

City of Melbourne



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

CITY COUNCIL AGENDA

February 12, 2019 • 6:30 PM

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

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

A. OPENING

1. **Invocation** - Minister Dan Gish, River Run Christian Church
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Proclamations and Presentations**
5. **Approval of Minutes**
 - a. January 22, 2019 Regular Meeting
 - b. January 24, 2019 Special Meeting
6. **City Manager's Report**
7. **Public Comments**

B. UNFINISHED BUSINESS

8. **ORDINANCE NO. 2019-01 (A&V NO. 392):** (Second Reading/Public Hearing)
An ordinance vacating a portion of public utility easement that runs along the west lot line of 3799 Poseidon Way; providing for the re-adoption on second reading to cure a legal advertisement requirement. (First Reading - 1/8/19)
9. **ORDINANCE NO. 2019-02, LAND DEVELOPMENT REGULATIONS (LDR-2018-02) MURALS:** (Second Reading/Public Hearing) An ordinance amending City Code, Chapter 20, Article IV, Architectural Review Board; amending Part III, Appendix D, Chapter 1, Article II, Hearing Procedures; and Chapter 11, Signs and Advertising; providing for the re-adoption on second reading to cure a legal advertisement requirement. (Applicant - City of Melbourne) (First Reading - 1/8/19)
10. **ORDINANCE NO. 2019-03 (A&V NO. 391):** (Second Reading/Public Hearing)
An ordinance vacating a portion of the public right-of-way that runs along the north lot line of 701 Brookside Drive. (First Reading - 1/22/19)



11. **ORDINANCE NO. 2019-04, NANA'S CHILDREN'S HOME THRIFT STORE:** (Second Reading/Public Hearing) An ordinance changing the zoning (Z-2018-1282) from C-P (Commercial Parkway) and C-1A (Professional, Offices and Services District) to C-1 (Neighborhood Commercial) on a 2.33±-acre developed property located on the northwest corner of Babcock Street and Lake-in-the-Woods Drive (4490 South Babcock Street). (Owner/Applicant - Nana's Children's Home, Inc.) (Representative - Bruce A. Moia, P.E.) (First Reading - 1/22/19)
12. **ORDINANCE NO. 2019-06, AURORA PALMS:** (Second Reading/Public Hearing) An ordinance granting a conditional use (CU-2018-19) with site plan approval (SP-2018-16) to allow a multi-family residential development in a C-C-1 (Neighborhood Commercial with a conditional use for residential development) zoning district, on 1.698± acres, located on the southeast corner of Aurora Road and Mosswood Drive. (Owner/Applicant - Housing Authority of Brevard County) (Representative - Monroe Engineering, Inc., Steve Monroe, P.E.) (First Reading - 1/22/19)
13. **ORDINANCE NO. 2019-07:** (Second Reading/Public Hearing) An ordinance amending the City Code, Chapter 22, Elections, by altering the description of City Council District Six to include annexation ordinances adopted in 2018. (First Reading - 1/22/19)

C. NEW BUSINESS

14. Task Order No. AGI 208 to the Continuing Contract for Engineering Services for the Babcock Street - Apollo Boulevard Mast Arm Improvements, Project No. 64419, Albeck Gerken, Inc., Tampa, FL - \$57,221.56.
15. Task Order No. AGI 209 to the Continuing Contract for Engineering Services for the NASA Boulevard - Evans Road Mast Arm Improvements, Project No. 64319, Albeck Gerken, Inc., Tampa, FL - \$55,461.56.
16. Task Order No. BMEG 225 to the Continuing Contract for Engineering Services for the Mayfair Canal and Florida Avenue Reclaimed Water Main Extension, Project No. 34319, Bussen-Mayer Engineering Group, Inc., Merritt Island, FL - \$81,200.
17. Task Order No. BMEG 226 to the Continuing Contract for Engineering Services for the Parkway Drive Reclaimed Water Main Extension, Project No. 34119, Bussen-Mayer Engineering Group, Inc., Merritt Island, FL - \$96,400.



18. Task Order No. BMEG 228 to the Continuing Contract for Engineering Services for the Water Main Relocation Around Airport - NASA Boulevard, Airport Boulevard, & Apollo Boulevard Project, Project No. 30019, Bussen-Mayer Engineering Group, Inc., Merritt Island, FL - \$209,425.
19. Task Order No. REI 047 to the Continuing Consultant Contract for Engineering Services for the DB Lee Water Reclamation Facility Gravity Interceptor, Reiss Engineering, Inc., Winter Springs, FL - \$130,580.
20. Change Order No. 4 to the construction contract for the Lake Washington Water Treatment Plant Laboratory, Project No. 31213, Building Management Systems, Inc., Melbourne, FL - \$82,981.
21. **ORDINANCE NO. 2019-14 (A&V NO. 395):** (First Reading/Public Hearing) An ordinance vacating a portion of the 16-foot wide alleyway located adjacent to Lots 10-14, Village Plat of Eau Gallie, as recorded in Deed Book FF, Page 600, of the Public Records of Brevard County, Florida (2125, 2145, and 2155 Avocado Avenue).
22. **ORDINANCE NO. 2019-15:** (First Reading/Public Hearing) An ordinance amending Chapter 52, entitled "Streets, Sidewalks and Other Public Places," by renaming Mill Street, between Main Street and Lipscomb Street, to Reverend Nathaniel L Harris Street.
23. **CONSENT AGENDA:**
 - a. Approval of the Fifth Amendment to Contract No. 10-064-0-2014 for Fabric-Formed Revetment Installation Services, Volusia General Contractors, Lake Helen, FL - at the unit prices included in the amendment, estimated amount of \$100,000.
 - b. Purchase of services to rehabilitate sanitary sewer manholes at various locations throughout the City, VacVision Environmental, LLC; Tampa, FL – estimated amount of \$473,000.
 - c. Approval of an Encroachment License Agreement for 2518 Kingsmill Avenue with Jacqueline Petitti for the encroachment into a public utilities easement.
 - d. Approval of an Encroachment License Agreement for 1904 Municipal Lane with FROWZAR LLP for the encroachment into the Municipal Lane right-of-way.



- e. **RESOLUTION NO. 3820**: Approval of a lease agreement between the City of Melbourne and Melbourne Municipal Band Association, Inc., for a five-year period, with the option of two, five-year renewals, at \$1 per year for property located at 1924 Melody Lane (adjacent to the Melbourne Auditorium) in order to provide a location for band and orchestra meetings as well as practice and training sessions.
 - f. **RESOLUTION NO. 3821**: A budget resolution to accept funds from Arch Insurance Company for coating systems associated with the D.B. Lee Water Reclamation Facility Expansion & Energy Efficiency Improvements, Project No. 33713.
24. **ITEMS REMOVED FROM THE CONSENT AGENDA**
25. **RESOLUTION NO. 3822**: Approval of a lease agreement between the City of Melbourne and J.L. Golightly Chapter 32, Disabled American Veterans, Inc., for a ten-year period, with the option of two, five-year renewals, at \$1 per year for property located at 2265 North Harbor City Boulevard in order to provide professional assistance to veterans and their families in obtaining benefits and services provided by the Department of Veterans' Affairs.
26. Employee Group Medical Insurance Plan and Dental Plan Renewals and amendment to Personnel Policy 6.2. - Health Insurance
27. **ORDINANCE NO. 2019-16, ZONING TEXT AMENDMENT (Z-2019-1283AD) ADULT ENTERTAINMENT DISTANCE REQUIREMENTS**: (First Reading/Public Hearing) An ordinance amending City Code, Chapter 4, Adult Entertainment Code; amending Section 4-1, Purpose, Findings, Intent, and Incorporation of Recitals; amending Section 4-100, Adult Theater Regulations; amending Part III, Appendix B, Zoning Code, Article VI, Section 1, Residential Uses; and amending Article VI, Section 2, Nonresidential Uses. (Applicant - City of Melbourne) (P&Z Board - 1/17/19)
28. **ORDINANCE NO. 2019-05, CEMEX CONSTRUCTION MATERIALS**: (First Reading/Public Hearing) An ordinance granting a conditional use (CU-2018-20) to allow a building height of 68± feet (an additional 20 feet of height) to replace an existing silo, on an overall 3.95±-acre developed site, zoned M-2 (General Industrial District), located north of Lake Washington Road, west of the FEC Railway and east of Avocado Avenue (1200 Lake Washington Road). (Owner - Rinker Materials Corporation/CEMEX) (Applicant - CEMEX Construction Materials FL, LLC) (Representative - Micah Barrington) (P&Z Board - 1/3/19)



29. **ORDINANCE NO. 2019-08, ORDINANCE NO. 2019-09 AND ORDINANCE NO. 2019-10 (GREGORY BASS):** Ordinances providing for annexation, a Comprehensive Plan amendment and zoning designation for 0.27± acres of developed property located on the west side of Lytton Road, south of Trimble Road, and north of Pinewood Road - also known as 958 Lytton Road. (Owner/Applicant/Representative - Gregory Bass) (P&Z Board - 1/17/19)
- a. **Ordinance No. 2019-08/AR-2019-265:** (First Reading/Public Hearing) An ordinance providing for the annexation of 0.27± acres of real property into the City of Melbourne corporate limits.
 - b. **Ordinance No. 2019-09/CPA-2019-01:** (First Reading/Public Hearing) An ordinance establishing a Low Density Residential Future Land Use.
 - c. **Ordinance No. 2019-10/Z-2019-1284:** (First Reading/Public Hearing) An ordinance establishing R-1A (Single-Family Low Density Residential District) zoning.
30. **ORDINANCE NO. 2019-11, ORDINANCE NO. 2019-12 AND ORDINANCE NO. 2019-13 (OAKS PLANTATION PUD):** Ordinances providing for annexation, a Comprehensive Plan amendment and zoning designation, for 7.84± acres and amending the zoning on the adjacent 3.7± acres with site plan (preliminary development plan) approval, on property located south of the Northgate Street right-of-way, west of North Wickham Road, and north of Aurora Road. (Owner/Applicant - Oaks Plantation Development LLC) (Representative - Vaheed Teimouri, P.E.) (P&Z Board - 1/17/19)
- a. **Ordinance No. 2019-11/AR-2018-261:** (First Reading/Public Hearing) An ordinance providing for the annexation of 7.84± acres of real property into the City of Melbourne corporate limits.
 - b. **Ordinance No. 2019-12/CPA-2018-01:** (First Reading/Public Hearing) An ordinance establishing a Low Density Residential Future Land Use.
 - c. **Ordinance No. 2019-13/Z-2018-1272 with SP-2018-06:** (First Reading/Public Hearing) An ordinance establishing PUD (Planned Unit Development) zoning on the same 7.84± acres and amending the zoning on the adjacent 3.7± acres from R-2(6) (One-, Two- and Multiple-Family Dwelling Medium Density District with a cap of 6 units per acre) to PUD zoning, with site plan (Preliminary Development Plan) approval for a 24-lot subdivision.



31. **RESOLUTION NO. 3823**: (Public Hearing) (HD-2018-01) Historic designation request for 1002 East New Haven Avenue - Hell 'n Blazes.
32. **RESOLUTION NO. 3824**: (Public Hearing) (RHD-2018-01) Request to remove the historic designation from 1809 Riverview Drive - former Elizabeth Eaton House property.
33. Discussion of a proposed ordinance to apply Brevard County's septic system ordinance (Ordinance 2018-23) within the City.
34. Appointment of one member to the Melbourne Downtown Community Redevelopment Agency Advisory Committee.

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

E. ADJOURNMENT

Mayor Kathy Meehan, Vice Mayor Debbie Thomas, and Council Member Tim Thomas, as members of the Airport Authority Board, may discuss Airport Authority issues, which may subsequently be addressed by the Airport Authority.

Mayor Meehan and Council Members Paul Alfrey, Yvonne Minus and Mark LaRusso (alternate), as members of the Space Coast Transportation Planning Organization (SCTPO), may discuss SCTPO issues, which may subsequently be addressed by the SCTPO.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office (321/608-7220) at least 48 hours prior to the meeting.