard and San Filippo Drive from RM-10 (Single-, Two-, Multiple-Family Residential District) to RM-20 (Multiple-Family Residential District) (7.02 acres) (Case CP23-00010, Treeland Apartments, LLC), first reading. (Quasi-Judicial Proceeding)
15. Ordinance 2023-114, amending the Code of Ordinances, by creating a new Chapter 71, to be titled 'School Zone Speed Infractions', first reading; authorize the establishment of a speed detection system on roadways maintained as school zones within the City.
16. Ordinance 2023-115, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', by modifying the timelines related to preliminary development plan submittals (Case T23-00028, City of Palm Bay), first reading.
17. Ordinance 2023-116, amending the Code of Ordinances, Chapter 184, Subdivisions, by modifying the process for submission of preliminary and final plat applications (Case T23-00029, City of Palm Bay), first reading.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

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