

City of Melbourne



City Hall • 900 E. Strawbridge Avenue, Melbourne, FL 32901
(321) 608-7200 • Fax (321) 608-7219

CITY COUNCIL AGENDA

August 25, 2009 ♦ 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.

In accordance with Council policy, the roll call vote rotates each meeting. During this meeting, the vote will be Districts Two through One except that the Mayor will vote last as provided by City Code and the Vice Mayor will vote second to last.

1. **Invocation** - Pastor Greg Phillips, Church on the Rock
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Proclamations and Presentations**
5. **Approval of Minutes** - Regular Meeting - August 11, 2009
6. **City Manager's Report**
7. **Public Comments**

UNFINISHED BUSINESS

8. **ORDINANCE NO. 2009-31 (Z-2009-1149AD/LDR-2009-01/FOC-2009-01) ZONING CODE:** (Second Reading/Public Hearing) An ordinance amending Appendix B, Zoning Code, as it relates to the Institutional district, multi-story developments, waterfront properties, and building setbacks, providing for standards for free-standing car wash establishments, convenience stores with gas pumps/gas stations, recycling facilities, and vehicle service stations, accessory and temporary uses and structures relating to marine facilities and outdoor display or seating areas; and zoning applications and procedures; amending Appendix C, Interim Land Development Code and Appendix D, Land Development Code, by updating references to certain sections of Code and amending standards for solid waste disposal and recycling receptacles; and parking requirements for convenience stores with gas pumps/gas stations. (Applicant - City of Melbourne) (First Reading - 8/11/09)
9. **COUNCIL ACTION RE:** Appointment of one member to the Melbourne Economic Enhancement District Advisory Committee. (Postponed - 8/11/09)

NEW BUSINESS

10. **COUNCIL ACTION RE:** Contract award for a roof replacement at the Grant Street Community Center, Project No. 10008, Perry Roofing Contractors, Inc., Orlando, FL - \$92,700 and approval to establish a 10% project contingency.
11. **COUNCIL ACTION RE:** Contract award for the construction of a new basketball court at Carver Park, Project No. 00405, Joyal Enterprises, Inc., Melbourne, FL - \$56,495; approval to establish a 10% project contingency; and transfers of \$17,518.29 from Miscellaneous Reserve for Future Projects; \$18,887 from Booker T. Washington Revitalization/Lighting and Fencing; and \$20,500 from Lipscomb Park, Phase II to supplement this project budget.



12. **CONSENT AGENDA:**

- a. Supplement No. F072 to the Continuing Consultant's Contract for engineering services to provide for final design of miscellaneous water main replacements on Houston Street and Young Street, Project No. 30209, Frazier Engineering, Inc., Melbourne, FL - \$49,000.
- b. Supplement No. F074 to the Continuing Consultant's Contract for engineering services to provide for final design for the north booster station valve replacement, Project No. 30709, Frazier Engineering, Inc., Melbourne, FL - \$19,500.
- c. Purchase of five 75 HP Allen Bradley variable frequency drives for installation at the Grant Street Water Reclamation Facility, Rexel, Melbourne, FL - \$114,093.
- d. Purchase of a traffic signal controller cabinet with generator plug and video detection equipment for the intersection of Eau Gallie Boulevard and U.S. 1 in a joint project with the Florida Department of Transportation, NAZTEC, Inc., Sugarland, TX - \$25,210.
- e. Purchase of 10 replacement turbidity monitors for the Surface Water Treatment Plant, Hach Company, Loveland, CO - \$23,941.44.
- f. **Resolution No. 3085:** A resolution approving an Interlocal/Mutual Aid Agreement between the City of Melbourne and the City of Palm Bay to provide law enforcement services within the boundaries of adjoining municipalities involving narcotics and violent persons crimes and authorization for the City Manager to execute the agreement.
- g. **Resolution No. 3086:** A resolution implementing Third Quarter Budget Review recommendations.

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

14. **COUNCIL ACTION RE:** A request by Scott Marathas, Meg O'Malley's, to extend the hours of open container until 1 a.m. for the Meg O'Ween street party.

15. **RESOLUTION NO. 3087:** (Public Hearing) A resolution authorizing the issuance of the City's revenue bonds, Series 2009 in the principal amount not to exceed \$6,000,000 for the purpose of providing funds to make a loan to Circles of Care, Inc., to provide funds to finance and refinance the cost of acquisition, construction, and equipping certain health care facilities to be owned and operated by the borrower; approving the issuance of said bonds; approving the form of and authorizing the execution of a loan agreement, bond purchase agreement, a mortgage, assignment of rents and security agreement and an assignment of loan agreement, mortgage, promissory note, and other collateral; awarding the sale of bonds by a negotiated sale; authorizing the Mayor to take certain action in connection with the issuance of the bonds; and making certain other covenants and agreements in connection with the issuance of the bonds.



16. **RESOLUTION NO. 3088, STORMWATER UTILITY BUDGET:** (Public Hearing) A resolution to adopt an annual stormwater utility budget for the fiscal year beginning October 1, 2009 in the amount of \$1,310,000.
17. **RESOLUTION NO. 3089, CERTIFICATION OF STORMWATER ASSESSMENT ROLL:** A resolution certifying the Stormwater Utility Assessment Roll.
18. **ORDINANCE NO. 2009-32 (Z-2008-1138), ORDINANCE NO. 2009-33 (CU-2008-04), AND SITE PLAN APPROVAL (SP-2008-08) PARKWAY PLACE MIXED USE:** Ordinances providing for rezoning, a conditional use, and site plan approval on 14.73± acres, located on the southeast corner of Parkway Drive and Wickham Road. (Owner - Wickham Park, LLC) (Applicant - The Richman Group of Florida, Inc.) (Representative - Matt Soyka & Associates) (P&Z Board - 9/18/08)
 - a. **Ordinance No. 2009-32/Z-2008-1138:** (First Reading/Public Hearing) An ordinance changing the zoning from R-2 (15) (One-, Two-, and Multiple-Family Medium Density Residential with a cap of 15 units per acre) to C-1 (Neighborhood Commercial) on a 14.73±-acre parcel.
 - b. **Ordinance No. 2009-33/CU-2008-04:** (First Reading/Public Hearing) An ordinance granting a conditional use to allow development of 96 multiple-family residential apartment units on an 8.53±-acre portion of a 14.73±-acre parcel.
 - c. **Site Plan Approval SP-2008-08:** (Public Hearing) A request for site plan approval to allow a mixed-use development, to include 96 multiple-family residential apartment units, 27,500± square feet of retail/office space, a 150-seat restaurant, a 3,500± square foot day care center, and a 3,807± square foot bank on a 14.73±-acre parcel.
19. **COUNCIL ACTION RE:** Appointment of one regular member to the Architectural Review Board.
20. **PETITIONS, REMONSTRANCES AND COMMUNICATIONS**
21. **ADJOURNMENT**

Mayor Goode and Council Members John Thomas and Molly Tasker, as members of the Airport Authority Board, may discuss Airport Authority issues, which may subsequently be addressed by the Airport Authority.

Council Members Kathy Meehan, Mark LaRusso, and Joanne Corby, as members of the Space Coast Transportation Planning Organization (SCTPO), may discuss SCTPO issues, which may subsequently be addressed by the SCTPO.

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 (321/608-7222) at least 48 hours prior to the meeting.