

# **CITY OF PALM BAY, FLORIDA**

## **REGULAR COUNCIL MEETING 2024-15**

Held on Thursday, the 11<sup>th</sup> day of July 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 6:03 P.M.

Pastor David Cannon, Grace Bible 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>	Vacant	
<b>COUNCILMEMBER</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Juliet Misconi, Deputy City Manager; Mariano Augello, Police Chief; Richard Stover, Fire Chief; John McCall, Project Manager.

### **ANNOUNCEMENTS:**

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

- 1. One (1) term expiring on the Police and Firefighters' Retirement Pension Plan, Board of Trustees.+**
- 2. Four (4) vacancies on the Youth Advisory Board (represents 'student member' positions).++**
- 3. One (1) vacancy on the Youth Advisory Board (represents 'adult member' position).++**
- 4. Two (2) vacancies on the Community Development Advisory Board (represents 'banking industry' and 'not-for-profit' positions).++**

**AGENDA REVISIONS:**

1. Ms. Sherman announced that a proclamation for the Mayor's Business Spotlight recipient (Goff Orthodontics) was added as Item 1, under Proclamations and Recognitions.

**PROCLAMATIONS AND RECOGNITIONS:**

The proclamation was read.

**1. Proclamation: Mayor's Business Spotlight recipient – Goff Orthodontics. (AGENDA REVISION)**

**PRESENTATIONS:**

**1. Police and Fire Departments – Strategic Growth Updates.**

Chief Augello provided an overview of police services and community engagement, wellness program, the state of the department, alternative funding resources and departmental needs. He answered questions posed by councilmembers. Discussions included response times and police impact fees.

Chief Stover advised of fire services and expressed the appreciation for the support received from Council and staff to expand the department's staffing and obtain additional lifesaving apparatus. Chief Stover updated Council on the status of fire stations and what was needed to address growth within the City. He answered questions posed by councilmembers. Discussions included fire impact fees.

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

Individuals made general comments.

1. Cathy and Fred Wysor, residents, stated that they were concerned with debris and glass being left behind by Republic Services. They stated that glass was getting stuck in their car tires and then being brought into their garage. Mr. and Mrs. Wysor asked Council to pause the recycling services until the issue was resolved.

Mayor Medina asked staff to follow up with all individuals as well as Republic Services.

2. Bill Battin, resident, advised that a portion of the Interactive Map System (IMS) was not working, specifically the aerial of Brevard County on the City map. He also asked that general public comments be allowed for workshops, rather than only those items on the agenda. Mr. Battin questioned why the development on Gaynor Drive stated that no mitigation was required but there were many trees that were greater than the eighteen (18) inches in size. He wanted more protection for major trees.

Mayor Medina asked staff to check into the violations that may have occurred regarding the trees. Ms. Sherman would research same and provide an update.

**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. Johnson, that the Consent Agenda be approved as presented with the removal of Items 8, 14, 16, and 18, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**1. Approval of Minutes: Bayfront CRA Regular Meeting 2024-02; May 2, 2024.**

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

**2. Adoption of Minutes: Regular Council Meeting 2024-09; May 2, 2024.**

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

**3. Adoption of Minutes: Regular Council Meeting 2024-10; May 16, 2024.**

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

**4. Adoption of Minutes: Special Council Meeting 2024-11; May 23, 2024.**

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

**5. Adoption of Minutes: Special Council Meeting 2024-12; May 23, 2024.**

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

**6. Award of Proposal: Janitorial services – RFP 28-0-2024 – Parks and Facilities Department (Custom Cleaning and Management Services Corp d/b/a CCMS - \$306,401).**

Staff Recommendation: Approve the award for janitorial services with Custom Cleaning and Management Services Corp d.b.a. CCMS (Jupiter), in the amount of \$306,400.59, for a one-year term contract, renewable by the Procurement Department for up to four (4) additional one-year terms.

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

**7. Contract: Various structural rehabilitations, North Regional Water Treatment Plant – Task Order 24-07-WT – Utilities Department (Wade Trim, \$128,950).**

Staff Recommendation: Approve Task Order 24-07-WT for various structural rehabilitations at the North Regional Water Treatment Plant with Wade Trim, in the amount of \$128,950, against Master Agreement 36-0-2020.

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

**8. Resolution 2024-21, amending Resolution 2023-36, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2023-2024 through 2027-2028 (third amendment).**

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

**9. Ordinance 2024-28, amending the Fiscal Year 2023-2024 budget by appropriating and allocating certain monies (third budget amendment), first reading.**

The City Attorney read the ordinance in caption only.

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

**10. Consideration of a Commercial Property Enhancement Program (CPEP) grant for Malabar Pharmacy LLC, relating to improvements to commercial property located at 930 Malabar Road SE, Suite 1 (\$8,882.50).**

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$8,882.50 to Malabar Pharmacy LLC for eligible improvements to commercial property located at 930 Malabar Road SE, Unit 1, Palm Bay, Florida 32907; and authorize the City Manager to execute the grant agreement.

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

**11. Consideration of a Commercial Property Enhancement Program (CPEP) grant for G1 Petro Inc., relating to improvements to commercial property located at 4502 Babcock Street NE, Palm Bay (\$9,600).**

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$9,600 to G1 Petro Inc. for eligible improvements to commercial property located at 4502 Babcock Street NE, Palm Bay, Florida 32905; and authorize the City Manager to execute the grant agreement.

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

**12. Consideration of a Commercial Property Enhancement Program (CPEP) grant for Cory Hoehn, relating to exterior improvements to commercial property located at 2860 Palm Bay Road NE, Palm Bay, FL, 32905, Tax Account 2832681 (\$10,000).**

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$10,000 to Cory Hoehn for eligible exterior improvements to commercial property located at 2860 Palm Bay Road NE, Palm Bay, Florida 32905 (Tax Account 2832681); and authorize the City Manager to execute the grant agreement.

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

**13. Consideration of a Proportionate Fair Share Agreement with Chaparral Properties, LLC.**

Staff Recommendation: Approve the Proportionate Fair Share Agreement with Chaparral Properties, LLC, and authorize the Mayor to execute the agreement.

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

**14. Consideration of an Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC.**

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

**15. Consideration of a letter of support for the Brevard County Sheriff's Office for the Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant Program, Countywide Prisoner Transport Program.**

Staff Recommendation: Authorize the Mayor to sign a letter in support of the Brevard County Sheriff's Office for the Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant Program for a Countywide Prisoner Transport Program.

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

**16. Consideration of submitting a grant application to the Florida Department of Environmental Protection's Water Quality Improvement Grant Program.**

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

**17. Consideration of utilizing General Fund Undesignated Fund Balance for three (3) steel doors and a generator for the Public Works Operation Division (\$142,116).**

Staff Recommendation: Approve utilizing General Fund Undesignated Fund Balance for three (3) steel doors and a generator for the Public Works Operation Division, in the amount of \$142,116.

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

**18. Consideration of utilizing Parks Impact Fees for completion of the Riviera Dog Park at Ken Greene Memorial Park (\$40,000).**

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

**19. Consideration of the disposal of City capital surplus property.**

Staff Recommendation: Approve the disposal of City capital surplus property, as identified on the City Manager's Legislative Memorandum. All items listed were inoperable, outdated, or had costs which were beyond the feasibility of repair.

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

**20. Consideration of travel and training for specified City employees (Building Department).**

Staff Recommendation: Approve the travel and training as specified.

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

**21. Consideration of travel and training for specified City employees (Building Department).**

Staff Recommendation: Approve the travel and training as specified.

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

**22. Consideration of travel and training for specified City employees (City Manager's Office, Communications Division).**

Staff Recommendation: Approve the travel and training as specified.

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

**23. Consideration of travel and training for specified City employees (Human Resources Department).**

Staff Recommendation: Approve the travel and training as specified.

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

**24. Consideration of travel and training for specified City employees (Utilities Department).**

Staff Recommendation: Approve the travel and training as specified.

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

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

**PUBLIC HEARING(S):**

**1. Ordinance 2024-26, rezoning property located west of and adjacent to Cogan Drive, in the vicinity north of Melbourne-Tillman Water Control District Canal 42, from GU (General Use Holding District) to CC (Community Commercial District) (3.00 acres) (Case Z23-00015, Kathleen Jones Trustee; PSP of Brevard, LLC; and RRLC, LLC), final reading. (Quasi-Judicial Proceeding)**

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

Bill Battin, resident, felt that the revenue to be generated for the project was beneficial to the City, but asked why other vacant lots were paying zero (0) in taxes when the development owner had been paying \$7,000 in tax revenue per year. Mr. Johnson said that Mr. Battin made a good point and asked that his comment be researched.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2024-26. Deputy Mayor Felix was not against the development but felt that the property could have been useful for governmental services in the southern part of the city.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Nay
Councilman Johnson	Yea

**2. Resolution 2024-19, granting a conditional use to allow for a proposed self-storage facility in CC (Community Commercial District) zoning, on property located west of and adjacent to Cogan Drive, in the vicinity north of Melbourne-Tillman Water Control District Canal 42 (3.00 acres) (Case CU23-00019, Kathleen Jones Trustee; PSP of Brevard, LLC; and RRLC, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 06/25/24 SCM)**

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, Construction Engineering Group 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 2024-19.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Nay
Councilman Johnson	Yea



**3. Ordinance 2024-27, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, Subchapter ‘Natural, Manmade or Technological Emergency or Disaster’, by modifying provisions contained therein, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2024-27. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**4. Ordinance 2024-29, vacating a portion of the rear public utility and drainage easement located within Lot 26, Block 1709, Port Malabar Unit 36 (Case VE-3-2024, Stefani Jo Tennyson), first 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, felt that the resident should not have to suffer the consequences for an inspector's mistake.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2024-29. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**5. Ordinance 2024-30, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 310, Port Malabar Unit 10 (Case VE-5-2024, Jose Taveras Ortiz and Olga M. Gomez Sanchez), first reading.**

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-30. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

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

**8. Resolution 2024-21, amending Resolution 2023-36, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2023-2024 through 2027-2028 (third amendment).**

The City Attorney read the resolution in caption only.

Bill Battin, resident, asked why the Utilities Department needed 5 (five) cable and pipe locators at a cost of \$9,000 each and asked the status of the Military Static Display that had been approved by Council. Ms. Sherman confirmed that the locators, which had been purchased the year prior, were a necessity due to the growth the City was experiencing. She confirmed that staff had been continuously checking with the military contact for surplus equipment that could be on display at Veteran's Park, but no surplus equipment was currently available.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-21. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**14. Consideration of an Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC.**

Staff Recommendation: Approve the Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC, and authorize the Mayor to execute the agreement.

Mayor Medina said this development was at the west end of Malabar Road near the St. John's Heritage Parkway (SJHP). He did not support the project at that time due to the number of homes being built in that area and he preferred that the developer build an access bridge to SJHP as it would have benefited the entire community. However, he supported this agreement.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Impact Fee Credit Agreement with CRE-KL Malabar Owner, LLC, and authorize the Mayor to execute the agreement. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**16. Consideration of submitting a grant application to the Florida Department of Environmental Protection's Water Quality Improvement Grant Program.**

Staff Recommendation: Authorize the City to submit a grant application to the Florida Department of Environmental Protection's Water Quality Improvement Grant Program; and authorize the City Manager to execute the grant agreement, if awarded.

Bill Battin, resident, did not feel it was fair that the City would pay for homeowners to connect when the services were available for years, but other owners had to pay for the services. He felt that was preferential treatment. Mr. Battin asked the City's plan to help

residents with the newly mandated aeration septic systems that needed to be updated by the year 2030.

Ms. Sherman advised that the City, along with other utilities, were working with the State to address the conversion timeframe as the number of years to meet the deadline was not possible. She added that staff was consistently looking for more funding opportunities to help all homeowners connect to the service. Mayor Medina mentioned that they would continue to lobby the State Legislators on the topic.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to authorize the City to submit a grant application to the Florida Department of Environmental Protection's Water Quality Improvement Grant Program; and authorize the City Manager to execute the grant agreement, if awarded. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**18. Consideration of utilizing Parks Impact Fees for completion of the Riviera Dog Park at Ken Greene Memorial Park (\$40,000).**

Staff Recommendation: Approve utilizing Parks Impact Fees for completion of the Riviera Dog Park at Ken Greene Memorial Park (\$40,000).

Bill Battin, resident, asked why it had taken four (4) years to build a dog park which was now costing an additional \$40,000 to complete.

Ms. Sherman advised that the project was lowered in priority status compared to other projects that needed to be completed, such as playground replacements. She said there were cost escalations due to the time delay.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve utilizing Parks Impact Fees for completion of the Riviera Dog Park at Ken Greene Memorial Park, in the amount of \$40,000. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**UNFINISHED AND OLD BUSINESS:**

**1. Consideration of appointing two (2) adult members to the Youth Advisory Board.**

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Davette Everly to the Youth Advisory Board representing the 'adult member' position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Raul Perez to the Youth Advisory Board representing the 'adult member' position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**2. Consideration of appointing one (1) member to Community Development Advisory Board.**

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Dawn Bittar to the Community Development Advisory Board representing the 'advocate for low-income' position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**NEW BUSINESS:**

**1. Resolution 2024-22, declaring the position of Seat 3 on the Palm Bay City Council vacated as of June 28, 2024, due to the resignation of Randy Foster.**

The City Attorney read the resolution in caption only.

Bill Battin, resident, was concerned about quorum issues if one member of Council was unable to attend a meeting. He asked about the procedure for those who wished to apply.

Alfred Agarie, resident, wanted Council to adhere to City Charter and fill the vacancy.

David Kearns, resident, reminded Council of how the City had gotten to the point of having two (2) vacancies. He said Mayor Medina advised the public that God told him not to fill that seat from which Peter Filiberto resigned. Mr. Kearns felt it was a problem that the City was not separating church and government and said the City would have issues if this seat was not filled.

Mayor Medina said that election day was August 20<sup>th</sup> and suggested that the winner of the seat in the August 20<sup>th</sup> election be the Council appointment. Mr. Johnson felt candidates should not be selected and that Mr. Weinberg or Mr. Battin should be the types of individuals to be considered as they both had long-term involvement and were unbiased/non-partisan representatives in the community. Mayor Medina proposed that Council should just continue with the three (3) current councilmembers with no appointment. Deputy Mayor Felix wanted to stay on topic and consider the resolution that was being presented.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-22. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**2. Consideration of councilmembers selecting a voting delegate for the Florida League of Cities Annual Conference in Hollywood, Florida, from August 15-17-2024.**

Staff Recommendation: City Council to select one of its members to serve as the voting delegate at the Florida League of Cities Annual Conference.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to select Mayor Medina to serve as the voting delegate at the Florida League of Cities Annual Conference. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

1. Mr. Johnson asked the status of Minton Road paving and when it would reopen. Mr. McCall provided an update and noted that the roadway should be completed prior to the start of the school year.

Deputy Mayor Felix asked about widening Minton Road between Malabar Road and Jupiter Boulevard. Ms. Sherman said there was not enough room to widen the roadway without reshaping the Melbourne Tillman Canal. Deputy Mayor Felix asked about the pedestrian crossing from Degroodt Library entrance to the Winn Dixie Shopping Center. Ms. Sherman responded that staff was reviewing options.

2. Mr. Johnson asked about the status of the signal at SJHP and Malabar Road. Mr. McCall responded that staff was hoping to erect the signal without having to perform intersection resurfacing but should know more in the upcoming weeks. Ms. Sherman said this item would be forthcoming as an agenda revision for the July 18<sup>th</sup> meeting. She noted that staff was securing multiple quotes for temporary traffic signals to be installed before the start of school.

3. Mr. Johnson requested Council consensus to have a program at the Evans Center that was similar to VIBE 305, a nonprofit organization run by Empowered Youth which was dedicated to enhancing the lives of inner-city, at-risk young men. Most of the young men were referred to the program through the Department of Juvenile Justice. The program provided on-going support, life skills programming, social entrepreneurship training and job opportunities. Council concurred.

4. Mayor Medina provided an update on the Project Development and Environment (PD&E) Study through the Transportation Planning Organization (TPO) for improvements to the interchange at Malabar Road and Interstate 95. He said that data would be collected and possible discussions to ensue with Florida Highway Patrol on methods to deter bad behavior at the exit ramps. The Study had been funded but the TPO would be researching ways to fund the construction and implementing different strategies until the construction funding was secured.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman introduced Althea Jefferson, Assistant Growth Management Director, and Gabriel Bowden, Utilities Director.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

1. Pat Dalpra, resident, commented on various issues. She asked if the ordinance related to notice to property owners could be changed from 500' to 1,500' or 2,000'. She felt many projects affected more than those within 500'. Ms. Dalpra added that housing elevations were still an issue and that there were too many storage units throughout the city.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:29 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri Lefler, DEPUTY CITY CLERK