

City of Melbourne



City Hall • 900 E. Strawbridge Avenue, Melbourne, FL 32901
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CITY COUNCIL AGENDA

May 22, 2007 ♦ 6:30 P.M.

This meeting shall adjourn by 11:00 p.m. Extension of the meeting beyond 11:00 p.m. shall only be authorized by a majority vote of City Council.

1. **Invocation**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Proclamations and Presentations**
5. **Approval of Minutes** - Regular Meeting - May 8, 2007
6. **City Manager's Report**
7. **Public Comments**

UNFINISHED BUSINESS

8. **ORDINANCE NO. 2007-27 (CU-2007-04/SP-2007-06) TUMBLEWEEDS:** (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow a gymnasium and two office buildings on a 3.37±-acre parcel zoned C-1 (Neighborhood Commercial), located on the south side of Parkway Drive, west of the intersection of Parkway Drive and Wickham Road. (Owner/Applicant - Tumbleweeds Gymnastic, Inc.) (Representative - Jake Wise, P.E., Construction Engineering Group) (First Reading - 5/08/07)
9. **ORDINANCE NO. 2007-28 (CPA-2007-02) AND ORDINANCE NO. 2007-29 (Z-2007-1105) GLEN MOLIN:** Ordinances providing for a Comprehensive Plan Amendment and a zoning change on a 1.6±-acre site, located on the west side of Avocado Avenue, south of Aurora Road, and north of Law Street. (Owners - Glen Molin/Herbert L. Pittman/Allen Newman/Wayne Swank & James Goodrich/William F. Ford, III/Donald Morton) (Applicant/Representative - Glen Molin) (P&Z Board - 4/19/07)
 - a. **Ordinance No. 2007-28/CPA-2007-02:** (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Low Density Residential to Commercial/Medium Density Residential on six lots totaling 1.6± acres. (First Reading - 5/08/07)
 - b. **Ordinance No. 2007-29/Z-2007-1105:** (Second Reading/Public Hearing) An ordinance providing for a zoning change from R-2 (6) (One-, Two-, and Multiple-Family Medium Density Residential with a cap of six units per acre) to C-1 (10) (Neighborhood Commercial with a cap of 10 units per acre) on six lots totaling 1.6± acres. (First Reading - 5/08/07)
10. **ORDINANCE NO. 2007-30 (AR-2007-215), ORDINANCE NO. 2007-31 (CPA-2007-03), AND ORDINANCE NO. 2007-32 (Z-2007-1109) ROSS PROPERTY:** Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 1.88-acre parcel, located on the east side of the undeveloped Turtle Mound Road right-of-way, south of Aurora Road. (Owner - Gerald Ross) (Applicant/Representative - Scott D. Wideman,



Esq.) (P&Z Board - 4/19/07)

- a. **Ordinance No. 2007-30/AR-2007-215:** (First Reading/Public Hearing) An ordinance providing for annexation of 1.88 acres. (Denied - 5/08/07; motion to reconsider left pending)
 - b. **Ordinance No. 2007-31/CPA-2007-03:** (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Suburban Estate Residential on 1.88 acres. (Postponed - 5/08/07)
 - c. **Ordinance No. 2007-32/Z-2007-1109:** (First Reading/Public Hearing) An ordinance providing for zoning designation of R-1AAA (Single-Family Low Density Residential) on 1.88 acres. (Postponed - 5/08/07)
11. **ORDINANCE NO. 2007-33 (Z-2007-1108AD/LDR-2007-01/FOC-2007-02) STREET LIGHTS:** (Second Reading/Public Hearing) An ordinance amending Appendix B of the City Code, entitled Zoning, Article II and Article IX, and Appendix D, Chapter 8, by adding a definition of residential street lights and revising the definition of improvements to include lighting. (Applicant - City of Melbourne) (First Reading - 5/08/07)
 12. **COUNCIL ACTION RE:** Appointment of one member to the Golf Courses Advisory Board. (Postponed - 5/08/07)

NEW BUSINESS

13. **COUNCIL ACTION RE:** Termination of the City Manager (Requested by Council Member Joanne Corby)
 - a. Consideration of Termination.
 - b. Consideration of appointment of an Interim City Manager (as necessary and depending upon resolution of Item 13.a.)
14. **COUNCIL ACTION RE:** Authorization to establish a project for the implementation of the Unidirectional Flushing Program for the Water Distribution System with initial funding for project management by Reiss Environmental, Inc. in an amount not to exceed \$150,000; and an appropriation of \$150,000 from the Water & Sewer Retained Earnings Prior Year Surplus to establish a project budget.
15. **COUNCIL ACTION RE:** Change Order No. 4 to the Lake Washington Surface Water Treatment Plant Improvements Contract, Phases 2A & 2B, Project No. 30102 to construct the Canova Beach Booster Pump Station Permanent Chemical Feed System, Project No. 30207, Wharton-Smith, Inc., Palm City, FL - \$532,325 and an appropriation of \$487,200 from Water and Sewer Prior Year Surplus to provide interim financing prior to permanent financing by the Water & Sewer Improvement Revenue Bonds, Series 2007B.



16. **CONSENT AGENDA:**

- a. Contract award for the construction of a fountain at Jimmy Moore Park, Project No. 10306, Fountain Design Group, Boca Raton, FL - \$26,328 and transfer of \$1,983 from Miscellaneous General Construction to this project budget.
- b. Approval of a design/build utility agreement between the Florida Department of Transportation (FDOT) and the City of Melbourne providing for methods and procedures to resolve issues that might arise during FDOT's construction of a new interchange at the Pineda Causeway extension.
- c. Contract award for granular activated carbon exchange services, Calgon Cargon Corporation, Pittsburgh, PA - \$116,595/filter; estimated annual cost of \$699,570.
- d. Contract award for the purchase and delivery of liquid oxygen, Air Liquide Industrial U.S. LP, Orlando, FL - \$105.58/ton; estimated annual cost of \$105,580.
- e. Contract award for the purchase and delivery of carbon dioxide, Air Liquide Industrial U.S. LP, Orlando, FL - \$148/ton; estimated annual cost of \$106,560.
- f. Contract award for custodial services for 12 City facilities, Amerishine, Orlando, FL - stated unit prices; estimated annual cost of \$89,220.
- g. Purchase of hydrogen peroxide 35% solution, U.S. Peroxide, LLC, Atlanta, GA - \$0.5443/pound; estimated annual cost of \$53,341.40.
- h. Purchase of three replacement vehicles, Saturn of Sebring, Sebring, FL - \$23,189 and Garber Chevrolet, Green Cove Springs, FL - \$47,522.
- i. Purchase of 14 Jaguar P7150 portable 800 Mhz radios and accessories for Police Operations, Communications International, Inc., Vero Beach, FL - \$47,074.70.
- j. Contract award for aquatic weed control service, Applied Aquatic Management, Inc., Eagle Lake, FL - \$46,045.
- k. Contract award to replace security fencing and gates at the Actiflo and Reverse Osmosis Plants and the Hibiscus Road Pump Station Facility, East Coast Fence, Cocoa, FL - \$25,991.
- l. Approval of the Brevard County Metropolitan Planning Organization Transportation Improvement Program priority listing.
- m. Request for authorization to provide a letter of support from the Mayor to the Florida Department of Law Enforcement Office of Criminal Justice Grants in support of a Byrne Grant proposal from the Brevard County Sheriff's Office for the prisoner transportation/booking improvement program.
- n. **Lien Rescission CE-05-094:** Denial of a request for lien reduction from \$14,000 to



\$0. (Cecil Pressley - 1815 Southland Avenue)

- o. **Resolution No. 2037:** A resolution adopting names for private streets in the Crossroads Village Commercial Complex.

17. **ITEMS REMOVED FROM THE CONSENT AGENDA**

18. **SITE PLAN APPROVAL (SP-2007-11) FLORIDA TECH SOUTH VILLAGE STUDENT HOUSING:** (Public Hearing) A request for site plan approval to allow development of three dormitory buildings with 382 beds for student housing on a 12±-acre portion of a 57.657±-acre parcel zoned I-1 (Institutional), located on the west side of Babcock Street, south of University Boulevard, and north of Florida Avenue. (Owner/Applicant - Florida Institute of Technology) (Representative - Teimouri and Associates) (P&Z Board - 5/03/07)

19. **SITE PLAN APPROVAL (SP-2007-07) WICKHAM PARK PHASE II: SENIOR CENTER AND COMMUNITY CENTER:** (Public Hearing) A request for site plan approval to initiate Phase II of park improvements, including a 10,600 square foot senior center, an 18,000 square community center, a 12-court shuffleboard area, relocating the existing driveway on Wickham Road, and providing an internal connection to the Equestrian area within the park on a 15.53±-acre portion of a 475.428±-acre parcel zoned I-1 (Institutional), located on the north side of Parkway Drive, east of Wickham Road. (Owner - Brevard County) (Applicant - Brevard County Parks & Recreation) (Representative - William Crowe, PBS & J) (P&Z Board - 5/03/07)

20. **ORDINANCE NO. 2007-34 (CPA-2006-31) AND ORDINANCE NO. 2007-35 (Z-2006-1089) FOUNTAINS AT LAKE WASHINGTON:** Ordinances providing for a Comprehensive Plan Amendment and zoning designation for two parcels consisting of 98.3± acres located west of I-95, north of the northern terminus of Washingtonia Road, the Chestnut Run Subdivision, and the proposed Woodshire Preserve Subdivision. (Owner - Fountains at Lake Washington, LLC) (Applicant/ Representative - John H. Evans) (P&Z Board - 1/18/07)

- a. **Ordinance No. 2007-34/CPA-2006-31:** (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Suburban Estate Residential on two parcels consisting of 98.3± acres.
- b. **Ordinance No. 2007-35/Z-2006-1089:** (First Reading/Public Hearing) An ordinance providing for a zoning designation of R-1AAA (Single-Family Residential) on two parcels consisting of 98.3± acres.

21. **ORDINANCE NO. 2007-36 (CPA-2006-32) AND ORDINANCE NO. 2007-37 (Z-2006-1091) WOODSHIRE PRESERVE:** Ordinances providing for a Comprehensive Plan Amendment and zoning designation for 183± acres located west of I-95, at the north end of Washingtonia Road, immediately north of the Chestnut Run Subdivision. (Owner - Woodshire Preserve, LLC) (Applicant - City of Melbourne) (Representative - Candice Hawks, Engle Homes) (P&Z Board - 1/18/07)

- a. **Ordinance No. 2007-36/CPA-2006-32:** (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future



Land Use of Suburban Estate Residential on 183± acres.

- b. **Ordinance No. 2007-37/Z-2006-1091:** (First Reading/Public Hearing) An ordinance providing for a zoning designation of REU (Residential Estate Use, Single-Family Residential) on 183± acres.
22. **ORDINANCE NO. 2007-38 (CPA-2006-38) TEXT AMENDMENT BY PAUL R. RUFO:** An ordinance amending Appendix D, Chapter 4, Section 4.04 of the City Code; and amending the Future Land Use map to allow commercial development on the east side of Wickham Road, adjacent to Wickham Park. (Owner - Brevard County) (Applicant/Representative - Paul R. Rufo) (P&Z Board - 1/18/07)
23. **ORDINANCE NO. 2007-39 (CU-2007-02/SP-2007-02) BREVARD COUNTY SARNO LANDFILL EXPANSION AREA:** (First Reading/Public Hearing) An ordinance granting a conditional use on a 211.322±-acre site with modification and site plan approval on a 9.5-acre portion zoned M-1 (Light Industrial) to allow the expansion of an existing Solid Waste Class III Landfill, located south of Sarno Road, east of North Drive, and west of Wickham Road. (Owner - Brevard County Board of Commissioners) (Applicant/ Representative - Brevard County Solid Waste Management Department) (P&Z Board - 5/03/07)
24. **ORDINANCE NO. 2007-40:** (First Reading) An ordinance amending Chapter 10 of the City Code, entitled "Community Planning and Development," as it relates to the Architectural Review Board; revising the composition of the board; and providing that if an applicant violates the terms and conditions of a certificate of appropriateness, the property may be referred to the Code Enforcement Board for action.
25. **ORDINANCE NO. 2007-41:** (First Reading) An ordinance amending Chapter 3 of the Code of Ordinances, entitled "Alcoholic Beverages," amending Section 3-1.1 as it relates to hours of sale for alcoholic beverages. (Requested by City Council 5/8/2007)

Council will convene as the Melbourne Downtown Community Redevelopment Agency for the following item:

26. **COUNCIL ACTION RE:** Approval of grant award recommendations for the Façade Improvement Pilot program and authorization for the City Manager to execute rebate agreements with Railroad Emporium, LLC - \$20,000; Susan C. Brand - \$20,000, and Cards & Coins of Brevard - \$10,000.

Council will reconvene for the remaining agenda items.

27. **COUNCIL DISCUSSION RE:** Proposed ordinance amending Chapter 30 of the Code of Ordinances, entitled "Taxation," amending Article II, levying a utility tax on water service.
28. **COUNCIL ACTION RE:** Board Appointments
 - a. Building and Construction Advisory Committee - appointment of two members.



- b. Firefighters' Pension Plan Board of Trustees - appointment of fifth member.
- c. Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee - appointment of four regular members.

29. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS**

30. **ADJOURNMENT**

Mayor Goode and Council Members Richard Contreras and Cheryl Palmer, as members of the Airport Authority Board, may discuss Airport Authority issues, which may subsequently be addressed by the Airport Authority.

Council Members Cheryl Palmer, Kathy Meehan, and Joanne Corby, as members of the Metropolitan Planning Organization (MPO), may discuss MPO issues, which may subsequently be addressed by the MPO.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office (953-6255) at least 48 hours prior to the meeting.