

CITY OF MELBOURNE, FLORIDA  
SUMMARY OF ACTION – REGULAR CITY COUNCIL MEETING  
MAY 22, 2018

**A. OPENING**

1. Invocation
2. Pledge of Allegiance
3. Roll Call
4. Proclamations and Presentations
5. Approval of Minutes – May 1, 2018 Workshop Meeting and May 8, 2018 Regular Meeting
6. City Manager's Report

City Manager Mike McNees stated that the interlocal agreement with Brevard County for the reconstruction of Babcock Street recently hit a snag as a result of storm water issues. After discussions with the County Manager, Mr. McNees stated that he is proposing to extend the Babcock Community Redevelopment Agency by one year and use the additional revenue to address storm water issues. The Brevard County Commission approved its portion of the interlocal agreement today, and the city's agreement will appear on the June 12 agenda. If approved, the city will take possession of that portion of Babcock Street and every dollar from the final year of the Babcock CRA will be used towards road and/or road drainage projects.

Mr. McNees reported that the city received a memorandum of understanding from the Brevard County School Board that would provide for up to 16 additional school resource officers. He and the Police Chief are reviewing funding and logistical issues. The City Council will be kept informed as this issue progresses.

7. Public Comments

Jennifer Cleveland, Melbourne, requested the city waive the impact fees for a home she would like to construct in Downtown Melbourne.

City Council discussed: whether funding from nonprofit agencies is available for this type of assistance; establishment of a hardship fund using General Fund dollars; timing the discussion of this item when the budget is being adopted to determine the amount of funding Council would like to set aside; and a recommendation that staff return with an agenda item to discuss the criteria for a hardship fund.

The following people spoke in support of the Matt Gondek mural located in Eau Gallie: Jim Stivers, Jacie Stivers, Derek Gores, Wayne Walton, Eryck Dzotsi, Martyne Kupciunas, Ayana Verdi, Christine DePalma, and Jenna Buehler.

During his comments, Mr. Stivers presented a petition containing the signatures of 936 people in support of the mural. Additionally, he asked City Council to reverse its action to appeal the decision made by the Historic and Architectural Review Board to approve the mural.

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Council Members Moore, Alfrey, Lopez, and T. Thomas voted nay on the motion made by Meehan/D. Thomas to withdraw the city's appeal. The Planning and Zoning Board will consider the city's appeal of the decision made by the Historic and Architectural Review Board on June 7.

Eric Ellebracht, 1948 Tyler Avenue, recalled that when City Council approved murals several years ago, he cautioned that the action would "open a can of worms." Additionally, he commented on the following: the workshop meeting held on May 21 regarding the airport was long overdue; the city can't afford to foot the bill for additional school resource officers; the opioid lawsuit joined by Palm Bay will only make a bunch of attorneys richer; City Council needs to follow its public speaking guidelines, which prohibit signs and banners in the Council Chamber; and the Mayor needs to make all speakers adhere to the speaking time.

**B. UNFINISHED BUSINESS**

8. Ordinance No. 2018-23, Evaluation and Appraisal Review Comprehensive Plan Amendments (Major Amendment) (CPA-2017-08AD): (Second Reading/ Public Hearing) An ordinance amending the Comprehensive Plan based on the Evaluation and Appraisal Report notification letter to the Florida Department of Economic Opportunity; amending the Introduction; amending the Future Land Use, Housing, and Coastal Management Elements; and amending the Future Land Use Map. (First Reading - 5/8/18)

Approved.

9. Ordinance No. 2018-24, King's Car Wash: (Second Reading/Public Hearing) An ordinance granting a conditional use (CU-2018-05) with site plan approval (SP-2018-04) to allow a 3,470+ square-foot single-bay car wash on a 1.02+-acre parcel zoned C-P (Commercial Parkway), located on the west side of Wickham Road, south of Constellation Drive and north of Summer Brook Street. (Owner/Applicant - Constellation Commons, LLC) (Representative - Ravi Alur, Aspire Engineering, Inc.) (First Reading - 5/8/18)

Approved.

10. Ordinance No. 2018-25, MC Test Service, Inc.: (Second Reading/Public Hearing) An ordinance revoking the five-year economic development ad valorem tax exemption granted by Ordinance No. 2014-03 to MC Test Service, Inc.; making a finding that the business has not fulfilled its employment and average wage commitments represented in the ad valorem tax exemption application. (First Reading - 5/8/18)

Approved.

**C. NEW BUSINESS**

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11. Utilization of the City's Horizontal Directional Drilling Services Contract (Contract No. 03-021-0-2017/LT) for Phase 1 of the Central Satellite Beach Water Main Replacements, Project No. 30017, Young's Communication Company, Inc., Melbourne, FL - \$1,318,603.98.

Approved.

12. Amendment No. 1 to the Production Facility Evaluation and Master Plan Agreement for the Surface Water Treatment Plant Replacement of Controls & Instrumentation, Project No. 31018, CH2M Hill Engineers, Inc., Orlando, FL - \$499,353.60.

Approved.

13. Lake Washington Water Treatment Plant Laboratory, Project No. 31213

- a. Resolution No. 3736: A resolution for budget transfer in the amount of \$750,000.
- b. Contract award to Building Management Systems, Inc., Melbourne, FL - \$2,026,977.
- c. Task Order No. BMEG 212 to the Continuing Contract for Engineering Services for the Lake Washington Water Treatment Plant Laboratory, Project No. 31213, Bussen-Mayer Engineering Group, Inc., Merritt Island, FL - \$54,248.

Approved.

14. Task Order No. BMEG 213 to the Continuing Contract for Engineering Services for Cliff Creek Baffle Box, Project No. 20215, Bussen-Mayer Engineering Group, Inc., Merritt Island, FL - \$79,710.

Approved.

15. Approval of the Interlocal Agreement between City of Cocoa and the City of Melbourne for the Pineda Causeway Water Transmission Main project and authorization for the City Manager to execute the Interlocal Agreement.

Approved.

16. Ordinance No. 2018-26 (A&V No. 374): (First Reading/Public Hearing) An ordinance vacating an approximately 11-foot long by 5.5-foot wide portion of a ten-foot wide public utility easement that runs along the north edge of property located north of Player Circle and west of Laura Baugh Drive (1870 South Player Circle).

Approved. The second reading/public hearing will be advertised for the June 12 meeting.

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17. Ordinance No. 2018-27 (A&V No. 380): (First Reading/Public Hearing) An ordinance vacating a 43-foot long by six-foot wide portion of a ten-foot wide public utility and drainage easement that runs along the east edge of property located north of Rio Villa Boulevard and east of Rio Pino (3083 North Rio Pino).

Approved. The second reading/public hearing will be advertised for the June 12 meeting.

18. CONSENT AGENDA:

- a. Professional Engineering Services Selection for Hydraulic Modeling and Permitting Services and authorization to negotiate a contract with Reiss Engineering, Inc., Winter Springs, FL.
- b. Purchase of Cisco SmartNet Maintenance for network equipment and software, Presidio Networked Solutions, Orlando, FL - \$50,510.35.
- c. Purchase of Exagrid Backup Storage for City Hall, Presidio Networked Solutions, Orlando, FL - \$57,353.10.
- d. Purchase of three Programmable Logic Controller Upgrades for the D.B. Lee and Grant Street Water Reclamation Facilities, JAX System Integration, LLC, Jacksonville Beach, FL - \$97,035.
- e. Approval of agreement for utility billing online/Interactive Voice Response credit card and e-check payment processing, bill print and mailing services and e-lockbox payment processing, First Billing Services, LLC, Miamisburg, OH - estimated annual cost for bill print and e-lockbox - \$75,000.
- f. Resolution No. 3737: A resolution approving a Memorandum of Understanding – Intergovernmental Radio Communication Program – 800 MHz Advisory Committee and authorizing the City Manager to execute the agreement.
- g. Resolution No. 3738: A resolution for the approval of the Local Agency Program Supplemental Agreement No. 1 with the Florida Department of Transportation for the design of the Country Club Road Sidewalk Project and authorization for the City Manager to execute the agreement.
- h. Resolution No. 3739: A resolution for the approval of the Local Agency Program Supplemental Agreement No. 1 with the Florida Department of Transportation for the design of the Pineapple Avenue Complete Streets Project and authorization for the City Manager to execute the agreement.
- i. Resolution No. 3740: A resolution for the approval of the Local Agency Program Supplemental Agreement No. 1 with the Florida Department of Transportation for the design of the Front Street Complete Streets Project and authorization for the City Manager to execute the agreement.

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- j. Resolution No. 3741: A resolution approving a lease agreement with Melbourne Palm Bay Delta Life Development Center, Inc. for use of the Brothers Park Community Center, located at 805 East Hopkins Street, and authorizing the City Manager to execute the lease agreement.
- k. Resolution No. 3742: A resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice for the FY2018 Bulletproof Vest Partnership for funding in the amount of \$29,106, with a required City match of \$12,936 and an Airport match of \$1,617, for a total of \$14,553, to purchase 48 vests for the Melbourne Police Department and six vests for the Melbourne Airport Authority Police Department.

Items 'b,' 'c' and 'j' were removed from the consent agenda. The remaining items were approved.

19. ITEMS REMOVED FROM THE CONSENT AGENDA

- b. Purchase of Cisco SmartNet Maintenance for network equipment and software, Presidio Networked Solutions, Orlando, FL - \$50,510.35.

Approved 6-1 (Minus voted nay).

- c. Purchase of Exagrid Backup Storage for City Hall, Presidio Networked Solutions, Orlando, FL - \$57,353.10.

Approved 6-1 (Minus voted nay).

- j. Resolution No. 3741: A resolution approving a lease agreement with Melbourne Palm Bay Delta Life Development Center, Inc. for use of the Brothers Park Community Center, located at 805 East Hopkins Street, and authorizing the City Manager to execute the lease agreement.

Approved. Mayor and Council expressed support for the city conducting an annual inspection of city properties that are leased, especially the one dollar per year leases.

- 20. Request for approval of an agreement awarding \$95,000 in State Housing Initiative Program (SHIP) funds to Habitat for Humanity of Brevard County to implement the Purchase Assistance with Sweat Equity Program. (Public Hearing)

Approved.

*Council convened as the Babcock Street Community Redevelopment Agency for the following items:*

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21. Approval of a \$30,000 facade reimbursement grant award for facade improvements at 478 North Babcock Street; and authorization for the City Manager to execute the rebate agreement. (Applicant - Scott Marr with KGSM, LLC)

Approved. Community Development Director Cindy Dittmer will provide Council with the conditions related to the grant.

22. Resolution No. 3743: (Public Hearing) A resolution authorizing the Babcock Street Community Redevelopment Agency to dispose of 484± square feet of a portion of two parcels located east of Babcock Street and north of Avenue D to the City of Melbourne for the purpose of acquiring right-of-way and a sidewalk, utility, and drainage easement for the Babcock Street Phase III B roadway project.

Approved.

*Council reconvened for the remaining items.*

**D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

23. Status of Opioid-related Cost Recovery. City Attorney Alison Dawley stated that staff is still gathering information on this issue and an item will return to Council in August.

Council Member Alfrey commended the Police Chief on his decision to expand a department general order, which would allow for individuals who served honorably with the Melbourne Police Department, but separated service prior to retirement, to receive an identification card for the purposes of the Law Enforcement Officers Safety Act (which allows individuals to lawfully carry concealed firearms).

Council Member Tim Thomas said that an individual contacted him regarding a piece of steel from the September 11, 2001 attacks on the World Trade Center that is stored at Honor America and the individual's desire to relocate it to the Veterans Memorial Center in Merritt Island. Mr. Thomas was advised to refer the individual to the current president of Honor America.

Council Member Betty Moore stated that all of the debris from Hurricane Irma has not been picked up. Fencing that has recently been replaced is piled up at curbs. Mr. McNees confirmed that the debris pick-up process following Hurricane Irma is over and that any debris that has been placed at curbs is not the city's responsibility.

Mrs. Moore stated that properties on Pineapple Avenue fall under the setback requirements of US 1. She will provide Mrs. Dittmer with specific addresses for review.

Vice Mayor Minus distributed a flyer for the Melbourne Founders Festival scheduled for May 25 – 27.

**E. ADJOURNMENT**

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The meeting adjourned at 10:22 p.m.