



Mayor  
WILLIAM CAPOTE

Deputy Mayor  
KENNY JOHNSON

Councilmembers  
HARRY SANTIAGO, JR.  
JEFF BAILEY  
BRIAN ANDERSON

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## AGENDA

### REGULAR COUNCIL MEETING 2020-02

THURSDAY  
January 16, 2020 - 7:00 P.M.  
City Hall Council Chambers

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ANNOUNCEMENT(S):**

1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++
2. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++
3. Four (4) terms expiring on the Youth Advisory Board (represents youth board members at-large positions).+
4. Three (3) terms expiring on the Youth Advisory Board (represents adult over 30 years of age positions).+

**AGENDA REVISION(S):**

**CONSENT AGENDA:**

**There will be no separate discussion on those items listed under Consent Agenda (indicated with asterisks(\*)). 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**

THIS MEETING IS BROADCAST LIVE ON THE CITY'S WEBSITE AND  
TELEVISED ON THE SPACE COAST GOVERNMENT TV CHANNEL.

**the Consent Agenda by Council and will be considered in the order that it appears on the agenda.**

**RECOGNITION(S) AND PROCLAMATION(S):**

1. Volunteer Program (one (1) year of service as City boardmember):
  - a) Infrastructure Advisory and Oversight Board – David Wills; Berekia LaFaille
  - b) Disaster Relief and Sustainability Board – Shaun McFadden
2. 60<sup>th</sup> Anniversary of the City of Palm Bay – January 16, 2020.

**PRESENTATION(S):**

1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.

**ADOPTION OF MINUTES:**

- \*1. Regular Council Meeting 2020-01; January 2, 2020.

**PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)**

**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 HEARING(S):**

- ♣1. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), final reading.
- ♣2. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as "Palm Vista Everlands" on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), final reading.
- ♣3. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), final reading.

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- ♣4. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), final reading.
5. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens, final reading.
6. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment), final reading.

**UNFINISHED AND OLD BUSINESS:**

1. Appointment of one (1) member to the Planning and Zoning Board.

**COMMITTEE AND COUNCIL REPORT(S):**

**NEW BUSINESS: (Ordinance is for first reading.)**

- \*1. Resolution 2020-03, amending Resolution 2019-37, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).
- \*2. Resolution 2020-04, amending Resolution 2019-38, adopting the Five-Year Capital Improvements Program for Fiscal Years 2019-2020 through 2023-2024 (first amendment).
- \*3. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein. **(CONTINUED FROM RCM – 01/02/20)**
- \*4. Consideration of a collective bargaining agreement with the National Association of Government Employees, Local R-5-186 (Blue).
- \*5. Consideration of appropriating funds for solid waste and recycling collection consultant services, utilizing Kessler Consulting, Inc. (\$50,000)
- \*6. Consideration of amending Council Policies and Procedures by including provisions within Section 7.8.2, Public Comments, related to speaking by proxy.
- \*7. Acknowledgement of the City's monthly financial report for November 2019.
- \*8. Consideration of travel and training for specified City employees.

**ADMINISTRATIVE AND LEGAL REPORT(S):**

**PUBLIC COMMENT(S)/RESPONSE(S):** Speakers are limited to 3 minutes.

**ADJOURNMENT:**

**♣Quasi-judicial proceeding.**

**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 (Section 286.0105, Florida Statutes). 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.**

**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  
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## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese M. Jones, City Clerk

**DATE:** January 16, 2020

**RE:** Four (4) Terms Expiring – Youth Advisory Board (Students)

***SUMMARY:***

The terms of Michaela Chua, Linval Maragh III, Alexzander Owens, and Katrina Moringlanes, student members on the above board, will expire on February 21, 2020.

***REQUESTING DEPARTMENT(S):***

Legislative Department

***FISCAL IMPACT:***

None

***RECOMMENDATION:***

The terms expiring need to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on February 6, 2020.

/jcd



## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese M. Jones, City Clerk

**DATE:** January 16, 2020

**RE:** Three (3) Terms Expiring – Youth Advisory Board (Adult Members)

***SUMMARY:***

The terms of Tara Marie Pariso, Theresa Steelman and Denise Bowes-Valcin, adult members on the above board, will expire on February 21, 2020.

***REQUESTING DEPARTMENT(S):***

Legislative Department

***FISCAL IMPACT:***

None

***RECOMMENDATION:***

The terms expiring need to be announced and applications solicited at tonight's meeting. Appointments will be made at the regular Council meeting to be held on February 6, 2020.

/jcd

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2020-01

Held on Thursday, the 2<sup>nd</sup> day of January 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 6:59 P.M.

Richard Spellman, resident, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### ROLL CALL:

|                              |                     |         |
|------------------------------|---------------------|---------|
| <b>MAYOR:</b>                | William Capote      | Present |
| <b>DEPUTY MAYOR:</b>         | Kenny Johnson       | Present |
| <b>COUNCILMEMBER:</b>        | Harry Santiago, Jr. | Present |
| <b>COUNCILMEMBER:</b>        | Jeff Bailey         | Present |
| <b>COUNCILMEMBER:</b>        | Brian Anderson      | Present |
| <b>CITY MANAGER:</b>         | Lisa Morrell        | Present |
| <b>DEPUTY CITY ATTORNEY:</b> | Jennifer Cockcroft  | Present |
| <b>DEPUTY CITY CLERK:</b>    | Terri Lefler        | Present |

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager; Larry Bradley, Growth Management Director.

### ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and terms expiring, and solicited applications for same:

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. One (1) term expiring on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**
- 3. One (1) vacancy on the Planning and Zoning Board (represents at-large position).++**
- 4. Three (3) terms expiring on the Youth Advisory Board (represents youth board**

**members at-large positions).+**

**5. Three (3) terms expiring on the Youth Advisory Board (represents adult over 30 years of age positions).+**

**AGENDA REVISION(S):**

1. Mrs. Morrell announced the following:

a) Staff requested that Items 1 and 2, under Public Hearings, be continued to the February 6, 2020, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Councilman Anderson, to table Items 1 and 2, under Public Hearings to February 6, 2020. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

b) The ordinance relating to Odyssey Charter School's expansion had been provided for Item 10, under Public Hearings;

c) Staff requested modification to the ordinance for Item 3, under New Business, by removing the language regarding the storm shutters. The remaining language of the ordinance would still be considered by Council.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to modify the ordinance as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

d) A travel request for the Police Department had been added to the agenda as Item 14, under New Business.

2. Mrs. Lefler advised of a scrivener's error in Exhibit A to the sign code, related to Item 3, under Public Hearings. She noted that the duplicated wording had been corrected.

**CONSENT AGENDA:**

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:



Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Items 2 and 3, under New Business; and Item 1, under Minutes, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

## **PRESENTATION(S):**

**1. Honeywell Energy Services Group – energy savings performance contract review.** Alfred Guerrero, Senior Business Development Consultant for Honeywell, provided an overview of the City's Energy Savings Performance Contract. Project goals included reducing energy expenditures City-wide; redirecting energy savings to fund infrastructure improvements; addressing deferred maintenance needs; and energy savings to be guaranteed. Mr. Guerrero explained the scope of the project which included improvements, replacements and upgrades throughout City facilities.

The project amount was \$4,349,250. Energy and operational savings for Year 1 were \$293,550 with a savings guarantee period of nineteen (19) years. The total savings after nineteen (19) years would be \$7,373,057. Mr. Guerrero detailed the Post Installation Construction Report; measurement and verification; and the Honeywell guarantee.

Mr. Anderson asked that the Post Installation Construction Report be submitted to the City Manager for distribution to Council. Mr. Bailey questioned the baseline used to calculate the savings. Mr. Guerrero answered that the baseline was determined by working with City staff and was from Fiscal Year 2015-2016 and was embedded within the contract.

## **ADOPTION OF MINUTES:**

### **\*1. Regular Council Meeting 2019-31; December 19, 2019.**

Mr. Santiago announced the following corrections: Item 5, under Public Hearings – Councilman Bailey voted 'Nay' and Councilman Anderson voted 'Yea'; and Item 9, under New Business – asked that more details be included in the minutes regarding adhering to the public vehicle use policy.

Motion by Mr. Santiago, seconded by Mr. Anderson, to change vote as specified under Item 5, Public Hearings; and to include additional verbiage for Council adhering to Section 3.6 for vehicle use. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Mr. Bailey announced the following corrections: Item 1, under New Business, the second to the last paragraph should read, “Mr. Bailey wanted to ensure that if the ordinance was not approved tonight and was presented again to Council at any point in the future, a notice to affected property owners should be provided”; and on Page 14, second paragraph, second sentence, the minutes should reflect that although it was Council action to give Mayor use of the vehicle a couple of years ago, Mr. Bailey expressed his concern at that time that he had an issue.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve the corrections as specified. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)**

Individuals commented on various issues.

1. Bill Battin, resident, asked that future members of Charter Review Commissions be required to pay taxes in the City in order to serve on board.
2. Gloria Cliff, resident, requested that barriers be marked accordingly to be seen at night on Ferguson Street.

**PUBLIC HEARING(S):**

1. **Ordinance 2019-43, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading.**

The item, announced under Agenda Revisions, was tabled to the February 6, 2020, regular Council meeting.

- ♣2. **Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading.**

The item, announced under Agenda Revisions, was tabled to the February 6, 2020, regular Council meeting.

**3. Ordinance 2019-68, amending the Code of Ordinances, Chapter 178, Signs, by providing additional provisions related to temporary signs, bench signs and signs in residential zoning districts (Case T-27-2019, City of Palm Bay), final reading.**

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Mrs. Morrell presented the request to Council.

Thomas Gaume, resident, said there were numerous problems with this ordinance. He felt there would be an argument with property rights and the First Amendment. He thought the item was going back to the Planning and Zoning Board (P&Z) and not to be considered for final reading.

Steven Headley, resident, felt this was a regulation on speech and explained his reasons for same. Mr. Bailey asked which portion of the ordinance Mr. Headley opposed. Mr. Headley objected to the time frame of thirty (30) days consecutive and sixty (60) days per year requirements. He said it was unconstitutional.

Mrs. Morrell advised that the changes would be considered by P&Z in the near future and brought back to Council again for final consideration.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2019-68.

Deputy Mayor Johnson clarified that only three (3) provisions were being added to the ordinance: "(i) Temporary signs shall only be installed or placed with the express consent of the occupant or owner of the premises; (ii) Temporary signs may only be placed on privately owned property, and (iii) Temporary signs shall follow the guidelines as outlined per each zoning district in the appendixes below."

Mr. Bailey said there had been a lot of discussion about transparency and he felt staff had made more documents available online and through other resources than any other municipality that he had seen. He said that due to ADA compliance issues, the documents may be a little hard to understand as to what language was actually being amended but it was a Federal requirement to make all online documents ADA compliant.

Mr. Bailey and Mr. Anderson felt that the thirty (30) and sixty (60) day requirement should be removed. Mr. Anderson added that (2)(b)(iv)(a) related to temporary signs being removed from public view while the business was closed should be removed as well.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Yea |
| Councilman Bailey    | Yea |
| Councilman Anderson  | Nay |

**♣4. Ordinance 2019-69, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as “The Courtyards at Waterstone” on property located south of and adjacent to Mara Loma Boulevard, in the vicinity west of Babcock Street (79.181 acres)(Case FD-19-2019, Waterstone Farms, LLC/Waterstone Holdings, LLC), final reading.**

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Rochelle Lawandales, representative for the applicant, presented the request to Council.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to adopt Ordinance 2019-69. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**5. Ordinance 2019-70, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2364, Port Malabar Unit 45 (Case VE-8-2019, Larry and Stephanie Mirador), final reading.**

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2019-70. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**6. Consideration of the Comprehensive Development Agreement/Northshore Palm Bay Mixed-Use Development Agreement with Palm City Investments, F.H., LLC for Phase One of the Aqua mixed-use development project, final hearing.**

The public hearing was opened. Attorney Cole Oliver, representative for the applicant, presented the request to Council.

Bill Battin, resident, cautioned the City about entering into agreements with developers because if something went wrong with the project, the City would be left with the cost.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the development agreement. Mr. Bailey reiterated his objection due to City losing \$400,000 in impact fees.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Yea |
| Councilman Bailey    | Nay |
| Councilman Anderson  | Yea |

**7. Ordinance 2020-01, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from Single-Family Residential Use to Multiple-Family Residential Use (0.08 acres)(Case CP-14-2019, Steven Ciancio), only one reading required.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-01. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣8. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Anderson, seconded by Mr. Bailey, to approve Ordinance 2020-02. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣9. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as “Palm Vista Everlands” on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the items being addressed as follows upon submission of the construction plans:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;
- 2) The Land Development Division Staff Report;
- 3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions;
- 5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase; and
- 6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Kenneth Ludwa, BSE Consultants, and representative for the applicant, presented the request to Council.

Terry Ann Murphy, resident located on Delaware Street, spoke against the request. She said there was no notice to her or numerous neighbors.

Bill Battin, resident, said that Council and staff should be looking ahead at traffic issues along the St. Johns Heritage Parkway (Parkway). He said that a pass lane or turn lane should be implemented at Pace Drive.

Mr. Ludwa advised that proper notification was sent to all property owners within the required five hundred-foot (500') radius and there were no attendees at the Citizen Participation Meeting; a traffic study had been performed and would comply with any environmental requirements; the client was paying the required impact fees; there would be no septic systems; the applicant submitted the Conditional Letter of Map Revision to the City which would then be sent to the Federal Emergency Management Agency; and there was no weapon permitting on this property.

Mr. Bailey asked if there was proof of notification to the property owners. Mr. Ludwa confirmed same. Mr. Bradley advised that the case would not have been presented to P&Z until all requirements, including proper notices, had been met. Mr. Ludwa said that Delaware Street was not within the five hundred-foot (500') notification radius.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-03, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣10. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the applicant complying with the following:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;

- 2) The Land Development Division Staff Report;
- 3) Amendment of the Declarations of Covenants, Conditions, and Restrictions for the Bayside Lakes Commercial Center to allow “hard improvements” (sidewalks and parking areas) within the 100’ Preservation Easement located along the north of Tract 1-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture specific improvements shown on the conceptual site plan;
- 4) The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate. The gate shall be open during school days, only during school hours. The gate will be locked overnight and all non-school days. Light poles for the parking lot shall be limited to ten (10) feet in height and shall be motion activated;
- 5) Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield. This will be determined upon administrative site plan review;
- 6) The playfield lights, if installed, shall only be on for events and shall have an automatic cutoff at 8:30 p.m.;
- 7) Administrative site plan review and approval must be obtained prior to issuance of any building permits;
- 8) During the administrative site plan review process, the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s); and
- 9) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering, and representative for the applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-04, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.



**♣11. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Phillip Nohrr, of Gray Robinson and representative for the applicant, presented the request to Council. Mr. Santiago asked if the Telecommunication Tower Value Impact Study was performed by a certified real estate appraiser. Mr. Nohrr confirmed same.

Individuals spoke against the request, stating it would drop property values, would be an eye-sore, and posed many health and safety risks to children and families. Mr. Nohrr responded to the comments and stated that the Palm Bay Code of Ordinances stipulated setbacks for safety.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-05.

Mayor Capote said the applicant had met all requirements of the Code and it was difficult for the City to deny the request. Deputy Mayor Johnson understood the concerns with a 5G cellular tower, but the request was to rezone the property, not approving the cell tower itself. Mr. Anderson asked if future permitting required Council approval or if it was handled administratively. Mr. Bradley confirmed that it would be a staff level review only.

Mr. Bailey felt there was a slight flaw in the Code as Item 1 in the Staff Report stated that "...to change the zoning district to allow for a communication tower that will benefit the public ...". He did not understand how Council must approve the request based upon that criteria.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Yea |
| Councilman Bailey    | Nay |
| Councilman Anderson  | Yea |

**PROCUREMENT(S):**

**Award of Bid(s):**

**\*1. Culvert pipe replacement, Unit 18 – IFB 08-0-2020 – Public Works Department (Timothy Rose Contracting - \$150,127).**

Staff Recommendation: Approve the award for culvert pipe replacement, Unit 18, to Timothy Rose Contracting (Vero Beach), in the amount of \$150,127.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**Miscellaneous:**

**\*1. Culvert pipe replacement, Unit 42, Phase III – Change Order 3 – Public Works Department (Ferreira Construction, Southern Division – \$12,208).**

Staff Recommendation: Approve Change Order 3 for Bid 57-0-2019, culvert pipe replacement, Unit 42, Phase 3, to Ferreira Construction, Southern Division (Hobe Sound), in the amount of \$12,208.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**COUNCIL REPORTS:**

Councilmembers addressed various subject matters. The passing of former councilman, Hank Simon, was announced.

1. Mr. Bailey asked that additional information be included in the agenda packets regarding the final reading of ordinances. He requested an excerpt from the minutes of the first reading as well as the Legislative Memorandum. Council concurred.

2. Mr. Santiago said he had contacted Nancy Peltonen, Greater Palm Bay Chamber of Commerce, to ask if they would honor Mr. Simon as he was very involved with the Chamber. Ms. Peltonen said she would speak to the board members of the Chamber.

3. Deputy Mayor Johnson commented on the permitting process with Brevard County regarding the Parkway. He felt direction should be given to the City Manager as to how to proceed. Mr. Bailey said he had met with Brevard County staff. He did not want Council

to give direction that could possibly hamper the City Manager's ability to continue moving forward. He hoped that Brevard County would recognize that this Parkway was a benefit for them as well and to quickly move forward.

Mr. Anderson felt it was more about Babcock Street, additional costs and Community Asphalt. He said that Brevard County needed to give Council the necessary document(s) for consideration, let Council review it, and get it executed. Mrs. Morrell advised that an Interlocal Agreement had been drafted and City staff were awaiting comments from Brevard County. Mr. Bailey felt it should be relayed that City Council would like to consider the item at the next Council meeting or hold a special meeting if needed. Mayor Capote said he would like negotiations to continue between staff and Brevard County.

**NEW BUSINESS:**

**\*1. Resolution 2020-01, recognizing the importance of the 2020 Census and supporting participation in helping to ensure a complete, fair and accurate count.**

The Deputy City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

**2. Resolution 2020-02, amending Resolution 2019-34, adopting rates, charges, and fees, for Fiscal Year 2019-2020, pursuant to the Code of Ordinances, Title XVII, Land Development Code.**

The Deputy City Attorney read the resolution in caption only.

Bill Battin, resident, questioned if the City inspector or the developer's inspector would be responsible for the final inspection or if something went wrong with the project. Mrs. Morrell advised that the City's Building Official had the final say and issued the Certificate of Occupancy once the project was complete.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-02. Mr. Bailey appreciated staff streamlining the process. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**3. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein.**

The Deputy City Attorney read the ordinance in caption only.

Thomas Gaume, resident, asked for a point of order as it was posted on social media that the item was pulled from the agenda. He asked that the item be tabled to allow public input as it was thought that the item was withdrawn. Mayor Capote explained that it was a post on social media but was not the collective decision of City Council. Mr. Gaume felt that the City should not regulate where individuals parked their vehicles on their property. If vehicles were properly registered, the City should not regulate same.

Motion by Mr. Anderson, seconded by Mr. Bailey, to table Ordinance 2020-06 to the next regular Council meeting. Mr. Anderson advised that he made the post to social media as he had received an email that the item would be withdrawn but was unaware that it was only the storm shutter portion. He felt the public should be given the opportunity to be heard.

Mr. Santiago said that the ordinance regarding the parking provisions were already within the Palm Bay Code of Ordinances and provided history on same. The proposed ordinance provided additional regulations. He did not support tabling the request.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Nay |
| Councilman Bailey    | Yea |
| Councilman Anderson  | Yea |

**\*4. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens.**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

**\*5. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment).**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

**\*6. Consideration of utilizing Fiscal Year 2019/2020 budget funds to lease/purchase eighteen (18) pursuit vehicles in lieu of the twenty-three (23) vehicles identified during the budget process.**

Staff Recommendation: Approve the utilization of Fiscal Year 2019/2020 budget funds to lease/purchase eighteen (18) 2020 Dodge Durango pursuit vehicles in lieu of the twenty-three (23) vehicles identified during the budget process.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*7. Consideration of transferring funds from Building Division Undesignated Fund Balance to contracted services of the Operating Budget to process permits, conduct inspections and plan review (\$299,102).**

Staff Recommendation: Approve the transfer of \$299,102 from Building Division Undesignated Fund Balance to contracted services of the Operating Budget to process permits, conduct inspections and plan review.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*8. Consideration of acceptance of the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-2019.**

Staff Recommendation: Approve the acceptance of the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-2019.

The item, considered under Consent Agenda, was approved as recommended by City staff.

**\*9. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended September 30, 2019.**

The item, considered under Consent Agenda, was acknowledged by the City Council.

**\*10. Acknowledgement of the City's monthly financial report for September 2019.**

The item, considered under Consent Agenda, was acknowledged by the City Council.

**\*11. Acknowledgement of the City’s monthly financial report for October 2019.**

The item, considered under Consent Agenda, was acknowledged by the City Council.

**12. Consideration of councilmembers attending the Florida League of Cities Legislative Action Days in Tallahassee, Florida, from February 11-12, 2020.**

Mayor Capote and Deputy Mayor Johnson would attend the conference.

**13. Consideration of Council appointment to Economic Development Commission of Florida’s Space Coast**

Councilmembers selected the following:

Economic Development Commission of Florida’s Space Coast  
Joan Junkala

Economic Development Commission of Florida’s Space Coast – Executive Committee  
(member receives confidential information and participates in discussions regarding potential companies contemplating expansion of locating in Brevard County)  
Joan Junkala

**☛ 14. Consideration of travel for the Police Department.**

Staff Recommendation: Approve travel for the Police Department as specified.

Motion by Mr. Anderson, seconded by Mr. Bailey, to approve the travel as specified. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Mrs. Morrell requested a workshop to discuss the Road Program on Thursday, January 9, 2020, at 6:00 p.m. Council concurred.
2. Mrs. Cockcroft asked Council to elect one (1) of its members to attend Attorney General Ashley Moody’s Region Four meeting to discuss the opioid crisis and litigation. Deputy Mayor Johnson would attend the meeting. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

1. Thomas Gaume, resident, suggested utilizing the grant funding from the Tourist Development Council (TDC) that was initially earmarked for the campground and use it to construct a stage or band shell at Fred Poppe Regional Park. Mr. Anderson said he would be presenting the item to the TDC this month. Council supported the idea.

2. Kevin Vacciana, resident, asked that street lighting be addressed throughout the City. Mr. Bailey asked if there was any budget for street lights or an application process. Mrs. Morrell answered that residents could request street lights directly through Florida Power and Light (FPL). Any savings from the FPL billing through the LED lighting conversion were invested back into program, but funding was minimal.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:36 p.m.

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William Capote, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK

- \* Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.
- ☞ Indicates item was considered out of sequence or added to the agenda.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese M. Jones, City Clerk

**DATE:** January 16, 2020

**RE:** Final Reading of Ordinances 2020-02, 2020-03, 2020-04, 2020-05, 2020-07 and 2020-08

***SUMMARY:***

A public hearing is to be held on the above subject ordinances and the captions read for the second and final time at tonight's Council meeting.

If you should have any questions or desire additional information, please advise.

***REQUESTING DEPARTMENT(S):***

Legislative Department

***FISCAL IMPACT:***

None.

***RECOMMENDATION:***

Motion to adopt Ordinances 2020-02, 2020-03, 2020-04, 2020-05, 2020-07 and 2020-08.

/tjl

Attachments





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 2, 2020  
**RE:** Comprehensive Plan Zoning Amendment Request – Steven Ciancio

Mr. Steven Ciancio has applied for a rezoning from an RS-3, Single-Family Residential District to an RM-20, Multiple Family Residential District.

**REQUESTING DEPARTMENT:**

Growth Management

**RECOMMENDATION:**

Motion to approve this rezoning request to be consistent and compatible with the Future Land Use designation of Case CP-14-2019.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

Attachments:

- 1) Case CPZ-14-2019 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance

PJM/cp/ab

**♣8. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Anderson, seconded by Mr. Bailey, to approve Ordinance 2020-02. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣9. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as “Palm Vista Everlands” on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the items being addressed as follows upon submission of the construction plans:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;
- 2) The Land Development Division Staff Report;
- 3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions;
- 5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase; and
- 6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

## ORDINANCE 2020-02

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RS-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RM-20 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO GRAN AVENUE, IN THE VICINITY EAST OF DIXIE HIGHWAY, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District), being legally described as follows:

Tax Parcel R.1, of the Public Records of Brevard County, Florida; Section 30, Township 28S, Range 38E; containing 0.08 acres, more or less.

**SECTION 2.** The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon the enactment of Ordinance 2020-01.

Read in title only at Meeting 2020-01, held on January 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Final Development Plan Request – Lennar Homes, Inc., Pace Drive Holdings LLC (Scott Glaubitz, Authorized Representative)

Lennar Homes, Inc., Pace Drive Holdings LLC (Scott Glaubitz, Authorized Representative) has applied for a Final Development Plan (FDP) for Planned Unit Development (PUD) approval of a 162-lot single-family development called Palm Vista Everlands.

Highlighted from the staff report, the FDP proposes a 162-unit single-family development that will be constructed in two phases. The proposed density is 3.21 units per acre, which is below the maximum density defined in the City's Comprehensive Plan for Single-Family Residential use up to (5 units per acre). Per the FDP, the typical lots within the residential development are 50' x 125'. The development will consist of a gated entrance with amenities including a covered patio with a pool, recreation and open space areas, stormwater management ponds, and private roadways.

**REQUESTING DEPARTMENT:**  
Growth Management

**RECOMMENDATION:**

Motion to approve Case FD-28-2019, subject to the items contained in the staff report. The items are to be addressed as follows upon submission of the construction plans:

- A. The setbacks shall be defined in the Declarations of Covenants & Restrictions and placed upon the subdivision plat.
- B. The minimum home size shall be provided in the Declarations of Covenants & Restrictions.
- C. The developer is required to apply for a "Conditional Letter of Map Amendment/Revision" (CLOMR). An approved LOMR will be required for this project upon completion of each phase.

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**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the items contained in the staff report.

Attachments:

- 1) Case FD-28-2019 (available upon request)
- 2) Board minutes (available upon request)
- 3) Ordinance

PJM/cp/ab

**♣8. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Anderson, seconded by Mr. Bailey, to approve Ordinance 2020-02. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣9. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as “Palm Vista Everlands” on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the items being addressed as follows upon submission of the construction plans:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;
- 2) The Land Development Division Staff Report;
- 3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions;
- 5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase; and
- 6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Kenneth Ludwa, BSE Consultants, and representative for the applicant, presented the request to Council.

Terry Ann Murphy, resident located on Delaware Street, spoke against the request. She said there was no notice to her or numerous neighbors.

Bill Battin, resident, said that Council and staff should be looking ahead at traffic issues along the St. Johns Heritage Parkway (Parkway). He said that a pass lane or turn lane should be implemented at Pace Drive.

Mr. Ludwa advised that proper notification was sent to all property owners within the required five hundred-foot (500') radius and there were no attendees at the Citizen Participation Meeting; a traffic study had been performed and would comply with any environmental requirements; the client was paying the required impact fees; there would be no septic systems; the applicant submitted the Conditional Letter of Map Revision to the City which would then be sent to the Federal Emergency Management Agency; and there was no weapon permitting on this property.

Mr. Bailey asked if there was proof of notification to the property owners. Mr. Ludwa confirmed same. Mr. Bradley advised that the case would not have been presented to P&Z until all requirements, including proper notices, had been met. Mr. Ludwa said that Delaware Street was not within the five hundred-foot (500') notification radius.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-03, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣10. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the applicant complying with the following:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;

## **ORDINANCE 2020-03**

**A ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN TO BE KNOWN AS 'PALM VISTA EVERLANDS' IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ST. JOHNS HERITAGE PARKWAY AND PACE DRIVE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 15, 2018, the City of Palm Bay granted approval of a Planned Unit Development (PUD) Preliminary Development Plan for a single-family residential development to be known as 'Palm Vista Everlands PUD' through Resolution 2018-57 to Pace Drive Holdings, LLC, and

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning consisting of a 162-lot single-family residential development to be known as 'Palm Vista Everlands' on property legally described herein, has been made by Lennar Homes, Inc./Pace Drive Holdings, LLC, and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 4, 2019, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA,** as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby grants Final Development Plan approval for 'Palm Vista Everlands' on property zoned PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

**SECTION 2.** The final development plan is granted subject to the items contained in the Staff Report. The items shall be addressed as follows upon submission of the construction plans:

1) The property shall be developed in substantial conformance with the Final Development Plan which is, by reference, incorporated herein as Exhibit "B", except as may be modified by the conditions of approval;

2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "C";

3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;

4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions;

5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase; and

6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 3.** This ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-01, held on January 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Lennar Homes, Inc./Pace Drive Holdings, LLC  
Case: FD-28-2019

cc: (date) Applicant  
Case File  
Brevard County Recording



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Final Development Plan Request – Odyssey Charter School, Inc. (Jake Wise, P.E., Authorized Representative)

Odyssey Charter School, Inc. (Jake Wise, P.E., Authorized Representative) has applied for a Final Development Plan for Planned Unit Development (PUD) approval of a proposed expansion of the Odyssey Charter School to allow for a proposed development on 3.84 acres called Odyssey Charter School Parking and Playfield Expansion.

**REQUESTING DEPARTMENT:**

Growth Management

**CONCLUSION:**

City Council shall determine if the request meets the intent of the PUD zoning ordinance, and if the northward expansion of the school property would further the goals of protecting the health, safety, and welfare of the inhabitants of the City, as provided for in Chapter 185: Zoning Code (185.005).

Should the Board and Council decide to approve the FDP request, staff recommends that the following conditions be made a part of the approving ordinance:

1. Amendment of the Declaration of Covenants, Conditions and Restrictions for the Bayside Lakes Commercial Center to allow "hard improvements" (sidewalks and parking areas) within the 100' Preservation Easement located along the north of Tract I-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture the specific improvements shown on the conceptual site plan.

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2. The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate.
3. Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield (Tax Parcels L.1 and M).
4. The new parking lot and playfield shall not be provided any lighting.
5. Administrative site plan review and approval must be obtained prior to issuance of any building permits.
6. During the administrative site plan review process the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s) during the administrative site plan review process the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s)

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request, subject to the staff recommendations and conditions contained in the staff report with the exception of item four that prohibited lighting in the parking lot and playfield; and subject to the condition that the faculty parking lot be gated; the light poles in the faculty parking lot be limited to ten feet in height; lighting be allowed for the playfield; and that the applicant and adjacent property owners would meet to determine the time restriction for lighting in the faculty parking lot and the playfield.

**Please note:** The applicant's representative met with several nearby residents to discuss the lighting conditions and the results of that meeting are attached.

Attachments:

- 1) Case FD-30-2019 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Email regarding discussed project lighting ( *available upon request*)
- 4) Ordinance

PJM/cp/ab

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Kenneth Ludwa, BSE Consultants, and representative for the applicant, presented the request to Council.

Terry Ann Murphy, resident located on Delaware Street, spoke against the request. She said there was no notice to her or numerous neighbors.

Bill Battin, resident, said that Council and staff should be looking ahead at traffic issues along the St. Johns Heritage Parkway (Parkway). He said that a pass lane or turn lane should be implemented at Pace Drive.

Mr. Ludwa advised that proper notification was sent to all property owners within the required five hundred-foot (500') radius and there were no attendees at the Citizen Participation Meeting; a traffic study had been performed and would comply with any environmental requirements; the client was paying the required impact fees; there would be no septic systems; the applicant submitted the Conditional Letter of Map Revision to the City which would then be sent to the Federal Emergency Management Agency; and there was no weapon permitting on this property.

Mr. Bailey asked if there was proof of notification to the property owners. Mr. Ludwa confirmed same. Mr. Bradley advised that the case would not have been presented to P&Z until all requirements, including proper notices, had been met. Mr. Ludwa said that Delaware Street was not within the five hundred-foot (500') notification radius.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-03, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣10. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), first reading.**

The Planning and Zoning Board recommended that the request be approved, subject to the applicant complying with the following:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;

- 2) The Land Development Division Staff Report;
- 3) Amendment of the Declarations of Covenants, Conditions, and Restrictions for the Bayside Lakes Commercial Center to allow “hard improvements” (sidewalks and parking areas) within the 100’ Preservation Easement located along the north of Tract 1-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture specific improvements shown on the conceptual site plan;
- 4) The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate. The gate shall be open during school days, only during school hours. The gate will be locked overnight and all non-school days. Light poles for the parking lot shall be limited to ten (10) feet in height and shall be motion activated;
- 5) Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield. This will be determined upon administrative site plan review;
- 6) The playfield lights, if installed, shall only be on for events and shall have an automatic cutoff at 8:30 p.m.;
- 7) Administrative site plan review and approval must be obtained prior to issuance of any building permits;
- 8) During the administrative site plan review process, the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s); and
- 9) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering, and representative for the applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-04, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**♣11. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Phillip Nohrr, of Gray Robinson and representative for the applicant, presented the request to Council. Mr. Santiago asked if the Telecommunication Tower Value Impact Study was performed by a certified real estate appraiser. Mr. Nohrr confirmed same.

Individuals spoke against the request, stating it would drop property values, would be an eye-sore, and posed many health and safety risks to children and families. Mr. Nohrr responded to the comments and stated that the Palm Bay Code of Ordinances stipulated setbacks for safety.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-05.

Mayor Capote said the applicant had met all requirements of the Code and it was difficult for the City to deny the request. Deputy Mayor Johnson understood the concerns with a 5G cellular tower, but the request was to rezone the property, not approving the cell tower itself. Mr. Anderson asked if future permitting required Council approval or if it was handled administratively. Mr. Bradley confirmed that it would be a staff level review only.

Mr. Bailey felt there was a slight flaw in the Code as Item 1 in the Staff Report stated that "...to change the zoning district to allow for a communication tower that will benefit the public ...". He did not understand how Council must approve the request based upon that criteria.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Yea |
| Councilman Bailey    | Nay |
| Councilman Anderson  | Yea |

## ORDINANCE 2020-04

**A ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF CERTAIN PROPERTY FROM RR (RURAL RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); APPROVING A FINAL DEVELOPMENT PLAN FOR THE PROPOSED PARKING AND PLAYFIELD EXPANSION OF ODYSSEY CHARTER SCHOOL IN PUD (PLANNED UNIT DEVELOPMENT) ZONING; WHICH PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ELDRON BOULEVARD AND RALEIGH ROAD, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A COMMENCEMENT PERIOD; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application for Final Development Plan approval in PUD (Planned Unit Development) zoning consisting of a proposed parking and playfield expansion of Odyssey Charter School on property legally described herein, has been made by Odyssey Charter School, Inc., and

**WHEREAS**, the request was duly considered by the Planning and Zoning Board of the City of Palm Bay on December 4, 2019, which voted to recommend to the City Council approval of the application, and

**WHEREAS**, all provisions applicable to the Planned Unit Development (PUD) under Chapter 185, Zoning, of the Palm Bay Code of Ordinances, have been satisfied by the applicant, and

**WHEREAS**, the City Council of the City of Palm Bay, after due deliberation and consideration, reviewed and considered the reports, documents, testimony, and other materials presented, and has determined that such development plan will neither be injurious to the neighborhood nor otherwise detrimental to the public welfare.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA,** as follows:

**SECTION 1.** The City Council of the City of Palm Bay hereby grants Final Development Plan approval for the parking and playfield expansion of Odyssey Charter School on property zoned PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

**SECTION 2.** The final development plan is granted subject to the applicant complying with the following:

1) The property shall be developed in substantial conformance with the Final Development Plan which is, by reference, incorporated herein as Exhibit "B", except as may be modified by the conditions of approval;

2) The Land Development Division Staff Report which is, by reference, incorporated herein as Exhibit "C";

3) Amendment of the Declarations of Covenants, Conditions, and Restrictions for the Bayside Lakes Commercial Center to allow "hard improvements" (sidewalks and parking areas) within the 100' Preservation Easement located along the north of Tract 1-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture specific improvements shown on the conceptual site plan;

4) The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate. The gate shall be open during school days, only during school hours. The gate will

be locked overnight and all non-school days. Light poles for the parking lot shall be limited to ten (10) feet in height and shall be motion activated;

5) Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield. This will be determined upon administrative site plan review;

6) The playfield lights, if installed, shall only be on for events and shall have an automatic cutoff at 8:30 p.m.;

7) Administrative site plan review and approval must be obtained prior to issuance of any building permits;

8) During the administrative site plan review process, the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s); and

9) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

**SECTION 3.** The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of certain property from RR (Rural Residential District) to PUD (Planned Unit Development), which property is legally described herein as Exhibit "A".

**SECTION 4.** The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

**SECTION 5.** This ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-01, held on January 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

Applicant: Odyssey Charter School, Inc.

Case: FD-30-2019

cc: (date) Applicant  
Case File  
Brevard County Recording



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 2, 2020

**RE:** Rezoning Request – David Moallem (Philip Nohrr, Esq., Authorized Representative)

Mr. David Moallem (Philip Nohrr, Esq., Authorized Representative) has applied for a rezoning from an RS-2, Single-Family Residential District to an IU, Institutional Use District.

**REQUESTING DEPARTMENT:**

Growth Management

**CONCLUSION:**

City Council must determine if the request, based upon the submitted material and presentation made by the applicant, meets the general requirements of the Code of Ordinances, as identified in the staff report.

**Planning and Zoning Board Recommendation:**

Unanimous approval of the request.

Attachments:

- 1) Case Z-29-2019 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance

PJM/cp/ab

## ORDINANCE 2020-05

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO IU (INSTITUTIONAL USE DISTRICT); WHICH PROPERTY IS LOCATED NORTH OF AND ADJACENT TO TISHMAN ROAD, IN THE VICINITY NORTH OF SAN FILIPPO DRIVE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from RS-2 (Single-Family Residential District) to IU (Institutional Use District), being legally described as follows:

Tract "B" as a portion of Tract "A", Port Malabar Unit 24, according to the plat thereof as recorded in Plat Book 16, Page 32, of the Public Records of Brevard County, Florida; Section 32, Township 29S, Range 37E; containing 1.26 acres, more or less.

**SECTION 2.** The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-01, held on January 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

**♣11. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), first reading.**

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Phillip Nohrr, of Gray Robinson and representative for the applicant, presented the request to Council. Mr. Santiago asked if the Telecommunication Tower Value Impact Study was performed by a certified real estate appraiser. Mr. Nohrr confirmed same.

Individuals spoke against the request, stating it would drop property values, would be an eye-sore, and posed many health and safety risks to children and families. Mr. Nohrr responded to the comments and stated that the Palm Bay Code of Ordinances stipulated setbacks for safety.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-05.

Mayor Capote said the applicant had met all requirements of the Code and it was difficult for the City to deny the request. Deputy Mayor Johnson understood the concerns with a 5G cellular tower, but the request was to rezone the property, not approving the cell tower itself. Mr. Anderson asked if future permitting required Council approval or if it was handled administratively. Mr. Bradley confirmed that it would be a staff level review only.

Mr. Bailey felt there was a slight flaw in the Code as Item 1 in the Staff Report stated that "...to change the zoning district to allow for a communication tower that will benefit the public ...". He did not understand how Council must approve the request based upon that criteria.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Yea |
| Councilman Bailey    | Nay |
| Councilman Anderson  | Yea |



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 16, 2020

**RE:** Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied Against Real Property

>>As you may recall, Council voted to remove the storm shutter language from Ordinance 2020-06 and also voted to table the remainder of the Chapter 93 amendments within Ordinance 2020-06 to the January 16, 2020, regular Council meeting.<<

There are several Code Sections in Chapter 93 which the Growth Management Department was requested to review and update. The final review includes the following updated sections and considerations for approval:

- 1) ~~§93.031-- Maintenance and Appearance Standards, consideration of the additional definition of Storm Shutters and inclusion of a specified timeframe for application and removal.~~ >>Original memo item removed from 1/2/20 RCM for Council's consideration<<
- 2) §93.094 – Unimproved Real Property includes the revision of the Nuisance Vegetation requirements and clarification of corrective actions that may commence after the Code Board finds the property in violation.
- 3) §93.044 – Private Property Parking Regulations revision of vehicle operability for acceptable locations, addition of no parking on an unimproved lot location, language to clarify the maximum of two additional vehicles as well as the maximum of one additional inoperable/unlicensed vehicle in the enclosed rear yard location.
- 4) §93.06 – Revision to the Duty of City Manager eliminates 96-hour notice and provides language to include that corrective actions can only be undertaken after the Code Board finds the property in violation.

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- 5) §93.08 – Authority of City to Enter Property to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation.
- 6) §93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest eliminates 96-hour notices, to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation, and to make all liens subject to simple not compound interest.

Additionally, there is a Change to § 118.07 – Collection of Liens to change liens from compound interest to simple interest.

The following is a detailed explanation of the changes:

- 1) ~~§93.031 – Maintenance and Appearance Standards. This section is changing to regulate the use of Storm Shutters. A new definition of storm shutters is being added to this section. Also, storms shutters will now be regulated so that they can only be in place seven days prior to and fourteen days after a named storm. This is a life safety issue because storm shutters create hazards for fire egress and/or access.~~ >>Original memo item removed 1/2/20 RCM for Council's consideration<<
- 2) §93.094 – Unimproved Real Property. The change to this section includes three paragraphs. The section on Nuisance Vegetation is being changed to make it more equitable by measuring fifteen from the property line rather than from the location of the neighboring house. Also, being added is a limitation to one violation every six months rather than every time that the grass reaches twenty-four inches in height. Also, two paragraphs are being changed to clarify that the City can only take corrective action after the Code Board finds the property in violation. Growth Management was directed to make this last change by the City Attorney's office.
- 3) §93.044 – Private Property Parking Regulations. The change to Private Property Parking Regulations includes some wording change to clarify language and also a new provision to prohibit any vehicle parking on unimproved lots. Parking on unimproved lots has been a growing problem that needs to be addressed.



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- 4) §93.06 – Duty of City Manager. This is another section that is being changed at the direction of the City Attorney’s office which will now require all nuisance cases to be heard by the Code Board before the City can take corrective measures. The 96-hour notice requirement is being eliminated.
- 5) §93.08 – Authority of City to Enter Property. This is yet another section that is being changed to require Code Board review before the City takes any action on private property.
- 6) §93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest The first part of the changes to this section are identical to the changes in §93.06 as noted above. The second change in this section, at the request of the City Manager, is to change the interest on Nuisance Liens from compound interest to simple interest.
- 7) § 118.07 – Collection of Liens. The final proposed change is part of §118 Liens Levied Against Real Property. This change is being done to make the language consistent between §93 and §118 regarding collecting only simple interest vs. compound interest. While §118 does mention other types of liens such as sanitation and utility liens, after speaking with those departments they have no objection to this change as they do not charge interest on their liens but rather add specific penalties to unpaid bills.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There may be some reduction in fines collected because the calculation of interest on liens is being changed from compound interest to simple interest.

**RECOMMENDATION:**

Motion to approve the proposed ordinance changes.

Attachment: 1) Proposed Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied Against Real Property

Mayor and Council: Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied  
Against Real Property

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LB

Thomas Gaume, resident, asked for a point of order as it was posted on social media that the item was pulled from the agenda. He asked that the item be tabled to allow public input as it was thought that the item was withdrawn. Mayor Capote explained that it was a post on social media but was not the collective decision of City Council. Mr. Gaume felt that the City should not regulate where individuals parked their vehicles on their property. If vehicles were properly registered, the City should not regulate same.

Motion by Mr. Anderson, seconded by Mr. Bailey, to table Ordinance 2020-06 to the next regular Council meeting. Mr. Anderson advised that he made the post to social media as he had received an email that the item would be withdrawn but was unaware that it was only the storm shutter portion. He felt the public should be given the opportunity to be heard.

Mr. Santiago said that the ordinance regarding the parking provisions were already within the Palm Bay Code of Ordinances and provided history on same. The proposed ordinance provided additional regulations. He did not support tabling the request.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Nay |
| Councilman Bailey    | Yea |
| Councilman Anderson  | Yea |

**\*4. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens.**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

**\*5. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment).**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

## ORDINANCE 2020-07

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XI, BUSINESS REGULATIONS, CHAPTER 118, LIENS LEVIED AGAINST PRIVATE PROPERTY, BY MODIFYING PROVISIONS RELATED TO THE COLLECTION OF LIENS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title XI, Business Regulations, Chapter 118, Liens Levied Against Private Property, Section 118.07, Collection of Liens, is hereby amended and shall henceforth read as follows:

“Section 118.07 COLLECTION OF LIENS.

All liens shall become due and payable thirty (30) days after the mailing of the notice of lien by the Finance Director or other designee of the City Manager, except in such cases where an appeal is filed pursuant to § 118.06, in which case the lien is due and payable thirty (30) days from the decision of the City Council. After the respective due dates above fixed, all unpaid liens shall become delinquent and shall thereafter bear ~~compound~~ >>simple<< interest at the ~~rate of twelve (12) percent per annum~~ >>prevailing statutory rate allowed by Florida law<<.”

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-01, held on January 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Within the exhibit, ~~strikethrough~~ words shall be deleted; words that will be included will be highlighted and placed in between two arrow symbols (>><<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 2, 2020  
**RE:** FY 2020 First Budget Amendment

Summary of the proposed budget amendment:

### **General Fund (001)**

#### **Revenues – Total \$1,583,228**

- Recognize reimbursable FDOT Local Agency Program (LAP) Agreement – **\$1,354,667**.
- Recognize award of the Federal Emergency Management Association's Assistance to Firefighters Grant for Automated Chest Compression Devices (CPR); application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$106,487**.
- Transfer from Community Investment Fund (301) for project completion/closure of Bus Shelter Installation (13PW02); project was funded through the General Fund – **\$146,086**.
- BCRA Administrative Service Allocation reduction due to Resolution 2019-237 modifying the Bayfront CRA Board's delegation of authority following the full execution of the Interlocal Agreement between Brevard County, the City of Palm Bay and the Bayfront CRA on 11/07/2019 – **(\$24,012)**.

#### **Expenditures – Total \$2,306,063**

- Budget Correction: a total of \$80,950 in FY 2020 funding for the Fire Dispatch Upgrade project (19FD02) was approved during the budget preparation process; however, only \$47,389 was accurately budgeted for in FY 2020. The following amounts will need to be appropriated to support the purchase/installation of the Zetron IPFSA equipment – **\$33,561**.
- Budget Correction: Appropriate the copier allocation funds to the Growth Management Department's Land Development Division incorrectly removed from the FY 2020 Approved Budget during the budget preparation process – **\$4,584**.

- Budget Correction: Purchase and support seven (7) iPads for the Growth Management Department's Code Division \$6,373 and budget TRAKiT System annual maintenance (Code Division-portion) expenses \$9,293 – **\$15,666.**
- Transfer available Miscellaneous Operating Supplies funds from the Fire Department (\$2,880) to the Information Technology Department \$2,880 for six (6) smart phones (standard cellular phone replacements) that support patient care applications – **Net Impact \$0.**
- Transfer available Pavement Markings funds from the Public Works Department (\$1,442) to the Information Technology Department \$1,442 for four (4) iPad Mini devices including unlimited cellular/data service to support CityWorks for the Traffic Operations Division – **Net Impact \$0.**
- Impact Fee Credit Card processing charges for online payments; Council approved on 01/03/2019 for General Fund to pass these credit card processing fees along to vendors rather than the General Fund absorbing these fees. However, the new software needed to institute this change has not been fully implemented and no budget was included in FY 2020 to cover these fees. This amendment is needed to fund the processing fees still being covered by General Fund – **\$50,000.**
- Fund the Police Department's eight (8) additional Telecommunicator FTE positions \$578,871 through Fire Department Personnel Expenditure savings (\$591,423) incurred with the elimination of the following vacant FTE positions: one (1) Fire Marshal, two (2) Administrative Secretaries, one (1) Fire Inspector, three (3) Telecommunicators and one (1) Records Specialist – **Net Impact (\$12,552).**
- Fund premiums paid for cancer diagnosis, treatment and death benefits as provided under F.S. 112.1816 pretraining to Firefighters, approved by Council 09/05/2019 – **\$10,231.**
- Palm Bay Aquatic Center (project 20PR01) renovations; approved by Council 12/05/2019 – **\$654,160.**
- Twin Lakes Playground equipment replacement (project 20PR02); funding supported by Insurance Company proceeds – **\$81,010.**

- PD&E Study – Engineering Services for Malabar Road from St. Johns Heritage Parkway to Minton Road; usage of FDOT LAP Agreement funding; approved by Council 11/07/2019 – **\$1,354,667.**
- Purchase of Automated Chest Compression Devices (CPR); usage of Federal Emergency Management Association’s Assistance to Firefighters Grant; application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$106,487.**
- 10.00% required city-match to Federal Emergency Management Association’s Assistance to Firefighters Grant; application approved by Council 10/04/2018 and awarded 09/18/2019 – **\$10,649.**
- 2019 Holiday Party Funding – expenditures off-set by earned vending machines revenues to-date; approved by City Manager 09/09/2019 – **\$617.**
- Project completions/closures & return remaining funds to fund balance: City Hall Fire Panel (18FM02) (\$3,002); Honeywell Performance Contract (18FM03) (\$12); West Oaks Playground Replacement (19PR01) (\$3) – **(\$3,017).**

### **Law Enforcement Trust Fund (101)**

#### ***Expenditures – Total \$37,349***

- LETF 20-01 – Course, Lodging & Per Diem for Police Lieutenant; approved by Council 09/05/2019 – **\$11,645.**
- LETF 20-02 – Asset Forfeiture Program legal costs; approved by Council 11/07/2019 – **\$5,000.**
- LETF 20-03 – Training & registration for 15 Police Department employees to attend FBI-LEEDA Supervisor Leadership Course \$10,425, donations to Cops & Friends Reindeer Run \$5,150 and purchase of currency scanner with maintenance \$5,129; approved by Council 11/07/2019 – **\$20,704.**

### **State Housing Grant (SHIP) Fund (111)**

#### ***Revenues – Total \$673,055***

- Record funds received from the Florida Housing Finance Corporation as part of the previous year’s funds disbursement held until SHIP compliance was restored – **\$673,055.**



**Expenditures – Total \$1,008,113**

- Allocate SHIP Funds to the following three (3) projects: Down Payment Assistance (project 16CD01) \$129,679; Single Family Rehab (project 20CD06) \$443,376; Emergency Rehab (project 20CD07) \$100,000; funding re-appropriated from FY 2019 BA #4 (funding was not assigned to project numbers in FY 2019) – **\$673,055**.
- Allocate SHIP Funds to the following two (2) projects to assist two (2) income-certified Down Payment assistance clients and six (6) income-certified Rehab assistance clients: Down Payment Assistance (project 16CD01) \$60,000; Single Family Rehab (project 20CD06) \$275,058 – **\$335,058**.

**Home Investment Grant (HOME) Fund (114)**

**Expenditures – Total (\$65,017)**

- Project completion/closure & return remaining funds to fund balance: Down Payment Assistance (16CD01) – **(\$65,017)**.

**Police Impact Fees Fund (152)**

**Revenues – Total (\$32,500)**

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 180/Nexus 32905 \$726; Fund 183/Nexus 32907 \$6,538; Fund 184/Nexus 32908 \$7,264; and Fund 186/Nexus 32909 \$17,972 – **(\$32,500)**.

**Fire Impact Fees Fund (153)**

**Revenues – Total (\$212,500)**

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 187/Nexus 32905 \$4,756; Fund 188/Nexus 32907 \$42,800; Fund 189/Nexus 32908 \$47,555; and Fund 190/Nexus 32909 \$117,389 – **(\$212,500)**.

**Parks Impact Fees Fund (153)**

**Revenues – Total (\$470,000)**

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 191/Nexus 32905 \$10,531; Fund 192/Nexus 32907 \$94,782; Fund 193/Nexus 32908 \$105,313; and Fund 194/Nexus 32909 \$259,374 – **(\$470,000)**.

### **Transportation Impact Fees Fund (155)**

#### ***Revenues – Total (\$3,151,610)***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer funds as follows: Fund 196/Nexus 32905 \$33,421; Fund 197/Nexus 32907 \$335,489; Fund 198/Nexus 32908 \$334,211; and Fund 199/Nexus 32909 \$821,690 – **(\$1,524,811)**.
- Relocation of the Transportation Impact Fee debt service transfer budgeted in FY 2020 to Fund 199/Nexus 32909 – **(\$1,626,799)**.

### **Police Impact Fees-Nexus 32905 Fund (180)**

#### ***Revenues – Total \$726***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$726**.

### **Bayfront Community Redevelopment Fund (181)**

#### ***Expenditures – Total \$0***

- Brevard County Resolution 2019-237 modifying the Bayfront CRA Board's delegation of authority following the full execution of the Interlocal Agreement between Brevard County, the City of Palm Bay and the Bayfront CRA on 11/07/2019. The Resolution and Interlocal Agreement limits the Agency's ability to expend funds beyond existing debt and contractual obligations, legally required administration expenses, and land acquisition not to exceed \$330,218; approved by Council 12/05/2019. Personnel and Operating Expenditures reduced by a net value of \$449,164; available funding transferred to Fund's Reserves – **Net \$0**

### **Police Impact Fees-Nexus 32907 Fund (183)**

#### ***Revenues – Total \$6,538***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$6,538**.

**Police Impact Fees-Nexus 32908 Fund (184)**

***Revenues – Total \$7,264***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$7,264.**

**Police Impact Fees-Nexus 32909 Fund (186)**

***Revenues – Total \$17,972***

- Relocation of Police Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 152/Police Impact Fees – **\$17,972.**

**Fire Impact Fees-Nexus 32905 Fund (187)**

***Revenues – Total \$4,756***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$4,756.**

**Fire Impact Fees-Nexus 32907 Fund (188)**

***Revenues – Total \$42,800***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$42,800.**

**Fire Impact Fees-Nexus 32908 Fund (189)**

***Revenues – Total \$47,555***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$47,555.**

**Fire Impact Fees-Nexus 32909 Fund (190)**

***Revenues – Total \$117,389***

- Relocation of Fire Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 153/Fire Impact Fees – **\$117,389.**

**Parks Impact Fees-Nexus 32905 Fund (191)**

***Revenues – Total \$10,531***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$10,531.**

**Parks Impact Fee-Nexus 32907 Fund (192)**

***Revenues – Total \$94,782***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$94,782.**

***Expenditures – Total \$200,000***

- Wake Forest Basketball Courts (project 18PR04), driveway, parking lot and ADA sidewalk construction; approved by Council 10/03/2019 – **\$200,000.**

**Parks Impact Fees-Nexus 32908 Fund (193)**

***Revenues – Total \$105,313***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$105,313.**

**Parks Impact Fees-Nexus 32909 Fund (194)**

***Revenues – Total \$259,374***

- Relocation of Parks Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 154/Parks Impact Fees – **\$259,374.**

**Transportation Impact Fees-Nexus 32905 Fund (196)**

***Revenues – Total \$33,421***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$33,421.**

**Transportation Impact Fees-Nexus 32907 Fund (197)**

***Revenues – Total \$335,489***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$335,489.**

***Expenditures – Total \$84,500***

- Malabar Road Right-of-Way (ROW) Acquisition of six (6) vacant lots for future expansion and associated appraisal costs; funding re-appropriated from FY 2019 BA #4 (funding was not expensed in FY 2019); approved by Council 06/20/2019 – **\$84,500.**

**Transportation Impact Fee-Nexus 32908 Fund (198)**

***Revenues – Total \$334,211***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$334,211.**

***Expenditures – Total \$82,700***

- Malabar Road Right-of-Way (ROW) Acquisition of Lots 1 through 6, Block 1702, Port Malabar Unit 36; approved by Council 10/03/2019 – **\$82,700.**

**Transportation Impact Fees-Nexus 32909 Fund (199)**

***Revenues – Total \$2,448,489***

- Relocation of Transportation Impact Fee revenues budgeted in FY 2020 based on Nexus; transfer nexus-impacting funds from Fund 155/Transportation Impact Fees – **\$821,690.**
- Relocation of Transportation Impact Fee debt service transfer budgeted in FY 2020 from Fund 155/Transportation Impact Fees – **\$1,626,799.**

**Community Investment Fund (301)**

***Expenditures – Total (\$146,086)***

- Project completion/closure: Bus Shelter Installation (13PW02); project was funded through the General Fund; transfer remaining funds to funding source – **(\$146,086).**

**Connector Road I-95 Fund (308)**

***Expenditures – Total \$49,746***

- Installation of Temporary Traffic Signal at Babcock Street and St. Johns Heritage Parkway (project 15PW11); approved by Council 11/07/2019 – **\$49,746.**

### **GO Road Program Fund (309)**

#### ***Expenditures – Total \$10,724,547***

- Fund projects RBP Unit 31 Road Restoration (20GO01) \$5,472,306 and RBP Unit 32 Road Restoration (20GO02) \$5,242,514; approved by Council 10/17/2019 – **\$10,714,820**.
- Additional funding to support Change Order No. 1 to Unit 41 Repaving project (19GO03); approved by Council 11/21/2019 – **\$9,727**.

### **Utilities Operating Fund (421)**

#### ***Revenues – Total \$3,489,648***

- Recognize the amendment to the Save Our Indian River Lagoon Project Cost-Share Funding Agreement (SOIRL 18-17); approved by Council 10/17/2019 – **\$3,489,648**.

#### ***Expenditures – Total \$2,234,900***

- Appropriate SOIRL 18-17 funding to the WRF Denitrification project (17WS16), approved by Council 10/17/2019 – **\$2,234,900**.

### **Utilities Connection Fee Fund (423)**

#### ***Expenditures – Total (\$109,267)***

- Project completions/closures & return remaining funds to fund balance: Cogan Drive WM and FM (17WS03) (\$69,856); Culver Drive Utility Relocation (19WS14) (\$39,411) – **(\$109,267)**.

### **Utilities Renewal & Replacement Fund (424)**

#### ***Expenditures – Total (\$363,778)***

- North Regional Water Treatment Plant Elevated Walkway Rehabilitation project (14WS02) funding to address deteriorated walkways due to steel corrosion and erosion; approved by Council 12/19/2019 – **\$435,000**.
- Project completions/closures & return remaining funds to fund balance: Cherry Hills Manhole (19WS04) (\$500); SCADA Improvements (15WS07) (\$106); Culver Drive Utility Relocation (19WS14) (\$70,616) – **(\$71,222)**.

**Utilities Main Line Extension Fee Fund (425)**

***Expenditures – Total (\$169,242)***

- Project completions/closures & return remaining funds to fund balance: PB Hospital Water Main (18WS07) (\$168,000); Water MLE - Franklin (19WS16) (\$1,242) – **(\$169,242)**.

**REQUESTING DEPARTMENTS:**

Finance, Bayfront Community Redevelopment Agency, Community & Economic Development, Fire, Growth Management, Human Resources, Information Technology, Parks & Recreation, Police, Public Works, and Utilities.

**RECOMMENDATION:**

Motion to adopt FY 2020 First Budget Amendment Ordinance.

Attachments:           1) Ordinance  
                                  2) Exhibit A – BA #1 Appropriations

CL/ac/ab

Thomas Gaume, resident, asked for a point of order as it was posted on social media that the item was pulled from the agenda. He asked that the item be tabled to allow public input as it was thought that the item was withdrawn. Mayor Capote explained that it was a post on social media but was not the collective decision of City Council. Mr. Gaume felt that the City should not regulate where individuals parked their vehicles on their property. If vehicles were properly registered, the City should not regulate same.

Motion by Mr. Anderson, seconded by Mr. Bailey, to table Ordinance 2020-06 to the next regular Council meeting. Mr. Anderson advised that he made the post to social media as he had received an email that the item would be withdrawn but was unaware that it was only the storm shutter portion. He felt the public should be given the opportunity to be heard.

Mr. Santiago said that the ordinance regarding the parking provisions were already within the Palm Bay Code of Ordinances and provided history on same. The proposed ordinance provided additional regulations. He did not support tabling the request.

Motion carried with members voting as follows:

|                      |     |
|----------------------|-----|
| Mayor Capote         | Yea |
| Deputy Mayor Johnson | Yea |
| Councilman Santiago  | Nay |
| Councilman Bailey    | Yea |
| Councilman Anderson  | Yea |

**\*4. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens.**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

**\*5. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment).**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.



## **ORDINANCE 2020-08**

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2020 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USE OF UNDESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: GENERAL FUND; LAW ENFORCEMENT TRUST FUND; PARKS IMPACT FEE FUND – NEXUS 32907; TRANSPORTATION IMPACT FEE FUND – NEXUS 32908; GO ROAD BOND PROGRAM FUND; AND UTILITIES RENEWAL AND REPLACEMENT FUND; USE OF DESIGNATED FUND BALANCE IN THE FOLLOWING FUNDS: STATE HOUSING GRANT FUND; AND CONNECTOR ROAD I-95 FUND; RECOGNIZING THE FOLLOWING GRANTS AND AGREEMENTS: REIMBURSABLE FDOT LOCAL AGENCY PROGRAM (LAP) AGREEMENT; FEMA ASSISTANCE TO FIREFIGHTERS GRANT FOR AUTOMATED CHEST COMPRESSION DEVICES; AND SAVE OUR INDIAN RIVER LAGOON (SOIRL 18-17) COST-SHARE FUNDING AGREEMENT AMENDMENT; TRANSFER OF IMPACT FEE FUNDING TO NEW NEXUS FUNDS SEPARATED BY ZIP CODE; RECORD AND ALLOCATE FUNDS RECEIVED FROM THE FLORIDA HOUSING FINANCE CORPORATION AS PART OF THE PREVIOUS YEAR'S FUNDS DISBURSEMENT HELD UNTIL SHIP COMPLIANCE WAS RESTORED; RECORD BCRA FUNDING TRANSFERS TO RESERVES PER BREVARD COUNTY RESOLUTION 2019-237 AND INTERLOCAL AGREEMENTS LIMITING FUNDING EXPENDITURES BEYOND EXISTING DEBT/CONTRACTUAL OBLIGATIONS, LEGALLY REQUIRED ADMINISTRATION EXPENSES, AND LAND ACQUISITIONS NOT TO EXCEED \$330,218; RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by Ordinance, and

**WHEREAS**, transfers between funds and departments must be approved by City Council, and

**WHEREAS**, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay, Code of Ordinances provides for the transfer of funds and appropriation of unbudgeted funds.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the following funds as outlined in Exhibit "A":

**SECTION 2.** The City Council adopts, ratifies, and approves the appropriations as listed in Exhibit "A".

**SECTION 3.** The provisions within this Ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-01, held on January 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_



## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese M. Jones, City Clerk

**DATE:** January 16, 2020

**RE:** One (1) Appointment – Planning and Zoning Board

***SUMMARY:***

As you may recall, Nancy Domonousky resigned from the above subject board. The position has been announced at several regular Council meetings and applications solicited for same.

The following applications have been received:

Thomas Gaume, Jr.  
1700 Lantana Court, NW 32907

Richard Hill  
2026 O'Connel Avenue, SW 32908

***REQUESTING DEPARTMENT(S):***

Legislative Department

***FISCAL IMPACT:***

None.

***RECOMMENDATION:***

A ranking sheet will be on the dais at tonight's meeting. Council is to rank the above individuals from "1-2" with **number 1 representing your first choice**. Please give the completed sheet to the clerk on duty prior to the start of the meeting.

Motion to approve the appointment of one (1) member to serve on the Planning and Zoning Board.



## **COMMITTEE AND COUNCIL REPORTS**

- **Florida Puerto Rican Hispanic Chamber of Commerce**

### **Committee Reports**

- **Space Coast Transportation Planning Organization**
- **Space Coast League of Cities**
- **Tourist Development Council**

### **Council Reports**



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 16, 2020  
**RE:** Approval to Modify the FY20 Position Control Plan

The following modifications are being requested to modify FY 20 Position Control Plan:

### **Position Changes:**

**Procurement:** Reclassified/Downgraded a vacant Deputy Chief Procurement Officer to a Procurement Manager. Position will focus on day-to-day operations of training and supervising Procurement staff. This change will result in a cost savings for the Department.

**Human Resources:** Title change from the current Human Resources Benefits and Wellness Coordinator to Human Resources Wellness Coordinator. The current title does not reflect the core duties of the current position title. This position directly administers and coordinates the City's Wellness Program. There is no cost involved with this change.

**Growth Management:** Title change of vacant Building Division Manager to Chief Building Official. The Chief Building Official title better identifies to role of the position and best reflects the legal requirement per Florida State Statue that requires a Building Official to issue Building Permits or Certificates of Occupancy. To remain competitive with other municipalities, changing the pay grade from AB (\$56,680 - \$85,194) to AF (\$63,663 - \$95,753) is necessary. There are no costs currently associated to this fund due to the number of vacancies.

Change pay grade of vacant Deputy Building Official from X (\$50,478 - \$75,811) to AB (\$56,680 - \$85,194). To remain competitive with other municipalities, changing the pay grade is necessary.

Reclassified a vacant Data Entry Clerk to a Customer Service Representative. Due to the increased volume of permit tracking, customer inquiries, outstanding fees and notices to be sent, the change in position is an enhancement to the existing customer service provided. There is an approximate

cost of \$5,342 for this change, however, due to the current vacancies, expenses will be covered by the department roll-up.

**Fire:** Reclassified/Downgraded five (5) vacant positions (Administrative Secretary (2), Fire Inspector, Fire Marshal and Records Specialist) to Telecommunicator positions. This change will result in a cost savings of \$12,533.

**Utilities:** Reclassified/Downgraded three (3) vacant Maintenance Mechanic positions to Maintenance Worker positions. Unable to find suitable candidates with knowledge and experience, bringing back the entry level position will provide training and guidance for employees to qualify for other Maintenance Mechanic positions within the department. Estimated cost savings of \$12,021 to the Utilities Operating Fund.

Title change for vacant Integrated Systems Specialist position to Utilities Compliance Specialist. Title change for current Integrated Systems Manager to Utilities Compliance Manager. Both positions focus on compliance and safety. The change from “Integrated Systems” to “Utilities Compliance” better suits the position and supports reorganization efforts. There is no cost involved with this change.

Converted two part-time positions (Data Entry Clerk/.60 FTE and Administrative Secretary/.50 FTE) to one full-time Secretary position. This change assists in providing support to the Administrative offices as well as coverage for the front desk at the City Hall Annex building. There is an approximate increase of \$32,794, however, due to the current vacancies, expenses will be covered by the department roll-up.

Requesting to convert a current part-time Cashier (.85 FTE) to a full-time Cashier due to the number of payment and work order transactions that have increased over the last three years and will continue with the growth of the City. This will provide “Payment Only” customers to receive service quickly regular business hours and alleviate congestion in the lobby. There is an approximate increase of \$10,390, however, due to the current vacancies, expenses will be covered by the department roll-up.

**Funding Source Changes:**

**Police:** With the promotion of the Police Chief, there has been a request for a reorganization of the department. The major reorganization is moving positions from the Special Operations Division to

the Investigations Division. There was an additional division changes to meet the needs and reorganizational goal. There is no cost involved with this change.

**Fire:** Transferring eight (8) Telecommunicator vacancies to the Police Department. This change is due to the substandard Fire Rescue dispatch provide by Brevard county over several years. Returning Fire Rescue dispatch to the City of Palm Bay and consolidating with the Police Department, both agencies can provide more cohesive service as well as provide better accountability and accuracy with response time and call data collection.

**REQUESTING DEPARTMENTS:**

Procurement, Human Resources, Growth Management, Fire, Police and Utilities.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Motion to adopt the modified FY20 Position Control Plan, Classification and Pay Plans Resolution.

Attachments: 1) Resolution

2) FY20 Position Control Plan (available upon request)

3) Classification and Pay Plans (available upon request)

## RESOLUTION 2020-03

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-37, ADOPTING THE CLASSIFICATION AND PAY PLANS AND THE POSITION CONTROL PLAN FOR EMPLOYEES OF THE CITY OF PALM BAY FOR FISCAL YEAR 2019–2020; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Personnel Policies, Rules 12 and 13, require that Pay Plans be adopted for the employees of the City of Palm Bay, and

**WHEREAS**, the City of Palm Bay desires to amend the Position Control Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** The City Council hereby amends Resolution 2019-37, adopting the Classification and Pay Plans for the City of Palm Bay employees and the Position Control Plan, which are, by reference, incorporated herein as Exhibit "A".

**SECTION 2.** All resolutions or parts of resolutions in conflict herewith are hereby superseded and rescinded.

**SECTION 3.** The provisions within this resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK





## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 16, 2020  
**RE:** FY 2020 First Capital Improvements Program Amendment

The following is a summary of the revisions to the Capital Improvements Program/CIP in FY 2020.

### **Budget Amendment Modifications:**

- 1. Bayfront Community Redevelopment** – Brevard County Resolution 2019-237 modifying the Bayfront CRA Board's delegation of authority following the full execution of the Interlocal Agreement between Brevard County, the City of Palm Bay and the Bayfront CRA on 11/07/2019. CIP-impacting reductions occurring in the following General Ledger Accounts: 6301-Improvements Other than Buildings (\$50,000) & 6332-Improvements Other than Buildings/Parks Improvements (\$50,000); on Budget Amendment #1 – **(\$100,000)**.
- 2. Fire Department** – Budget Correction/CIP-Impacting Portion: Fire Dispatch Upgrade project (19FD02) Zetron IPFSA equipment installation; on Budget Amendment #1 – **\$24,976**.
- 3. Parks & Recreation Department** – Wake Forest Basketball Courts (project 18PR04), driveway, parking lot and ADA sidewalk construction; approved by Council 10/03/2019; on Budget Amendment #1 – **\$200,000**.
- 4. Parks & Recreation Department** – Palm Bay Aquatic Center (project 20PR01) renovations; approved by Council 12/05/2019; on Budget Amendment #1 – **\$654,160**.
- 5. Parks & Recreation Department** – Twin Lakes Playground equipment replacement (project 20PR02); funding supported by Insurance Company proceeds; on Budget Amendment #1 – **\$81,010**.
- 6. Public Works Department** – G.O. Road Program: Additional funding to support Change Order No. 1 to Unit 41 Repaving project (19GO03); approved by Council 11/21/2019; on Budget Amendment #1 – **\$9,727**.

- 7. Public Works Department** – G.O. Road Program: Fund projects RBP Unit 31 Road Restoration (20GO01) \$5,472,306 and RBP Unit 32 Road Restoration (20GO02) \$5,242,514; approved by Council 10/17/2019; on Budget Amendment #1 – **\$10,714,820.**
- 8. Public Works Department** – Malabar Road Right-of-Way (ROW) Acquisition of Lots 1 through 6, Block 1702, Port Malabar Unit 36; approved by Council 10/03/2019; on Budget Amendment #1 – **\$82,700.**
- 9. Public Works Department** – Malabar Right-of-Way (ROW) Acquisition of six (6) vacant lots for future expansion and associated appraisal costs; funding re-appropriated from FY 2019 BA #4 (funding was not expensed in FY 2019); approved by Council 06/20/2019; on Budget Amendment #1 – **\$84,500.**
- 10. Public Works** – Installation of Temporary Traffic Signal at Babcock Street and St. Johns Heritage Parkway (project 15PW11); approved by Council 11/07/2019; on Budget Amendment #1 – **\$49,746.**
- 11. Utilities** – Appropriate SOIRL 18-17 funding to the WRF Denitrification project (17WS16), approved by Council 10/17/2019; on Budget Amendment #1 – **\$2,234,900.**
- 12. Utilities** – North Regional Water Treatment Plant Elevated Walkway Rehabilitation project (14WS02) funding to address deteriorated walkways due to steel corrosion and erosion; approved by Council 12/19/2019 – **\$435,000.**
- 13. Project Completions & Closures** – All Departments – Closures of the following CIP-impacting projects; on Budget Amendment #1: Honeywell Performance Contract (18FM03) (\$12); West Oaks Playground Replacement (19PR01) (\$3); Bus Shelter Installation (13PW02) (\$146,086); Cogan Drive WM and FM (17WS03) (\$69,856); Culver Drive Utility Relocation (19WS14) (\$39,411); Cherry Hills Manhole (19WS04) (\$500); SCADA Improvements (15WS07) (\$106); Culver Drive Utility Relocation (19WS14) (\$70,616); PB Hospital Water Main (18WS07) (\$168,000); Water MLE - Franklin (19WS16) (\$1,242).

**Transfer of Funds Between Capital Projects/Accounts:**

**1. Utilities Department – Budget Transfer #3**

Budget Correction: Tie approved funds to the following projects: Lift Station #1 Relocation (project 17WS23) \$100,000; NRWTP Grit System Rehab (project 18WS16) \$35,000; projects were in an “inactive” status during budget preparations; no impact to General Ledger Accounts – **\$0.**

**2. Utilities Department – Budget Transfer #3**

Budget Correction (General Ledger Accounts): Transfer approved funds for two (2) MRX Mobile Data Collectors/Software from 6403-Light Vehicles to 6401-Machinery & Equipment – **\$0**.

**3. Public Works Department – Budget Transfer #4**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$1,500) to the Pollack Park Stormwater project (20SU03) \$1,500 for preliminary project requirement assessments – **\$0**.

**4. Public Works Department – Budget Transfer #5**

Transfer funds from the FY 2019 Stormwater Utility Program project (19SU01) (\$160,000) to the FY 2020 Stormwater Utility Program project (20SU01) \$160,000 to support the future Turkey Creek Sanctuary project – **\$0**.

**5. Public Works Department – Budget Transfer #6**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$238,000) to the Unit 18 Pipe Replacement project (20SU02) \$238,000; establish project budget – **\$0**.

**6. Public Works Department – Budget Transfer #9**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$336,400) to the Jacobin Street @ C-60 Culvert Replacement project (20SU04) \$336,400; establish project budget – **\$0**.

**7. Public Works Department – Budget Transfer #16**

Transfer unexpended funds from the FY 2019 Stormwater Utility Program project (19SU01) (\$796,145) to the FY 2020 Stormwater Utility Program project (20SU01) \$796,145 for utilization on future projects – **\$0**.

**8. Public Works Department – Budget Transfer #17**

Transfer unexpended funds from the FY 2019 Road Program project (19RD01) (\$2,193,989) to the FY 2020 Road Program project (20RD01) \$2,193,989 for utilization on future projects – **\$0**.

**Added/Removed Capital Projects, Addition/Reduction of Funding:**

**1. Public Works Department – Budget Transfer #2**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$11,997) to non-capital operating expenditures to fund Turkey Creek Muck Measurements to help quantify and prioritize muck movement actions – **(\$11,997)**.

**2. Public Works Department – Budget Transfer #7**

Transfer funds from the FY 2020 Road Program project (20RD01) (\$85,733) to non-capital expenditures to fund the following: City Works ELA, Cityworks ESRI, APWA Micropaver, road structure materials, advertisement, and geotechnical consultant costs – **(\$85,733)**.

**3. Fire Department – Budget Transfer #10**

Budget Correction: Transfer funds from the Fire Dispatch Upgrade project (19FD02) non-capital operating expenditures to capital General Ledger Accounts; project shipping and computer hardware expenditures to be capitalized – **\$13,505**.

**4. Public Works Department – Budget Transfer #14**

Transfer funds from the FY 2020 Stormwater Utility Program project (20SU01) (\$2,422) to non-capital operating expenditures to fund permit application requests for the following locations/projects: Northshore Ditch at Danr, Waterbury Culvert, Freehold Avenue Culvert, Tranter Avenue Culvert, and Jacobin Culvert – **(\$2,422)**.

**5. Growth Management Department – Budget Transfer #21**

Transfer funds from non-capital operating expenditures to capital General Ledger Account 6407-IS Related Projects to fund additional expenditures for the Track-IT Software completion – **\$9,430**.

**6. Public Works Department – Budget Transfer #22**

Transfer funds for capital expenditures from General Ledger Account 6309-Draingage Projects to non-capital operating expenditures to support the GSG contract – **(\$3,210)**.

**Corrections to Resolution No. 2019-38; Exhibit “A”:**

The following correction has been made to Exhibit “A” within Resolution No. 2019-38:

- 1. Utilities Department** – The NRWTP SCADA project (20WS04) was incorrectly reflected as project number 20WS03; no funding changes for this correction are being recorded.

**FY 2019 to FY 2020 Unexpended Project Funding Rolls:**

Unexpended funding for 73 projects has been rolled from FY 2019 to FY 2020; the Capital Improvements Program total FY 2020 funding for each project has been amended. Refer to Attachment #1 – FY 2019-2020 Unexpended Fund Rolls for additional details.

**REQUESTING DEPARTMENTS:**

Finance Department, Growth Management Department; Parks & Recreation Department; Fire

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Department; Public Works Department; Utilities Department; and Bayfront Community Redevelopment Agency (BCRA).

**RECOMMENDATION:**

Motion to adopt, by Resolution, the First Amendment to the FY 2020 Capital Improvements Program.

Attachments:           1) Attachment #1 – FY 2019-2020 Unexpended Fund Rolls  
                                  2) Resolution Exhibit A – (available upon request)

AC/ab

Mayor and Council: FY 2020 First Capital Improvements Program Amendment

Attachment #1 – FY 2019-2020 Unexpended Fund Rolls

January 16, 2020

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| <b>Department/Division</b>                            | <b>Project Number</b> | <b>Capital Improvement Program Summary</b> | <b>Rolled Funding Total</b> |
|---|-----------------------|--|-----------------------------|
| <b>Bayfront Community Redevelopment Agency (BCRA)</b> | 18CR03                | Pelican Harbor Redevelopment               | 4,476                       |
| <b>Bayfront Community Redevelopment Agency (BCRA)</b> | 18CR06                | Liberia Park (Phase 1)                     | 19,602                      |
| <b>Bayfront Community Redevelopment Agency (BCRA)</b> | 19CR01                | Signage/Improvements                       | 58,000                      |
| <b>Community &amp; Economic Development (HANDS)</b>   | 14CD01                | Homes for Warriors                         | 403,495                     |
| <b>Community &amp; Economic Development (HANDS)</b>   | 14CDBG                | Uncommitted & Available Funds              | 572,425                     |
| <b>Community &amp; Economic Development (HANDS)</b>   | 17CD03                | Homes for Warriors/Hunt St                 | 27,184                      |
| <b>Fire</b>   | 18FD01                | Fire Station 5 Rebuild                     | 495,024                     |
| <b>Fire</b>   | 19FD01                | Fire Station Hardening Program             | 391,368                     |
| <b>Fire</b>   | 19FD02                | Fire Dispatch Center                       | 56,697                      |
| <b>Parks &amp; Recreation</b>                         | 16PK08                | Campgrounds @ PB Regional Park             | 1,701,317                   |
| <b>Parks &amp; Recreation</b>                         | 17PR06                | Palm Bay Senior Center Improvements        | 4,321                       |
| <b>Parks &amp; Recreation</b>                         | 18PR01                | Musco Control Link                         | 101,000                     |
| <b>Parks &amp; Recreation</b>                         | 18PR04                | Wake Forest Basketball Court               | 77,869                      |
| <b>Parks &amp; Recreation</b>                         | 19PR06                | FPRP Sewer Conversion                      | 19,364                      |
| <b>Public Works</b>                                   | 15PW11                | SO. I-95 Interchange                       | 3,514,617                   |
| <b>Public Works</b>                                   | 16PW13                | Culver Street                              | 1,092,522                   |
| <b>Public Works</b>                                   | 17PW10                | Garvey Road Repaving                       | 12,596                      |
| <b>Public Works</b>                                   | 17PW11                | Eldron Blvd. Repaving                      | 5,645                       |
| <b>Public Works</b>                                   | 18PW01                | SJHP Traffic Signal                        | 298,289                     |
| <b>Public Works</b>                                   | 18PW02                | Safe Routes to School                      | 8,673                       |
| <b>Public Works</b>                                   | 18RD07                | Malabar Road Widen - Prelim.               | 12,450                      |
| <b>Public Works</b>                                   | 18SU04                | Pembroke Ave. @ C-75 Culvert Replacement   | 3,311                       |

Mayor and Council: FY 2020 First Capital Improvements Program Amendment

Attachment #1 – FY 2019-2020 Unexpended Fund Rolls

January 16, 2020

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|                     |        |   |           |
|---------------------|--------|---|-----------|
| <b>Public Works</b> | 18SU06 | Emerson Dr. @ C-75 Culvert Replacement  | 10,714    |
| <b>Public Works</b> | 18SU09 | Pebble Ave. @ C-75 Culvert Replacement  | 7,385     |
| <b>Public Works</b> | 18SU14 | Harper Blvd. @ C-18 Culvert Replacement | 109,429   |
| <b>Public Works</b> | 19GO02 | GO Bond - Eldron Blvd. Repaving         | 1,922,577 |
| <b>Public Works</b> | 19GO03 | GO Bond - Unit 41 Repaving              | 1,223,262 |
| <b>Public Works</b> | 19RD01 | FY 2019 Road Program                    | 2,263,212 |
| <b>Public Works</b> | 19RD02 | Rejuvenation of 7 City Roads            | 8,454     |
| <b>Public Works</b> | 19SU01 | FY 2019 Stormwater Utility Program      | 796,145   |
| <b>Public Works</b> | 19SU02 | Culvert Replacement Garvey C17          | 348,749   |
| <b>Public Works</b> | 19SU03 | Culvert Replacement Garvey C18          | 349,143   |
| <b>Public Works</b> | 19SU04 | PH Pipe Replacement Unit 42             | 151,797   |
| <b>Utilities</b>    | 12WS02 | RPL Large Diameter Steel                | 28,009    |
| <b>Utilities</b>    | 14WS07 | NRWTP Elevated Walkway                  | 343,198   |
| <b>Utilities</b>    | 15WS05 | Filter Rehabilitation                   | 4,940     |
| <b>Utilities</b>    | 16WS01 | Treatment Unit Rehab                    | 961,478   |
| <b>Utilities</b>    | 16WS05 | So. Reg. Water Reclamation              | 23,824    |
| <b>Utilities</b>    | 16WS07 | Regional Pump Station                   | 1,286,817 |
| <b>Utilities</b>    | 17WS02 | I-95/Parkway WM and FM                  | 13,746    |
| <b>Utilities</b>    | 17WS04 | TSF Filter/Backwash                     | 281,070   |
| <b>Utilities</b>    | 17WS08 | Regional Pump Station                   | 115,000   |
| <b>Utilities</b>    | 17WS15 | DIW Reservoir Rehab                     | 49,718    |
| <b>Utilities</b>    | 17WS16 | WRF Denitrification                     | 1,207,847 |
| <b>Utilities</b>    | 17WS22 | Well 17 Rehab                           | 63,878    |
| <b>Utilities</b>    | 18WS01 | Reuse High Svc. Pumps                   | 507,388   |
| <b>Utilities</b>    | 18WS04 | SRWTP 4MG to 6MG Expansion              | 245,311   |
| <b>Utilities</b>    | 18WS06 | NRWTP High Service Pumps Replacement    | 422,749   |
| <b>Utilities</b>    | 18WS08 | ARV Upgrade Program                     | 26,642    |
| <b>Utilities</b>    | 18WS09 | WWTP Digester 6 Rehab                   | 605,936   |

Mayor and Council: FY 2020 First Capital Improvements Program Amendment

Attachment #1 – FY 2019-2020 Unexpended Fund Rolls

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|                  |        |  |         |
|------------------|--------|--|---------|
| <b>Utilities</b> | 18WS10 | Lift Station RTU Replacement Program       | 245,356 |
| <b>Utilities</b> | 18WS11 | Lift Station Electrical Panel Replacement  | 279,825 |
| <b>Utilities</b> | 18WS14 | WWTP Mechanical Screen                     | 679,284 |
| <b>Utilities</b> | 18WS15 | RAS/WAS Pump Rehab                         | 470,616 |
| <b>Utilities</b> | 18WS19 | Generator & Air Compressor                 | 431,281 |
| <b>Utilities</b> | 18WS23 | NRWTP Year Yard Swale & Fence Improvements | 21,054  |
| <b>Utilities</b> | 18WS30 | Sewer/Pipe Hanhole Replacement             | 337,875 |
| <b>Utilities</b> | 19WS01 | Utility Land Needs                         | 100,000 |
| <b>Utilities</b> | 19WS02 | Public Works Utility Relocation Projects   | 341,470 |
| <b>Utilities</b> | 19WS03 | SRWTP Feed Line Restoration                | 85,000  |
| <b>Utilities</b> | 19WS05 | NRWRF Aquadisk Upgrade                     | 48,158  |
| <b>Utilities</b> | 19WS06 | Valve Replacement Program                  | 84,457  |
| <b>Utilities</b> | 19WS07 | NRWTP CO2 System                           | 40,000  |
| <b>Utilities</b> | 19WS08 | Sodium Hypo Pump Skid                      | 53,000  |
| <b>Utilities</b> | 19WS09 | Valve Replacement-Country                  | 135,500 |
| <b>Utilities</b> | 19WS10 | Nash High Service Pump/MCC Replacement     | 67,322  |
| <b>Utilities</b> | 19WS11 | NRWTP Lime Slaking Silo Replacement        | 48,876  |
| <b>Utilities</b> | 19WS12 | NRWTP Sludge Dewatering                    | 103,000 |
| <b>Utilities</b> | 19WS13 | Fire Hydrant Replacements                  | 176,453 |
| <b>Utilities</b> | 19WS15 | Garvey Road Water Main Loop                | 130,152 |
| <b>Utilities</b> | 19WS17 | Rehabilitation of Well                     | 49,711  |
| <b>Utilities</b> | 19WS20 | Reuse TSS Meter Installation               | 30,600  |
| <b>Utilities</b> | 19WS21 | NRWTP SCADA Upgrade                        | 105,120 |



## RESOLUTION 2020-04

**A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION 2019-38, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL YEARS 2019-2020 THROUGH 2023-2024 FOR THE CITY OF PALM BAY, FLORIDA; RESCINDING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay's Capital Improvements Program, formally known as the Community Investment Program, was adopted by the City Council on September 26, 2019.

**WHEREAS**, the City of Palm Bay desires to amend the Capital Improvements Program.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1.** Resolution 2019-38 is hereby amended by including additional projects to the Five-Year Community Investment Program for Fiscal Years 2019-2020 through 2023-2024, which are, by reference, incorporated herein as Exhibit "A".

**SECTION 2.** This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 16, 2020

**RE:** Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied Against Real Property

>>As you may recall, Council voted to remove the storm shutter language from Ordinance 2020-06 and also voted to table the remainder of the Chapter 93 amendments within Ordinance 2020-06 to the January 16, 2020, regular Council meeting.<<

There are several Code Sections in Chapter 93 which the Growth Management Department was requested to review and update. The final review includes the following updated sections and considerations for approval:

- 1) ~~§93.031-- Maintenance and Appearance Standards, consideration of the additional definition of Storm Shutters and inclusion of a specified timeframe for application and removal.~~ >>Original memo item removed from 1/2/20 RCM for Council's consideration<<
- 2) §93.094 – Unimproved Real Property includes the revision of the Nuisance Vegetation requirements and clarification of corrective actions that may commence after the Code Board finds the property in violation.
- 3) §93.044 – Private Property Parking Regulations revision of vehicle operability for acceptable locations, addition of no parking on an unimproved lot location, language to clarify the maximum of two additional vehicles as well as the maximum of one additional inoperable/unlicensed vehicle in the enclosed rear yard location.
- 4) §93.06 – Revision to the Duty of City Manager eliminates 96-hour notice and provides language to include that corrective actions can only be undertaken after the Code Board finds the property in violation.

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- 5) §93.08 – Authority of City to Enter Property to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation.
- 6) §93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest eliminates 96-hour notices, to clarify that corrective actions can only be undertaken after the Code Board finds the property in violation, and to make all liens subject to simple not compound interest.

Additionally, there is a Change to § 118.07 – Collection of Liens to change liens from compound interest to simple interest.

The following is a detailed explanation of the changes:

- 1) ~~§93.031 – Maintenance and Appearance Standards. This section is changing to regulate the use of Storm Shutters. A new definition of storm shutters is being added to this section. Also, storms shutters will now be regulated so that they can only be in place seven days prior to and fourteen days after a named storm. This is a life safety issue because storm shutters create hazards for fire egress and/or access.~~ >>Original memo item removed 1/2/20 RCM for Council's consideration<<
- 2) §93.094 – Unimproved Real Property. The change to this section includes three paragraphs. The section on Nuisance Vegetation is being changed to make it more equitable by measuring fifteen from the property line rather than from the location of the neighboring house. Also, being added is a limitation to one violation every six months rather than every time that the grass reaches twenty-four inches in height. Also, two paragraphs are being changed to clarify that the City can only take corrective action after the Code Board finds the property in violation. Growth Management was directed to make this last change by the City Attorney's office.
- 3) §93.044 – Private Property Parking Regulations. The change to Private Property Parking Regulations includes some wording change to clarify language and also a new provision to prohibit any vehicle parking on unimproved lots. Parking on unimproved lots has been a growing problem that needs to be addressed.

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- 4) §93.06 – Duty of City Manager. This is another section that is being changed at the direction of the City Attorney’s office which will now require all nuisance cases to be heard by the Code Board before the City can take corrective measures. The 96-hour notice requirement is being eliminated.
- 5) §93.08 – Authority of City to Enter Property. This is yet another section that is being changed to require Code Board review before the City takes any action on private property.
- 6) §93.09 – Remedy by City; Costs to Become A Lien Against Property; Liens; Interest The first part of the changes to this section are identical to the changes in §93.06 as noted above. The second change in this section, at the request of the City Manager, is to change the interest on Nuisance Liens from compound interest to simple interest.
- 7) § 118.07 – Collection of Liens. The final proposed change is part of §118 Liens Levied Against Real Property. This change is being done to make the language consistent between §93 and §118 regarding collecting only simple interest vs. compound interest. While §118 does mention other types of liens such as sanitation and utility liens, after speaking with those departments they have no objection to this change as they do not charge interest on their liens but rather add specific penalties to unpaid bills.

**REQUESTING DEPARTMENT:**

Growth Management

**FISCAL IMPACT:**

There may be some reduction in fines collected because the calculation of interest on liens is being changed from compound interest to simple interest.

**RECOMMENDATION:**

Motion to approve the proposed ordinance changes.

Attachment: 1) Proposed Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied Against Real Property

Mayor and Council: Ordinance Changes to § 93 –Real Property Nuisances & § 118 – Liens Levied  
Against Real Property

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LB

## ORDINANCE 2020-06

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE IX, GENERAL REGULATIONS, CHAPTER 93, REAL PROPERTY NUISANCES, SUBCHAPTER 'UNSIGHTLY AND UNSANITARY CONDITIONS', BY MODIFYING PROVISIONS CONTAINED THEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1.** The City of Palm Bay Code of Ordinances, Title IX, General Regulations, Chapter 93, Real Property Nuisances, Subchapter, Unsightly and Unsanitary Conditions, is hereby amended and shall henceforth read as follows:

### "UNSIGHTLY AND UNSANITARY CONDITIONS

\* \* \*

#### Section 93.044 PRIVATE PROPERTY PARKING REGULATIONS.

No inoperable motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(A) No vehicle >>(operable or inoperable)<< shall be parked:

\* \* \*

>>(3) On any unimproved lot.<<

(B) A maximum of two (2) vehicles (per property) are permitted to be parked on the sides of a residence and shall be parked upon an improved surface. >>This is in addition to vehicles parked in garages, carports, paved driveways and adjacent to driveways on improved surfaces as noted in Section (A) (1) above.<<

\* \* \*

(C) Exceptions:

(1) >>A maximum of oOne (1) additional<< vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.

\* \* \*

Section 93.06 DUTY OF CITY MANAGER.

Upon the failure or refusal of the owner, tenant, lessee or occupant of any improved or unimproved property located within the city to comply with the provisions of this section, it shall be the duty of the City Manager or the City Managers designee to give notice, as herein provided, to the owner of such property to comply with the requirements of this section ~~within ninety-six (96) hours after the posting of such notice,~~ >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< setting forth in the notice the legal description for such properties, and the estimated cost of correcting the condition of such property or the removal or correction of the condition thereof found to be in violation of this subchapter and to proceed to have the condition thereof remedied upon failure of the owner, tenant, lessee or occupant to do so within the allotted time.

\* \* \*

Section 93.08 AUTHORITY OF CITY TO ENTER PROPERTY.

The city shall, through its employees, agents or contractors, be authorized to enter upon the property >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< to reasonably remedy the violations as provided herein. Entry upon the property under the right hereby granted shall not constitute trespass, and the City and its duly authorized agents or employees so entering shall not be liable to arrest or a civil action by reason of such entry.

Section 93.09 REMEDY BY CITY; COSTS TO BECOME A LIEN AGAINST PROPERTY; LIENS; INTEREST.

(A) Upon failure of the owner, tenant, lessee or occupant of property to remedy the conditions existing in violation of the requirements of this section >>after such property has already been found to be in violation of this Chapter by the Code Enforcement Board,<< ~~within ninety-six (96) hours after posting of the notice to do so as provided herein,~~ the City Manager or the City Manager's designee shall proceed to have such conditions remedied by contract labor or direct labor or both.

(B) The owner of said property shall be notified by first class mail of the cost to remedy the violation, including any and all administrative costs and/or fees incurred. In addition, the owner(s) shall be informed of the city's intent to impose a lien on the property or other property of the owner to cover all costs and/or fees incurred by the city to remedy the violation. If payment is not received within thirty (30) days from the date of the notice to the owner, tenant, lessee or occupant indicating the total costs, the City Manager or the City Manager's designee shall impose a lien on the property or the owner's property in the amount of the cost for labor, administrative costs and fees incurred by the city. The lien may be recorded in the official records of Brevard County, Florida. Liens created under this subchapter shall remain liens co-equal with the liens of all state, county, district and municipal taxes, superior in dignity to all other liens, title and claims, except homestead rights, until paid, and shall bear **>>simple<<** ~~compound~~ interest annually at a rate not to exceed the legal rate allowed for such liens and may be foreclosed pursuant to the procedure set forth in Fla. Stat. Ch. 173.

(C) The City may also pursue enforcement of the provisions of this chapter by issuing a notice to appear to the owner, tenant or occupant of the property, requiring such person to appear in the County Court of Brevard County, Florida, thereby subjecting said person to the sanctions and penalties set forth in Chapter 10, § 10.99, Palm Bay Code of Ordinances."

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**SECTION 3.** It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

**SECTION 4.** If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void



portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

**SECTION 5.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020- , held on , 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK

Reviewed by CAO: \_\_\_\_\_

***Within the exhibit, ~~strikethrough~~ words shall be deleted; words that will be included will be highlighted and placed in between two arrow symbols (>><<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.***



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 16, 2020  
**RE:** NAGE Blue Local R-5-186 Bargaining Agreement Negotiations

Negotiations were held during the months of April through October between the City and the NAGE Blue Local R-5-186 Bargaining Unit. Representatives of NAGE Blue and the City staff have negotiated a new contract that commences October 1, 2019 and expires September 30, 2022. Members of NAGE Blue conducted a ratification vote on November 19, 2019 and voted in favor of the contract.

Major changes to the contract are as follows:

- Article 34 (Wages) – Three percent (3%) increase for all members on October 1, 2019, October 1, 2020, and October 1, 2021.
- Article 25 (Holidays) – Addition of an Anniversary/Floating Holiday to be used between January 1 through December 31 each year.
- In addition, the City and NAGE Blue have mutually consented and tentatively agreed on minor modifications in various Articles (4, 5, 8, 10, 15, 16, 18, 19, 20, 21, 26, 27, 29, 30, 31, 32, 22, 39 and 42).

### **FISCAL IMPACT:**

Estimated impact for FY 20 is estimated at \$245,682 (\$108,462 General Fund and \$137,221 Other Funds). Impacts for FY 21 and FY 22 will be reflected in the respective future budget estimates.

### **REQUESTING DEPARTMENT:**

Human Resources

### **RECOMMENDATION:**

Motion to ratify the agreement between the City of Palm Bay and the NAGE Blue Local R-5-186.

Attachments: 1) NAGE Blue Contract Articles (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 16, 2020

**RE:** Authorization to Appropriate Funds for Consultant Services for Solid Waste and Recycling Collection Services

The City recently issued Request for Proposals #03-0-2020 for Solid Waste and Recycling Collection Services. In response to the RFP, the City has received over 30 questions, many of which are of a technical nature regarding solid waste operations. The current solid waste contract was last negotiated ten years ago, and the City is lacking a subject matter expert on staff with the experience to resolve these items. It was determined that a solid waste consultant would be a benefit to the City in this procurement process. In accordance with City ordinances and policies, City staff will be piggybacking for these services from Kessler Consulting, Inc., using Manatee County, Florida competitive solicitation 16-1987FL. Piggybacking is authorized by City Ordinance 38.12 Methods of Procurement, Section (F)(4)(d):

“(d) The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation. Any such contracts equal to or in excess of one hundred thousand dollars (\$100,000) shall go to the City Council for approval.”

A formal task order will be established with the selected consultant. It is anticipated that the costs of the consultant services will be less than \$50,000, and staff is requesting authorization from City Council to budget available funds for this purpose.

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**REQUESTING DEPARTMENTS:**

City Manager's Office, Public Works Department, Procurement Department

**FISCAL IMPACT:**

Total value of piggyback services is not to exceed \$50,000. Appropriation of \$50,000 from Solid Waste Undesignated Fund Balance GL 471-0000-392-3006 to GL account 471-7036-534-3108 on the Second Budget Amendment in FY 2020.

**RECOMMENDATION:**

Motion to approve appropriation of funds on the next schedule budget amendment for the use of Kessler Consulting, Inc. through piggyback arrangement under Manatee County, Florida competitive solicitation 16-1987FL, in an amount not to exceed \$50,000.



## LEGISLATIVE MEMORANDUM

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

**FROM:** Terese M. Jones, City Clerk

**DATE:** January 16, 2020

**RE:** City Council's Policies and Procedures – Public Comments  
(Speaking by Proxy)

Staff has provided an amendment to Council's Policies and Procedures, Section 8, Public Comments, as it relates to individuals speaking by proxy at Council meetings.

The policies have been amended to reflect that individuals must be present at the Council meeting, will be allowed to address Council only once under "Public Comments" or under specific agenda items and that time may not be donated to another speaker.

The City Attorney has reviewed this amendment and approved same.

**REQUESTING DEPARTMENTS:**

Legislative Department

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to approve the amendment to Council's Policies and Procedures as requested.

/tmj

Attachment: Chapter 7, Section 8, Meeting Rules and Order (Public Comments)(available upon request)



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 16, 2020  
**RE:** November 2019 Monthly Financial Report (Unaudited)

Attached for your information is the monthly financial report which will provide you with an overview of the City's financial activities which occurred through November 30, 2019. November is the 2nd month of the fiscal year and represents 17% of the annual budget.

### NOVEMBER 2019 CASH & INVESTMENTS HIGHLIGHTS

#### General Fund

Total General Fund cash and investments are up \$16,633,519.63 or 158.0% from the same period last year. General Fund Cash & Investments at 11/30/19 totaled \$27,161,984.56.

In comparison to the prior year in November General Fund revenues increased by \$9,845,236.54 while expenditures decreased by \$606,547.93.

#### Transportation Impact Fee Fund

Transportation Impact Fee cash and investments is up \$1,399,023.95 from one year ago. Impact Fee Revenues received can only be used for expanded capacity, not road maintenance.

#### Road Maintenance Fund

Cash balances in the Road Maintenance Fund has increased from \$1,133,559.54 in November 2018 to \$2,172,951.55 million in November 2019, an increase of \$1,039,392.01.

#### Stormwater Utility Fund

Cash and investment balances in the Stormwater Fund on November 30, 2019, totaled \$9.5 million. Revenue collections in FY20 through the end of November totaled \$4,309,904.66. Revenue collections included assessment collections of \$4,267,923.74 collected through the Brevard County Tax Collector Office and \$8,512.14 in Stormwater Service Fees previously billed by the Palm Bay

Utility.

**2018 LOGT NOTE Proceeds**

Of the \$8.9 million in funds borrowed and received in February 2018 for road construction at the new I-95 exit, plus interest earned, \$2.2 million was unspent as of November 30, 2019. A total of \$1.3 million is encumbered for drawdown as work progresses on the project.

**2019 GO Bond Proceeds**

On August 15, 2019, the City closed on the first series of GO Bonds for road improvement throughout the City. A total of \$53,971,435 was received after allowing for issuance cost, underwriter discount and bond insurance expenses, estimated at \$837,376.25. The GO Bonds cash and investments totaled \$53,590,578 at 11/30/19.

**Citywide**

The City's total cash and investments portfolio, increased to \$120,144,764.51 from \$89,616,542.13, an increase of \$30,528,222.38 or 34.14%, from November 2018 to November 2019. The increase in Citywide revenues is primarily attributable to higher year to date collection of Ad Valorem and Stormwater Assessments. This is also the first year Ad Valorem collections for the GO Bonds are included.

Proceeds from the 2019 GO Bonds Proceeds are maintained separately from the City's total cash and investments portfolio balance.

**REQUESTING DEPARTMENT:**

Finance Department

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Motion to acknowledge receipt of the November 2019 Financial Report.

Attachment: 1) November 31, 2019 Monthly Financial Report (available upon request)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 16, 2020

**RE:** Travel Request – Basic Public Information Officer Course and 2020 Symposium

Travel request for Christina Born, Community Information Coordinator, to attend the Basic Public Information Officer training course and the 2020 Florida Public Information Officer Symposium from January 22<sup>nd</sup> through January 24<sup>th</sup>, 2020 in Daytona Beach, FL.

The Basic Public Information course is intended for Public Information Officers (PIO) who are new to the field. The course emphasis is on the basic skills and knowledge needed for public safety, emergency management and government/municipal public information activities. Topics include: the role of the PIO, communication tools, awareness campaigns, news release writing, public speaking, conducting television interviews and news conferences, strategic and crisis communications, and social media.

The 2020 Florida PIO Symposium is the State's premiere conference for communicators from all disciplines. Nationally known speakers present on best practices and relevant topics for today's public information, external affairs, marketing and Public Relations professionals. Past speakers have included PIOs who managed the Las Vegas Route 91 Harvest Music Festival shooting, hurricanes Michael, Irma, and Maria, the Pulse Nightclub shooting, Boston Marathon bombing and the Aurora, and the Colorado movie theatre massacre. Previous media guest speakers have included NBC's Kerry Sanders, ABC's Matt Gutman, CBS's David Begnaud, and ABC's Tom Llamas.

Mrs. Born is expected to gain various skills crucial to her role as Community Information Coordinator for the City. Tasked with disseminating pertinent information to the public, Mrs. Born will learn valuable techniques developing messaging, scheduling media interviews and preparing for crisis situations.

**REQUESTING DEPARTMENT:**

Community & Economic Development



Mayor and Council: C&ED Travel Request

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**FISCAL IMPACT:**

Total fiscal impact is estimated to be \$572.00 and is budgeted in accounts #001-1216-512-4001 (Travel & Mileage) and 5501 (Training).

**RECOMMENDATION:**

Motion to acknowledge and approve travel request for Christina Born to attend the Basic Public Information Officer training course and the 2020 Florida Public Information Officer Symposium

Attachment: 1) Travel Request Info (available upon request)



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 16, 2020  
**RE:** Travel Request – Growth Management Department

The Growth Management Department is requesting travel approval for Planning Specialist Chandra Powell, CAP, OM of the Land Development Division to attend the International Association of Administrative Professionals (IAAP) Summit 2020 on July 17-21, 2020, Lake Buena Vista, Florida. This conference is a savings to the department. The expenditure will cover three years of education credits towards Ms. Powell's recertification, and no further travel funds will be expended for Ms. Powell until 2023.

### REQUESTING DEPARTMENTS:

Growth Management Department

### FISCAL IMPACT:

The estimated expenditure is \$1,774.00. Registration will increase by \$100 after January 31, 2020. Funding is available in accounts 001-3311-515-4001 and 001-3311-515-5501.

### RECOMMENDATION:

Motion to approve Growth Management Department travel as requested.

Attachment: *(all available upon request)*

- 1) Travel backup

PM/cp/ab



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 16, 2020

**RE:** Training and Travel for Certified Playground Safety Inspector Program

The National Recreation and Park Association offers the industry-leading certification program in playground safety, the Certified Playground Safety Inspector (CPSI) certification program. The CPSI certification program provides the most comprehensive and up-to-date training on playground safety issues including hazard identification, equipment specifications, surfacing requirements and risk management methods. The next course is offered February 19 – 21, 2020, in Altamonte Springs, Florida. The department would like to send 2 staff members to the certification program (Josh Hudak, Parks Foreman, and Tom Evans, Parks Foreman). The estimated costs associated with the program and travel are: Registrations for the course and the exam \$1,140.00 (\$570 each), Lodging \$387.00 (one room for three nights), and per diems \$228.00 for a total of \$1,755.00.

### REQUESTING DEPARTMENTS:

Parks and Recreation

### FISCAL IMPACT:

The approximate cost of attending the CPSI Program \$1,755.00. Funds have been specifically budgeted, are identified as such, and have been approved through the FY20 Budget Process in the Department's Training Account #001-4010-572-4001.

### RECOMMENDATION:

Motion to approve Parks and Recreation Staff to attend the CPSI Program.

Attachments: (Available upon request)

- 1) CPSI Program Flyer
- 2) Travel Authorizations (unsigned)



## LEGISLATIVE MEMORANDUM

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

**FROM:** Lisa Morrell, City Manager

**DATE:** January 16, 2020

**RE:** Travel Request – Police Department

Crime Scene Technician Phillip Clendenin will be traveling to Myrtle Beach, SC February 2, 2020 – February 5, 2020 to attend the Video Examination for the Police Investigator Training. The Registration Cost is estimated at \$395.00, the Lodging Cost is estimated at \$309.00, and the per diem is estimated at \$199.00 with an approximate total of \$903.00. This will be paid out of the Investigation Services Divisions Account (5013).

Sergeant Ryan Palmer and Officer Joshua Taylor will be traveling to Fort Myers, FL April 26, 2020 – May 1, 2020 to attend the Conducting Background Investigations Training. The Registration Cost is estimated at \$0.00, the Lodging Cost is estimated at \$580.00, and the per diem is estimated at \$522.00 with an approximate total of \$1,102.00. This will be paid out of the Support Services Divisions Account (5011).

Materials Management Technicians Kathleen Revis and Dawn Subrin will be traveling to Daytona Beach, FL May 17, 2020 – May 20, 2020 to attend the Property and Evidence Association of Florida Conference. The Registration Cost is estimated at \$650.00, the Lodging Cost is estimated at \$375.00, and the per diem is estimated at \$290.00 with an approximate total of \$1,315.00. This will be paid out of the Support Services Divisions Account (5011).

Victim Advocate Sandra Dobson will be traveling to Fort Lauderdale, FL June 7, 2020 – June 12, 2020 to attend the Victims Services Practitioner Designation Training. The Registration Cost is estimated at \$399.00, the Lodging Cost is estimated at \$545.00, and the per diem is estimated at \$358.00 with an approximate total of \$1,302.00. This will be paid out of the Victim Services Division Account (5025).

Agent Derek Hollcroft will be traveling to Bonita Springs, FL August 3, 2020 – August 7, 2020 to attend the Intermediate Gang Specialists and The Florida Gang Investigators Associations Conference. The Registration Cost is estimated at \$475.00, the Lodging Cost is estimated at \$745.00, and the per diem is estimated at \$305.00 with an approximate total of \$1,525.00. This will be paid out of the Investigation Services Divisions Account (5013).

**REQUESTING DEPARTMENT:**

Police Department

**FISCAL IMPACT:**

The total cost of travel is estimated at \$6,147.00 and is available in 001-5011-512-5501 (\$650); 001-5011-521-4001 (\$1767); 001-5025-521-5501 (\$399); 001-5025-521-4001 (\$903); 001-5013-512-5501 (\$870); and 001-5013-512-4001 (\$1558).

**RECOMMENDATION:**

Motion to acknowledge and approve travel as mentioned above.

Attachment: 1) Travel information (available upon request)

NM/ts/ab



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Lisa Morrell, City Manager  
**DATE:** January 2, 2020  
**RE:** Travel Request- Utilities Department

Request approval for Ms. Teresa Wever and Mr. Shaun Ralston to attend the 30<sup>th</sup> Annual Cross Connection Control Conference, February 19 – February 20, 2020. The workshop description and justification for attendance is as follows.

The training will allow staff to gain additional knowledge on backflow prevention assemblies and help identify and solve problems encountered in the cross connection control program. It will also provide continuing educational units (CEUs) needed to maintain their distribution licenses.

Please see attached agendas for detailed information of the meeting session topics. The training and workshop are being held at the Shores Resort & Spa in Daytona Beach. The total estimated cost is \$465.00 a person, total of \$930.00.

### **REQUESTING DEPARTMENTS:**

Utilities Department

### **FISCAL IMPACT:**

Training has been budgeted and funds are available in Utilities operating account 421-8020-535-40-01 and 421-8020-535-55-01.

### **RECOMMENDATION:**

Motion to acknowledge and approve travel as mentioned above.

Attachment: 1) Course agendas and travel authorization (available upon request)