



Mayor
WILLIAM CAPOTE

Deputy Mayor
KENNY JOHNSON

Councilmembers
HARRY SANTIAGO, JR.
JEFF BAILEY
BRIAN ANDERSON

120 Malabar Road, SE - Palm Bay, FL 32907
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www.palmbayflorida.org

AGENDA

REGULAR COUNCIL MEETING 2020-21

THURSDAY

June 4, 2020 - 7:00 P.M.

City Hall Council Chambers

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENT(S):

1. Five (5) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City', 'advocate for low-income persons' and 'bank industry').++
2. Two (2) vacancies on the Youth Advisory Board (represents youth board member 'at-large' positions).++
3. Four (4) vacancies on the Disaster Relief Committee.++
4. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++
5. One (1) vacancy on the Melbourne-Tillman Water Control District (represents 'resident within district' position).+

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

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motion. If discussion is desired by the City Council, that item will be removed from the Consent Agenda by Council and will be considered in the order that it appears on the agenda.

PROCLAMATION(S):

1. Indian River Lagoon Scenic Highway 20th Anniversary – June 12, 2020.

PRESENTATION(S):

1. Chief Nelson Moya, Palm Bay Police Department – homeless update.

ADOPTION OF MINUTES:

- *1. Regular Council Meeting 2020-19; May 21, 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 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), final reading.
2. Ordinance 2020-18, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from Public/Semi-Public Use to Single-Family Residential Use (11.71 acres)(Case CP-2-2020, Paul Yates), final reading.
- ♣3. Ordinance 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), final reading.
4. Ordinance 2020-25, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Torgerson Road, in the vicinity east of Toronto Avenue, from Recreation and Open Space Use to Single-Family Residential Use (5.5 acres)(Case CP-5-2020, Brandon and Carissa Stranz), only one reading required.

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5. Ordinance 2020-26, amending the Code of Ordinances, Chapter 70, General Provisions, Subchapter 'General Provisions', by revising provisions related to parking of vehicles in residential areas (Case T-8-2020, City of Palm Bay), first reading.
6. Ordinance 2020-27, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by revising provisions related to parking of vehicles in residential areas (Case T-8-2020, City of Palm Bay), first reading.
7. Ordinance 2020-28, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by revising provisions related to parking of vehicles in residential areas (Case T-8-2020, City of Palm Bay), first reading.
8. Ordinance 2020-29, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management Utility', by revising provisions contained therein (Case T-14-2020, City of Palm Bay), first reading.
- ♣9. Request by Thomas Marshall for a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area (0.24 acres)(Case V-9-2020).
- ♣10. Request by Steamboat Landing, LLC for a variance to allow a proposed sign to exceed the maximum allowable height by 10 feet and a maximum sign area by 35 square feet (0.60 acres)(Case V-11-2020).
11. Ordinance 2020-30, vacating a portion of the rear public utility and drainage easement located within Lot 18, Block 253, Port Malabar Unit 8 (Case VE-4-2020, Jaime Vargas Jr.), first reading.
12. Ordinance 2020-31, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 53, Port Malabar Unit 4 (Case VE-5-2020, Redwood RE Holdings II, LLC), first reading.
13. Ordinance 2020-32, vacating a portion of the rear public utility and drainage easement located within Lot 16, Block 7, Port Malabar Country Club Unit 1 (Case VE-6-2020, Anthony Acosta), first reading.
14. Ordinance 2020-33, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 1719, Port Malabar Unit 36 (Case VE-7-2020, M. Lavonte Stanley), first reading.

PROCUREMENT(S):

Award of Bid(s):

- *1. Electrical supply – IFB 30-0-2020 – Facilities Department (CED Vero Beach, A&J Leggio Enterprises, LLC and Florida Bulb & Ballast – estimated \$120,000 annually ‘as needed’).
- *2. Road bond paving, Units 11, 15, 18, 23 and 56 – IFB 32-0-2020 – Public Works Department (Asphalt Paving System, Inc. - \$2,190,727 (Unit 11); \$1,540,020 (Unit 15); \$2,499,351 (Unit 18); \$3,203,032 (Unit 23); and \$1,077,529 (Unit 56)).
- *3. Type 6 brush truck – IFB 58-0-2020 – Fire Rescue (Midwest Fire - \$113,334 (funded by CDBG Program)).
- *4. Mobile water tender – IFB 59-0-2020 – Fire Rescue (Midwest Fire - \$254,754 (funded by CDBG Program)).

Miscellaneous:

- *1. Clarifier valve replacement, North Regional Wastewater Treatment Plant (emergency purchase) – Utilities Department (Ferguson Waterworks - \$17,846 (purchase of new valve); L7 Construction, Inc. - \$39,186 (removal of existing/installation of new valve)).

UNFINISHED AND OLD BUSINESS:

- 1. Appointment of one (1) member to the Community Development Advisory Board.

COMMITTEE AND COUNCIL REPORT(S):

NEW BUSINESS: (Ordinance is for first reading.)

- *1. Resolution 2020-27, authorizing the execution and delivery of an amended and restated equipment lease/purchase agreement with Banc of America Public Capital Corp.
- *2. Ordinance 2020-34, amending the Code of Ordinances, Chapter 37, Departmental Divisions, by removing provisions related to Housing and Community Development.
- *3. Consideration of a Utility Agreement with Avery Springs Subdivision; authorize the purchase of pumps and electrical panel to support Regional Pump Station 1 (\$157,815).
- *4. Consideration of establishing a Code Compliance Amnesty Program through December 31, 2020.

- *5. Consideration of a temporary waiver of mobile food vendor fees through September 30, 2020.
- *6. Consideration of a budget amendment for potable water off-site improvements related to Bayridge Subdivision (\$37,049).
- *7. Consideration of the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.
- *8. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended March 31, 2020.

ADMINISTRATIVE AND LEGAL REPORT(S):

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

ADJOURNMENT:

♣Quasi-judicial proceeding.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, notice is hereby given that the City of Palm Bay shall hold the above public meeting on June 4, 2020, beginning at 7:00 P.M. and lasting until the meeting is complete. The meeting will be conducted via communications media technology (teleconference/video conference).

Public comments may be submitted via email at publiccomments@palmbayflorida.org. Members of the public may also call (321) 726-2740 to provide comments via a dedicated City of Palm Bay public comment voicemail. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the City Council prior to any action taken. Comments must be received at least twenty-four (24) hours prior to the meeting and shall have a time limit of three (3) minutes.

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.

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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 contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Terese M. Jones, City Clerk
DATE: June 4, 2020
RE: One (1) vacancy on the Melbourne-Tillman Water Control District

SUMMARY:

Our office has been notified that a long-term member of the board recently passed away; therefore, there is a vacancy on the board.

REQUESTING DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The vacancy needs to be announced and applications solicited at tonight's meeting. An appointment will be made at the regular Council meeting to be held on July 2, 2020. The individual appointed to the position will complete the remainder of the previous member's term, which expires September 30, 2022.

/jcd

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-19

Held on Thursday, the 21st day of May 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.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:24 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
CITY MANAGER:	Lisa Morrell	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Joan Junkala-Brown, Economic Development 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').++**
- 2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**

3. **Four (4) vacancies on the Disaster Relief Committee.++**
4. **One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**
5. **Three (3) terms expiring on the Community Development Advisory Board (represents 'residential home building', 'banking industry', and 'advocate for low-income persons' positions).++**
6. **One (1) term expiring on the Youth Advisory Board (represents youth board member 'at-large' position).+**

AGENDA REVISION(S):

1. Mrs. Morrell announced the following:
 - a.) Item 3, under New Business, related to the SHIP Local Housing Assistance Plan (LHAP) 2020-2023, was revised to include an updated Legislative Memorandum and the LHAP 2020-2023 (Exhibit A to Resolution 2020-25, in its entirety) had been replaced.
 - b.) The recommendation on the Legislative Memorandum was revised on Items 5, under New Business, related to land lease for Little Growers, Inc.
 - c.) The developer utilities agreement was provided as an attachment to the Legislative Memorandum on Item 7, under New Business, related to the sanitary sewer force main extension at 5180 Minton Road.
 - d.) A new Legislative Memorandum, related to the non-competitive refinancing of the energy performance lease/purchase agreement, was added at Item 11, under New Business.

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. Santiago, that the Consent Agenda be approved with the removal of Miscellaneous 1, under Procurement(s), and Item 3, under New Business, 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.

PROCLAMATION(S):

The proclamation was read.

1. **National Safe Boating Week – May 16-22, 2020.**

ADOPTION OF MINUTES:

- *1. **Special Council Meeting 2020-15; April 23, 2020.**
- *2. **Special Council Meeting 2020-16; April 29, 2020.**
- *3. **Regular Council Meeting 2020-17; May 7, 2020.**
- *4. **Special Council Meeting 2020-18; May 14, 2020.**

The minutes, considered under Consent Agenda, were approved as presented.

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

There were no public comments.

PUBLIC HEARING(S):

1. **Ordinance 2020-24, amending the Code of Ordinances, Chapter 110, Business Regulations, by revising provisions related to Business Tax Receipt exemptions, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-24. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. **Consideration of a substantial amendment to Community Development Block Grant Annual Action Plan prior year (Fiscal Year 2018) unspent funds (\$431,527).**

The Community Development Advisory Board (CDAB) recommended denial of the request.

The public hearing was opened. Mrs. Morrell presented the request to City Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the substantial amendment as requested.

Mr. Bailey asked the reason for the denial by the CDAB. Mrs. Junkala-Brown said the CDAB was concerned that Fire Rescue was continuously receiving the majority of the funding and wanted to see the funds dedicated towards more infrastructure-related projects, such as stormwater. She said that due to the timing, staff did not feel it was a feasible use for the funds. The deadline to expend the funds was August 2nd in the amount of approximately \$460,000.

Mr. Bailey asked if the item could be tabled to June 4th and allow for other items to be considered. Mrs. Morrell said that due to specific deadlines, a decision had to be made at tonight's meeting.

Mr. Anderson said he had the same concerns as Councilman Bailey, but said that due to the time constraints, there was no better use for the funds.

Mr. Bailey said he wanted to see the monies placed towards infrastructure but understood the timing and he knew that staff was also looking at the needs for infrastructure. He still preferred to table the item.

Motion carried with members voting as follows:

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

3. Consideration of an amendment to the Citizen Participation Plan for the Community Development Block Grant to include new emergency provisions for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

The Community Development Advisory Board recommended approval of the request.

The public hearing was opened. Mrs. Morrell presented the request to City Council. The public hearing was closed.

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

4. Consideration of the CARES Act amendment to the Fiscal Year 2020 Annual Action Plan related to COVID-19 (\$458,099).

The Community Development Advisory Board recommended approval of the request.

The public hearing was opened. Mrs. Morrell presented the request to City Council. The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve the CARES Act amendment to the Fiscal Year 2020 Annual Action Plan. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Miscellaneous:

1. Pool repairs, Palm Bay Aquatic Center – Parks and Recreation Department (Oak Wells Aquatics - \$651,125; contingency - \$65,112 (sole source)).

Staff Recommendation: Approve the award of a sole source contract to Oak Wells Aquatics, using previously appropriated funds, in the amount of \$651,124.80; and the allocation of a ten percent (10%) contingency in the amount of \$65,112.48.

Rebecka VanHeden, resident, spoke on behalf of the many swim teams and public that utilize the pool. She said the closure had caused teams to travel to Cocoa for practice and training and created an inconvenience to the community. She asked that Council approve the repairs.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the award for pool repairs as requested.

Mr. Bailey understood the benefits of the pool but did not feel it was the highest priority for the City's budget at this time. He said there would be impacts to the City's budget in the upcoming fiscal years due to the pandemic.

Motion carried with members voting as follows:

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

COMMITTEE AND COUNCIL REPORT(S):

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

1. Mr. Anderson said that Deputy Mayor Johnson had spoken about some of the City's reserves being dedicated to the Road Maintenance Fund and felt that now was a good time for same.
2. Mr. Bailey said that he was continuing to meet with staff regarding urban farming and it would be presented to the Planning and Zoning Board as soon as possible.
3. Mr. Santiago asked for consensus from Council to continue the meetings of the advisory boards which had been on hold due to the pandemic. He was advised by staff that training would be required in order to conduct the meetings virtually. Council concurred.

Mr. Bailey thought that the boards were not able to meet virtually. He added that if the State moved into the next phase, virtual meetings may no longer be an option for City Council. Mr. Santiago said that the board members would be asked if they felt comfortable physically attending a meeting. Mayor Capote felt that the Governor could be lobbied to permit the boards to meet virtually. He did not think that many board members would be comfortable coming to a facility for a meeting. Mr. Anderson said it made sense to have a policy for the boards as many of the boards for Brevard County already met virtually.

Mr. Bailey said he had brought the idea of paring back on some of the boards. He said that the effects of social distancing had placed more work on staff and to allow all boards to meet, along with training, would add even more to their plate. Mr. Santiago said that virtual meetings may become the norm in the future.

4. Deputy Mayor Johnson asked the City Manager to address the City's healthy reserves and the Road Maintenance Policy. Mrs. Morrell said that Council could adopt a resolution regarding minimum Fund Balance and funds could be designated towards the deficit of the Road Maintenance Fund. The resolution could be adopted and amended each year during the budget process or just continue as is with the policy.

5. Deputy Mayor Johnson would be presenting revisions to the tiny homes ordinance. Specifically, the Small Planned Unit Development (SPUD) portion.

☞ Mrs. Smith addressed the discussion of virtual meetings for the advisory boards. She said that boards may be able to meet virtually. Policies, procedures and training needed to be implemented and it would be more detailed for quasi-judicial hearings. However, some boards may be able to meet virtually even without the Governor's Executive Order in place. Mrs. Smith would work with staff on a draft policies and procedures to be presented to Council at a future meeting.

6. Mr. Bailey readdressed the monies for the Road Maintenance Fund. He felt a policy was okay but wanted to make sure that Council was committed to funding the Road Maintenance Fund. He added that impact fees should be lower for the SPUDs.

NEW BUSINESS: (Ordinance is for first reading.)

1. Resolution 2020-23, amending Resolution 2019-34, as amended, adopting rates, charges, and fees, for Fiscal Year 2019-2020, pursuant to the Code of Ordinances, Title XVII, Land Development Code. (Councilman Bailey)(CONTINUED FROM SCM 05-14-20)

The City Attorney read the resolution in caption only.

Councilman Bailey presented the item to Council. He said that the City's fees were on the high side and residents were paying more for re-inspection fees than they did for the actual permit. He also felt the City should be more competitive with salaries for the building official and inspectors.

Bill Battin, resident, provided a virtual comment. He said that Council agreed to these rates initially and that the developers should continue to pay for same. He said that the residents did not receive a break, and neither should the developers.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-23.

Mr. Bailey said that the reduction was going to be helpful to anyone requesting a permit and was directed towards lowering the fee for first inspection. It was not related to an incentive for developers.

Deputy Mayor Johnson agreed that the fees should be lowered and suggested \$25 for first reinspection; \$50 for second reinspection; \$75 for third reinspection; and \$100 for fourth reinspection.

Mr. Bailey said he would be agreeable to \$0 for first reinspection; \$50 for second reinspection; \$75 for third reinspection; and \$100 for fourth reinspection. Mr. Santiago said he would support those fees.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-23, with the amendment to \$0 for first reinspection; \$50 for second reinspection; \$75 for third reinspection; and \$100 for fourth reinspection.

Mr. Anderson said that contractors sometimes abused the system. He said it was an inspection-based industry, inspections were always being pushed, and having a free first reinspection could become problematic down the road. He felt the fee should be based on a percentage of the permit.

Mr. Santiago agreed that reinspections could sometimes be abused, but this fee tier would eliminate the homeowner or small business owner from having to pay a large amount for a small item.

Deputy Mayor Johnson asked if Councilman Bailey was aware of any issues from the City of Cocoa who had the same type of fees. Mr. Bailey was unaware of any, but Council could revisit the issue if problems occurred. Mrs. Morrell said the fees would be readopted during the budget process in September and staff could provide a report at that time of the number of reinspections.

Mr. Bailey added that permit fees were dedicated to the Building Fund which was used for building inspectors, fire inspectors, plan reviewers, etc., and was not used for the General Fund.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***2. Resolution 2020-24, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.**

The City Attorney read the resolution in caption only.

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

3. Resolution 2020-25, approving the City’s 2020-2023 Local Housing Assistance Plan and the City’s housing delivery goals for State Fiscal Years 2020-2023.

The Community Development Advisory Board recommended that the item be tabled.

The City Attorney read the resolution in caption only.

Ms. Junkala-Brown advised that the CDAB recommended tabling the item. The Florida Housing Coalition notified staff that the State’s LHAP Review Committee would be providing additional comments. Staff supported tabling the item until the comments were received.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to table Resolution 2020-25. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***4. Consideration of the first amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization, the Florida Department of Transportation, and the Brevard County municipalities for the creation of the Transportation Planning Organization.**

Staff Recommendation: Approve the first amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization, the Florida Department of Transportation, and the Brevard County municipalities for the creation of the Transportation Planning Organization.

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

***5. Consideration of a lease agreement with Little Growers, Inc., for the use of vacant, unimproved City-owned property located at 2230 Washington Street (\$12 annually).**

Staff Recommendation: Authorize the City Manager to execute the public land lease agreement at 2230 Washington Street, with Little Growers, Inc., for the use of a youth community garden program.

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

***6. Consideration of purchasing Microsoft server licenses for the Utilities Department from Software House International (SHI); and appropriation of funds on the next scheduled budget amendment (\$28,871).**

Staff Recommendation: Approve the purchase of Microsoft server licenses for the Utilities Department from Software House International (SHI); and the appropriation of funds on the next scheduled budget amendment in the amount of \$28,871.

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

***7. Consideration of a budget amendment from Utilities' Impact Fee Undesignated Fund Balance to Utilities Collection/Transmission account for the sanitary sewer force main extension project (5180 Minton Road)(\$3,804).**

Staff Recommendation: Approve a budget amendment from Utilities' Impact Fee Undesignated Fund Balance to Utilities Collection/Transmission account for the sanitary sewer force main extension project (5180 Minton Road) in the amount of \$3,804.

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

***8. Consideration of a reduction in Fleet Services' Fiscal Year 2020 Internal Service Funds (\$250,000).**

Staff Recommendation: Approve a reduction in the amount of \$250,000 in Fleet Services' Fiscal Year 2020 Internal Service Funds (General Fund \$178,763; Building Fund \$2,922; Stormwater Utility Fund 27,878; Solid Waste Fund \$2,896; Fleet Services Fund \$1,861; Utilities Operating Fund \$35,680).

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

***9. Acknowledgement of the correction to Employee Health Insurance Premium budget amounts adopted in Fiscal Year 2020 (\$3,651,467).**

Staff Recommendation: Acknowledge the correction to Employee Health Insurance Premium budget amounts adopted in Fiscal Year 2020, in the amount of \$3,651,467, for the following funds: General Fund, SHIP Fund, CDBG Fund, HOME Fund, NSP Fund,

BCRA Fund, Utilities Operating Fund, Building Fund, Stormwater Utility Fund, Solid Waste Fund, Health Insurance, Risk Fund, Other Employee Benefits Fund and Fleet Services Fund.

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

10. Acknowledgement of the City’s monthly financial report for March 2020.

Staff Recommendation: Acknowledge receipt of the March 2020 Financial Report as presented and provide feedback as to the sufficiency of the detail provided, frequency of the report to be provided, method of distribution and any other required changes.

Motion by Mr. Anderson, seconded by Mr. Bailey, to acknowledge the 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. Consideration of non-competitive refinancing of the energy performance lease/purchase agreement

Staff Recommendation: Approve the non-competitive refinancing of the Energy Performance Lease/Purchase Financing with Bank of America and authorize the Mayor or City Manager to execute all required documents.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve the non-competitive refinancing.

Mr. Anderson advised that Honeywell would be making a presentation in September to advise of any savings or to produce a check to the City.

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 special Council meeting on Thursday, May 28, 2020, at 6:00 P.M., to extend the state of local emergency and to award the bid for solid waste and recycling services. Council concurred.

PUBLIC COMMENTS/RESPONSES:

There were no comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:38 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

* Identifies items considered under the heading of Consent Agenda.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Terese M. Jones, City Clerk
DATE: June 4, 2020
RE: Final Reading of Ordinances 2020-13, 2020-18 and 2020-19

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 DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to adopt Ordinances 2020-13, 2020-18 and 2020-19.

Attachment(s): Ordinance 2020-13 (06-04-20 memo; 05-07-20 and 02-06-20 memo/minutes)
Ordinance 2020-18 (03-05-20 memo/minutes)
Ordinance 2020-19 (03-05-20 memo/minutes)

/tjl

ORDINANCE 2020-13

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'DISTRICT REGULATIONS', BY CREATING DEFINITIONS AND ESTABLISHING REGULATIONS RELATED TO ACCESSORY DWELLING UNITS; 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 XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions', is hereby amended and shall henceforth read as follows:

"GENERAL PROVISIONS

Section 185.006 DEFINITIONS.

* * *

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

>>ACCESSORY DWELLING UNIT. A residential dwelling unit, but not a mobile home or recreational vehicle, located on the same lot or parcel of land as a single-family dwelling unit, with a separate, complete housekeeping unit including a separate kitchen, sleeping area, and full bathroom facilities. The unit may be attached to the single-family dwelling unit or detached in a free-standing structure. An accessory dwelling unit is not permitted as accessory to a two-family dwelling, multi-family dwelling, or mobile home dwelling.<<

>>(1) The unit shall be accessory to and on the same property as a single-family dwelling unit and may only be located on lots or parcels of land that meet the minimum lot size requirement of this zoning district.<<

>>(2) The unit shall be developed in conjunction with or after development of the principal dwelling unit and the owner of the property must reside within either the principal or the accessory dwelling unit.<<

>>(3) Not more than one (1) accessory dwelling unit per property is permitted.<<

>>(4) No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel, or on a combination of lots or parcels unified under a recorded unity of title document.<<

>>(5) The air-conditioned floor area of the accessory dwelling unit shall not exceed 50% of the air-conditioned floor area of the principal structure, or 800 square feet, whichever is less. The accessory dwelling unit shall be no less than 200 square feet of air-conditioned floor area.<<

>>(6) The unit shall meet the accessory structure setback and height provisions identified in Section 185.118(A)&(B).<<

>>(7) Excluding converted (existing) garage accessory dwelling units, the unit shall be designed so that the exterior façade material is similar in appearance (material and color) of the existing principal structure.<<

>>(8) A minimum of one (1), but not more than two (2) parking spaces shall be provided for the accessory dwelling unit, in addition to the spaces required for the principal dwelling unit.<<

>>(9) Construction of the accessory dwelling unit, in combination with all structures on the property, shall not cause the maximum lot coverage of this zoning district to be exceeded.<<

>>(10) The accessory dwelling unit shall be serviced by centralized water and waste water or meet the health department's well and septic tank and drain field requirements. Modification, expansion or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.<<

>>(11) An accessory dwelling unit shall be treated as a multi-family unit for impact fees.<<

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'District Regulations', is hereby amended and shall henceforth read as follows:

“DISTRICT REGULATIONS

* * *

Section 185.031 RR — RURAL RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.

(3 >>4<<) Keeping or raising for sale of horses, ponies, and cows; provided, that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.

(4 >>5<<) Public parks, playgrounds and other public recreational facilities.

(5 >>6<<) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.

(6 >>7<<) Keeping or raising for sale of small domestic animals, birds, or fish.

(7 >>8<<) Keeping or raising for sale of small farm animals, such as goats, chickens, pigs and other small animals typically found on a farm, provided the total of all such animals shall not exceed five (5) for each one half (½) acre of lot area.

(8 >>9<<) The acreage used in determining the number of animals that may be kept upon the premises may only be used for one (1) type of animal. For example, an acre of land would allow for two (2) horses, but it would not allow for an additional five (5) goats. The land needed to support one type of animal cannot in turn be counted to permit further animals. This provision is to protect the health of the animal(s) and to ensure the residential character of the neighborhood is maintained.

* * *

Section 185.032 RE — ESTATE RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

Section 185.033 RS-1 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements:*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

Section 185.034 RS-2 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements:*

* * *

(8) Minimum ~~two (2)~~ **>>one (1) <<** car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

Section 185.035 RS-3 — SINGLE-FAMILY RESIDENTIAL DISTRICT.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(2 >>3<<) Public parks, playgrounds and other public recreational facilities.

(3 >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

Section 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(~~2~~ >>3<<) Public parks, playgrounds and other public recreational facilities.

(~~3~~ >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

(F) *Lot and structure requirements.*

* * *

(8) Minimum ~~two (2)~~ >>one (1) << car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.

* * *

Section 185.051 SRE — SUBURBAN RESIDENTIAL ESTATE CATEGORY.

* * *

(B) *Principal uses and structures:*

(1) Single-family dwellings.

>>(2) Accessory dwelling units; subject to the provisions listed in the Section 185.006.<<

(~~2~~ >>3<<) Public parks, playgrounds and other public recreational facilities.

(~~3~~ >>4<<) Public utility equipment and facilities located within a utility easement or right-of-way.

* * *

SECTION 3. 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 4. 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 5. 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 6. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2020-03, held on February 6, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will be included will be 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

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department) 2nd Reading

SUMMARY:

This item had its first reading at City Council on February 6, 2020, approval was unanimous. This Text Amendment also has a companion a Large-Scale Comprehensive Plan Amendment CP -1-2020. Large scale Comp Plan amendments are required to be referred to the Department of Economic Opportunity (DEO). CP-1-2020 was referred to DEO on February 20, 2020. It was returned to the City from DEO on March 16, 2020 and this is the first opportunity to have it placed on an agenda for the Council's consideration. At the May 7, 2020 Council meeting staff indicated that the words "*unified under a recorded unity of title document*" needed to be stricken because the Brevard County Property Appraiser does not have such a procedure. Thus, this item was placed on this agenda for the that text to be changed.

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to create a definition for accessory dwelling units; establish regulations for such; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts. These changes includes six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

The following is a summary of some of the provisions regarding Accessory Dwelling Units (ADUs):

- ADUs may be either attached or in detached structures
- Only 1 ADU per property is permitted

- Owner must reside on the property
- Size is limited to 50% of the main unit or 750 square feet whichever is less, and the minimum size shall be 300 square feet
- ADUs must conform with height, setback and coverage requirements
- There shall be at least 1 but not more than 2 additional parking spaces for the ADU
- The property must be connected to public water & sewer or the additional unit must be approved by the County Health Department.

This application also reduces garage requirements from 2 space to 1 space for the RS-1, RS-2 and SF-1 Zoning Districts.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case T-3-2020.

Planning and Zoning Board Recommendation:

Motion for approval of the request by a vote of 4 to 1.

Attachments:

- 1) Case T-3-2020 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Revised Zoning Text (*available upon request*)
- 3) Ordinance



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: May 7, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department) 2nd Reading

SUMMARY:

This item had its first reading at City Council on February 6, 2020, approval was unanimous. This Text Amendment also has a companion a Large-Scale Comprehensive Plan Amendment CP -1-2020. Large scale Comp Plan amendments are required to be referred to the Department of Economic Opportunity (DEO). CP-1-2020 was referred to DEO on February 20, 2020. It was returned to the City from DEO on March 16, 2020 and this is the first opportunity to have it placed on an agenda for the Council's consideration.

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to create a definition for accessory dwelling units; establish regulations for such; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts. These changes includes six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

The following is a summary of some of the provisions regarding Accessory Dwelling Units (ADUs):

- ADUs may be either attached or in detached structures
- Only 1 ADU per property is permitted
- Owner must reside on the property

- Size is limited to 50% of the main unit or 750 square feet whichever is less, and the minimum size shall be 300 square feet
- ADUs must conform with height, setback and coverage requirements
- There shall be at least 1 but not more than 2 additional parking spaces for the ADU
- The property must be connected to public water & sewer or the additional unit must be approved by the County Health Department.

This application also reduces garage requirements from 2 space to 1 space for the RS-1, RS-2 and SF-1 Zoning Districts.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case T-3-2020.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 4 to 1.

Attachments:

- 1) Case T-3-2020 (*available upon request*)
- 2) Board minutes (*available upon request*)
- 3) Ordinance

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

A resident made a general comment.

PUBLIC HEARING(S):

1. Ordinance 2020-10, amending the City’s Comprehensive Plan Future Land Use Element to provide for accessory dwelling units in the Single-Family Residential Use category (Case CP-1-2020, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-10. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘General Provisions’ and ‘District Regulations’ by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), final reading.

The City Attorney read the ordinance in caption only.

The public hearing was opened. Mrs. Morrell presented the request to Council and advised that the definition of ‘Accessory Dwelling Unit’, under Section 185.006(4), should read as follows:

“(4) No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located on a single lot or parcel, or on a combination of lots or parcels ~~unified under a recorded unity of title document.~~”

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-13, with the revision as stated.

Mr. Bailey asked that Council consider other accessory dwelling units, such as detached garages and sheds. He wanted to bring forth language establishing a size limit and removing the permitting requirements. He also wanted fencing provisions addressed for urban farming.

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 2020-21, amending the Code of Ordinances, Title III, Administration, by creating Chapter 39, Community and Economic Development, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-21. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

4. Ordinance 2020-22, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (second budget amendment), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-22. 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 2020-23, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Barber Street, in the vicinity north of Barcelona Road, from Recreation and Open Space Use to Single-Family Residential Use (1.7 acres)(Case CP-3-2020, M. David and Joan Moallem), only one reading required.

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments contained in the staff report.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: February 6, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

The City of Palm Bay (Growth Management Department) has applied for a textual amendment to create a definition for accessory dwelling units; establish regulations for such; identify which zoning districts they are allowed in; and reduce the garage requirement in certain districts. These changes includes six zoning districts: §185.032 – RE Residential Estate, §185.033 – RS-1 Single Family, §185.034 – RS-2 Single Family, §185.035 – RS-3 Single Family, §185.035 – RS-3 Single Family, §185.049 – SF-1 Single Family and §185.051 – SRE Suburban Residential Estate.

The following is a summary of some of the provisions regarding Accessory Dwelling Units (ADUs):

- ADUs may be either attached or in detached structures
- Only 1 ADU per property is permitted
- Owner must reside on the property
- Size is limited to 50% of the main unit or 750 square feet whichever is less, and the minimum size shall be 300 square feet
- ADUs must conform with height, setback and coverage requirements
- There shall be at least 1 but not more than 2 additional parking spaces for the ADU
- The property must be connected to public water & sewer or the additional unit must be approved by the County Health Department.

This application also reduces garage requirements from 2 space to 1 space for the RS-1, RS-2 and SF-1 Zoning Districts.

Mayor and Council: T-3-2020

February 6, 2020

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REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case T-3-2020.

Planning and Zoning Board Recommendation:

Approval of the request by a vote of 4 to 1.

Attachments:

- 1) Case T-3-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

Mr. Bailey asked about the current level of density. Mr. Bradley said that the density was based on the underlying land use. In RM-10 or RM-15 zoning, it was ten (10) units or twenty (20) units per acre, respectively. Mr. Bailey wanted to see the maximum square footage of eight hundred (800) increased in order to provide more variety. He suggested one thousand (1,000) square feet.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to amend the motion adopt Ordinance 2020-12, subject to the conditions as recommended by the Planning and Zoning Board, and to increase the square footage limit from eight hundred (800) square feet to one thousand (1,000) square feet.

Mr. Murphy clarified that staff had set the maximum at eight hundred (800) square feet because the minimum home size in a regular PUD was eight hundred (800) square feet. If Council concurred to exceed the eight hundred (800) square feet, then it would no longer be considered a small PUD. This was a way to distinguish between a small PUD and regular PUD. Mr. Bailey felt that an amendment to the regular PUD could be brought forth in the future.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-12, as is, subject to the conditions as recommended by the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations' by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), first reading.

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

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

Individuals spoke in favor of the request. Phil Weinberg, resident, spoke against the request. He said that decreasing from a two-car garage to a single car garage in certain zoning districts would not make housing more affordable. He said difference in cost was minimal.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13.

Mr. Bailey did not feel it was a necessary requirement to have a two-car garage on a 1,200 square foot home. He would not be opposed to having no garages in certain zoning districts or just having carport. He did not agree with the maximum build of seven hundred fifty (750) square feet for the ADU and said it should be (800) square feet or higher.

Mr. Santiago had no problem with a one-car garage, but there could be consequences. The homeowner would be limited to a single car driveway and limited to the number of vehicles parked on an impervious area. He suggested that the minimum square footage be decreased from three hundred (300) to two hundred (200).

Mr. Anderson withdrew his second.

Motion by Mr. Bailey, seconded by Mr. Anderson, to adopt Ordinance 2020-13, with the condition of increasing the maximum to eight hundred (800) square feet and the minimum to two hundred (200) square feet. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Award of Bid(s):

***1. Brass fittings, Ford brand only – IFB 17-0-2020 – Utilities Department (Ferguson Waterworks - \$150,000, as needed).**

Staff Recommendation: Approve the award for brass fittings (Ford brand only) to Ferguson Waterworks (Melbourne), in the amount of \$150,000, as needed.

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

***2. Lift Station 93 Rehabilitation – IFB 18-0-2020 – Utilities Department (Danus Utilities - \$106,966).**

Staff Recommendation: Approve the award for Lift Station 93 rehabilitation to Danus Utilities (Sanford), in the amount of \$106,966.

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

ORDINANCE 2020-18

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING FUTURE LAND USE MAP SERIES NO. 2; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held a public hearing on an amendment to the Comprehensive Plan on February 5, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held a public hearing on an amendment to the Comprehensive Plan on March 5, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, submitted the amendment to the Florida Department of Economic Opportunity for review and comment, and

WHEREAS, the Florida Department of Economic Opportunity submitted a Comment Report regarding this amendment, and

WHEREAS, the City Council of the City of Palm Bay has considered the Comments provided and has addressed all items, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption public hearing on the amendment to the Comprehensive Plan on June 4, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Public/Semi-Public Use to Single-Family Residential Use, which property is legally described as follows:

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 acres, more or less.

SECTION 2. The Future Land Use Map Series Map No. 2 is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan. Future development will be restricted to the submitted Development Agreement. Specifically:

1) Owner may use the property consistent with all permitted, conditional and accessory uses in the RR (Rural Residential District) zoning EXCEPT the following:

- a) Public parks, playgrounds and other public recreational facilities;
- b) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way;
- c) Cemeteries;
- d) Churches;

- e) Antennas and transmitters;
 - f) Public and private schools; and
 - g) Commercial dog kennels.
- 2) Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than two (2) pigs for personal use as pets.
- 3) Owner may clear the land as necessary for agricultural purposes.
- 4) Should the owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No commercial deliveries will be permitted on Sunday.
- 5) A perimeter fence is permitted. There shall be maintained a 10-foot wide cleared area on the interior of the fence for maintenance purposes.
- 6) Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot wide cleared area around the perimeter, except for those areas where driveway shall be located.
- 7) No commercial wholesale nursery activity shall be permitted.
- 8) A future u-pick operation may be allowed as a conditional use under the RR (Rural Residential District) zoning.
- 9) Should the subject property be rezoned from RR (Rural Residential District) zoning, then the agreement shall automatically expire.

SECTION 4. 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 5. This ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is

complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance pursuant to Section 163.3184(3)(c)4, Florida Statutes. The Department only issues a final order for Expedited State Review amendments if they are challenged by an affected party.

Read in title only at Meeting 2020-05, held on March 5, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Paul Yates
Case: CP-2-2020

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 5, 2020

RE: Comprehensive Plan Amendment Request – Paul Yates

Mr. Paul Yates has applied for a large-scale Comprehensive Plan Future Land Use Map Amendment to change 11.71 acres of Public/Semi-Public Use (PSP) to Single-Family Residential Use (SFR). The subject property is bordered by single-family residential land uses on three sides. The intended use for the parcels is a small hobby farm. The proposed land use amendment would be considered compatible with the surrounding land uses as it is the same classification.

The following is a condition for the request:

- Future development will be restricted to the submitted Development Agreement. Specifically:
 1. Owner may use the property consistent with all permitted, conditional and accessory uses in the RR zoning district **EXCEPT** the following:
 - a. Public parks, playgrounds and other public recreational facilities.
 - b. Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right-of-way.
 - c. Cemeteries.
 - d. Churches.
 - e. Antennas and transmitters.
 - f. Public and private schools.
 - g. Commercial dog kennels
 2. Agricultural pursuits shall be allowed, except no hog farms shall be allowed. Provided, however, that the property owner may keep and maintain on the property no more than 2 pigs for personal use as pets.

3. Owner may clear the land as necessary for Agricultural purposes.
4. Should the Owner use the property for any agricultural purposes which results in the sale of such farm products raised on the property, the Owner agrees to limit commercial delivery hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No commercial deliveries will be permitted on Sunday.
5. A perimeter fence is permitted. There shall be maintained a 10-foot wide cleared area on the interior of the fence for maintenance purposes.
6. Owner shall provide a 10-foot wide vegetative/natural state buffer on the inside of the 10-foot wide cleared area around the perimeter, except for those areas where driveway shall be located.
7. No commercial wholesale nursery activity shall be permitted.
8. A future u-pick operation may be allowed as a conditional use under the RR district.
9. Should the subject property be rezoned from RR, Rural Residential then this Agreement shall automatically expire.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-2-2020 subject to the staff comments and conditions contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff comments and conditions contained in the staff report.

Attachments: (Available upon request)

- 1) Case CP-2-2020
- 2) Board minutes
- 3) Ordinance

PJM/cp/ab

Motion by Mr. Anderson, seconded by Mr. Santiago, to adopt Ordinance 2020-17.

Mr. Anderson said this had been a long-time coming. He was looking forward to the development.

Mr. Bailey reiterated his comments from the last meeting. He did not feel the CDD was appropriate for residential only and would be better served by an HOA. He explained the powers of a CDD which served as a governing body that could impose fees against those residing within the CDD.

Mr. Santiago shared the same concerns as Mr. Bailey but said that Lennar Homes was well established and had been very transparent with its information. He supported the request.

Motion carried with members voting as follows:

Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

5. Ordinance 2020-18, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from Public/Semi-Public Use to Single-Family Residential Use (11.71 acres)(Case CP-2-2020, Paul Yates), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments and conditions contained in the staff report.

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

Bill Battin, resident, hoped that the applicant would join him in approaching Council to request an equestrian trail.

Peter Filiberto, resident, requested that the applicant explore a low-income development.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve Ordinance 2020-18, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣6. Ordinance 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), first reading.

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

The 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. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-19, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-20, amending Ordinance 2019-68, which amended the Code of Ordinances, Chapter 178, Signs, by eliminating the time limit provisions related to the display of temporary signs (Case T-5-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-20. Due to a request for public comment, the motion and second were withdrawn.

The public hearing was reopened.

Residents asked if signs could remain on display for builders, campaign signs and real estate signs.

Mr. Bradley clarified that the ordinance was related to temporary signs which included the new construction and real estate signs, and the time limits would be eliminated upon the enactment of the ordinance. Mrs. Smith said that campaign signs could be considered temporary signs, but it was based on the construction of the sign, such as A-frame, banner, snipe, etc. and not the content of the sign.

ORDINANCE 2020-19

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 RR (RURAL RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED EAST OF AND ADJACENT TO DALHART AVENUE, IN THE VICINITY BETWEEN GEARY STREET AND HARPER BOULEVARD, 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 RR (Rural Residential District), being legally described as follows:

Tract "B", Port Malabar Unit 37, according to the plat there of as recorded in Plat Book 20, Page 6, of the Public Records of Brevard County, Florida, Section 11, Township 29S, Range 36E; containing 11.71 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 adoption, pending the enactment of Ordinance 2020-18.

Read in title only at Meeting 2020-05, held on March 5, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

DATE: March 5, 2020

RE: Comprehensive Plan Zoning Amendment Request – Paul Yates

Mr. Paul Yates has applied for a rezoning of the subject parcel from an RS-2, Single-Family Residential District to an RR, Rural Residential District. The applicant states the justification for the change is “*to change the zoning district to allow for a small hobby farm.*” The Rural Residential zoning district will allow for rural single-family residential living combined with limited agricultural activities. The RS-2 district does not permit agricultural activities.

REQUESTING DEPARTMENT:

Growth Management

RECOMMENDATION:

Motion to approve Case CPZ-2-2020, subject to the staff comments contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request.

Attachments: (Available upon request)

- 1) Case CPZ-2-2020 (*all available upon request*)
- 2) Board minutes (*all available upon request*)
- 3) Ordinance

PJM/cp/ab

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve Ordinance 2020-18, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣6. Ordinance 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), first reading.

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

The 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. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-19, subject to staff comments and conditions in the staff report. Motion carried with members voting as follows: Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Ordinance 2020-20, amending Ordinance 2019-68, which amended the Code of Ordinances, Chapter 178, Signs, by eliminating the time limit provisions related to the display of temporary signs (Case T-5-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-20. Due to a request for public comment, the motion and second were withdrawn.

The public hearing was reopened.

Residents asked if signs could remain on display for builders, campaign signs and real estate signs.

Mr. Bradley clarified that the ordinance was related to temporary signs which included the new construction and real estate signs, and the time limits would be eliminated upon the enactment of the ordinance. Mrs. Smith said that campaign signs could be considered temporary signs, but it was based on the construction of the sign, such as A-frame, banner, snipe, etc. and not the content of the sign.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Comprehensive Plan Future Land Use Map Amendment Request – Brandon and Carissa Stranz

SUMMARY:

Mr. Brandon Stranz and Ms. Carissa Stranz have asked for a small-scale Comprehensive Plan Future Land Use Map Amendment to change 5.50 acres of Recreation and Open Space Use (ROS) to Single-Family Residential Use (SFR).

The property is located in Port Malabar Unit 23, south of and adjacent to Torgerson Road SE, in the vicinity west of Torgerson Road SE, and is bordered by single-family residential land uses to the north, east, and west, and Melbourne Tillman Water Control District Canal Number 38 to the south. The applicant intends to construct one (1) single-family home on the property.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case CP-5-2020, subject to the staff report comments.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, subject to the staff report comments.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt: Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case CP-5-2020 to City Council for approval of a small-scale Comprehensive Plan Future Land Use Map amendment from Recreation and Open Space Use to Single Family Residential Use. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent.

Attachments:

- 1) Case CP-5-2020 (*available upon request*)
- 2) Ordinance

ORDINANCE 2020-25

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 183, COMPREHENSIVE PLAN REGULATIONS, SECTION 183.01, COMPREHENSIVE PLAN, SUBSECTION (D), ADOPTION OF FUTURE LAND USE MAP, BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Bay has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held an adoption hearing on an amendment to the Comprehensive Plan on May 20, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay, pursuant to Chapter 163, Florida Statutes, held an adoption hearing on an amendment to the Comprehensive Plan on June 4, 2020, after public notice, and

WHEREAS, the City Council of the City of Palm Bay desires to adopt said small scale amendment to the Comprehensive Plan of the City of Palm Bay.

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

SECTION 1. The Comprehensive Plan of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the change in land use of property from Recreation and Open Space Use to Single-Family Residential Use, which property is legally described as follows:

Tract "B", Port Malabar Unit 23, according to the plat thereof as recorded in Plat Book 16, Page 27, of the Public Records of Brevard County, Florida; Section 33, Township 29S, Range 37E; containing 5.5 acres, more or less.

SECTION 2. The Future Land Use Map is hereby changed to reflect this amendment.

SECTION 3. All staff report conditions and limitations shall be met and those conditions and limitations shall be made a part of the Comprehensive Plan.

SECTION 4. 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 5. The provisions within this ordinance shall take effect thirty-one (31) days from the enactment date.

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

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

*Only one reading required pursuant to Chapter 163, Florida Statutes.

Reviewed by CAO: _____

Applicant: Brandon and Carissa Stranz
Case: CP-5-2020

cc: (date) Applicant
Case File



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

SUMMARY:

The City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.036 through 185.038. The purpose of this amendment is to exempt multiple-family residential developments that create less than five (5) units from specific development standards. The amendment also revises the building setback criteria for the RM-15 and RM-20 zoning districts.

This amendment removes requirements from the development of multiple-family projects that contain less than five (5) units (i.e. duplexes, triplexes and quadplexes). Certain development standards are intended for multiple-family residential developments that contain several buildings with higher densities and are not intended for single buildings or developments of low-density. For the purpose of consistency and sensible development, the RM-15 and RM-20 districts shall also contain building setbacks commensurate with building heights sympathetic to adjacent properties.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case T-8-2020, based on the analysis contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, based on the analysis contained in the staff report.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-8-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138, to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts, based on the analysis contained in the staff report. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent

Attachments:

- 1) Case T-8-2020 (*available upon request*)
- 2) Ordinance

ORDINANCE 2020-26

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE VII, TRAFFIC AND VEHICLES, CHAPTER 70, GENERAL PROVISIONS, SUBCHAPTER 'GENERAL PROVISIONS', BY UPDATING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; 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 VII, Traffic and Vehicles, Chapter 70, General Provisions, Subchapter 'General Provisions', Section 70.04, Large Commercial Vehicles on Residential Streets; Comprehensive Plan, Transportation Element Adopted, is hereby amended and shall henceforth read as follows:

"Section 70.04 LARGE COMMERCIAL VEHICLES ON RESIDENTIAL STREETS; COMPREHENSIVE PLAN, TRANSPORTATION ELEMENT ADOPTED.

(A) *Prohibition.* The traveling, passage, stopping, loading, unloading, or parking of commercial vehicles on or over local residential streets in the city is prohibited.

(B) *Definitions.* The following definitions shall apply to application and enforcement of this section:

COMMERCIAL VEHICLES. Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class

~~4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than five thousand (5,000) pounds net weight.~~

* * *

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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-8-2020

Strikethrough words shall be deleted; highlighted words that will be included will be 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

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

SUMMARY:

The City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.036 through 185.038. The purpose of this amendment is to exempt multiple-family residential developments that create less than five (5) units from specific development standards. The amendment also revises the building setback criteria for the RM-15 and RM-20 zoning districts.

This amendment removes requirements from the development of multiple-family projects that contain less than five (5) units (i.e. duplexes, triplexes and quadplexes). Certain development standards are intended for multiple-family residential developments that contain several buildings with higher densities and are not intended for single buildings or developments of low-density. For the purpose of consistency and sensible development, the RM-15 and RM-20 districts shall also contain building setbacks commensurate with building heights sympathetic to adjacent properties.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case T-8-2020, based on the analysis contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, based on the analysis contained in the staff report.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-8-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138, to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts, based on the analysis contained in the staff report. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent

Attachments:

- 1) Case T-8-2020 (*available upon request*)
- 2) Ordinance

ORDINANCE 2020-27

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 UPDATING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; 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, Section 93.044, Private Property Parking Regulations, is hereby repealed in its entirety:

~~"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 shall be parked:~~

~~(1) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface;~~

~~(2) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(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.~~

~~(1) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.~~

~~(C) Exceptions:~~

~~(1) One (1) vehicle may be unlicensed and/or inoperable in the rear yard, provided the rear yard is enclosed by a 6-foot tall opaque fence.~~

~~(2) A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~(3) Properly licensed and approved commercial activities being conducted on commercial property.”~~

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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay

Case: T-8-2020

Strikethrough words shall be deleted; highlighted words that will be included will be 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

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Textual Amendment Request – City of Palm Bay (Growth Management Department)

SUMMARY:

The City of Palm Bay (Growth Management Department) has asked for a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.036 through 185.038. The purpose of this amendment is to exempt multiple-family residential developments that create less than five (5) units from specific development standards. The amendment also revises the building setback criteria for the RM-15 and RM-20 zoning districts.

This amendment removes requirements from the development of multiple-family projects that contain less than five (5) units (i.e. duplexes, triplexes and quadplexes). Certain development standards are intended for multiple-family residential developments that contain several buildings with higher densities and are not intended for single buildings or developments of low-density. For the purpose of consistency and sensible development, the RM-15 and RM-20 districts shall also contain building setbacks commensurate with building heights sympathetic to adjacent properties.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Motion to approve Case T-8-2020, based on the analysis contained in the staff report.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, based on the analysis contained in the staff report.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Motion by Ms. Maragh, seconded by Mr. Boerema to submit Case T-8-2020 to City Council for approval of a textual amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.136, 185.137, and 185.138, to exempt multi-family development of less than 5 units from the additional zoning provisions currently provided in the applicable districts, based on the analysis contained in the staff report. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent

Attachments:

- 1) Case T-8-2020 (*available upon request*)
- 2) Ordinance

ORDINANCE 2020-28

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTERS 'GENERAL PROVISIONS' AND 'SUPPLEMENTARY DISTRICT REGULATIONS', BY REVISING PROVISIONS RELATED TO THE PARKING OF VEHICLES IN RESIDENTIAL AREAS; 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 XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'General Provisions', Section 185.006, Definitions, is hereby amended and shall henceforth read as follows:

"Section 185.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

COMMERCIAL VEHICLES. Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, >>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<< or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.

* * *"

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Supplementary General Regulations', Section 185.123, Regulation of Commercial and Recreational Vehicles in Residential Areas, is hereby amended and shall henceforth read as follows:

"Section 185.123 REGULATION OF ~~COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS.~~

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

COMMERCIAL VEHICLES. Any truck, bus, trailer, portable equipment, machinery, or similar vehicle or combination thereof used or intended to be used for any commercial enterprise or business purpose, ~~or which has over four (4) wheels, more than two (2) axles, a height greater than eight (8) feet or has an overall length of more than twenty-two (22) feet, excluding self-propelled roadway vehicles less than six thousand (6,000) pounds net weight and pickup trucks with a standard pickup truck bed with a carrying capacity no greater than one and one-half (1.5) ton gross weight.~~ **>>and is considered a Class 4 Truck or higher, as determined by the Federal Highway Administration. A Class 1-3 Truck, regardless of its intended use, shall not be considered a commercial truck.<<**

>>INOPERABLE VEHICLE. A vehicle which cannot be driven upon the public or private streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.<<

RECREATIONAL VEHICLE. Any boat, boat trailer, cargo trailer, house trailer, motor home, camper, bus, or similar vehicle or equipment, including any vehicle or part of a vehicle or equipment designed for temporary living quarters for recreation, camping, or travel, ~~excluding self-propelled roadway vehicles less than twenty-two (22) feet in length.~~ **>>or is licensed and registered as a recreational vehicle by the Department of Motor Vehicles<<**

RESIDENTIAL AREA. Any lot, right-of-way, or other land designated as residential in this chapter and in any other applicable ordinance of the city.

~~**NET WEIGHT.** The actual weight of the vehicle, including any attachments or equipment which has been added, excluding any load.~~

(B) *Parking vehicles in residential areas.* It shall be unlawful for any person, either as agent, owner, occupant, lessee, tenant or otherwise, to park, store, stop, deposit or allow, cause or permit to be parked, stored, stopped, or deposited on any public or private property of the RR, RE, RS-1, RS-2, RS-3, SF-1, ~~SF-2~~, SRE, RM-10, RM-15, RM-20, **>>BMUV,<<** RMH or RVP zoning districts of the city, any commercial vehicle at any time.

>>(1) No vehicle shall be parked:<<

>>(a) In front of a residence, except within the paved driveway or adjacent to the driveway (on the side opposite the front door of the residence) upon an improved surface. Grass, dirt, and/or mulch are not considered improved surfaces. Examples of improved surfaces are concrete, pavers, brick, gravel, or other material as may be approved by the Growth Management Director, or his designee. Any loose material, such as gravel or stone, shall be contained by solid borders, such as landscape timbers, landscape edging, railroad ties, etc.;<<

>>(b) In the rear yard of a residence, unless the rear yard is enclosed by a 6-foot tall opaque fence.<<

>>(2) 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. The vehicles shall not exceed two on a single side or one on each side. This shall exclude the front and rear sides of property.<<

>>(a) Vehicles parked on the side of a residence located on a corner lot must be screened from the street adjacent to the side of the residence by a 6-foot tall opaque fence.<<

(4**>>3<<**) Exceptions. The provisions of this section shall not apply to:

* * *

>>(f) Farm equipment used in the operation of an agricultural activity shall be exempt from the provisions of this subchapter. The property for which this equipment is exempt shall have a current agricultural exemption from the Brevard County Tax Collector.<<

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

(2>>4<<) For the purpose of this section, the words park, store, stop, and deposit shall mean the cessation of movement of a vehicle.

(C) *Parking recreational vehicles in residential areas.* It shall be unlawful for any person to park or store a recreational vehicle in a residential area for longer than twenty-four (24) consecutive hours or forty-eight (48) hours in any one (1) month period, except on residential lots behind the front >>face of the residence<< and side corner building setback line. >>Recreational vehicles parked on the street side of a corner lot (opposite the side interior property line) must be screened by a 6' tall opaque fence.<< No vehicle shall be used for living, sleeping or housekeeping purposes in any location not approved for such use under the zoning requirements of this chapter. Any such vehicles shall have attached, at all times, a current vehicle registration license plate. >>Parking of recreational vehicles are exempt from having to be placed upon an improved surface.<<

(D) ~~*Prima facie evidence.*~~ It shall be ~~prima facie evidence that a self-propelled commercial vehicle exceeds six thousand (6,000) pounds net weight if the vehicle exceeds the number of wheels, number of axles, height, or length limitations of division (A) above.~~ >>No vehicle shall be parked or stored upon an unimproved parcel of land. Parking of vehicles is considered an accessory use as there must be a principal use (such as a residence) for the parking of vehicles to be accessory to.<<

(E) ~~*Authority of city to enter property.*~~ The city shall, through its employees, be authorized to enter upon any property where a suspected violation of this section is observed, to conduct a reasonable inspection, and/or to determine the validity of the suspected violation. >>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, unless such work is being performed inside a garage or similarly enclosed area designed for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.<<

SECTION 3. 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 4. 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 5. 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 6. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-8-2020

Strikethrough words shall be deleted; highlighted words that will be included will be 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

REQUESTING DIRECTOR: Frank Watanabe, Acting Public Works Director/City Engineer;
Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Textual Amendment Request (Floodplain and Stormwater Management Ordinance) – City of Palm Bay (Public Works Department)

SUMMARY:

The City of Palm Bay (Public Works Department) has applied for a textual amendment to the Code of Ordinances, Title XVII, Chapter 174, Floodplain and Stormwater Management; subchapter entitled Stormwater Management Utility to amend, repeal and replace certain provisions. The purpose of this application is to align the Code of Ordinances with current methodologies and administrative practices as the stormwater charges revert from an assessment to a utility fee.

In November 2016, the public voted to give Council the ability to impose special assessments through a majority vote. On May 18, 2017, Council approved the adoption of resolution 2017-19, electing to use the uniform method of collecting non-ad valorem special assessments for the cost of providing stormwater services to benefitted property. The Code governing this resolution is housed in Title V, Chapter 56, Special Assessments (Ordinance 2017-35). The approval of resolution 2017-19, updated apportionment methodology for the Stormwater Management Utility including special benefit assumptions, cost apportionment, parcel classification, and rate classes. Rate approvals were regulated by Ordinance 2017-35. The approval of Resolution 2017-19 superseded information found in the Code of Ordinances Chapter 174.

In November 2019, electors voted to require approval by a majority vote of affected property owners for special assessment projects over \$25,000 and affecting 50 or more property owners. In response to the passage of this Charter Amendment, City Management directed Public Works to initiate transition of the Stormwater Charges from the tax bill to the utility bill. The transition of collection of the Stormwater charges from the Assessment to the Utility Fee calls for a rewrite of certain sections of the Stormwater Management Utility Chapter in the Code of Ordinances in order to maintain current methodology and update administrative and billing information to conform to current practices in other utilities within the City.

The changes to the code include amendment, repeal, or replacement to sections as follows:

- 174.087: Repeal and replace existing **Findings and Determinations** by rewriting existing findings and determinations and addition of supplementary findings and determinations.
- 174.088: Repeal and Replace **Definitions** to reflect updated language included in the proposed Code textual amendment.
- 174.090: Repeal and replace **Powers and Duties of the Utility** by rewriting existing powers and duties with addition of supplementary powers and duties to include applying for grants or funds for stormwater services and facilities; applying for permits relating to stormwater management systems; and administering, interpreting and enforcing this subchapter.
- 174.091: Amend **Required Levels of Rates for Utility Fees** to allow rate approval as part of the Fee Schedule approval during the budget process and to update the language to reflect “Stormwater Charges” instead of “utility fees.”
- 174.092: Repeal and replace **Imposition of Utility Fees** by renaming the section as “Stormwater Charges” and providing determinations of revenue sources; the establishment of an enterprise fund for separate accounting of all revenues, expenditures, assets and liabilities, and earnings and obligations of the utility; intent of the City to fund Stormwater Management services and facilities through stormwater charges (separated into Stormwater Management Areas when applicable); Council Authority to Impose Stormwater Charges by subsequent resolution(s); and collection of stormwater charges.
- 174.093 Amend **Billing and Payment; Lien and Interest** by renaming the section “Billing and Payment of Stormwater Charges” and providing for collection by inclusion on the utility bill or as a separate bill; rewriting (B) Delinquent Bills to reflect changes in legal precedent since the last update of this section; updating the language for (C) Payments of Utility Bills Concurrently to language found in other Utility and Solid Waste Code to create consistency with current practices; and removal of (D) ‘joint billing’ as language from this provision is included previously in the amended section.
- 174.094 Repeal of **Utility Fee Credits, Appeals**. This provision will be included in the Methodology and Rate resolutions provided for in the repealed and replaced section 174.092 “Stormwater Charges”
- 174.096 Amend **Program Responsibility** to reflect provisions replaced in section 174.091 “Stormwater Charges”
- 174.097 Repeal **Stormwater Management Utility Trust Fund**. This section is provided for in repealed and replaced section 174.091 “Stormwater Charges” as (B) Enterprise Fund.

The Ordinance conforms the City’s process to utilize the internal billing services through the Utility Department as a funding tool.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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REQUESTING DEPARTMENTS:

City Manager Office, City Attorney Office, Growth Management Department, and Public Works Department

RECOMMENDATION:

Motion to approve Case T-14-2020.

Planning and Zoning Board Recommendation:

The Board will consider Case T-14-2020 at its meeting on June 3, 2020. The Board's recommendation will be provided to City Council prior to the regular Council meeting.

Attachments:

- 1) Case T-14-2020 (available upon request)
- 2) Ordinance

ORDINANCE 2020-29

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 174, FLOODPLAIN AND STORMWATER MANAGEMENT, SUBCHAPTER 'STORMWATER MANAGEMENT UTILITY', BY REVISING 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 XVII, Land Development Code, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management Utility', is hereby amended and shall henceforth read as follows:

"Stormwater Management Utility

* * *

Section 174.087 FINDINGS AND DETERMINATIONS.

It is found, determined, and declared as follows:

~~(A) Those elements of the systems which provide for the collection, storage, treatment, conveyance, and disposal of stormwater are of benefit and provide services to all users of the utility within the incorporated area of the city, including property not presently served by the physical elements thereof.~~

~~(B) The cost of operating and maintaining the city's stormwater management system and financing of existing and future necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the respective runoff contributions of individual parcels of land.~~

~~(C) Each user in the city has an obligation to pay for an equitable share of the cost of the stormwater management system. The cost for replacement and renewal of those portions of the stormwater system which no longer function properly or which no longer meet regulatory requirements is also a city-wide responsibility.~~

~~(D) It is necessary to establish methods for controlling the introduction of pollutants into the City of Palm Bay's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as set forth in Chapter 95, to provide for public health, safety, environment, and general welfare of the property owners and citizens of Palm Bay.~~

~~(E) It is necessary to establish methods for regulation, funding, operating and maintaining regulatory mandates. This includes, but is not limited to, the federally-mandated National Pollution Discharge Elimination System (NPDES) requirements; the Florida Department of Environmental Protection (FDEP) permit which the city holds to operate an MS4; city-wide water quality monitoring; federal, state and local mandates (stormwater and water quality); public outreach and education efforts; management of the waters of the Turkey Creek and Indian River Lagoon (inclusive of dredging, water quality, pollution control, debris removal and monitoring); the illicit Discharge Ordinance (Chapter 95, Ordinance No. 2008-37) which applies to all properties within the city limits; stormwater infrastructure inventories and related stormwater management plan; grants acquisition and management; the implementation of city-wide stormwater Best Management Practices (BMP's); intergovernmental relations and regulations; stormwater permitting, plan review, and local regulation; right-of-way and driveway permitting; residential drainage permitting. These programs are designed to serve the greater good of all property owners, citizens, stakeholders and visitors to our community including those in subdivisions and similar developments both privately or publicly maintained.~~

>>It is hereby ascertained, determined, and declared as follows:

(A) Through the National Pollutant Discharge Elimination System Stormwater permitting program, the U. S. Environmental Protection Agency, as implemented by the Florida Department of Environmental Protection, has mandated the City to implement and fund a comprehensive stormwater management program to reduce the contamination of stormwater runoff and prohibit illicit discharges. It is necessary to establish methods for controlling the

introduction of pollutants into the City of Palm Bay's separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System permit process as set forth in Chapter 95 of the City of Palm Bay Code of Ordinances, to provide for public health, safety, environment, and general welfare of the property owners and citizens of Palm Bay.

(B) The Florida Legislature has mandated that local governments in the State of Florida, including the City, have the responsibility for developing mutually compatible Stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection and the water management districts and the Stormwater management programs established and maintained by other local governments.

(C) The City has, pursuant to Chapter 163, Florida Statutes, adopted the objectives and policies found in CON-1.2 of the Conservation Element of the City of Palm Bay Comprehensive Plan, which provide that the City shall design, manage, and operate the City's Stormwater Management System so the collection, storage, treatment, and conveyance of Stormwater within the City adequately protects surface water quality. The creation and maintenance of the City's Stormwater Utility was designed to implement the Conservation Element of the City of Palm Bay Comprehensive Plan and other municipal, federal and state policies mandating Stormwater management programs by local governments.

(D) Section 403.0893, Florida Statutes, specifically authorizes and encourages local governments, including the City, to provide Stormwater Management Services and create Stormwater programs and adopt Stormwater Charges sufficient to plan, construct, operate and maintain Stormwater Management Systems.

(E) Improper management of Stormwater increases erosion and sedimentation, which can decrease the capacity of water bodies to hold and transport water and interfere with navigation.

(F) The development and urbanization of property results in the creation of impervious surfaces which tend to increase the volume and rate of Stormwater runoff and decrease groundwater recharge from water percolating into the soil, thereby requiring the implementation of Stormwater management practices to offset such impacts.

(G) Improperly managed Stormwater runoff may increase the incidence and intensity of flooding, endangering persons and property within the City.

(H) Improperly managed Stormwater runoff may interfere with the water quality and quantity of the Indian River Lagoon and Turkey Creek and further disrupt biological diversity and productivity associated with such waterbodies.

(I) The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate Stormwater management practices.

(J) The improper management of Stormwater and adverse impacts upon the quality of water resources located within the City may result in substantial economic harm to the City and its citizens.

(K) Property owners within the City are eligible for flood insurance through the National Flood Insurance Program (NFIP), which enables these property owners to acquire federally backed flood insurance protection. To ensure that this coverage is available, the City is required to meet the minimum FEMA requirements for participation in the NFIP and failure to meet these requirements could result in flood insurance being either unavailable or prohibitively expensive to property owners within the City.

(L) The City maintains a system of Stormwater Management Facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.

(M) Those elements of the Stormwater Management System that provide for the collection, storage, treatment, and conveyance of Stormwater are of benefit and provide services to Benefitted Property within the City.

(N) The cost of operating and maintaining the Stormwater Management System and the financing of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused by properties served thereby.

(O) The Stormwater Charges authorized herein are consistent with the authority granted in section 403.0893, Florida Statutes. That statutory provision is

additional and supplemental authority to the constitutional and statutory power of self-government granted to the City.

(P) It is necessary to establish methods for complying with regulatory mandates and programs related to the collection, treatment, and management of Stormwater. This includes, but is not limited to, the federally-mandated National Pollution Discharge Elimination System (NPDES) requirements; the Florida Department of Environmental Protection (FDEP) permit which the city holds to operate an MS4; city-wide water quality monitoring; federal, state and local mandates (stormwater and water quality); public outreach and education efforts; management of the waters of the Turkey Creek and Indian River Lagoon (inclusive of dredging, water quality, pollution control, debris removal and monitoring); the Illicit Discharge Ordinance (Chapter 95, City Code, Ordinance No. 2008-37) which applies to all properties within the city limits; stormwater infrastructure inventories and related stormwater management plan; grants acquisition and management; the implementation of city-wide stormwater Best Management Practices (BMP's); intergovernmental relations and regulations; stormwater permitting, plan review, and local regulation; right-of-way and driveway permitting; residential drainage permitting. These programs are designed to serve the greater good of all property owners, citizens, stakeholders and visitors to our community including those in subdivisions and similar developments both privately or publicly maintained.<<

Section 174.088 DEFINITIONS.

~~For the purpose of §§ 174.085 through 174.098, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*BMPs.* Best Management Practices are control measures taken to mitigate changes to both quantity and quality of urban runoff caused through changes in land use. BMPs are both structural (constructed devices) and non-structural (procedures).~~

~~*BODIES OF WATER.* Surfaces of the earth that are comprised of water to include estuaries, lagoons, rivers, creeks, streams, lakes, ponds, reservoirs, drainage ways, retention/detention ponds or basins, channels and ditches used in the conveyance, storage and disposal of stormwater runoff from the MS4.~~

~~*CAPITAL PROJECTS.* All new projects that the utility will fund to enhance the stormwater management system, e.g., retention/detention ponds, dredging, drainage for new roads, piping of ditches, and the like.~~

~~*CREDIT.* An adjustment to a property's utility fee based upon the reduction to the city's operating cost of the stormwater management utility based upon a reduction in stormwater runoff discharged from the parcel due to use of a stormwater retention or detention system or other reduction pursuant to § 174.094 of this subchapter.~~

~~*DEBT SERVICE.* The amount of money necessary to pay interest on an outstanding debt, the serial maturities of principal for serial bonds, and the required contributions to an amortization or sinking fund for term bonds.~~

~~*DEPARTMENT.* The City of Palm Bay Public Works Department.~~

~~*DEVELOPED PROPERTY.* That property which has been altered from its natural state by the addition of any improvements including, but not limited to, buildings, structures, or impervious surfaces. For new construction, a property shall be considered developed pursuant to this subchapter:~~

~~(1) Upon issuance of a certificate of occupancy, or certificate of completion or final inspection if no certificate of occupancy is issued; or~~

~~(2) Where construction is at least fifty percent (50%) complete and construction is halted for a period of at least three (3) months.~~

~~*DIRECTOR.* The City of Palm Bay Public Works Director or his designee.~~

~~*DUPLEX.* A single building which contains two (2) residential dwelling units.~~

~~*EFFECTIVE IMPERVIOUS AREA (EIA).* That portion of property which is comprised of all of its impervious area plus fifteen percent (15%) of its pervious area.~~

~~*EQUIVALENT RESIDENTIAL UNIT (ERU).* 4,602 square feet of effective impervious area, which is the average effective impervious area of a typical detached single family residential developed property located within incorporated Palm Bay, and is the basic unit for the computation of stormwater management system user fees.~~

~~*ERU RATE.* The rate established by resolution of the City Council whereby the stormwater management utility user fee is determined for each property within the city.~~

~~*FISCAL YEAR.* A twelve (12) month period commencing on October 1 of any year, or such other twelve (12) month period adopted as the fiscal year of the utility.~~

~~*GREENSPACE.* City-owned, maintained and operated properties, parcels, tracts, landscape buffers, and open greenbelt areas that are part of the city stormwater system, public rights-of-way, or public pedestrian facilities that are dedicated to the perpetual use of the public by plat or by resolution of the City Council.~~

~~*ILLICIT/ILLEGAL DISCHARGE.* Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 95.25.~~

~~*IMPERVIOUS AREA.* The surface area of a property into which the percolation and infiltration of stormwater is prevented or significantly restricted by the action of persons. Examples include structures/buildings, pavement, slabs, etc.~~

~~*MIXED USE PROPERTY.* Property designated as mixed-use as identified in the City of Palm Bay Code of Ordinances Chapter 185.~~

~~*MOBILE HOME.* A detached residential dwelling unit over eight (8) feet in width, designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, placed on jacks or other temporary or permanent foundations, with connections to utilities, located on a single lot.~~

~~*MS4.* A Municipal Separate Storm Sewer System as designated by the United States Environmental Protection Agency and defined in 40 CFR 122.26(b)(8); is a conveyance or system of conveyances that is owned by a state, city, town, village or other public entity including special districts under state law such as a water management district or water control district (as designated by Fla. stats. Chapter 298) that discharges to waters of the U.S.; designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.); not a combined sewer; and not part of a publicly-owned sewage treatment plant.~~

~~*MTWGD.* Melbourne Tillman Water Control District stormwater system is a dependent district serving a portion of Palm Bay, West Melbourne, and unincorporated Brevard County.~~

~~*NONRESIDENTIAL DEVELOPED PROPERTY.* Any developed property other than property defined as residential developed property.~~

~~*NPDES.* National Pollution Discharge Elimination System is a provision of the Clean Water Act that prohibits discharge of pollutants into waters of the U.S. unless a special permit is issued by the EPA, a state or a tribal government.~~

~~*OPERATION AND MAINTENANCE.* The daily service the utility will provide to operate and maintain the stormwater management system, e.g., cleaning pipes, mowing, sweeping, and the like.~~

~~*OTHER MULTI-FAMILY RESIDENTIAL.* A property which contains residential uses such as condominiums, apartments, congregate living facilities and which consists of five (5) or more dwelling units.~~

~~*PERVIOUS AREA.* The surface area of a property which is not impervious area.~~

~~*QUADRAPLEX.* A single building which contains four (4) residential dwelling units or residential properties with more than four (4) separate residential structures.~~

~~*RAIN GARDENS.* A shallow planted depression designed to retain or detain stormwater before it is infiltrated or discharged off-site.~~

~~*RECEIVING WATER* is a lake, canal, river, stream or other water body into which surface waters including stormwater runoff are directed, either naturally or in man-made ditches, pipes or other mechanisms.~~

~~*REPLACEMENT AND RENEWAL OF EXISTING SYSTEM.* The replacement or upgrade of any portion of the existing stormwater management system which is warranted because of deterioration or malfunction.~~

~~*SERVICE AREA.* The geographic area of the City of Palm Bay that is served by the stormwater management system. The initial service area, as of the enactment date, is incorporated herein by reference as Exhibit A, which is attached to Ordinance 2010-33, but may be adjusted from time to time by Resolution of the City Council.~~

~~*SINGLE-FAMILY RESIDENTIAL DEVELOPED PROPERTY.* Property that is zoned as residential single-family as determined by the zoning code set forth in Chapter 185 and is a developed property.~~

~~*STORMWATER MANAGEMENT SYSTEM or SYSTEM.* The network of facilities, both natural and man-made, including but not limited to lakes, canals, rivers, streams, swales, culverts, pipes, wetlands, detention and retention basins, which convey stormwater from the point of first impact with the surface of land to the receiving water.~~

~~*STORMWATER MANAGEMENT UTILITY or UTILITY.* That division within the City Public Works Department which constructs, operates and maintains the stormwater management system and otherwise performs the powers and duties described in this subchapter.~~

~~*STORMWATER MANAGEMENT UTILITY TRUST FUND.* Those monies authorized and collected under the provisions of this subchapter and as more fully described in § 174.097.~~

~~*STORMWATER MASTER PLANNING.* The study conducted by the city that will determine the needs for receiving, treating, handling, and transporting storm and surface waters within the city.~~

~~*STORMWATER RUNOFF.* The stormwater resulting from rainfall falling on property that is received by the city's stormwater management system.~~

~~*SUBMERGED LANDS.* All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide.~~

~~*TOWNHOME.* A multi-family residential property which contains residential uses such as condominiums, apartments, congregate living facilities and which consists of five (5) or more dwelling units.~~

~~*TRIPLEX.* A single building which contains three (3) residential dwelling units.~~

~~*UNDEVELOPED (or UNIMPROVED) PROPERTY.* Any property which has not been altered by the addition of any improvements such as building(s), structure(s), impervious surface(s), change of grade or landscaping and which is not classified as developed property or as an undeveloped or unimproved single family parcel.~~

~~*UNDEVELOPED* (or *UNIMPROVED*) *SINGLE-FAMILY PARCEL.* Any undeveloped property located within and part of a platted subdivision or otherwise divided into individual lots and is zoned for single-family residential use as determined by the city zoning code set forth in Chapter 185.~~

~~*USER.* An individual or legal entity which owns or occupies property within the city and thereby uses and benefits from the construction, operation and maintenance of the stormwater system by the city.~~

~~*UTILITY FEE.* A utility fee authorized by F.S. § 403.0893, and adopted by this subchapter which is established to pay for all expenses incurred for the operation of the stormwater management utility.~~

~~*WETLANDS.* Those areas which qualify as wetlands as defined by current adopted criteria in Florida Statutes or Florida Administrative Code.~~

>>As used in this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BENEFITTED PROPERTY. All parcels of real property located within the City that receive a benefit from the Stormwater Management Services and/or Stormwater Management Facilities.

CAPITAL COST. All or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Stormwater Management Facilities under generally accepted accounting principles and including reimbursement to the City for any moneys advanced for Capital Cost and interest on any inter-fund or intra-fund loan for such purposes.

CITY. The City of Palm Bay, Florida.

CODE. The City of Palm Bay Code of Ordinances.

DEPARTMENT. The City of Palm Bay Public Works Department.

DIRECTOR. The City of Palm Bay Public Works Director or his designee.

DRAINAGE BASIN. A part of the earth's surface that contributes Stormwater runoff to a drainage system, which consists of diffuse surface waters,

together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

FISCAL YEAR. A twelve (12) month period commencing on October 1 and concluding on September 30 of the following calendar year, or such other twelve (12) month period as may be adopted by the Utility.

MS4. A Municipal Separate Storm Sewer System as designated by the United States Environmental Protection Agency and defined in 40 CFR 122.26(b)(8), is a conveyance or system of conveyances that is owned by a state, city, town, village or other public entity including special districts under state law such, that discharges to waters of the U.S., is designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.), is not a combined sewer, and is not part of a publicly-owned treatment works.

PROJECT COST. (A) the Capital Cost of one or more Stormwater Management Facilities, (B) the Transaction Cost associated with the Obligations to finance such Stormwater Management Facilities, (C) interest accruing on such Obligations for such period of time as the City deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations which financed the Stormwater Management Facilities, and (E) any other costs or expenses related thereto.

STORMWATER. Any surface runoff and drainage of water from land surfaces, including both impervious and pervious Areas.

STORMWATER ASSESSMENT. Either a Stormwater Improvement Assessment, a Stormwater Service Assessment, or both.

STORMWATER CHARGE. A Stormwater Assessment, a Stormwater Utility Fee, or both.

STORMWATER IMPROVEMENT ASSESSMENT. A special assessment imposed by the City to fund the Capital Cost or the debt service and related cost of an Obligation issued to finance the Project Cost of one or more Stormwater Management Facilities.

STORMWATER MANAGEMENT AREA. A geographic area established by the Resolution of the City Council in accordance with Section 174.092 hereof within which Stormwater Management Services and/or Stormwater Management Facilities are to be provided.

STORMWATER MANAGEMENT FACILITY. The systems, capital facilities, lands, and water bodies utilized in collecting, conveying, storing, managing, and treating Stormwater generated within the City. The term includes but is not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.

STORMWATER MANAGEMENT SERVICE. (A) management and administration of the City's Stormwater Management Utility, including administration, planning, and permitting requirements; (B) Stormwater program engineering; (C) Drainage Basin planning; (D) Stormwater Improvements to be acquired or constructed within a reasonable time horizon without the issuance of any debt or borrowing; (E) operating and maintaining the City's Stormwater Management Facilities, including extraordinary maintenance; (F) billing and collection of Stormwater Service Assessments and Stormwater Service Fees, including customer information and educational services and reserves for statutory discounts; and (G) legal, engineering and other consultant services.

STORMWATER MANAGEMENT SYSTEM or SYSTEM. The network of facilities, both natural and man-made, utilized in collecting, conveying, storing, managing, and treating Stormwater, including but not limited to lakes, canals, rivers, streams, swales, culverts, pipes, wetlands, detention and retention basins, manholes, channels, drainage easements, and infiltration facilities. which convey stormwater from the point of first impact with the surface of land to the receiving water.

STORMWATER MANAGEMENT UTILITY or UTILITY. That division within the City Public Works Department which constructs, operates and maintains the Stormwater Management System and otherwise performs the powers and duties described in this subchapter.

STORMWATER SERVICE ASSESSMENT. A special assessment imposed by the City against benefitted property within a Stormwater Management Area to fund all or any portion of the Stormwater Service Cost properly attributable to the Stormwater Management Services provided by the City to such assessed property.

STORMWATER SERVICE COST. The estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Service provided within the Stormwater Management Area under generally accepted accounting principles, including,

without limiting the generality of the foregoing, reimbursement to the City for any moneys advanced for the Stormwater Management Service, and interest on any interfund or intrafund loan for such purpose.

STORMWATER UTILITY FEE. A fee reasonably related to service provided by the City to property to fund all or any portion of the Stormwater Service Cost or Project Cost for a Stormwater Management Facility for such property at a just, fair, reasonable, and equitable rate based upon such property's Stormwater burden, the reasonable relationship to benefits received, and the reasonable cost of providing Stormwater Management Services and/or Stormwater Management Facilities to such property.

STORMWATER UTILITY FUND. An enterprise fund associated with a specific Stormwater Management Area for maintaining Stormwater Service Charges collected by the City within such Stormwater Management Area.<<

* * *

Section 174.090 POWERS AND DUTIES OF THE UTILITY.

~~Subject to the supervision and authority of the City Manager and Director, the Utility shall have the following powers and duties:~~

~~(A) Prepare plans and reports for improvements to the stormwater management system;~~

~~(B) Construct, operate, rehabilitate and maintain the facilities which comprise the stormwater management system located on city owned and maintained property or right-of-way;~~

~~(C) Recommend regulations for adoption by the City Council for use by the Utility including provisions for enforcement;~~

~~(D) Review and approve development permits for compliance with ordained stormwater management system regulations;~~

~~(E) Evaluate water quality concerns for discharge into the stormwater management system; and~~

~~(F) Recommend stormwater management system user fees and amendments thereto to pay the costs of the stormwater management system services provided by the Utility.~~

>>Subject to the supervision and authority of the City Manager and Director, the Utility shall have the following powers and duties:

(A) Preparation of plans for Stormwater Management Services and Stormwater Management Facilities and betterments to the Stormwater Management System.

(B) Administer the acquisition, design, construction, maintenance, and operation of the Stormwater Management Facilities.

(C) Review, inspect, approve, and deny plans and permits for extensions to the Stormwater Management Facilities.

(D) Promulgation of regulations for the use of the Stormwater Management System, including provisions for enforcement of such regulations.

(E) Advise the City Council and other City departments on matters relating to the Stormwater Management Services and Stormwater Management Facilities, including procedures, regulations and criteria by which new development permits within the City are approved for compliance with stormwater management regulations.

(F) Development of budgets and recommendations on the establishment and adjustment of Stormwater Charges, which shall be submitted to City Council for approval, to fund Stormwater Management Services and Stormwater Management Facilities.

(G) Evaluation of water quality concerns for discharges to the Stormwater Management System.

(H) Performance of all normal utility functions to include construction, operation, and maintenance of the City's Stormwater Management System, including, but not limited to, the hiring of staff, the selection of special consultants, the entering into contracts for services and construction of facilities, and the handling of purchase, lease, sale or other rights to property for the Stormwater Management System; all consistent with the personnel and procurement requirements of the City.

(I) Apply for and pursue federal, state, local, and private grants or revolving funds to provide needed Stormwater Management Services and Stormwater Management Facilities.

(J) Apply for, implement, and monitor required City permits relating to the Stormwater Management System, including any required water quality monitoring and water quality programs.

(K) Administer, interpret, and enforce this subchapter and all regulations and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the Stormwater Management Services and Stormwater Management Facilities.<<

**Section 174.091 REQUIRED LEVELS OF RATES FOR UTILITY FEES
>>STORMWATER CHARGES<<.**

The City Council shall require that adequate revenues are generated to provide for a balanced operating budget by at least annually setting sufficient levels of utility fees >>Stormwater Charges<<.

Section 174.092 STORMWATER CHARGES.

~~(A) Authorization. The City Council authorizes the imposition of utility fees on all property within the city. User fees shall apply to all properties within the service area including those properties which are owned or occupied by a governmental or non-profit entity or which are otherwise tax exempt for ad valorem tax purposes. Public right-of-way, public roadways, integral components of the MS4 and bodies of water are exempt from the application of user fees.~~

~~(B) Establishment of rates. The City Council shall, by resolution, establish monthly utility rates for each classification of land as stated below.~~

~~(C) Classification of property. For purposes of determining the utility fee, all property within the city shall be classified into one (1) of the following classes unless otherwise identified as a mixed-use property:~~

~~(1) Single-Family Residential developed property;~~

~~(2) Single-Family Residential developed property greater than five (5) acres;~~

~~(3) Duplex;~~

~~(4) Triplex;~~

~~(5) Quadraplex;~~

~~(6) — Townhome/Condominium;~~

~~(7) — Mobile Home;~~

~~(8) — Nonresidential developed property;~~

~~(9) — Other Multi-Family Residential;~~

~~(10) — Undeveloped or unimproved single-family residential property;~~

~~(11) — Undeveloped or unimproved single-family residential property greater than five (5) acres;~~

~~(12) — Undeveloped non-residential property.~~

~~(D) — Mixed use classification of property. Where properties have more than one classification or use, the rates will be calculated as non-residential developed property and rate applied for each individual part of the property on a pro-rate basis.~~

~~(E) — Computation of utility fees. The relative rates for user fees shall be according to the following types of land uses:~~

Type of Land Use	Monthly Rate
Single-Family Residential developed property	1.00 ERU
Duplex	0.88 ERU
Triplex	0.82 ERU
Quadraplex	1.97 ERU
Townhome/Condominium	0.28 ERU
Mobile Home	0.53 ERU
Non-Residential developed property	1.00 ERU per 4,602 square feet of EIA
Other Multi-Family Residential	1.00 ERU per 4,602 square feet of EIA

Undeveloped or unimproved Single-Family Residential Property	0.40 ERU
Single-Family Residential developed property greater than five (5) acres	1.00 ERU for first acre plus 1.00 ERU per 4,602 square feet of EIA remaining
Single-Family Residential undeveloped property greater than five (5) acres	1.00 ERU per 4,602 square feet of EIA
Undeveloped property	1.00 ERU per 4,602 square feet of EIA

~~(F) *Changes in classification of property.* Where properties have been revised, improved, developed, combined, subdivided or demolished, the appropriate property classification will be adjusted and billed accordingly. The effective date will be certificate of occupancy, certificate of completion or other documentation to certify completion.~~

>>(A) *Revenue Sources for the Stormwater Management Utility.* The Stormwater Utility Funding sources may include the following:

- (1) Stormwater Utility Fees;
- (2) Stormwater Assessments;
- (3) Stormwater permit and inspection fees;
- (4) Other funds or income obtained from federal, state, local, and private grants or revolving funds;
- (5) Bonds issued or loans obtained using future Stormwater Charges as collateral; and
- (6) Any other revenues budgeted by the City Council for Stormwater Management Services and Stormwater Management Facilities.

(B) *Enterprise Fund.* The City Manager, Director, or their designee, shall establish an enterprise fund exclusively for the deposit and withdrawal of all revenue collected or received pursuant to this Subchapter. The City Manager, Director, or their designee shall use the enterprise fund for the independent and separate accounting of all revenues, expenditures, assets and liabilities, and earnings and obligations of the Utility and including the following purposes:

(1) The acquisition by gift, purchase, or condemnation of real and personal property and interests therein, necessary to construct, operate, and maintain Stormwater Management Services and Stormwater Management Facilities;

(2) All costs of administration and implementation of the Stormwater Management Services and Stormwater Management Facilities, including the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

(3) Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing facilities;

(4) Operation and maintenance of the Stormwater Management Services and Stormwater Management Facilities;

(5) Monitoring, surveillance, and inspection of Stormwater Management Facilities;

(6) Permitting, water quality monitoring, and water quality programs;

(7) Retrofitting developed areas for pollution control;

(8) Inspection and enforcement activities;

(9) Billing and administrative costs; and

(10) Other activities reasonably required to carry out the City's stormwater management program.

(C) Within each Stormwater Management Area, the City Council intends to fund all or part of the cost of providing Stormwater Management Services and Stormwater Management Facilities through Stormwater Charges. The City Council has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of Stormwater Management Services and Stormwater Management Facilities will enhance accountability and management control of the City's Stormwater Management Utility and will facilitate implementation of the City Council's funding policy for Stormwater management. Accordingly, the City Manager shall establish a separate Stormwater Utility Fund

for each Stormwater Management Area, which shall be maintained separate and apart from all other accounts of the City. Upon receipt, all Stormwater Charges shall be deposited into the appropriate Stormwater Utility Fund. Proceeds of the Stormwater Charges collected within each Stormwater Management Area shall be used solely for the provision of Stormwater Management Services and Stormwater Management Facilities provided therein. Interest earned on Stormwater Charges shall not accrue to the City general fund but shall remain with the Stormwater Utility Fund.

(D) *Imposition of Stormwater Charges.* The City Council is hereby authorized to impose Stormwater Charges against property within all or a portion of the City included in a Stormwater Management Area by subsequent resolution(s) of the City Council as further provided herein.

(1) *Stormwater Assessments.* The City Council is hereby authorized to impose Stormwater Assessments against Benefitted Property within a Stormwater Management Area. All Stormwater Assessments imposed pursuant to this subchapter within a Stormwater Management Area shall be imposed in accordance with the procedures set forth in Chapter 56 of the Code and Section 6.02 of the City Charter.

(a) The Stormwater Service Cost or Project Cost may be assessed against Benefitted Property located within a Stormwater Management Area at a rate of assessment based upon the special benefit accruing to such property from the Stormwater Management Service and Facilities provided by the City.

(b) Notwithstanding the foregoing, if the City Council specifically determines that any portion of a Stormwater Management Area receives a distinct special benefit from any component of the Stormwater Management Services or Stormwater Management Facilities that is materially different in kind or degree from the special benefit received by other portions of such Stormwater Management Area, the Stormwater Service Cost or Project Cost related to such component shall be assessed against the portion of the Stormwater Management Area receiving the distinct special benefit.

(c) For any Fiscal Year in which Stormwater Assessments will be imposed within a Stormwater Management Area, the City Council shall determine the Stormwater Service Cost or Project Cost, the rate of assessments, and the methodology pursuant to which these costs will be apportioned amongst

Benefitted Property by separately adopted resolutions in accordance with the procedures set forth in Chapter 56 of the Code.

(2) *Stormwater Utility Fees.* The City Council is hereby authorized to impose Stormwater Utility Fees on all Benefitted Property within a Stormwater Management Area to fund all or any portion of the Stormwater Service Cost or Project Cost at a just, fair, reasonable, and equitable rate based upon such property's Stormwater burden and the reasonable cost of providing Stormwater Management Services to such property.

(a) The rate of the Stormwater Utility Fee imposed within a Stormwater Management Area and the methodology pursuant to which the Stormwater Service Cost or Project Cost will be apportioned amongst Benefitted Property shall be established by separate resolution of the City Council, and may, at the discretion of the City Council, be included within a resolution imposing Stormwater Service Assessments.

(b) Notwithstanding the foregoing, if the City Council specifically determines that any portion of a Stormwater Management Area receives a distinct special benefit or service from any component of the Stormwater Management Services or Stormwater Management Facilities that is materially different in kind or degree from the special benefit received by other portions of such Stormwater Management Area, the Stormwater Service Cost or Project Cost related to such component shall be assessed against the portion of the Stormwater Management Area receiving the distinct special benefit.

(c) Stormwater Utility Fees shall be adopted by a resolution approved by the City Council after a public hearing. The public hearing must be advertised at least ten days in advance in a newspaper of general circulation in the City setting forth the date, time and place of the public hearing, the current rate(s), the proposed rate(s), and the effective date of the proposed rate(s). A separate public hearing is not required to amend rates, fees, and charges pursuant to a previously adopted price index adjustment. All rate changes shall apply to the first billing cycle after the effective date for the rates, unless otherwise provided by resolution.

(3) *Collection of Stormwater Charges.* The Stormwater Charges authorized herein may be collected by the City pursuant to any legally available method or combination of such methods, including but not limited to: (1) for Stormwater Assessments, collection on the ad valorem tax bill pursuant to Chapter

56 of the Code and the Uniform Assessment Collection Act; (2) collection on the utility bill; or (3) collection by separate bill.<<

Section 174.093 BILLING AND PAYMENT >>OF STORMWATER UTILITY FEES<<; LIEN AND INTEREST.

(A) *Billing.* ~~The utility fee is to be paid by the owner(s) or tenant(s) of each parcel subject to the fee. Fees will be charged monthly but may be collected at appropriate intervals. All owner(s) shall be mailed bills or statements for the use of these services and facilities of the system by the city. The bills or statements shall be payable on the due date stated on the bill. If payment is not received within thirty (30) days after the due date, the owner(s) of said property shall be notified by mail of the amount due and the city's intent to impose a lien to cover the outstanding bill, including interest at the maximum rate allowed by law on the payment due, and any administrative costs and/or fees incurred by the city. >>For parcels subject to a Stormwater Utility Fee, such fees will be collected on the monthly utility bill or by separate bill, as determined by the Utility.<<~~

(B) *Delinquent Bills.* ~~If payment is not received within thirty (30) days from the date of the notice to the owner(s) indicating the total amount due, the City Manager shall impose a lien on the property in the amount of the outstanding sums due. The lien may be recorded in the official records of the county. Liens created under this section shall remain co-equal with liens of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles and claims, until paid, and shall bear interest annually at a rate not to exceed the legal rate allowed by and may be foreclosed pursuant to the procedure set forth in F.S. Chapter 173. >>If payment is not received within thirty (30) days from the date of the notice indicating the total amount due, the City may pursue any legal remedy available to it for collection and enforcement of such amount. This may include the imposition of a lien on the property in the amount of the outstanding sums due, including interest at the maximum rate allowed by law and any administrative costs and/or fees imposed by the City. The lien may be recorded in the official records of the county.<<~~

(C) ~~*Payment of Stormwater Management Utility Bills Concurrently.* The payment of any stormwater management utility bill rendered by the City to a property owner, shall not be accepted by the City without the simultaneous or concurrent payment of any other water, wastewater, or solid waste service bill rendered by the City. The City may discontinue services to the property for non-payment of any other water, wastewater or stormwater bill or if payment is not~~

~~made concurrently. The city shall not reestablish service until such time as all solid waste, water, wastewater or stormwater service bills and all charges are paid.~~

~~(D) — *Joint Billing.* The monthly charges to any premises for stormwater management utility services shall be billed on a single bill or statement where the city has deemed this arrangement as beneficial to the property owners.~~

~~(E) **>>(C)<<** *Provisions of Chapter Cumulative.* The provisions of this subchapter shall be supplemental to all ordinances of the city, and the provisions of this subchapter shall be cumulative to all other remedies provided by law or ordinance for the collection of unpaid stormwater management utility bills **>>Stormwater Charges<<**.~~

~~**Section 174.094 — UTILITY FEE CREDITS; APPEALS.**~~

~~(A) — A property with functioning on-site stormwater drainage facilities may receive a stormwater management system user fee credit.~~

~~(1) — *Retention Systems* — eligible for a credit of up to one hundred percent (100%) of the amount of the user fee confirmed by the Director to be the percentage of stormwater runoff from a 25-year, 24-hour storm event which is retained on the property (credit is directly proportional to volume of runoff retained).~~

~~(2) — *Detention Systems* — eligible for a credit of up to fifty percent (50%) of the amount of the user fee confirmed by the Director to be the ratio of parcel's runoff from a 25-year, 24-hour storm event with the detention facilities as compared to without (credit is proportional to the percentage of runoff rate reduction achieved).~~

~~(3) — A property that does not contribute stormwater to the utility and is not otherwise benefited by the utility shall be allowed a credit of one hundred percent (100%).~~

~~(4) — Property which is other than non-residential developed property may be eligible for additional credits for the use and implementation of the following one-time credits. These credits are non-transferable, non-renewable, and cannot be issued more than one (1) time per billed parcel.~~

~~(a) — The installation and use of a city-approved rain-barrel which is greater than thirty (30) gallons in capacity, free of leaks, and non-metallic,~~

~~will provide for a one-time credit of twenty-five dollars (\$25.00) dollars to be applied against fees due; multiple discounts for more than one barrel will not be provided.~~

~~(b) — The installation and use of pervious pavement driveway surfaces that are three hundred seventy-five (375) square feet or greater in area, that are a minimum eighty percent (80%) pervious, do not exceed a maximum grade of three percent (3%), constructed of asphaltic concrete, portland cement based concrete, recycled rubberized material, or other materials capable of bearing vehicular traffic, that either replaces an existing driveway or provides for the initial driveway installation, will provide for a one-time credit of fifty dollars (\$50.00) to be applied against fees due. Driveway permit fees as provided for in Chapter 179 for the replacement of existing permitted driveways will be forgiven. Any proceeding resurfacing of the pervious materials will result in revocation and forfeiture of the granted credit, will be charged in future fees, and subject to driveway permit fees.~~

~~(c) — Rain gardens constructed on the property that retain a minimum of one (1) inch of the surface runoff from the roof shall receive a credit of ten (\$10.00) dollars for every twenty-five percent (25%) of the roof runoff retained. Credits shall be applied yearly upon application submittal and inspection approval.~~

~~(5) — Parcels less than 0.05 acres in size which are deemed to have a de minimus impact on the stormwater system.~~

~~(6) — Property which is greenspace, integral components of the city stormwater system, integral components of the Melbourne Tillman Water Control District stormwater system, and submerged lands or properties of the waters of the Turkey Creek shall be allowed a credit of one hundred percent (100%) effective October 1, 2011. Credits that are granted shall be only retroactive to the effective date of October 1, 2011, but retroactive credit shall not exceed one (1) year.~~

~~(7) — Property which is designated and delineated as wetlands, wetlands under conservation easements, or designated conservation lands shall be allowed a credit of one hundred percent (100%) effective October 1, 2011. Credits that are granted shall only be retroactive to the effective date of October 1, 2011, but retroactive credit shall not exceed one (1) year. Submittal of wetlands delineation report is required to receive credit.~~

~~(B) — The following procedures shall apply to all credit requests of the stormwater utility fee:~~

~~(1) — Users who believe that their property qualifies for a credit may, subject to the limitations set forth in this section, submit a credit request to the Public Works Director.~~

~~(2) — Credit requests for the utility fees shall be in writing and set forth in detail the grounds upon which credit is sought.~~

~~(3) — Credit requests for the utility fees shall be reviewed by the Public Works Director within sixty (60) days from the date of filing of the credit request. Credits that are granted shall be retroactive to the beginning of billings, or to the implementation of on-site stormwater management facilities applicable, but retroactive credit shall not exceed one (1) year.~~

~~(4) — Users requesting the credits may be required, at their own cost, to provide supplemental information to the Public Works Director including, but not limited to, survey data approved by either a registered professional land surveyor (R.P.L.S.) and engineering analysis and reports signed and sealed by a Florida licensed professional engineer (P.E.). Failure to provide such information may be the basis for denial of the credit request.~~

~~(5) — Credits will be made upon the granting of the credit request, in writing, by the Public Works Director. Denials of credit requests shall be made in writing by the Director.~~

~~(C) — Upon receipt of the written denial of a credit request, the user who initially requested the credit may, within thirty (30) days of receipt of such denial, appeal to the City Manager for review of the denial.~~

~~(1) — The City Manager shall complete his review within sixty (60) days of receipt of the request for review. The City Manager's determination on the review shall be in writing and set forth the reasons for his decision.~~

~~(2) — In reviewing denials of credit requests, the City Manager shall apply the same standards and review criteria applied by the Public Works Director and contained in this section.~~

~~(D) Any determination of the City Manager relating to exemptions or user fee credits may be appealed to City Council. The decision of the City Council shall be final.~~

~~(E) Users may apply for credits on an individual or group basis, e.g., homeowners associations, mobile home parks, and the like. In cases where a group applies for credit, credit, if granted, will be given to each individual residential property.~~

~~(F) Any user who believes that a stormwater management utility user fee has been computed incorrectly may appeal in writing to the Public Works Director for a correction. The decision of the Director may be appealed to the City Manager and ultimately to the City Council. The decision of the City Council shall be final.~~

* * *

Section 174.096 PROGRAM RESPONSIBILITY.

It shall be the duty of the ~~Public Works~~ Director to administer the Stormwater Management Utility. The Director shall keep an accurate record of all properties using the services and facilities of the System and ~~to make changes in accordance with the~~ **>>Stormwater Charges established in and imposed pursuant to<<** this subchapter.

~~Section 174.097~~ **STORMWATER MANAGEMENT UTILITY TRUST FUND.**

~~A stormwater management utility fund is hereby established into which all revenues from user fees, connection charges, grants and other funding sources shall be deposited and from which expenditures relating to the stormwater management system shall be paid.~~

* * *

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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will be included will be 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

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Variance Request – Thomas Marshall

SUMMARY:

Mr. Thomas Marshall has asked for a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, as established by Section 185.118(C) of the Palm Bay Code of Ordinances.

The property is located in Port Malabar Unit 14, west of and adjacent to Jupiter Boulevard NW, in the vicinity south of Altamira Street NW, and is bordered by single-family residential land uses on all sides. The applicant resides in a single-family residence of 1,056 square feet with a detached accessory structure of 792 square feet. The applicant owns the adjacent vacant lot to the north and is proposing to construct a 1,748 square foot workshop. Section 185.118(c) provides that no accessory structure shall exceed the size of the principal structure's living area. Staff is unable to determine any special circumstances regarding the applicant's property.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

City Council must determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Planning and Zoning Board Recommendation:

Denial of the request by a vote of 4 to 2.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Motion by Ms. Jordan, seconded by Mr. Hill to submit Case V-9-2020 to City Council for approval of a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, as established by Section 185.118(C) of the Palm Bay Code of Ordinances. The motion failed with members voting as follows: Mr. Weinberg, nay; Ms. Jordan, aye; Mr. Boerema, nay; Mr. Hill, aye; Ms. Maragh, nay; Mr. Warner, nay. Mr. Felix was absent.

Attachments: *(available upon request)*

1) Case V-9-2020



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, AICP, Growth Management Director

DATE: June 4, 2020

RE: Variance Request – Curtis J. McKinney

SUMMARY:

Mr. Curtis J. McKinney has asked for a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet.

The property is located in the Plat of Tillman Subdivision, at the southeast corner of Dixie Highway NE and Kirkland Road NE, specifically at 4001 Dixie Highway NE. The proposed detached sign will contain signage for all phases of the applicant's development, which will include the proposed Harmony Landing Memory Care, Steamboat Landing Assisted Living Care, future restaurant on Bay Boulevard NE, and a 24-hour Emergency Care and Pharmacy. The proposed detached sign will decrease the overall number of detached signs to be constructed at each phase of the development. The applicant has also stated that due to the geometry of Dixie Highway and the speed of traffic, a larger area sign is needed to safely view the contents of the sign face.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

City Council must determine, based on the facts presented, the degree of minimal relief, if any, to meet the needs of the variance request, as required by Section 169.009 of the City of Palm Bay Code of Ordinances.

Planning and Zoning Board Recommendation:

Unanimous approval of the request, with the condition that the development would not be permitted additional pole signs on Dixie Highway NE.

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 2

Motion by Ms. Maragh, seconded by Mr. Warner to submit Case V-11-2020 to City Council for approval of a variance to allow relief from Section 185.053(F)(12) and Chapter 178 (Appendix A) of the Code of Ordinances, to permit a proposed sign to exceed the maximum allowable height by ten feet and maximum sign area by 35 square feet, with the condition that the development would not be permitted additional pole signs on Dixie Highway NE. The motion carried with members voting as follows: Mr. Weinberg, aye; Ms. Jordan, aye; Mr. Boerema, aye; Mr. Hill, aye; Ms. Maragh, aye; Mr. Warner, aye. Mr. Felix was absent.

Attachments: *(available upon request)*

1) Case V-11-2020



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Frank Watanabe, Acting Public Works Director

DATE: June 4, 2020

RE: Request to Vacate Easement – Jaime Vargas Jr.

SUMMARY:

Jaime Vargas Jr. has submitted an application to vacate the Westerly 10 feet of the Easterly 20 feet Public Utility and Drainage Easement, less and except the Northerly and Southerly 6 feet, thereof containing 671 square feet or 0.016 acres, more or less of Lot 18, Block 253, Port Malabar Unit 8, according to the Plat thereof, as Recorded in Plat Book 14, Pages 142-150, of the Public Records of Brevard County, Florida, for a shed.

REQUESTING DEPARTMENTS:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the request per the recommendation section of the Staff Report.

Attachments: 1) Case No. - VE-4-2020 (available upon request)

ORDINANCE 2020-30

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 18, BLOCK 253, PORT MALABAR UNIT 8, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 146, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jaime Vargas Jr. has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

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 of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 18, Block 253, Port Malabar Unit 8, according to the plat thereof as recorded in Plat Book 14, Page 146, of the Public Records of Brevard County, Florida, Section 32, Township 28S, Range 37E, being more particularly described as follows:

The 20 foot utility easement lying on the rear of Lot 18, Block 253, Port Malabar Unit 8, according to the plat thereof as recorded in Plat Book 14, Pages 142 through 150, of the Public Records of Brevard County, Florida, less and except the easterly 10.00 feet and the northerly 6.00 feet and the southerly 6.00 feet of said easement; containing 0.016 acres, more or less.

SECTION 2. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Jaime Vargas Jr.

Case: VE-4-2020

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Frank Watanabe, Acting Public Works Director

DATE: June 4, 2020

RE: Request to Vacate Easement – Redwood RE Holdings II, LLC

SUMMARY:

Redwood RE Holdings II, LLC has submitted an application to vacate the Northeasterly 4.71 feet and Southeasterly 4.85 feet of the Westerly 10 foot Public Utility and Drainage Easement, less and except the Northerly 11.59 feet and Southerly 19.79 feet, thereof containing 193 square feet, more or less of Lot 10, Block 53, Port Malabar Unit 4, according to the Plat thereof, as Recorded in Plat Book 14, Pages 18-23, of the Public Records of Brevard County, Florida, for an existing pool.

REQUESTING DEPARTMENTS:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the request, per the recommendation section of the Staff Report.

Attachments:

- 1) Case No. VE-5-2020 (available upon request)

ORDINANCE 2020-31

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 10, BLOCK 53, PORT MALABAR UNIT 4, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 23, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Redwood RE Holdings II, LLC has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

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 of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 10, Block 53, Port Malabar Unit 4, according to the plat thereof as recorded in Plat Book 14, Page 23, of the Public Records of Brevard County, Florida, Section 25, Township 28S, Range 37E, being more particularly described as follows:

Commence at the southwest corner of said Lot 10, Block 53; thence N 76°38'10" E, along the south line of said Lot 10, Block 53, a distance of 5.82 feet; thence N 16°01'46" W, a distance of 19.79 feet to the Point of Beginning; thence continue N 16°01'46" W, a distance of 39.14 feet; thence N 74°37'02" E, a distance of 4.71 feet to a non-tangent curve having a radius of 790.36 feet, whose radius point bears S 72°21'09" W; thence southeasterly along said curve, through a central angle of 2°50'18", a distance of 39.15 feet; thence S 74°43'07" W, a distance of 4.85 feet to the Point of Beginning; containing 193 square feet, more or less.

SECTION 2. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Redwood RE Holdings II, LLC
Case: VE-5-2020

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Lisa Morrell, City Manager
REQUESTING DIRECTOR: Frank Watanabe, Acting Public Works Director
DATE: June 4, 2020
RE: Request to Vacate Easement – Anthony Acosta

SUMMARY:

Anthony Acosta has submitted an application to vacate the Southeasterly 5 feet of the rear 10 foot Public Utility and Drainage Easement, less and except the Northwesterly and Southeasterly platted 6 foot Public Utility and Drainage Easements, thereof containing 440 square feet, more or less of Lot 16, Block 7, Port Malabar Country Club Unit 1, according to the Plat thereof, as Recorded in Plat Book 19, Pages 50-52, of the Public Records of Brevard County, Florida, for an existing pool and screen enclosure.

REQUESTING DEPARTMENTS:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve the request per the recommendation section of the Staff Report.

Attachments: 1) Case No. – VE-6-2020 (available upon request)

ORDINANCE 2020-32

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 16, BLOCK 7, PORT MALABAR COUNTRY CLUB UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 51, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Anthony Acosta has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

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 of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 16, Block 7, Port Malabar Country Club Unit 1, according to the plat thereof as recorded in Plat Book 19, Page 51, of the Public Records of Brevard County, Florida, Section 28, Township 28S, Range 37E, being more particularly described as follows:

Commence at the northwest corner of said Lot 16 and run S 44°22'59" E, along the southwesterly line of said Lot 16, a distance of 10.00 feet; thence departing said southwesterly line, N 45°37'01" E a distance of 6.00 feet to the Point of Beginning of the herein described easement; thence N 44°22'59" W a distance of 5.00 feet; thence N 45°37'01" E a distance of 88.00 feet; thence S 44°22'59" E a distance of 5.00 feet; thence S 45°37'01" W a distance of 88.00 feet to the Point of Beginning; containing 440 square feet or 0.01 acres, more or less.

SECTION 2. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: Anthony Acosta

Case: VE-6-2020

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Frank Watanabe, Acting Public Works Director

DATE: June 4, 2020

RE: Request to Vacate Easement – M. Lavonte Stanley

SUMMARY:

M. Lavonte Stanley has submitted an application to vacate the East 10 feet of the rear 20 foot Public Utility and Drainage Easement, less and except the Northeasterly and Southwesterly platted 6 foot Public Utility and Drainage Easements, thereof containing 1516 square feet, more or less of Lot 21, Block 1719, Port Malabar Unit 36, according to the Plat thereof, as Recorded in Plat Book 19, Pages 82-94, of the Public Records of Brevard County, Florida, for a shed and garden.

REQUESTING DEPARTMENTS:

Public Works

FISCAL IMPACT:

None

RECOMMENDATION:

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

Attachments: 1) Case No. VE-7-2020 (available upon request)

ORDINANCE 2020-33

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF THE REAR TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, LOCATED WITHIN LOT 21, BLOCK 1719, PORT MALABAR UNIT 36, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 86, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, M. Lavonte Stanley has requested the City of Palm Bay, Florida, to vacate a portion of a certain public utility and drainage easement, which portion is legally described herein, and

WHEREAS, the vacation and abandonment of said portion of the public utility and drainage easement will neither adversely affect nor benefit the public.

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 of the City of Palm Bay hereby vacates and abandons a portion of the rear public utility and drainage easement located within Lot 21, Block 1719, Port Malabar Unit 36, according to the plat thereof as recorded in Plat Book 19, Page 86, of the Public Records of Brevard County, Florida, Section 03, Township 29S, Range 36E, being more particularly described as follows:

Commence at the southwest corner of said Lot 21, thence N 80°47'25" W along the south line of said Lot 21 a distance 107.73 feet; thence N 00°05'04" W 6.08 feet to the Point of Intersection of the northerly line of a 6 foot public utility and drainage easement with the easterly line of a 20 foot public utility and drainage easement, said point being the Point of Beginning of there herein described parcel; thence N 80°47'25" W along said northerly line 10.13 feet; thence N 00°05'04" W 155.73 feet to a point on the southwesterly line of a 6 foot public utility and drainage easement; thence S 46°24'25" E along said southwesterly line 13.83 feet to the

Point of Intersection of said southwesterly line with the easterly line of said 20 foot public utility and drainage easement; thence S 00°05'04" E along said easterly line 147.82 feet to the Point of Beginning; containing 1,516 square feet, more or less.

SECTION 2. 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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: M. Lavonte Stanley

Case: VE-7-2020

cc: (date) Applicant
Case File
Brevard County Recording



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Greg Minor, Facilities Director; Juliet Misconi, Chief Procurement Officer

DATE: June 4, 2020

RE: Award of Invitation for Bid #30-0-2020/MS, Electrical Supply Bid

SUMMARY:

The Facilities Department uses electrical components daily to repair, replace and maintain the City's electrical systems. Usage for electrical components is determined by repairs, maintenance, remodel and new construction projects, including ongoing projects like the remodeling of Fire Station #5.

Four bids were received in response to the City's solicitation. Procurement staff reviewed the bids for responsiveness. Facilities staff evaluated the bids for responsibility and ability to perform the scope of services. The intent of the contract is to have available multiple sources for electrical supplies with discounted rates. As such, the Facilities Department recommends award to the top three bidders with the highest discount to be used as needed, based on availability and price.

Staff recommends award to CED Vero Beach of Vero Beach, A&J Leggio Enterprises, LLC of Juno Beach, and Florida Bulb & Ballast of Melbourne as approved electrical supply vendors.

Local preference was applied to the one (1) Brevard County vendor, who is one of the recommended awarded electrical supply vendors.

REQUESTING DEPARTMENTS:

Facilities Department, Utilities Department, Procurement Department

FISCAL IMPACT:

Funding is available in multiple operating and renewal and replacement accounts for both the Facilities and Utilities Departments. The estimated annual expenditures are \$120,000 citywide. Purchase orders are issued on an "as needed" basis.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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RECOMMENDATION:

Motion to approve award of IFB # 30-0-2020/MS, Electrical Supply Bid to CED Vero Beach, A&J Leggio Enterprises, LLC, and Florida Bulb & Ballast. The initial term is for two (2) years with the option to renew for an additional three (3) one-year terms; the total term not to exceed five (5) consecutive years.

Attachment: 1) Tabulation Sheet (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Frank Watanabe, Acting Public Works Director/City Engineer,
Juliet Misconi, Chief Procurement Officer

DATE: June 4, 2020

RE: Award of Invitation for Bid #32-0-2020 Road Bond Paving Unit
11, 15, 18, 23 and 56

SUMMARY:

Units 11, 15, 18, 23 and 56 are included in the Year 1 (Phase 1) Road Paving Project endorsed by the Infrastructure Advisory Oversight Board on January 28, 2019 and then approved by City Council on March 7, 2019. Staff bundled these last five units for Year 1 to be advertised together for the paving since they are within the same southeast quadrant. The project consists of a combination of road improvements from Full Depth Reclamation (FDR), milling and paving, thin lift overlay and even double micro surfacing.

The City received two bids. The Procurement Department staff reviewed the two bids for responsiveness and the Engineering Division of Public Works evaluated the bids for qualifications and ability to perform the scope of construction. Both bids were responsive and acceptable.

The City's Engineer's estimate for these five projects is \$15,328,837.26. The lowest bid is \$10,010,151.05. Public Works Engineering staff has reviewed the pay items, proposed subcontractors, equipment list and checked references and is satisfied with the evidence provided by the lowest most responsive and responsible bidder. Staff recommends Asphalt Paving System, Inc. out of Zephyrhills, Florida for award of IFB #32-0-2020/JG – Road Bond Paving – Unit 11, 15, 18, 23 and 56.

Local Preference was not applied to this project because all bids exceeded the one million-dollar threshold amount.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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Staff is also recommending a 5% contingency fund of \$500,507 to cover any unforeseen change orders which is typical for construction projects. The City's Procurement Policy allows the Chief Procurement Officer to approve change orders up to 10%; any change order in excess of 10% will be brought before Council for approval. Any funds remaining once the project has been closed will be transferred back to Road Bond fund balance.

REQUESTING DEPARTMENTS:

Public Works Department, Procurement Department

FISCAL IMPACT:

The total project award of \$10,010,151.05 plus \$500,507 for contingency change orders will result in a total appropriation of \$10,510,658.05 from the GO Road Bond unassigned funds to G/L Account G/L Account 309-7090-541-6303 as follows: 1) \$2,190,726.90, Project No. 20GO05 Unit 11 Road Paving, 2) \$1,540,019.71, Project No. 20GO06 Unit 15 Road Paving, 3) \$2,499,350.82, Project No. 20GO07 Unit 18 Road Paving 4) \$3,203,031.95, Project No. 20GO08 Unit 23 Road Paving and 5) \$1,077,528.67, Project No. 20GO09 Unit 56 Road Paving.

RECOMMENDATION:

Motion to approve award of IFB #30-0-2020/SB – Road Bond Paving – Unit 11, 15, 18, 23 and 56 to Asphalt Paving System, Inc..

Attachment: 1) Tabulation Sheet (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Leslie Hoog, Fire Chief; Juliet Misconi, Chief Procurement Officer; Joan Junkala, Communications & Economic Development Director

DATE: June 4, 2020

RE: Award of Invitation for Bid 58-0-2020, Purchase of a Type 6 Brush Truck with CDBG Funds

SUMMARY:

Fire Rescue is requesting to use CDBG funds to purchase a Type 6 Brush truck to increase the brush fire response ability within the City. Fire Rescue has a dated fleet with aging apparatus that are not able to keep up with the call volume. The age of the current vehicles, which are military surplus, are presenting problems with finding replacement parts and the general safety of operation which warrants replacement.

The Type 6 Brush truck is a rapid response vehicle that will be able to respond to fires in residential neighborhoods and still handle wildland fires. This vehicle will also fill the need of a brush fire response in Station 1's main area, which is more urban.

Three bids were received in response to the City's solicitation, one of which was a No Bid. Procurement staff reviewed the bids for responsiveness. Fire Department evaluated the bids for responsibility and ability to meet the specifications. As such, the Fire Department recommends award to the low bidder, Midwest Fire out of Luverne, Minnesota. The vendor did have a clause in their submittal that stated the governing law of the purchase is Minnesota and the jurisdiction is Rock County, Minnesota. These provisions were vetted by the City Attorney's Office.

This vehicle is ready for delivery on July 14, 2020.

This request is fully funded through the Community Development Block Grant (CDBG) in the amount of \$113,334.00 from Midwest Fire. The grant requires that the City comply with the federal procurement standards applicable to a local government as contained in the 2 C.F.R. §§ 200.318 to 326, which includes a prohibition of Local Preference.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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REQUESTING DEPARTMENTS:

Fire Department, Procurement Department, Communications & Economic Department

FISCAL IMPACT:

The fiscal impact is a total expenditure of \$113,334.00. Purchase of the Type 6 Brush Truck will be fully funded by the Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program, G/L 112-3353-554-6405.

RECOMMENDATION:

Motion to approve the award of IFB 58-0-2020 for the purchase of a Type 6 Brush Truck utilizing the CDBG award of \$113,334.00 from Midwest Fire out of Luverne, Minnesota.

Attachment (available upon request):

- 1) Tabulation



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Leslie Hoog, Fire Chief; Juliet Misconi, Chief Procurement Officer; Joan Junkala, Communications & Economic Development Director

DATE: June 4, 2020

RE: Award of Invitation for Bid 59-0-2020, Purchase of a Mobile Water Tender with CDBG Funds

SUMMARY:

Fire Rescue is requesting to use CDBG funds to purchase a Water Tender to increase water availability in an area without hydrants. This apparatus will supplement the water carried on the Engine in Station 3's area, the northwest part of the City. The City has very few fire hydrants in this region and the water tender is critical to speedy fire firefighting to protect lives and save property.

This area has never had a water tender assigned due to the lack of this specialty apparatus. This purchase raises the number of water tenders in the City to three and has a significant impact on the firefighting abilities of the City. This apparatus will be assigned to Station 3, however its benefit will stretch beyond its home station and will be used to back-up other stations when the need arises.

Three bids were received in response to the City's solicitation, one of which was a No Bid. Procurement staff reviewed the bids for responsiveness. Fire Department evaluated the bids for responsibility and ability to meet the specifications in the scope of service. As such, the Fire Department recommends award to the low bidder, Midwest Fire out of Luverne, Minnesota. The vendor did have a clause in their submittal that stated the governing law of the purchase is Minnesota and the jurisdiction is Rock County, Minnesota. These provisions were vetted by the City Attorney's Office.

This vehicle is ready for delivery on July 14, 2020.

Honorable Mayor and Members of the City Council

Legislative Memorandum

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This request is fully funded through the Community Development Block Grant (CDBG) in the amount of \$254,754.00 from Midwest Fire. The grant requires that the City comply with the procurement standards applicable to a local government as contained in the 2 C.F.R. §§ 200.318 to 326, which includes a prohibition of Local Preference.

REQUESTING DEPARTMENTS:

Fire Department, Procurement Department, Communications & Economic Department

FISCAL IMPACT:

The fiscal impact is a total expenditure of \$254,754.00. Purchase of the Mobile Water Tender will be fully funded by the Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. 112-3353-554-6405

RECOMMENDATION:

Motion to approve the award of IFB 59-0-2020 for the purchase of the Mobile Water Tender utilizing the CDBG award of \$254,754.00 from Midwest Fire out of Luverne, Minnesota.

Attachments (available upon request):

- 1) Tabulation



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald, Finance Director;
Christopher A. Little, PE, Utilities Director

DATE: June 4, 2020

RE: Fund Appropriation for Emergency Procurement, NRWWT
24” Clarifier Valve Replacement

SUMMARY:

While working at the North Regional Wastewater Treatment Plant (NRWWTP) clarifier, staff discovered a gate valve stuck in the “open” position. Staff attempted to troubleshoot the operability of the valve; however, the valve was buried too deep to safely excavate and inspect. This valve is critical to the operation of the plant and is the only way to isolate the clarifier for maintenance, cleaning and repairs. Should staff attempt to close the valve and it were to become stuck in the “closed” position, the treatment process would be completely interrupted. An interruption in the treatment process could cause a sewage spill at the NRWWTP and non-compliance with the FDEP Operating Permit. Additionally, there are multiple Capital Improvement Projects (CIP) in progress at the NRWWTP, and the inability to close the valve is impeding construction activities. The valve is approximately thirty-five years old and beyond its useful life.

Staff obtained quotes, 1) for the purchase of a new valve from Ferguson Waterworks in the amount of \$17,845.50, and 2) from L7 Construction, Inc., in the amount of \$39,185.57 for the excavation and removal of the existing valve and the installation of the new valve.

Staff has reviewed the quotes and requests council approval for the appropriation of funds for the replacement of the valve. The appropriation includes a contingency for unforeseen conditions or expenses that may arise during the replacement activity. The Emergency Purchase does not require council action as the amount falls under the threshold requiring council approval.

Per City Code of Ordinance **38.12 EMERGENCY PURCHASES**: The Chief Procurement Officer may make or authorize emergency purchases as defined herein. In the event of an emergency, such as a declaration of emergency pursuant to Fla. Stat. 252.38, by the Governor, or Fla. Stat. 252.38, by the County or City, an equipment failure, catastrophic damage to City property, or other similar unexpected event, all formal competitive bidding procedures are waived, and normal procurement procedures and requirements directly related to such emergency shall be suspended; and with the approval of the City Manager or the Chief Procurement Offices, the head of any department may purchase any required emergency supplies, materials, equipment or services. The head of such department shall send to the Chief Procurement Officer a requisition and copy of the delivery record together with a full justification and circumstances of the emergency. Records of emergency purchases shall be maintained by the Chief Procurement Officer. A record listing of all emergency purchases exceeding the mandatory City Council approval amount shall be submitted to the city Council within ninety (90) days of said purchase.

REQUESTING DEPARTMENTS:

Utilities Department

FISCAL IMPACT:

Total estimated cost will be \$61,031, which includes contingency. A budget amendment has been submitted. Pending approval of the budget amendment, funding will be available in the Utilities Department's renewal and replacement fund 424-8032-535-6221, project 20WS19.

RECOMMENDATION:

Motion to approve appropriation of funds on the next scheduled budget amendment for the replacement of the 24" valve at the NRWTP.

Attachments: (all available upon request)

- 1) Ferguson Quote & Emergency Purchase Data Sheet
- 2) L7 Construction Quote & Emergency Purchase Data Sheet



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Terese M. Jones, City Clerk
DATE: June 4, 2020
RE: One (1) Appointment to the Community Development Advisory Board

SUMMARY:

As you may recall, the terms of David Hernandez, Alan Borkowski and Amaya Vinuela will expire on June 15, 2020. Mr. Hernandez has reapplied to serve on the Board.

The Board is comprised of members representing various fields. The enacting legislation states that membership shall, to the extent possible, include persons from the fields as defined therein.

The following application has been received:

David L. Hernandez 1257 Palmdale Circle NE, 32905	Residential Home Building Industry
--	------------------------------------

REQUESTING DEPARTMENTS:

Legislative Department

FISCAL IMPACT:

None

RECOMMENDATION:

The matter is presented to Council for consideration of the appointment of one (1) member to the Community Development Advisory Board.

/jcd



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

REQUESTING DIRECTOR: Yvonne McDonald, Finance Director

DATE: June 4, 2020

RE: Energy Lease/Purchase Refunding Resolutions

SUMMARY:

On July 6, 2018, the City of Palm Bay entered into a Lease Purchase Agreement with Banc of America for the purpose of funding energy conservation measures pursuant to an energy performance contract between the City of Palm Bay and Honeywell Building Solutions. A total of \$4,369,350 was funded for 19 years. The lease purchase agreement, which is subject to annual appropriation, matures on July 6, 2037. One annual debt payment has been made to date.

To take advantage of an opportunity to reduce the current interest rate from 3.597 to 2.55%, and realize savings with the payment due on July 6, 2020, the City Council approved on May 21, 2020 the non-competitive refinancing of the lease/purchase financing with the Banc of America to expedite the closing of the refunding prior to July 6, 2020.

The attached Resolution formerly authorizes the execution and delivery of an amended equipment lease/purchase agreement between the City of Palm Bay and Banc of America Public Finance Capital Corp, and authorizes the execution of other documents in connection with the refinancing.

REQUESTING DEPARTMENTS:

Finance

FISCAL IMPACT:

General Fund Savings: FY 20 - \$19,496, FY 20 thru FY 37 - \$350,927

RECOMMENDATION:

Motion to approve the resolution authorizing the execution and delivery of an amended equipment lease/purchase agreement between the City and Banc of America Public Capital Corp.

Attachments: 1) Resolution
2) Amended Agreement (available upon request)

RESOLUTION 2020-27

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED EQUIPMENT LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND BANC OF AMERICA PUBLIC CAPITAL CORP; AUTHORIZING THE EXECUTION OF OTHER DOCUMENTS IN CONNECTION THEREWITH; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY OF PALM BAY, FLORIDA CITY COUNCIL,
that:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This resolution is adopted pursuant to the provisions of Chapter 166, Part II, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared that:

A. The City of Palm Bay, Florida (the "City") has previously entered into that certain Equipment/Lease Purchase Agreement dated as of July 6, 2018 (the "Original Agreement") with Banc of America Public Capital Corp (the "Lessor") regarding the leasing and lease/purchase financing of certain energy conservation equipment by the City which was acquired and installed pursuant to a guaranteed energy, water and wastewater performance savings contract.

B. The City and the Lessor desire to amend and restate the Original Agreement to provide for, among other things, a lower interest rate to be applicable.

C. In accordance with the provisions of Part III, Chapter 218, Florida Statutes, a negotiated sale of the City's obligation under the Amended Agreement (as hereinafter defined) is in the best interest of the City because of the flexibility available in structuring the Amended Agreement and its terms.

SECTION 3. APPROVAL OF AMENDED AND RESTATED EQUIPMENT LEASE/PURCHASE AGREEMENT. The Amended and Restated Equipment Lease/Purchase Agreement (the "Amended Agreement") in the form attached hereto as Exhibit A, is hereby approved in substantially such form, with such modifications as may be approved by the Mayor or Deputy Mayor of the City (collectively, the "Authorized

Officials"), such approval to be conclusively determined by his or her execution thereof, and the execution and delivery thereof by the Authorized Officials and the attestation by the City Clerk or by a Deputy City Clerk on behalf of the City Clerk, is hereby authorized. The Authorized Officials are further authorized to execute and deliver such instruments and to take such other actions as shall be necessary to execute and deliver the Amended Agreement, and each are hereby authorized and directed to sign and deliver, on behalf of the City, the Amended Agreement and any related exhibits attached thereto and any other documents necessary in connection therewith, if and when required; *provided, however,* that, without further authorization from the City Council of the City (the "City Council"), (a) the aggregate principal component of Rental Payments pursuant to the Amended Agreement shall not exceed \$4,495,000; (b) the maximum term under the Lease entered into pursuant to the Amended Agreement shall not exceed 17 years; and (c) the maximum interest rate used to determine the interest component of Rental Payments under the Lease shall not exceed the lesser of the maximum rate permitted by law or 2.55% per annum, subject to adjustment upon certain events as set forth in the Amended Agreement.

SECTION 4. OTHER ACTIONS AUTHORIZED. The Authorized Officials, officers, employees and agents of the City shall take all action necessary or reasonably required by the parties to the Amended Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of a Final Acceptance Certificate, a Self Insurance Certificate and any tax certificate and agreement, as contemplated in the Amended Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Amended Agreement.

SECTION 5. NO GENERAL LIABILITY. Nothing contained in this Resolution, the Amended Agreement nor any other instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Amended Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable pursuant to the Amended Agreement are limited obligations of the City, subject to annual appropriation, as provided in the Amended Agreement.

SECTION 6. APPOINTMENT OF AUTHORIZED CITY REPRESENTATIVES. The Authorized Officials and the City Manager are each hereby

designated to act as authorized representatives of the City for purposes of the Amended Agreement until such time as the City Council shall designate any other or different authorized representative for purposes of the Amended Agreement.

SECTION 7. REPEAL OF INCONSISTENT PROVISIONS. All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 9. 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, held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Resolution 2020-

EXHIBIT A

**FORM OF AMENDED AND RESTATED EQUIPMENT LEASE/PURCHASE
AGREEMENT**



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Joan Junkala-Brown, Community & Economic Development

DATE: June 4, 2020

RE: Amendment to Chapter 37.03(D) of the City of Palm Bay's Code of Ordinances

SUMMARY:

At the Regular Meeting held on March 19, 2020, City Council approved Ordinance 2020-21 creating a new Chapter 39, titled "Community and Economic Development", which includes "Housing and Community Development" under subsection 39.03 titled "Departmental Divisions".

Staff is requesting to amend Chapter 37, titled "Growth Management Department", to remove the subsection 37.03(D) Housing and Community Development to reflect Ordinance 2020-21.

REQUESTING DEPARTMENTS:

Community & Economic Development; Growth Management

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Motion to approve an Ordinance amending Chapter 37 of the Code of Ordinances, removing subsection 37.03(D).

Attachment:

- 1) Ordinance

ORDINANCE 2020-34

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE III, ADMINISTRATION, CHAPTER 37, GROWTH MANAGEMENT DEPARTMENT, BY REMOVING PROVISIONS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT; 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 III, Administration, Chapter 37, Growth Management Department, Section 37.03, Departmental Divisions, is hereby amended and shall henceforth read as follows:

“Section 37.03 DEPARTMENTAL DIVISIONS.

* * *

~~(D) *Housing and Community Development.*~~

~~(1) Administers a variety of federal and state-funded housing and community development programs to provide affordable housing, fair housing, public services, public facilities, and improvements and supportive services for the very-low, low- and moderate-income residents. Staff members of the Division serve as liaison to the Community Development Advisory Board.”~~

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.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

~~Strikethrough~~ words shall be deleted; highlighted words that will be included will be 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

REQUESTING DIRECTOR: Christopher A. Little, P.E., Utilities Director

DATE: June 4, 2020

RE: Avery Springs Utility Agreement

SUMMARY:

In the Utilities Department's 2012 Wastewater Master Plan, the need was identified to construct a regional (master) lift station to support anticipated development in the Northwest portions of the City. On December 17, 2015, City Council approved Task Order 15-08 (Master Contract #2005-28) for the design and permitting of the Palm Vista Regional Lift Station. The lift station was anticipated to be placed at the Public Works facility located at 1050 Malabar Road.

On January 24, 2018, City Council approved Task Order 18-10 (Master Contract #2005-28), which included the redesign and re-siting of the Palm Vista Regional Lift Station, now referred to as Regional Pump Station #1 (RPS-1). The redesign included a change of pumping technology for the pump station and the installation of a smaller submersible pump station to support the proposed Avery Springs subdivision, located on three parcels which at that time were all owned by the City, across the street and to the northwest of the Public Works facility. The location for RPS-1 was agreed to be the southwest corner of the Avery Springs subdivision. Design and regulatory permitting of RPS-1 was completed in 2019. The Engineer's construction estimate is \$1,180,500.00.

On October 4, 2018, the parcels were sold by the City to Triangle Palm Bay LLC. In part, the sale was contingent on the City supplying RPS-1, as indicated in Task Order 18-10, to support the Avery Springs subdivision. The intent was for the Utilities Department to build RPS-1 concurrently with the Developer's site construction; however, the development was placed on hold indefinitely.

In March 2020, Triangle Palm Bay LLC notified the Utilities Department that they were ready to move forward with the construction of the Avery Springs subdivision. While developing the Utility Agreement, it was proposed that the Developer acquire the Site Plan Approval from the Growth Management Department and construct the first phase of RPS-1 as the two projects are directly linked.

Working with Triangle Palm Bay LLC and the City Attorney's Office, the Utilities Department has prepared a Utility Agreement for the Avery Springs subdivision. The Agreement requires the Developer to pay \$824,943.16 for 140 Equivalent Residential Connections (ERC), water and sewer mainline extension charges, inspection fees and miscellaneous charges. The Agreement further requires the Developer to install Phase 1 of RPS-1, at a cost of \$994,816 to the Utilities Department.

To minimize a credit owed to the Developer, the Utilities Department is proposing to directly purchase and furnish the 57.7 horsepower pumps and electrical panel required to support RPS-1. This equipment will be provided by Hydra Service, Inc., which is the authorized supplier of ABS pumps. ABS is one of only two pump manufacturers that the Utilities Department allows for use in the sewer collection system and is the manufacturer that the Developer wishes to utilize for the project.

By the City directly purchasing the ABS pumps and panel from Hydra Service, Inc., the Developer's RPS-1 installation cost is reduced to \$837,001.00. A final credit of \$12,057.84 would be owed to the Developer and would be reimbursed as wastewater impact fee credits for future projects.

In order to move forward with the Utility Agreement and to allow the Utilities Department to furnish the pumps and electrical panel, City Council approval is required.

REQUESTING DEPARTMENTS:

Utilities Department

FISCAL IMPACT:

Total estimated cost will be \$157,815.00. Funding is available in the Utilities Department's operating fund 421-8030-535-6327, project 16WS07.

RECOMMENDATION:

Motion to 1) authorize staff to execute the Avery Springs Subdivision Utility Agreement and for the Utilities Department to purchase and furnish the pumps and electrical panel required to support the RPS-1; 2) approve the piggyback purchase of pumps and electrical panel utilizing Orange County purchasing agreement.

Attachments: (all available upon request)

- 1) Task Order 15-08, Palm Vista Regional Lift Station Design and Permitting
- 2) Task Order 18-10, Regional Pump Station #1
- 3) Contractor's Construction Cost
- 4) 100% Engineer's Opinion of Probable Construction Cost
- 5) Avery Springs Utility Agreement
- 6) Hydra Service Inc Pump and Panel Quote



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, Growth Management Director

DATE: June 4, 2020

RE: Nuisance Lien Amnesty Program

SUMMARY:

The Code Compliance Division of the Growth Management Department takes actions to help uphold and maintain the Code of Ordinances and the Property Maintenance Code for the City of Palm Bay. The objective of the program is to ensure the health, safety and welfare of the community by helping to avoid real property from falling into disrepair or a blighted condition and thus creating a nuisance. The program focuses on voluntary compliance and most of the cases which the staff pursues are addressed without the need for fines or sanctions.

Often the City must engage contractors to control tall grass and weed, dangerous trees, or unsafe conditions. All cases involve vacant or abandoned properties with actual costs for the City as result of these actions. The property owners are billed for these items and if these costs go unpaid, liens are place on the property and interest accrues. Currently, there are over 800 Nuisance cases from the past ten years with outstanding liens which could be addressed by an amnesty program to recover the City's contracted costs and alleviate property owner outstanding liens. It should be noted that liens expire after 10 years unless refiled by the City. Liens over twenty years expire by operation of law.

Given the recent health crisis related to COVID-19, the City of Palm Bay has realized that these liens are potentially a burden for property owners; if approved, the relief offers an opportunity to use the equity in their property to help sustain themselves during these difficult times.

This program requires the City's contractor costs to be paid plus administrative costs. Thus, the Council could authorize payments of reduced fines based upon the following schedule. Settlements of amounts owed over \$500 would be eligible for a payment plan over 12 months.

Total Amount Owed	Number of Cases	Fine to be Paid in addition to City's Costs	Eligible for 12-month payment plan
Less than \$500	327	\$50	No
\$500 to \$1,000	409	\$75	Yes
\$1,001 to \$2,000	80	\$100	Yes
\$2,001 to \$3,000	9	\$150	Yes
Greater than \$3,000	5	\$200	Yes

The program would be available starting June 5, 2020 and property owners would need to formally request amnesty no later than December 31, 2020. For settlement amounts less of \$500 or less the property owner would have 90 days to make a single payment in full. For settlement amounts over \$500 a payment arrangement of up to 12 monthly payments would be permissible. Payments not made according these timelines would revert to the original lien amounts.

REQUESTING DEPARTMENTS:

Growth Management

FISCAL IMPACT:

The program has the potential to allow the City to recover over \$200,000 in previously incurred costs.

RECOMMENDATION:

Motion to approve the Code Compliance Amnesty Program from June 5, 2020 thru December 31, 2020.

Attachment:

- 1) List of Nuisance Liens with for properties now in compliance (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Laurence Bradley, Growth Management Director

DATE: June 4, 2020

RE: Waiver of Mobil Food Vendor Fees in response to economic impacts of COVID-19

SUMMARY:

COVID-19 has caused severe economic impacts due to the requirements of social distancing and other measures to try help slow the spread of the pandemic. The Land Development Division of the Growth Management Department is seeking to lessen the economic impacts and help jump start the economy by removing some barriers for food vendors. This request would waive the Mobile Food Vendor permit fees from June 5, 2020 thru September 30, 2020.

Mobile Vendors must pay an annual fee of \$250 per year for their first location and \$50 per year for additional locations. Since the program started in 2018, there have been 3 mobile food vendor permits issues. There is also one application under review at present.

Given the need for social distancing and the additional focus on outdoor dining this is intended to reduce the burden on food vendors who wish to open new or re-new exiting mobile food vendor locations.

REQUESTING DEPARTMENTS:

Growth Management

FISCAL IMPACT:

Given the current number of mobile food vendors, the potential impact to the General Fund should be minimal.

Honorable Mayor and Members of the City Council

Legislative Memorandum

Page | 2

RECOMMENDATION:

Motion to approve a temporary waiver of Mobile Food Vendor fees related to COVID-19 economic impacts from June 5, 2020 thru September 30, 2020.



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Christopher A. Little, P.E., Utilities Director

DATE: June 4, 2020

RE: Budget Amendment – Project #20WS20 – Bayridge Subdivision - Potable Water Off-site Improvements

SUMMARY:

For review and consideration, staff requests a Budget Amendment to allocate funds from the Impact Fee Undesignated Fund Balance (423-0000-392-3006) to account 423-8021-533-6324, Project #20WS20, in the amount of \$37,049 for the City-required off-site improvements of developer-installed potable water infrastructure north of the Bayridge Subdivision entrance. As part of the water and wastewater system agreement, the developer was given credit for the City-required off-site improvements in the amount of \$37,049 which must be capitalized.

REQUESTING DEPARTMENTS:

Utilities Department

FISCAL IMPACT:

A total of \$37,049 originating from Impact Fee Undesignated Fund Balance (423-0000-392-3006) will be allocated to Project #20WS20, Account 423-8021-533-6324 (Transmission/Distribution).

RECOMMENDATION:

Motion to approve a budget amendment allocating \$37,049 from Undesignated Fund Balance (423-0000-392-3006) to account 423-8021-533-6324, Project #20WS20.

Attachment: 1) Developer Utility Agreement- Bayridge Subdivision (available upon request)



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Joan Junkala-Brown, Community & Economic Development

DATE: June 4, 2020

RE: Fiscal Year 2021 Proposed Budget of the Bayfront CRA

SUMMARY:

At the regularly scheduled meeting of the Brevard County Board of County Commissioners on May 19, 2020, the City brought forth the Fiscal Year (FY) 2021 Proposed Budget of the Bayfront CRA for consideration by the Board. The Proposed Budget was approved unanimously by the County Commission. At the Special Meeting of the Bayfront CRA Board held on June 4, 2020, the Board adopted a Resolution to approve the FY 2021 Proposed Budget of the Bayfront CRA.

Attached for review and discussion is the Proposed FY 2021 Budget of the Bayfront CRA which uses the current year (FY 2020) revenues as a starting point. The current FY 2020 revised budget provided for \$1,403,970 in revenues from the City (67.7%) and Brevard County (32.3%) ad valorem tax contributions to the Bayfront Redevelopment Trust Fund. The preliminary revenue projections for FY 2021 budget year will be obtained by the Brevard County Property Appraiser's Office (BCPAO) following assessment valuations for the 2020 property tax year expected in July 2020.

The Proposed Budget for FY 2021 provides for a total of \$919,785 in expenditures as well as \$490,585 in Reserves to be reimbursed back to the general funds of the City and County following the end of FY 2021. The total proposed expenditures include \$486,976 in Operating Expenses and \$432,809 in total debt service payments towards the 2006 Bond. In accordance with the Interlocal Agreement (ILA) between Brevard County, City of Palm Bay and the Bayfront CRA executed on October 8, 2019, the CRA is prohibited from incurring new debt which pledges tax increment funds as well as prohibits the expenditure of any funds which are not contractually obligated or otherwise required by law.

Please note that the total Operating Expenses includes \$477,724 budgeted for the 90 percent ad valorem tax (AVT) rebate for Northshore Development, LLC as authorized by the Redevelopment Incentive Agreement fully executed in June 2019, a contractual obligation which existed prior to the execution of the ILA. The estimated AVT rebate is based on the assumption that Northshore will receive a Certificate of Occupancy (CO) for Phase I Residential (estimated value of \$45.2 million) prior to the BCPAO property tax assessments for the 2020 tax year. The estimation includes the reduction of the base year property tax value of \$809,040.

REQUESTING DEPARTMENTS:

Community & Economic Development; Bayfront CRA

FISCAL IMPACT:

The proposed FY 2021 budget would increase the Bayfront Redevelopment Trust Fund by \$1,403,970 and result in an increase to the general fund at the end of FY 2021 by approximately \$332,126.05 from the Bayfront CRA's reserves.

RECOMMENDATION:

Motion to approve the Fiscal Year 2021 Budget of the Bayfront CRA.

Attachments: (available upon request)

- 1) FY 2021 Proposed Budget of the Bayfront CRA
- 2) Interlocal Agreement between Brevard County, City of Palm Bay & Bayfront CRA



LEGISLATIVE MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Lisa Morrell, City Manager

REQUESTING DIRECTOR: Yvonne McDonald, Finance Director

DATE: June 4, 2020

RE: PFM Asset Management Quarterly Investment Report – March 31, 2020

SUMMARY:

Enclosed is the City's PFM'S Investment Performance Review Report for the Quarter that ended March 31, 2020.

The City's Short Term and Investment Portfolios are of high credit quality and invested in U.S. Treasury, federal agency/GSE, federal agency/CMO, municipal, supnationals, corporate, mortgage-backed, asset-backed, and commercial paper securities.

The Investment Portfolio's quarterly total return performance of 1.84% underperformed the benchmark performance of 2.78% by 0.94%. Over the past year, the Portfolio earned 4.32%, underperforming the 5.39% of the benchmark.

The Short-Term Portfolio ended the quarter with a Yield at Cost of 1.86%, exceeding the benchmark, the 3-month T-Bill, of 1.28% by 0.58%.

Although the U.S. economy entered the year on a strong footing, that deteriorated quickly as the COVID-19 pandemic took hold across the globe, including the U.S. This created a threefold crisis: (1) a global health crisis, (2) a virtual economic shutdown in the U.S. and elsewhere, and (3) unprecedented moves in the financial markets. The immediate impact of the pandemic on global economies made typical economic indicators, most of which are in hindsight, and therefore essentially irrelevant.

U.S. economic fundamentals are expected to deteriorate significantly in Q2 as the full effect of

COVID-19 materializes. The outstanding questions are the duration of the economic shutdown and the speed and trajectory of the eventual recovery. As a result of this uncertainty, PFM plan to maintain neutral portfolio durations relative to their respective benchmarks into April as they monitor guidance from index vendors regarding future rebalancing. While producing strong investment returns remains a priority, it is secondary to maintaining safety and liquidity.

The portfolios comply with the City's investment policy and Florida investment statutes.

REQUESTING DEPARTMENTS:

Finance Department

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to acknowledge receipt of the Investment Performance Review Report for the Quarter that ended March 31, 2020.

Attachment:

- 1) March 31, 2020 Quarterly Investment Report (available upon request)