

# **CITY OF PALM BAY, FLORIDA**

## **REGULAR COUNCIL MEETING 2024-05**

Held on Thursday, the 7<sup>th</sup> day of March 2024, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

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

The meeting was called to order at the hour of 6:00 P.M.

Pastor David Fitzgerald, City Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### **ROLL CALL:**

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Juliet Misconi, Deputy City Manager; Mariano Augello, Police Chief; Lisa Frazier, Growth Management Director; Nancy Bunt, Community and Economic Development Director; George Barber, Chief Procurement Officer; Chris Little, Utilities Director.

### **ANNOUNCEMENTS:**

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

- 1. Four (4) vacancies on the Youth Advisory Board (represents ‘student member’ positions).++**
- 2. Three (3) vacancies on the Youth Advisory Board (represents ‘adult member’ positions).++**
- 3. Two (2) vacancies on the Disaster Relief Committee Executive Board.++**
- 4. Two (2) terms expiring on the Police and Firefighters’ Retirement Pension Plan, Board of Trustees (represents ‘City resident’ positions).++**

**AGENDA REVISIONS:**

1. Ms. Sherman announced the following:

A. The applicant for Items 4 and 5, under Public Hearings, requested that the cases be continued to the April 4, 2024, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 4 and 5, under Public Hearings, to the April 4, 2024, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

B. The recommendation of approval from the Planning and Zoning Board had been added to the Legislative Memorandum for Item 11, under Public Hearings.

C. A revised Land Exchange Agreement had been added to Item 1, under New Business.

D. Requested that Items 1 and 2, under New Business, be considered earlier in the meeting.

2. Mayor Medina said the applicant for Item 11, under Public Hearings, had requested that the item be moved up in the agenda.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Items 2 and 3, under New Business, and Item 11, under Public Hearings, after Public Comments. Motion carried with members voting as follows: Mayor Medina, Yea, Deputy Mayor Felix, Yea, Councilman Johnson, Yea, Councilman Foster, Yea.

**PROCLAMATIONS AND RECOGNITIONS:**

The proclamations were read. As Mrs. Thibert-Greene was not in attendance at this time, the flag was presented later in the meeting after Presentations.

**1. Recognition: Presentation of the American Flag – honoring the service of Mary Thibert-Greene and Kenneth Greene (Councilman Foster).**

**2. Proclamation: Irish American Heritage Month – March 2024.**

**3. Proclamation: Procurement Month – March 2024.**

## **PRESENTATIONS:**

### **1. Jack Freeman, Project Manager, Kittleson and Associates – Update on Malabar Road Widening Product Development and Engineering (PD&E) Study.**

Mr. Travis Hill, of Kittleson and Associates, provided an update on the PD&E Study. He explained that the study was a Local Agency Program Project, used Federal funds and was administered by the City. Mr. Hill stated the purpose of the study, and that the intent was to evaluate the need for capacity improvements (roadway widening), to add multi-modal features and to address safety issues along the corridor. The estimated project cost was \$154,724,400.

Mayor Medina expressed concern regarding the proposed roundabout at St. John's Heritage Parkway (Parkway) and Malabar Road. He said that the City was already investing in a mast traffic signal for that area. Mr. Hill responded that Brevard County owned Malabar Road west of the C-10 canal and their preference was to install roundabouts. Mr. Hill said that if the traffic signal design allowed for widening to four (4) lanes, then a roundabout may not be needed.

Mr. Foster felt that a roundabout being at the intersection of Bending Branch and Krassner Roads would be dangerous and would increase traffic issues in an area that already had a functioning traffic signal.

Mr. Johnson wanted to know what funding options were available so that the construction could begin as soon as possible. Ms. Sherman responded that Federal funds would be needed to finance the project and that staff would be applying for any related grants.

### **2. Jack Freeman, Kittleson and Associates – Safe Streets for All (SS4A) grant application for Emerson Drive Safety Improvements.**

Mr. Travis Hill, of Kittleson and Associates, provided an update regarding the grant application. He said the Crash Data Overview provided the observations, recommendations and next steps moving forward with the implementation for the project. Mr. Hill explained why Emerson Drive had been chosen for safety improvements being that there had been multiple crashes and one fatality at Malabar Road and Emerson Drive. He said that the Space Coast Transportation Planning Organization (Space Coast TPO) Vision Zero Action Plan had been adopted by the board in February 2024 and provided metrics for the same.

Mayor Medina questioned the dual turn lane at Culver and Emerson Drives and felt it should be eliminated and not just extended. Mr. Hill explained that an extension would be a capacity related improvement, not safety, and therefore would not be considered under the grant.

Mr. Foster asked if most accidents occurred during daylight or nighttime hours. Mr. Hill confirmed that over thirty percent (30%) of the injury crashes were at night. Mr. Foster felt that better lighting would be helpful, along with reflective road striping.

Mr. Johnson was in support of the project and wanted more information regarding crime in unlit areas in the City. Chief Augello confirmed that there was more crime in areas that were not well lit.

Deputy Mayor Felix felt that the entire City needed more lighting. Mr. Hill explained that would require an additional Safety Grant and more time to gather information that could prove that there was a crash history problem at night.

Mayor Medina asked what direction was needed for staff. Ms. Sherman said that there were two (2) rounds of additional streetlights that had already been approved by Council and that Florida Power and Light (FPL) had received all the equipment and would be starting the installations of lighting in the upcoming weeks. Staff was already looking at other areas for streetlight installation, as well as utilizing solar streetlights.

Item 1, under Proclamations and Recognitions, was presented at this time.

**1. Recognition: Presentation of the American Flag – honoring the service of Mary Thibert-Greene and Kenneth Greene (Councilman Foster).**

The American Flag was presented to Mrs. Thibert-Greene and the late Councilman Kenneth Greene. Mayor Medina wanted to honor Councilman Greene by naming a park after him. Council concurred. Staff would present the request to the Recreation Advisory Board.

Council resumed the consideration of items in order as shown on the agenda.

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

Individuals made general comments.

1. Bill Battin, resident, stated that Gaynor Drive needed maintenance as the speed limit signs were not visible due to the overgrowth. Ms. Sherman stated that the Public Works

Department would handle same. She noted that she would get an update on the road striping on Gaynor Drive as was discussed at a previous meeting.

2. Thomas Reese, resident, asked for an update regarding Pineapple Cove Classical Academy (PCCA) and the related traffic problems.

Ms. Sherman advised that City staff had met with PCCA's administrative staff, and they were making significant changes to help improve the situation. She said that PCCA was planning another meeting with the community, school administration and City staff.

3. Lisa Jackson, resident, expressed concern with the loss of habitat and trees with so much new construction.

Mr. Johnson agreed and asked for staff's input. Ms. Frazier confirmed that if a lot was one (1) acre or less, no permit was needed to clear the lot. She said that staff would be reviewing the Land Development Code with a consultant soon, modify the Code if needed, and present different options for Councils consideration.

Council concurred to consider Items 2 and 3, under New Business, at this time.

## **NEW BUSINESS:**

**2. Consideration of a co-sponsorship request from Eastwind Pentacostal Church for its first annual Easter Extravaganza on March 30, 2024, at Fred Poppe Regional Park.**

Staff Recommendation: Approve the City's co-sponsorship with Eastwind Pentecostal first annual Easter Extravaganza, approving for \$3,015.00 of in-kind wages (labor) and authorizing \$1,755.00 in fee waivers.

Bill Battin, resident, asked how much money was budgeted for co-sponsorship events annually. He said that these organizations were generally tax exempt and felt that the City should focus on infrastructure and not help to pay for parties. Ms. Sherman advised that co-sponsorship events were \$12,000 per event for in-kind services and a total of \$50,000 was budgeted per year.

Mayor Medina supported the request and its value to the community.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve the co-sponsorship request.

Mr. Johnson did not support the request and agreed with Mr. Battin's comments.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Yea
Councilman Johnson	Nay
Councilman Foster	Yea

**3. Consideration of a co-sponsorship request from Supporting Our ASD Kids (SOAK) for its annual Get SOAKed for Autism event on April 6, 2024, at Fred Poppe Regional Park.**

Staff Recommendation: Approve the City's co-sponsorship request for the Get SOAKed for Autism event, approving for \$2,475.00 of in-kind wages (labor) and authorizing \$1,583.75 in fee waivers.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve the co-sponsorship request. Mr. Johnson did not support the request.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Yea
Councilman Johnson	Nay
Councilman Foster	Yea

Council concurred to consider Item 11, under Public Hearings, at this time.

**11. Resolution 2024-07, granting a conditional use to allow retail automotive gas/fuel sales in CC (Community Commercial District) zoning on property located at the northeast corner of Babcock Street and Valkaria Road (1.5 acres) (Case CU23-00017, Sunshine Petro, Inc.). (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the resolution in caption only. The public hearing was opened. Carmine Ferraro, Crossover Commercial Group and representative for the applicant, presented the request to Council.

Bill Battin, resident, was concerned that the lanes did not align with the intersection and thought it would cause more traffic issues in the area. He asked about future expansion on Babcock Street and if the proposed structure would inhibit plans if road widening was needed. Mr. Ferraro responded that the roads had been modified to properly align with the intersection and a traffic signal would also be erected.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-07. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Council resumed the consideration of items in order as shown on the agenda.

#### **APPROVAL OF CONSENT AGENDA:**

All items of business under the 'Approval of Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Felix, seconded by Mr. Foster, that the Consent Agenda be approved as presented with the removal of Items 6, 9, 11, 12, and 13, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

#### **1. Adoption of Minutes: Meeting 2024-03; February 1, 2024.**

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

#### **2. Award of Bid: Fabrication of Skids – IFB 16-0-2024 – Fire Rescue (Chemical Containers, INC. - \$234,800).**

Staff recommendation: Approve the award for Fabrication of Skids with Chemical Containers, Inc. (Lake Wales), in the amount of \$234,800.

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

#### **3. Consideration of participating in the Florida Department of Law Enforcement's State Assistance for Fentanyl Eradication (SAFE) Program in Fiscal Year 2023-2024.**

Staff recommendation: Approve the Palm Bay Police Department's submission to the Florida Department of Law Enforcement (FDLE) State Assistance for Fentanyl Eradication (SAFE) Program.

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

**4. Consideration of submitting a concept paper for the Florida Department of Transportation Speed and Aggressive Driving Grant – “Know Your Limits” Initiative Continuation.**

Staff Recommendation: Approve the application submission of The Florida Department of Transportation (FDOT) State Safety Office Speeding and Aggressive Driving Concept Paper grant proposal on behalf of the City of Palm Bay.

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

**5. Consideration of submitting a concept paper to the Florida Department of Transportation (FDOT) State Safety Office sub-grant program regarding pedestrian safety and equipment for School Crossing Guards.**

Staff Recommendation: Approve submission of concept paper to the Florida Department of Transportation (FDOT) State Safety Office Pedestrian Safety Concept Paper grant proposal on behalf of the City of Palm Bay.

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

**6. Consideration of the Fiscal Year 2023-2024 HOME Disbursement Agreement with Brevard County (\$1,942,244).**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**7. Consideration of submitting a modification request to the Subrecipient Agreement No. I0147 under the Federally Funded Community Development Block Grant Mitigation Program (CDBG-MIT).**

Staff Recommendation: Approve modification request to the Subrecipient Agreement No. I0147 under the Federally Funded Community Development Block Grant Mitigation Program (CDBG-MIT).



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

**8. Consideration of a withdrawal from the Subrecipient Agreement No. I0148 with the State of Florida Department of Economic Opportunity (DEO) pertaining to the Community Development Block Grant Mitigation (CDBG-MIT) Program.**

Staff Recommendation: Approve a letter requesting the City's withdrawal from the Subrecipient Agreement No. I0148 with the State of Florida Department of Economic Opportunity (DEO), pertaining to the Community Development Block Grant Mitigation (CDBG-MIT) Program.

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

**9. Consideration of Community Project Funding requests during the Fiscal Year 2024-2025 Federal Legislative Session.**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**10. Consideration of utilizing Undesignated Fund Balance to continue the City Flag Program.**

Staff Recommendation: Authorize the use of \$3,000 from General Undesignated Fund Balance to Recreation Department Promotional Activities to cover the cost of the Flag Program.

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

**11. Consideration of designating certain City-owned real estate generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01, Tax Account: 2832805) as surplus and listing for sale to the public.**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**12. Consideration of designating certain City-owned real estate located at 2230 Washington Street NE (Tax Account: 2826268) and 1200 Salina Street SE (Tax Account: 2932995) as surplus and donating said lots for affordable housing development.**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**13. Consideration of reallocating approved Fiscal Year 2023-2024 funding from vac and chaser trucks to procure a slope mower, trencher, and F-150 pick-up truck; and request for additional funding for previously approved trencher, loader, and one full-time Maintenance Worker within the Public Works Department.**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**14. Consideration of purchasing an additional vehicle for the Police Department utilizing savings from the Fiscal Year 2023-2024 General Fund Vehicles (\$48,000).**

Staff Recommendation: Approve the purchase of an additional unmarked administrative sedan for the Police Department utilizing projected savings within Project 24PD07 from the Fiscal Year 2023-2024 General Fund Vehicles, in the amount of \$48,000.

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

**15. Consideration of one (1) new full-time equivalent (FTE) position for a General Crimes Unit Police Sergeant position within the Police Department (\$65,704 for remainder of Fiscal Year 2023-2024).**

Staff Recommendation: Approve the addition of one (1) new full-time equivalent (FTE) position for a General Crimes Unit Police Sergeant within the Police Department, in the amount of \$65,704 for the remainder of Fiscal Year 2023-2024; and transfer funding from Undesignated Fund Balance to the appropriate line items on the next available budget amendment.

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

**16. Acknowledgement of the City's monthly financial report for December 2023 (Unaudited).**

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

**17. Acknowledgement of the City's Budget Monitoring Report for the first quarter of Fiscal Year 2024 (Unaudited).**

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

**PUBLIC HEARING(S):**

**1. Ordinance 2024-06, vacating a portion of the side public utility and drainage easement located within Lot 13, Block 745, Port Malabar Unit 16 (Case VE-18-2023, K. Hovnanian Aspire at Palm Bay LLC), final reading.**

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

Bill Battin, resident, commented on how these incorrect surveys at the start of the process were causing elevation and drainage problems at the end of construction.

Ms. Sherman explained that the problems for this site started with the builder's engineering survey company mislabeling the westerly twenty (20) foot public utility and drainage easement as being only a six (6) foot easement on the lot drainage and site plans. Ms. Sherman stated that the house was over eighty percent (80%) complete before in-house staff realized the oversight.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2024-06. Mr. Johnson wanted to ensure that these issues were diverted in the future. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**2. Ordinance 2024-07, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to uses, setbacks and metal buildings (Case T24-00001, City of Palm Bay), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. A resident spoke in favor of the request. The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2024-07. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**3. Consideration of a Final Order for the denial of Ordinance 2024-04, requesting a Final Development Plan for a proposed residential development consisting of a**

**126-unit townhome subdivision to be known as ‘Bramblewood Townhomes’ on property located east of and adjacent to Bramblewood Circle, in the vicinity south of Bayside Lakes Boulevard (20.02 acres) (Case FD23-00008, JWH Holdings, LLC). (CONTINUED FROM 02/15/24 RCM)**

Ms. Smith advised that the applicant had revised the Final Development Plan, and the Growth Management Director determined that it qualified for administrative review as the revisions changed less than twenty percent (20%) of the plan. The Growth Management Director administratively approved the revised plan, which did not change the number of units that were previously approved in the Final Development Plan, thereby rendering the Final Order moot.

Individuals expressed concern that the developer may attempt to come back and make future changes to their plans. Ms. Smith explained that the request had been denied by City Council and that vote would not change. The builder decided to proceed with the original plan of 92 units, which was approved back in 2006, instead of 126 units. The modification to the Final Development Plan to revert back to the 92 units only required administrative review by staff.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Foster, to acknowledge the Final Order as rendered moot. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

A brief recess was taken after which time the meeting resumed.

**4. Ordinance 2024-08, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Robert J. Conlan Boulevard, in the vicinity south of Commerce Park Drive, from Commercial Use to Neighborhood Center Use (26.5 acres) (Case CP23-00020, Palm Bay Development Group, LLC), only one reading required. (CONTINUED FROM 01/18/24 RCM)**

This item, considered under Agenda Revisions, was continued to the April 4, 2024, regular Council meeting.

**5. Resolution 2024-04, granting approval of a Preliminary Development Plan for a proposed mixed-use subdivision to be known as ‘Palm Bay Suites and Residences’ in HC (Highway Commercial District) zoning, which property is located**

**west of and adjacent to Robert J. Conlan Boulevard, in the vicinity south of Commerce Park Drive (26.5 acres) (PD23-00008, Palm Bay Development Group, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)**

This item, considered under Agenda Revisions, was continued to the April 4, 2024, Regular Council Meeting.

**6. Ordinance 2024-09, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity northwest of the corner of Babcock Street and St. Johns Heritage Parkway from Commercial Use, Low Density Residential Use, and High-Density Residential Use to Neighborhood Center use (27.72 acres) (Case CP23-00012, Kimaya, LLC), only one reading required. (CONTINUED FROM 01/18/24 RCM)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, presented the request to Council. Jim McKnight, Susan Hall, and Jeremy Gorovitz, representatives for the applicant, provided additional information on the project and answered questions posed by councilmembers.

Bill Battin, resident, stated that he was in favor of the project but expressed concern regarding future road expansion.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2024-09. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**7. Resolution 2024-05, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a mixed-use development to be known as 'Palm Bay Pointe West', which property is located west of and adjacent to Babcock Street, in the vicinity north and south of the St. Johns Heritage Parkway (84.75 acres) (Case PD23-00005, Kimaya, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)**

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Resolution 2024-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**8. Ordinance 2024-10, granting approval of a Final Development Plan for a proposed mixed-use development to be known as ‘Palm Bay Pointe West’ on property located west of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (84.75 acres) (Case FD23-00012, Kimaya, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)**

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2024-10. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**9. Resolution 2024-06, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan for a commercial subdivision to be known as ‘Palm Bay Pointe East’, which property is located east of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (42.95 acres) (Case PD23-00007, Kimaya, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)**

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Resolution 2024-06. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**10. Ordinance 2024-11, granting approval of a Final Development Plan for a proposed commercial subdivision to be known as ‘Palm Bay Pointe East’ on property located east of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (42.95 acres) (Case FD23-00010, Kimaya, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 01/18/24 RCM)**

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2024-11. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**11. Resolution 2024-07, granting a conditional use to allow retail automotive gas/fuel sales in CC (Community Commercial District) zoning on property located at the northeast corner of Babcock Street and Valkaria Road (1.5 acres) (Case CU23-00017, Sunshine Petro, Inc.). (Quasi-Judicial Proceeding)**

The item was considered earlier in the meeting prior to Approval of Consent Agenda.

#### **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:**

**6. Consideration of the Fiscal Year 2023-2024 HOME Disbursement Agreement with Brevard County (\$1,942,244).**

Staff Recommendation: Approve the Fiscal Year 2023-2024 HOME Disbursement Agreement with Brevard County in the amount of \$1,942,243.84; and authorize the City Manager to execute the agreement.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve the Fiscal Year 2023-2024 HOME Disbursement Agreement as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**9. Consideration of Community Project Funding requests during the Fiscal Year 2024-2025 Federal Legislative Session.**

Staff Recommendation: Authorize a budget amendment to allocate funding to serve as a match for Community Project Funding requests as recommended by City Staff.

Mayor Medina asked for consensus to have staff send a letter to the Secretary of Florida Department of Transportation (FDOT) and or Federal Department of Law Enforcement (FDLE) regarding the Malabar Road interchange corridor to promote public safety. Council concurred.

Motion by Mr. Johnson, seconded by Mr. Foster, to authorize a budget amendment to allocate funding to serve as a match for Community Funding requests as recommended by City Staff and to send letters regarding public safety to FDOT and FDLE for the Malabar Road corridor. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**11. Consideration of designating certain City-owned real estate generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01, Tax Account: 2832805) as surplus and listing for sale to the public.**

Staff Recommendation: Approve designating certain City-owned real estate generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01, Tax Account: 2832805) as surplus, and listing with the City's real estate broker.

Bill Battin, resident, asked if the \$461,000 received from the sale of the property would go into the Road Maintenance Fund and the taxable value that could be generated. He expressed concern with the location of the property and the effect on the possible future widening of U.S. Highway 1. He asked if the City would have to purchase the land back to accommodate a widening project.

Ms. Sherman confirmed that the sale proceeds would be placed into the Road Maintenance Fund, but she could not advise on the generated taxable value as the type of development on the property was unknown. She said if the State decided to widen U.S. Highway 1, they would have to work with property owners.

Deputy Mayor Felix was not comfortable with this property being surplus as it was close to a major highway and the City may find use for it in the future. He did not support the request.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve designating the property as surplus and listing with the City's real estate broker.



Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Nay
Councilman Johnson	Yea
Councilman Foster	Yea

**12. Consideration of designating certain City-owned real estate located at 2230 Washington Street NE (Tax Account: 2826268) and 1200 Salina Street SE (Tax Account: 2932995) as surplus and donating said lots for affordable housing development.**

Staff Recommendation: Approve designating City-owned real estate generally located at 2230 Washington Street NE (Tax Account: 2826268) and 1200 Salina Street SE (Tax Account: 2932995) as surplus and donating said lots for affordable housing development.

Bill Battin, resident, questioned how much profit would be made by the builder for creating the development from donated property. He also asked why the City would donate the land instead of selling it like the previous item. Mr. Battin felt that the proceeds could contribute to infrastructure.

Ms. Sherman confirmed that the two (2) lots were planned for affordable housing. Ms. Bunt explained that the homes would be built immediately for affordable housing and there would be a twenty (20) year lien on the property to keep it as such. The estimated impact fees from the development were projected between \$12,000 and \$14,000.

Motion by Mr. Foster, seconded by Deputy Mayor Felix, to approve designating the properties as surplus and donating said lots for affordable housing development.

Deputy Mayor Felix asked about the previous tenant, Little Growers, and if they had the opportunity to purchase the land. He asked if staff had contacted them with this information. Ms. Sherman said that Little Growers had offered \$5,000 to purchase the land a few years prior but, at the time, the City was looking into stormwater needs for the community and the property was not for sale. Ms. Bunt added that pursuant to the agreement with Little Growers, they were sent a certified letter as notice.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**13. Consideration of reallocating approved Fiscal Year 2023-2024 funding from vac and chaser trucks to procure a slope mower, trencher, and F-150 pick-up truck; and request for additional funding for previously approved trencher, loader, and one full-time Maintenance Worker within the Public Works Department.**

Staff Recommendation: Approve utilizing previously approved Fiscal Year 2023-2024 funding from one (1) Vac Truck and one (1) Chaser Truck to procure one (1) Slope Mower, one (1) Trencher, and one (1) F-150 4WD Super Cab Pickup Truck including accessories; and provide additional funding for one (1) previously approved Trencher and one (1) Loader. In addition, appropriate funding from Stormwater Fund Undesignated Balance for one (1) additional Full-Time Maintenance Worker within the Public Works Department.

Bill Battin, resident, asked why the Vac Truck and Chaser Truck were originally requested if they were no longer needed. He was in favor of the new Trencher as he could see the need for it.

Ms. Sherman said that both trucks were needed and wanted, but it was a budgetary mistake in which same items were budgeted twice.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to reallocate and approve additional funding, and procure the equipment as recommended by staff. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**PROCUREMENTS:**

**1. Award of Proposal: Prequalification for septic to sewer services (rebid) – RFP 07-0-2024 – Utilities Department (Drain Mechanics, LLC; Prime Construction Group, Inc.; Centerline Utilities, Inc.; and Total Plumbing, Inc.).**

Staff Recommendation: Approve the award for prequalification for septic to sewer services (rebid), thereby creating a pool of vendors for septic-to-sewer conversion projects, with Drain Mechanics, LLC (Palm Bay); Prime Construction Group, Inc. (Orlando); Centerline Utilities, Inc. (Palm City); and Total Plumbing, Inc. (Melbourne).

Bill Battin, resident, made numerous comments regarding mandatory connection and the septic-to-sewer conversion. He felt there was still preferential treatment as some residents would receive assistance and others would not. He questioned the City's solution to alleviate the infrastructure problems. Mr. Battin suggested using the funds to lower everyone's connection fees instead of taking a large sum of money to help a few hundred residents.

Ms. Sherman said that staff was working with the State for assistance with funding septic-to-sewer conversions that could help alleviate the costs for all residents that were affected.

Randall Olszewski, resident, felt that Drain Mechanics, LLC should be the only company participating in the conversion process since they were centrally located within the city.

Ms. Sherman explained that there was a need for more than one (1) vendor because of the volume of connections that needed to be done in a timely manner. She said the item was rebid because there was only one (1) vendor initially. Mr. Barber provided further details on reasons for the rebid process.

Motion by Deputy Mayor Felix, seconded by Mr. Foster, to approve the award as recommended by staff. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

#### **NEW BUSINESS:**

##### **1. Consideration of Land Exchange Agreement with Diaz Treasures, LLC for certain real property (2.77 acres).**

Staff Recommendation: Authorize the City Manager to execute the Land Exchange Agreement.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to execute the Land Exchange Agreement with Diaz Treasures, LLC. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

##### **2. Consideration of a co-sponsorship request from Eastwind Pentacostal Church for its first annual Easter Extravaganza on March 30, 2024, at Fred Poppe Regional Park.**

The item was considered earlier in the meeting after Public Comments.

##### **3. Consideration of a co-sponsorship request from Supporting Our ASD Kids (SOAK) for its annual Get SOAKed for Autism event on April 6, 2024, at Fred Poppe Regional Park.**

The item was considered earlier in the meeting after Public Comments.

**COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

Mr. Johnson made the following reports:

- a. Requested an update on the commercial component of the Northshore Development. Ms. Smith explained that there was ongoing litigation.
- b. Stated he was working with staff on a moratorium ordinance regarding certain retail establishments and asked for consensus. Council concurred.

**ADMINISTRATIVE AND LEGAL REPORTS:**

Ms. Sherman made the following reports:

- a. The permit for the traffic signal at St. Johns Heritage Parkway and Malabar Road had officially been received and signal planning had begun.
- b. Requested a workshop during the week of May 20, 2024, that would be Public Works focused to discuss street lighting, sidewalks, and capacity of the City's roadway network intersections. Council concurred to schedule the workshop for May 23, 2024, at 6:00 P.M.

**PUBLIC COMMENTS/RESPONSES:**

There were no public comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:48 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK