



Advanced
Agenda

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ON 2023-05-23 9:00 AM
2725 Judge Fran Jamieson Way
Viera, FL, 32940
Regular Agenda
Tuesday, May 23, 2023

IF YOU WISH TO SPEAK TO ANY ITEM ON THE AGENDA, PLEASE FILL OUT A SPEAKER CARD. PERSONS ADDRESSING THE BOARD SHALL HAVE FIVE MINUTES TO COMPLETE HIS/HER COMMENTS ON EACH PUBLIC HEARING AGENDA ITEM FOR WHICH HE/SHE HAS FILLED OUT A CARD.

THE BOARD OF COUNTY COMMISSIONERS REQUESTS THAT SPEAKERS APPEARING UNDER THE PUBLIC COMMENT SECTION OF THE AGENDA LIMIT THEIR COMMENTS AND/OR PRESENTATIONS TO MATTERS UNDER THE BOARD'S JURISDICTION. IT IS THE RESPONSIBILITY OF THE CHAIR TO DETERMINE THE TIME LIMIT ON COMMENTS UNDER PUBLIC COMMENT AND OTHER AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS.

If you wish to speak to any item on the agenda, please fill out a speaker card. Persons addressing the Board shall have three minutes to complete his/her comments on each public hearing agenda item for which he/she has filled out a card.

The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. It is the responsibility of the Chair to determine the time limit on comments under Public Comment and other agenda items that are not Quasi-Judicial Public Hearings. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

- A. CALL TO ORDER 9:00 AM**
- B. INTENTIONALLY OMITTED**
- C. PLEDGE OF ALLEGIANCE: Commission Tom Goodson, District 2**
- D. MINUTES FOR APPROVAL: April 18, 2023 Regular Meeting**
- E. RESOLUTIONS, AWARDS AND PRESENTATIONS**

E.1. 5686 Resolution acknowledging National Public Works Week

It is requested that the Board approve a Resolution recognizing National Public Works Week for the week of May 21st through May 27th in the year 2023.

Legislation Text

NPW Wk 2023rev2 4.26.2023.doc

- E.2. 5766 Resolution acknowledging Gold Star Families in Brevard County in the month of May.

It is requested that the Board approve a Resolution recognizing Gold Star Families in Brevard County.

Legislation Text

Gold Star Families Resolution 5.4.2023.docx

- E.3. 5785 Resolution acknowledging May 12, 2023 as National Childcare Provider Appreciation Day.

It is requested that the Board approve the attached resolution recognizing May 12, 2023 as National Childcare Provider Appreciation Day.

Legislation Text

Childcare Providers.pdf

F. CONSENT AGENDA

(The entire Consent Agenda will be passed in one motion to include everything under Section F.)

Development and Environmental Services Group

Mosquito Control

- F.1. 5774 Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Arthropod Control Budget Amendment

It is requested that the Brevard Mosquito Control District Board authorize the Chair to execute the State of Florida, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services Arthropod Control Budget Amendment.

Legislation Text

FDACS Arthropod Control Budget Amd - May 2023.pdf

Natural Resources Management

- F.2. 5756 Florida Department of Environmental Protection Grant WG006 - Merritt Island Zone G Septic-to-Sewer - District 2

It is requested that the Board of County Commissioners 1) approve the grant; 2)

authorize the Chair to execute this grant contract; 3) authorize the County Manager to execute any future amendments to this contract; and 4) authorize the County Manager to approve related budget change requests

Legislation Text

Map of Merritt Island Zone G Project

AO29 WG006 NRM.pdf

WG006 - Agreement NRM.pdf

- F.3. 5758 Florida Department of Transportation Joint Participation Agreement and Memorandum of Agreement for cost-sharing and nutrient credit sharing of the Sykes Creek Zone N Septic-to-Sewer Project.

It is requested that the Board of County Commissioners 1) approve the Joint Participation Agreement and Memorandum of Agreement with Florida Department of Transportation; 2) authorize the Chair to execute these agreements; 3) authorize the County Manager to execute any future amendments; and 4) authorize the County Manager to approve related budget change requests

Legislation Text

Map of Sykes Creek Zone N Project Area

AO29 FDOT JPA MOA.pdf

Brevard County S2S JPA SR 528 407402 4.pdf

BrevardFDOTS2S MOA.pdf

- F.4. 5760 Florida Department of Environmental Protection Grant WG012 - Sykes Creek Zone R Septic-to-Sewer - District 2

It is requested that the Board of County Commissioners 1) approve the grant; 2) authorize the Chair to execute this grant contract; 3) authorize the County Manager to execute any future amendments to this contract; and 4) authorize the County Manager to approve related budget change requests

Legislation Text

Map of Sykes Creek Zone R

AO29 WG012 NRM.pdf

WG012 - Agreement NRM.pdf

- F.5. 5769 Florida Department of Environmental Protection Grant for Brevard County Rain Barrel Workshops

1) Approve and Execute Florida Department of Environmental Protection Agreement Number NF111 after review and approval by the County Attorney's Office and Risk Management; 2) authorize the change of venue to Leon County; 3) authorize the County

Manager to sign amendments; and 4) approve processing related budget change requests.

Legislation Text

AO29_Rain Barrel Grant Updated.pdf

FDEP NF111 - Rain Barrel Grant Agreement Updated 5-16-2023.pdf

F.6. 5775 Florida Department of Environmental Protection Grant WG054 - Sykes Creek Zone M Septic-to-Sewer - District 2

It is requested that the Board of County Commissioners 1) approve the grant; 2) authorize the Chair to execute this grant contract; 3) authorize the County Manager to execute any future amendments to this contract; and 4) authorize the County Manager to approve related budget change requests.

Legislation Text

Map of Sykes Creek Zone M Project

AO29 WG054 NRM.pdf

WG054 - Agreement NRM.pdf

F.7. 5787 Florida Department of Environmental Protection Grants WG009 - South Beaches Zone A, WG010 - South Central Zone A, WG011 - South Central Zone D, WG072 - Micco Sewer Extension.

It is requested that the Board of County Commissioners 1) approve entering four grant contracts for the listed Septic to Sewer projects; 2) authorize the Chair to execute these grant contract subject to approval by Risk, Purchasing, and the County Attorney's Office; 3) authorize the County Manager to execute any future amendments to these contracts; and 4) authorize the County Manager to approve related budget change requests.

Legislation Text

Map of South Beaches Zone A Project

Map of South Central Zone A Project

Map of South Central Zone D Project

Map of Micco Sewer Line Extension Project

Planning and Development

F.8. 5763 Approval RE: Transportation Impact Fee Technical Advisory Committee for the South Beaches Benefit District Project Funding Recommendations (Districts 3, 4 and 5)

Planning and Development

It is requested that the Board of County Commissioners consider approval of the project

funding recommendation in the amount of \$250,000 as prepared by the Technical Advisory Committee on May 15, 2023; and authorize the Budget Office to execute any budget change requests necessary for implementing this appropriation.

Legislation Text

**F.9. 5768 Final Plat Approval, Re: Laurasia - Phase 1 Replat
Developer: The Viera Company District 4**

In accordance with Section 62-2841(i) and Section 62-2844, it is requested that the Board of County Commissioners grant final plat approval and authorize the Chair to sign the final plat for Laurasia - Phase 1 Replat.

Legislation Text

Final Plat.pdf

Location Map.pdf

F.10. 5797 Approval RE: Educational Facilities Impact Fee Deferral Contract for the St. Stephen's Way Affordable Housing Development between the Brevard County Board of County Commissioners, Brevard County Public Schools and St. Stephen's Way Inc.

Planning and Development

It is requested, on behalf of the developer, that the Board of County Commissioners: (1) authorize the Chair to execute the Educational Facilities Impact Fee Deferral Contract for the St. Stephen's Way Affordable Housing Development upon approval and execution by Brevard County School Board as currently presented and attached; and (2) authorize the County Attorney's Office to record the Notice of Assessment, as currently presented within the contract and which constitutes a lien on the property for the deferred balance of \$77,620.

Legislation Text

Public Works Department

**F.11. 5750 Adopt Resolution and Release Performance Bond: Adelaide Subdivision, Phase 6A - District 4
Developer: The Viera Company**

Public Works Department

In accordance with Section 62-2844(b), it is requested that the Board of County Commissioners adopt the attached Resolution and authorize the Chair to sign the Resolution releasing the Contract and Surety Performance Bond dated April 19, 2022 for the above referenced project.

Legislation Text

AdelaidePh6A_ContractBond_ADA.pdf

AdelaidePh6A_Resolution_ADA_04292023.pdf

F.12.5751 Adopt Resolution and Release Performance Bond: Adelaide Subdivision, Phase 6B - District 4
Developer: The Viera Company

Public Works Department

In accordance with Section 62-2844(b), it is requested that the Board of County Commissioners adopt the attached Resolution and authorize the Chair to sign the Resolution releasing the Contract and Surety Performance Bond dated November 3, 2022 for the above referenced project.

[Legislation Text](#)

[AdelaidePh6b_ContractBond_ADA.pdf](#)

[AdelaidePh6B_Resolution_ADA_04292023.pdf](#)

F.13.5753 Adopt Resolution and Release Performance Bond: Del Webb at Viera, Phase 1 Subdivision - District 4
Developer: The Viera Company

In accordance with Section 62-2844(b), it is requested that the Board of County Commissioners adopt the attached Resolution and authorize the Chair to sign the Resolution releasing the Contract and Surety Performance Bond dated January 25, 2022 for the above referenced project.

[Legislation Text](#)

[DelWebbPh1_ContractBond_ADA.pdf](#)

[DelWebbPh1_Resolution_04292023_ADA.pdf](#)

F.14.5782 Approval, Re: Dedication of Sanitary Sewer Easement from RNK Viera, Inc. for the Venezia Wine Bar Project - District 4.

It is requested that the Board of County Commissioners approve and accept the attached Sanitary Sewer Easement.

[Legislation Text](#)

[Agenda Review Package Venezia Wine Bar](#)

F.15.5783 Approval, Re: Dedication of Temporary Construction Easement Agreement and Special Warranty Deed from Yuge Deals, LLLP for the Commercial Retail Store (CRS) Eber Boulevard Project - District 3.

It is requested that the Board of County Commissioners accept and approve the attached Temporary Construction Easement Agreement and Special Warranty Deed.

[Legislation Text](#)

[Agenda Review Package CRS Eber](#)

F.16.5784 Approval, Re: Corrective Public Utility, Drainage, and Right-of Way Easement from Thomas J. Clark and Lynn C. Clark for the Sunset Avenue Road Improvement Project Phase 2, District 1.

It is requested that the Board of County Commissioners approve and accept the attached Public Utility, Drainage, and Right-of-Way Easement.

[Legislation Text](#)

[Agenda Review Package Sunset Avenue](#)

Valkaria Airport

F.17.5798 Amendment 3 - Public Transportation Grant Agreement, Hangar Development Construction Phase Funding at Valkaria Airport

It is requested the Board approve, adopt and authorize the Chair to execute the attached Amendment 3 to the existing Florida Department of Transportation (FDOT) Public Transportation Grant Agreement (PTGA) for hangar development at Valkaria Airport, and authorize all necessary budget change requests associated with this agreement.

[Legislation Text](#)

Community Services Group

Transit Services Department

F.18.5776 Approval, Re: Authorizing Resolution, Grant Application, Use of Toll Revenue Credits, Execution of Follow-up Grant Agreement, Re: Fiscal Year 2023 Space Coast Area Transit Low-No Emission Competitive Grant Program (Section 5339c) from Federal Transit Administration

It is requested that the Board of County Commissioners approve and authorize the following:

- ? the Chair to sign the Authorizing Resolution,
- ? the Chair to sign the Grant Application form SF-424,
- ? the use of the Florida Department of Transportation Toll Revenue Credits,
- ? the Chair to sign the Designation of Signature Authority allowing staff to submit the Grant electronically,
- ? the Transit Director to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approval,
- ? the Transit Director to execute any additional follow-up documentation, resolutions and amendments necessary to secure these funds,
- ? authorize the County Manager to execute any necessary Budget Change Requests.

[Legislation Text](#)

[SF424 Mandatory Form.pdf](#)

[Resolution 23.file 5776.pdf](#)

[Designation of Signature Authority.docx](#)

[1029_Supporting_Documentation.pdf](#)[FY23_Program_of_Projects.docx](#)**F.19.5777 Approval, Re: Authorizing Resolution, Grant Application, Use of Toll Revenue Credits, Execution of Follow-Up Master Grant Agreement with the Federal Transit Administration, FY2023 Brevard County Transit Federal Capital and Operating Assistance Urbanized Area Grant**

It is requested that the Board of County Commissioners approve and authorize the following actions for the FY2023 Section 5307/5339 Urbanized Formula Program, Capital and Operating Assistance Grant from the Federal Transit Administration (FTA) in the amount of \$8,699,463:

- * The Chair to sign the Authorizing Resolution,
- * The Chair to sign the Grant Application, SF-424 form,
- * The use of Florida Department of Transportation Toll Revenue Credits,
- * The Chair to sign the Designation of Signature Authority, allowing staff to submit the grant electronically,
- * The Transit Director to execute and submit the Grant Master Agreement electronically, contingent upon the County Attorney and Risk Management Approvals,
- * The Transit Director to execute any additional follow-up documentation, resolutions and amendments necessary to secure these funds,
- * Authorize the County Manager to execute any necessary Budget Change Requests.

[Legislation Text](#)[FTA 5307 Application Form SF424.pdf](#)[5307 Projects Justification 2023.pdf](#)[Designation of Signature Authority.docx](#)[FY23 Program of Projects.pdf](#)[Resolution - FTA 5307.file 5777.pdf](#)**F.20.5779 Approval, Re: Authorizing Resolution, Grant Recipient Information Form and Execution of Follow-up Grant Agreement for SFY 2024 Florida Commission for the Transportation Disadvantaged Trip & Equipment Grant**

It is requested that the Board of County Commissioners approve and authorize the following actions:

- ? the Chair to sign the Authorizing Resolution,
- ? the Chair to sign the Grant Recipient Information Form,
- ? the Chair to execute the Grant Agreement, contingent upon County Attorney and Risk Management approval,
- ? the Transit Director to execute any additional follow-up documentation, resolutions and amendments necessary to secure these funds,
- ? the County Manager to execute necessary Budget Change Requests.

[Legislation Text](#)[TE Grant Recipient Doc 2023-24.pdf](#)

TE Grant Service Rates 2023-24.docxResolution.docx**Public Safety Group****Emergency Management****F.21.5778 Delegation of Authority for 2023 Hurricane Season**

In order to facilitate prompt preparation and response to an impending tropical cyclone during the 2023 season, Emergency Management is seeking specific delegation of authority as described below beginning immediately and ending on December 31, 2023. This action is similar to the procedure approved by the Board of County Commissioners last year. Specifically,

- * Allow the current chair or vice-chair of the BoCC to have authority to declare a Local State of Emergency for any tropical cyclone event during the 2023 season after obtaining input from the County Manager, Emergency Management Director and/or the Emergency Coordination Group; and

- * Allow the County Manager and/or his designee to sign extensions to any Local State of Emergency; and

- * Allow the current chair or vice-chair of the BoCC to have the authority to order Emergency Protective Actions, including implementing any restrictions necessary to protect life and property as a direct result of storm impacts after obtaining input from the Emergency Management Director and the Emergency Coordination Group. This would include but is not limited to issuing Evacuation Orders (area included, timing, effective date and termination) and Shelter Operations decisions (which shelters to open and timing). If the current chair or vice-chair is not available, this authority would then be delegated to the County Manager.

Legislation Text**Fire Rescue****F.22.5767 Board Approval: Interlocal agreement between Brevard County and the City of Satellite Beach for Automatic Aid.**

It is requested the Board approve the attached interlocal agreement with the City of Satellite Beach for automatic aid and authorize the Chair to execute the agreement and delegate to the County Manager the authority to execute amendments or renewal options as outlined in the agreement.

Legislation TextBCFR and Satellite Beach Interlocal for AA 2023.pdfAO29 Satellite Beach AA .pdf**Support Services Group**

Budget

F.23.5788 Allocation of American Rescue Plan Act of 2021 (ARPA) funds to qualified projects

It is requested that the Board of County Commissioners approve the following identified uses of ARPA funds, which align with Board direction of the allocation of ARPA first tranche funds on July 20, 2021; Authorize the County Manager to execute all necessary budget change requests for ARPA funded expenditures approved by the Board; Authorize Purchasing Services to issue and award competitive solicitations; Authorize the County Manager to execute all contracts, contract amendments, task orders, work orders and any necessary extensions upon review and approval by the County Attorney's Office, Risk Management and Purchasing Services.

Legislation Text

Central Services

F.24.5786 Adopt a Resolution and the Execution of the First Amendment to the Interlocal Agreement between Brevard County, Florida, and the Local Government Finance Commission

It is requested that the Board of County Commissioners adopt a Resolution and authorize the Chair to execute the First Amendment to the Interlocal Agreement between Brevard County, Florida, and the Local Government Finance Commission to enable public agencies to (a) finance or refinance capital projects and other government needs permitted by Florida law at the lowest interest cost possible and (b) benefit from the economies of scale associated with large scale financing which may otherwise be unrealized if separate financing is undertaken.

Legislation Text

[Reso Approving 1st Amend to Interlocal \(Brevard\) cao 05162023 final clean.pdf](#)

[First Amendment to Interlocal cao final clean 05162023.pdf](#)

Communications / SCGTV

F.25.5800 Approval, Re: Memorandum of Understanding between Brevard County and external governmental agencies to publish legal notices and advertisements on the Brevard County website.

It requested that the Board approve the Memorandum of Understanding and authorize the County Manager to execute the Memorandum of Understanding on behalf of the Board of County Commissioners.

Legislation Text

[AO 29 MOU CAO signed.pdf](#)

[Brevard County MOU for Posting Legal Notices on Websites draft.pdf](#)

Human Resources

F.26.5757 PLACEHOLDER: Renewal of Annual Property Insurance Program

[Legislation Text](#)

Administrative Services Group**Miscellaneous****F.27.5770 Bill Folder**

Acknowledge receipt.

[Legislation Text](#)

[Exhibit 1 - D1 DEXimaging AR9389151.pdf](#)

[Exhibit 2 - Culligan Invoice 101739.pdf](#)

[Exhibit 3 - D1 Purchasing Card Recon Report.pdf](#)

[Exhibit 4 - D3 Purchasing Card Recon Rpt.pdf](#)

[Exhibit 5 - D4 May Invoice 2023.pdf](#)

G. PUBLIC HEARINGS**G.1.5755 Public Hearing RE: Brevard County HOME Investment Partnerships Program (HOME) Fiscal Year 2023-2024 Annual Action Plan**

It is requested that the Board of County Commissioners conduct a public hearing to solicit input into the FY 2023-24 Annual Action Plan, as required by the United States Department of Housing and Urban Development (HUD), prior to the proposed Annual Action Plan being published for final comments. No vote is required for this public hearing.

[Legislation Text](#)

[Citizen Participation Plan Final.pdf](#)

[HOME Consortium Community Development Block Grant Program \(CDBG\) and HOME Investment Partnerships Program \(HOME\) Public Meeting and Public Hearing 2023.docx](#)

G.2.5762 Petition to Vacate, Re: Public Utility & Drainage Easement- 915 Sequoia Street - "Replat of Haven Green, Pinewood Section" Plat Book 24, Page 102 - Barefoot Bay - Deborah L. Dalton - District 3

Public Works Department

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing to consider vacating part of a public utility & drainage easement, "Replat of Haven Green, Pinewood Section" in Section 10, Township 30 South, Range 38 East. If

approved, it is requested that the Board authorize the Chair to sign the attached Resolution approving the vacating.

Legislation Text

20230504-AgendaReport-Dalton.pdf

G.3. 5790 Public Hearing, Re: Ordinance Amending Chapter 90-Social Services, Creating a New Article IV, "Workforce and Supportive Housing Trust Fund."

It is requested that the Board of County Commissioners conduct a public hearing and adopt the proposed ordinance Amending Chapter 90-Social Services, Creating a New Article IV, "Workforce and Supportive Housing Trust Fund."

Legislation Text

Workforce and Supportive Housing Trust Fund Ordinance.pdf

H. UNFINISHED BUSINESS

I. NEW BUSINESS

Development and Environmental Services Group

I.1. 5781 Legislative intent and permission to advertise an amendment to Chapter 62, Article X, Division 5, entitled Floodplain Protection.

Approval of legislative intent (option 1) for an amendment to Chapter 62, Article X, Division 5 (Floodplain Protection), Section 62-3724(4)(e), prohibiting accessory structures requiring fill in unincorporated North Merritt Island (NMI) north of Hall Road.

Legislation Text

Brevard County, FL Code of Ordinances.pdf

Public Safety Group

I.2. 5789 2023 Brevard County Fire Rescue, Ocean Rescue Assessment

Board discussion and staff direction concerning the 2023 Brevard County Fire Rescue, Ocean Rescue Assessment.

Legislation Text

2023 Ocean Rescue Assessment.docx

Miscellaneous

I.3. 5791 Seeking Citizen Input Regarding Proposed Beach Access and Dune Cross-over

Board approval to direct staff to seek citizen input from surrounding land owners

regarding a proposed beach access and dune cross-over located at 2095 Highway A1A, Indialantic, FL.

Legislation Text

Beach Access Renderings

Add Ons

J. BOARD REPORTS

J.1. Frank Abbate, County Manager

J.2. Morris Richardson, County Attorney

J.3. Tom Goodson, Commissioner District 2, Vice-Chair

J.4 John Tobia, Commissioner District 3

J.5. Rob Feltner, Commissioner District 4

J.6. Rita Pritchett, Commissioner District 1, Chair

K. PUBLIC COMMENTS

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the County Commission is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>

In accordance with BCC-97 Section G.1 the agenda shall provide a section for public comment at the end of each regular Commission meeting following Board Reports. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report.

Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the

Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.