

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2024-31

Held on Thursday, the 5th day of December 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 Jim Campbell, Baywest Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Mike Jaffe	Present
COUNCILMEMBER:	Kenny Johnson	Present
COUNCILMEMBER:	Mike Hammer	Present
COUNCILMEMBER:	Chandler Langevin	Present
INTERIM CITY MANAGER:	Brian Robinson	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Valentine Perez, Public Works Director; George Barber, Chief Procurement Officer; Mariano Augello, Police Chief; Lisa Frazier, Growth Management Director; Gabriel Bowden, Utilities Director; Richard Stover, Fire Chief.

ANNOUNCEMENTS:

Deputy Mayor Jaffe announced the following vacancies and term expiring, and solicited applications for same:

- 1. Three (3) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++**
- 2. One (1) vacancy on the Community Development Advisory Board to represents one (1) of the following fields relating to affordable housing ('banking industry', 'residential home building', 'actively engaged in home building', or 'for-profit provider' positions).++**
- 3. Two (2) terms expiring on the Infrastructure Advisory and Oversight Board (represents 'at-large' positions).++**

4. One (1) vacancy on the Disaster Relief Committee Executive Board.++

AGENDA REVISIONS:

1. Mr. Robinson announced the following revisions:

A. For Item 3, under Consent Agenda, the Dispute Resolution paragraph was revised within the Interlocal Agreement with the Town of Malabar.

B. Consideration of appointing Scott Morgan as Interim City Manager was added as Item 6, under New Business.

C. The applicant for Item 1, under New Business, requested the item be considered prior to Public Comments.

Motion by Deputy Mayor Jaffe, seconded by Mr. Johnson, to consider Item 1, under New Business, prior to Public Comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

D. Staff requested that Item 6, under New Business, be considered prior to Public Comments, after the consideration of Item 1, under New Business.

Motion by Mr. Johnson, seconded by Mr. Langevin, to consider Item 6, under New Business, prior to Public Comments, after the consideration of Item 1, under New Business. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

1. Proclamation: 16th Annual Family Christmas Extravaganza Day – December 21, 2024. (Mayor Medina)

2. Proclamation: National Homeless Persons Memorial Day – December 21, 2024.

Council concurred to consider Item 1, under New Business, at this time.

NEW BUSINESS:

1. Consideration of a co-sponsorship request from The Indian Association of the Space Coast, Inc. for the Third Annual Palm Bay Indian Kite Festival on January 26, 2025, at Fred Poppe Regional Park.

Staff Recommendation: Approve the City's co-sponsorship with the Indian Association of the Space Coast for the Third Annual Palm Bay Indian Kite Festival, approving for \$2,256.72 of in-kind wages (labor) and authorizing \$1,575.00 in fee waivers, for a total of \$3,831.72.

The applicant presented the request to Council.

Bill Battin, resident, supported the event, but felt it was preferential treatment when funding was budgeted for this purpose with taxpayer dollars for organizations to receive free services, but then others would have to pay if there was no more funding available.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the co-sponsorship as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

Council concurred to consider Item 6, under New Business, at this time.

NEW BUSINESS:

6. Consideration of appointing Scott Morgan as Interim City Manager and authorizing the City Attorney to negotiate the employment agreement. (AGENDA REVISION)

Staff Recommendation: Appoint Scott Morgan as Interim City Manager and authorize the City Attorney to negotiate a contract to bring back for Council's consideration at the next available council meeting with a retroactive effective date.

Motion by Deputy Mayor Jaffe, seconded by Mr. Johnson, to appoint Scott Morgan as Interim City Manager and authorize the City Attorney to negotiate a contract. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

Council concurred to schedule a special Council meeting on Wednesday, December 11, 2024, at 6:00 p.m. to consider the employment contract for Mr. Morgan.

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. Numerous individuals complained about the trash and recycling services provided by Republic Services. Comments included that the trucks were leaking oil on the roadways, debris being left behind (glass, nails, roofing material), etc.

Mr. Perez said that staff had been having ongoing discussions with Republic Services, especially regarding their damaging the newly paved roads and it was noted that staff had authority to inspect the trucks. There were approximately six (6) years remaining in the contract.

Mr. Hammer asked if there was an annual performance evaluation. Mr. Barber advised that there was an annual performance survey and would confirm what was on file for Republic Services.

Mayor asked if Council would entertain a workshop with Republic Services in January 2025. Council concurred.

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 Jaffe, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 1, 3, 4, 5, and 6, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

1. Consideration of City Council Flag Program nominee, Kenneth Brian Johnson. (Councilman Johnson)

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

2. Miscellaneous: 'Cooperative Purchase' of City-Wide Mobile Communication Services (Florida Department of Management Services contract) - Information Technology Department.

Staff Recommendation: Approve the purchase of mobile communication services utilizing Mobile Communication Services Contract issued by the Florida Department of Management Services, Contract DMS-19/20-006C.

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

3. Consideration of an Interlocal Agreement with the Town of Malabar for extension of potable water infrastructure funded through the Town's allocation of State and Local Fiscal Recovery Funds under the American Rescue Plan Act (\$329,111).

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

4. Consideration of a Commercial Property Enhancement Program (CPEP) grant for Aarya Sunshine Brevard LLC, relating to improvements to commercial property located at 1510 Palm Bay Road NE (\$5,115).

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

5. Consideration of a Commercial Property Enhancement Program (CPEP) grant for Aarya Sunshine Brevard LLC, relating to improvements to commercial property located at 1516 Palm Bay Road NE (\$7,528).

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

6. Consideration of a budget amendment to reimburse the General Fund for eligible administrative expenses related to the City's Community Development Block Grant annual entitlement allocation for Fiscal Year 2024 (\$776,461).

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

7. Consideration of the disposal of City capital surplus property.

Staff Recommendation: Approve the disposal of the capital surplus property as specified.

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

8. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

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

PUBLIC HEARING(S):

1. Ordinance 2024-54, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Micco Road, in the vicinity east of Interstate 95 Highway, from Micco Park Village to Parkway Flex Use (353.47 acres) (Case CP24-00009, Peat Holding, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise (CEG Engineering) and Attorney Kim Rezanka, representatives for the applicant, presented the request to Council.

Residents asked general questions about recreational activities, places of worship, etc. A comment was made that there was too much development, excessive traffic and the need for more infrastructure.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to adopt Ordinance 2024-54. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

2. Request by Chaparral Properties, LLC, for preliminary subdivision plan approval of a residential subdivision to be known as 'Chaparral P.U.D. Phases Four B and Five A-B', which property is located in the vicinities south of Malabar Road and west of Searle Avenue, in PUD (Planned Unit Development) zoning (Case PS24-00001). (Quasi-Judicial Proceeding) (CONTINUED FROM 10/17/24 RCM)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Attorney Kim Rezanka, representative for the applicant, presented the request to Council.

Residents from the adjacent subdivision spoke against the request, stating that traffic was a major concern.

The public hearing was closed.

Motion by Mr. Langevin, seconded by Deputy Mayor Jaffe, to approve the request.

Mr. Hammer said this project had already been approved back in 2014, but he felt it was a huge liability and did not support the request. Mayor Medina said he was not in support of this project and had consistently voted against it.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea
Councilman Johnson	Yea
Councilman Hammer	Nay
Councilman Langevin	Yea

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

3. Request by Country Club Lakes Developers, LLC, for a preliminary subdivision plan approval of a 199-lot residential subdivision to be known as 'Reserve at Country Club Lakes Estates', which property is located at the terminus of Country Club Drive, in the vicinity west of Port Malabar Boulevard and east of Riviera Drive, in PUD (Planned Unit Development) zoning (74.24 acres) (Case PS24-00004). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, with a board statement that the City Council instruct City staff to investigate the drainage concerns expressed by the area residents and the development's construction activity.

The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council.

Numerous residents spoke against the request, stating the project was creating excessive dust and debris, causing flooding to existing homes, depreciating home value, and adding to the already congested roadways.

Representatives for the applicant responded to comments and answered questions posed by councilmembers regarding drainage. Ms. Smith advised that the recommendation from the Planning and Zoning Board relating to the drainage concerns did not need to be part Council's motion, but Council could direct staff to address any drainage issues.

Numerous residents spoke against the request.

The public hearing was closed.

Motion by Deputy Mayor Jaffe, seconded by Mr. Langevin, to approve the request.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea
Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

4. Request by Country Club Lakes Developers, LLC, for final subdivision plan/final plat approval of a 199-lot residential subdivision to be known as 'Reserve at Country Club Lakes Estates', which property is located at the terminus of Country Club Drive, in the vicinity west of Port Malabar Boulevard and east of Riviera Drive, in PUD (Planned Unit Development) zoning (74.24 acres) (Case FS24-00004). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, with a board statement that the City Council instruct City staff to investigate the drainage concerns expressed by the area residents and the development's construction activity.

The public hearing was opened. David Bassford, MBV Engineering and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Langevin, seconded by Mr. Johnson, to approve the request.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea
Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

1. Consideration of City Council Flag Program nominee, Kenneth Brian Johnson. (Councilman Johnson)

Staff Recommendation: Approve Kenneth Brian Johnson as a nominee for the City Council Flag Program.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Kenneth Brian Johnson as a nominee for the City Council Flag Program. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

3. Consideration of an Interlocal Agreement with the Town of Malabar for extension of potable water infrastructure funded through the Town's allocation of State and Local Fiscal Recovery Funds under the American Rescue Plan Act (\$329,111).

Staff Recommendation: Approve and authorize the Mayor to execute the Interlocal Agreement between the Town of Malabar and the City of Palm Bay for use of a portion of the Town's allocation of State and Local Fiscal Recovery Funds under the American Rescue Plan Act; and authorize the City Manager to execute any subsequent amendments that do not increase the funding or project scope.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the Interlocal Agreement as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

4. Consideration of a Commercial Property Enhancement Program (CPEP) grant for Aarya Sunshine Brevard LLC, relating to improvements to commercial property located at 1510 Palm Bay Road NE (\$5,115).

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$5,115 to Aarya Sunshine Brevard LLC for eligible improvements to commercial property located at 1510 Palm Bay Road NE, Palm Bay, Florida, 32905 (Tax Account 2831145); and authorize the City Manager to execute the grant agreement.

Mr. Langevin did not agree with using taxpayer dollars to beautify a private business. He said that Council was supposed to pick and choose which businesses would receive this benefit while others beautified their businesses on their own. Mr. Johnson agreed.

Mayor Medina said that businesses have thrived from this program, and he believed in a program that beautified the city. He suggested modifying the program by making it a little more restrictive or giving less of a percentage.

Motion by Deputy Mayor Jaffe, seconded by Mayor Medina, to approve the CPEP grant award and agreement as requested. Deputy Mayor Jaffe felt this may not be the best use of taxpayer dollars, but supported the request with the program in place.

Motion failed with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Jaffe	Yea
Councilman Johnson	Nay
Councilman Hammer	Nay
Councilman Langevin	Nay

5. Consideration of a Commercial Property Enhancement Program (CPEP) grant for Aarya Sunshine Brevard LLC, relating to improvements to commercial property located at 1516 Palm Bay Road NE (\$7,528).

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$7,528 to Aarya Sunshine Brevard LLC for eligible improvements to commercial property located at 1516 Palm Bay Road NE, Palm Bay, Florida, 32905 (Tax Account 2831146); and authorize the City Manager to execute the grant agreement.

Motion by Mr. Langevin, seconded by Mayor Medina, to approve the CPEP grant award and agreement as requested.

Motion failed with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Jaffe	Yea
Councilman Johnson	Nay
Councilman Hammer	Nay
Councilman Langevin	Nay

6. Consideration of a budget amendment to reimburse the General Fund for eligible administrative expenses related to the City's Community Development Block Grant annual entitlement allocation for Fiscal Year 2024 (\$776,461).

Staff Recommendation: Approve a budget amendment allocating \$776,741 to Fund 112, Community Development Block Grant, to reimburse the General Fund for eligible administrative expenses related to the City's Community Development Block Grant annual entitlement allocation for Fiscal Year 2024.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the budget amendment as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

NEW BUSINESS:

1. Consideration of a co-sponsorship request from The Indian Association of the Space Coast, Inc. for the Third Annual Palm Bay Indian Kite Festival on January 26, 2025, at Fred Poppe Regional Park.

This item was considered earlier in the meeting, prior to Public Comments.

2. Consideration of a co-sponsorship request from Shattered Pieces Ministries Inc. for its 5K Unity Walk on December 7, 2024, at Fred Poppe Regional Park.

Staff Recommendation: Approve the City's co-sponsorship with the Shattered Pieces Ministries Inc. for the 5K Unity Walk, approving \$210.00 in fee waivers.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the co-sponsorship request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

3. Consideration of the City's 2025-2026 State Legislative Priorities.

Staff Recommendation: Authorize the City and the City's contracted state lobbying firm, Sunrise Consulting Group, to advocate for the Fiscal Year 2025/2026 State Legislative Priorities of the City of Palm Bay; and appropriate \$800,000 from Stormwater Fund Balance for the Meadowbrook Water Quality Improvement Project.

Due to the meeting nearing the curfew deadline, motion by Mr. Johnson, seconded by Mr. Langevin, to extend the meeting by thirty (30) minutes (first extension), which would expire at 11:30 P.M. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

There was discussion amongst councilmembers on the list of priorities. Chief Stover and Chief Augello responded to questions posed by councilmembers.

Council concurred to approve the following priorities:

- Palm Bay Septic-to-Sewer Conversions (funding request - \$5 million; City match - \$2,353,050)
- Meadowbrook Water Quality Improvement Project (funding request - \$2 million; City match - \$800,000)
- Palm Bay Resiliency Fiber Optic Expansion Project (funding request - \$1.5 million; City match - \$1,658,400)
- Live Local Act
- Affordable Housing
- House Bill 1365 (to be determined after Council workshop was held)

The following item was not approved:

- Public Safety First-Responder Rehabilitation Truck

Staff was given direction to explore the following issues with the City's lobbyist:

- Legislation to reduce the high cost of homeowners' insurance
- Additional funding support for regional gun range improvements

- Legislation and state mandates that pre-empt the City's ability to address constituent concerns, i.e. private provider inspections
- Florida Statute provision that limited the number of years Enterprise Funds could be carried over
- Proposed legislation affecting the Second Amendment (hold until brought forward by State Legislators then provide letter of support, if desired by Council)
- Space Force Veterans receiving the same support as other veterans (hold until brought forward by State Legislators then provide letter of support, if desired by Council)

4. Consideration of councilmembers serving as representatives to other agencies/organizations/committees.

Councilmembers announced on which agencies/organizations/committees they wished to serve.

- 1) Space Coast League of Cities
Rob Medina, Delegate
Kenny Johnson, Alternate
- 2) Space Coast Transportation Planning Organization
Mike Jaffe, Delegate
Mike Hammer, Delegate
Kenny Johnson, Delegate
Medina, Alternate
Langevin, Alternate
- 3) Economic Development Commission of Florida's Space Coast (Board of Directors)
Danielle Crotts
- 4) Economic Development Commission of Florida's Space Coast (Executive Committee)
Joan Junkala-Brown
- 5) Economic Development Commission of Florida's Space Coast (Ad Valorem Tax Abatement Council)
Mike Jaffe
- 6) Risk Management Committee
Chandler Langevin

7) Capital Outlay Committee
Althea Jefferson

8) Community Development Advisory Board
Kenny Johnson

Due to the meeting nearing the first curfew deadline, motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to extend the meeting by thirty (30) minutes (second and final extension), which would expire at 12:00 A.M. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

5. Consideration of councilmembers attending the 2025 Institute for Elected Municipal Officials (IEMO 1) in Gainesville from January 24-25, 2025.

Mayor Medina, Deputy Mayor Jaffe, and Councilmembers Hammer and Langevin would attend the conference.

6. Consideration of appointing Scott Morgan as Interim City Manager and authorizing the City Attorney to negotiate the employment agreement. (AGENDA REVISION)

This item was considered earlier in the meeting prior to Public Comments.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Deputy Mayor Jaffe asked Council to consider giving employees the day off on Christmas Eve and to include it as a permanent holiday in the annual budget.

Motion by Deputy Jaffe, seconded by Mayor Medina, to give City employees the day of Christmas Eve as a permanent paid holiday. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Mr. Robinson advised that the Space Coast Transportation Planning Organization requested a letter of support from the Mayor for the Cocoa Passenger Rail Station. Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:40 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK