

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-01

Held on Thursday, the 2nd day of January 2020, 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 6:59 P.M.

Richard Spellman, resident, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
CITY MANAGER:	Lisa Morrell	Present
DEPUTY CITY ATTORNEY:	Jennifer Cockcroft	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Larry Bradley, Growth Management Director.

ANNOUNCEMENT(S):

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

- 1. Three (3) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building' and 'employer within the City' positions).++**
- 2. One (1) term expiring on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**
- 3. One (1) vacancy on the Planning and Zoning Board (represents at-large position).++**
- 4. Three (3) terms expiring on the Youth Advisory Board (represents youth board**

members at-large positions).+

5. Three (3) terms expiring on the Youth Advisory Board (represents adult over 30 years of age positions).+

AGENDA REVISION(S):

1. Mrs. Morrell announced the following:

a) Staff requested that Items 1 and 2, under Public Hearings, be continued to the February 6, 2020, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Councilman Anderson, to table Items 1 and 2, under Public Hearings to February 6, 2020. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

b) The ordinance relating to Odyssey Charter School's expansion had been provided for Item 10, under Public Hearings;

c) Staff requested modification to the ordinance for Item 3, under New Business, by removing the language regarding the storm shutters. The remaining language of the ordinance would still be considered by Council.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to modify the ordinance as requested. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

d) A travel request for the Police Department had been added to the agenda as Item 14, under New Business.

2. Mrs. Lefler advised of a scrivener's error in Exhibit A to the sign code, related to Item 3, under Public Hearings. She noted that the duplicated wording had been corrected.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, that the Consent Agenda be approved with the removal of Items 2 and 3, under New Business; and Item 1, under Minutes, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PRESENTATION(S):

1. Honeywell Energy Services Group – energy savings performance contract review. Alfred Guerrero, Senior Business Development Consultant for Honeywell, provided an overview of the City's Energy Savings Performance Contract. Project goals included reducing energy expenditures City-wide; redirecting energy savings to fund infrastructure improvements; addressing deferred maintenance needs; and energy savings to be guaranteed. Mr. Guerrero explained the scope of the project which included improvements, replacements and upgrades throughout City facilities.

The project amount was \$4,349,250. Energy and operational savings for Year 1 were \$293,550 with a savings guarantee period of nineteen (19) years. The total savings after nineteen (19) years would be \$7,373,057. Mr. Guerrero detailed the Post Installation Construction Report; measurement and verification; and the Honeywell guarantee.

Mr. Anderson asked that the Post Installation Construction Report be submitted to the City Manager for distribution to Council. Mr. Bailey questioned the baseline used to calculate the savings. Mr. Guerrero answered that the baseline was determined by working with City staff and was from Fiscal Year 2015-2016 and was embedded within the contract.

ADOPTION OF MINUTES:

***1. Regular Council Meeting 2019-31; December 19, 2019.**

Mr. Santiago announced the following corrections: Item 5, under Public Hearings – Councilman Bailey voted 'Nay' and Councilman Anderson voted 'Yea'; and Item 9, under New Business – asked that more details be included in the minutes regarding adhering to the public vehicle use policy.

Motion by Mr. Santiago, seconded by Mr. Anderson, to change vote as specified under Item 5, Public Hearings; and to include additional verbiage for Council adhering to Section 3.6 for vehicle use. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Mr. Bailey announced the following corrections: Item 1, under New Business, the second to the last paragraph should read, “Mr. Bailey wanted to ensure that if the ordinance was not approved tonight and was presented again to Council at any point in the future, a notice to affected property owners should be provided”; and on Page 14, second paragraph, second sentence, the minutes should reflect that although it was Council action to give Mayor use of the vehicle a couple of years ago, Mr. Bailey expressed his concern at that time that he had an issue.

Motion by Mr. Bailey, seconded by Mr. Anderson, to approve the corrections as specified. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

Individuals commented on various issues.

1. Bill Battin, resident, asked that future members of Charter Review Commissions be required to pay taxes in the City in order to serve on board.
2. Gloria Cliff, resident, requested that barriers be marked accordingly to be seen at night on Ferguson Street.

PUBLIC HEARING(S):

1. **Ordinance 2019-43, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from Industrial Use and Commercial Use to Bayfront Mixed Use (21.83 acres)(Case CP-10-2019, MLEF2-1, LLC), final reading.**

The item, announced under Agenda Revisions, was tabled to the February 6, 2020, regular Council meeting.

- ♣2. **Ordinance 2019-44, rezoning property located west of and adjacent to Dixie Highway, in the vicinity between Kingswood Drive and Robert J. Conlan Boulevard, from HC (Highway Commercial District) and HI (Heavy Industrial District) to BMU (Bayfront Mixed Use District) (21.83 acres)(Case CPZ-10-2019, MLEF2-1, LLC), final reading.**

The item, announced under Agenda Revisions, was tabled to the February 6, 2020, regular Council meeting.

3. Ordinance 2019-68, amending the Code of Ordinances, Chapter 178, Signs, by providing additional provisions related to temporary signs, bench signs and signs in residential zoning districts (Case T-27-2019, City of Palm Bay), final reading.

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

Thomas Gaume, resident, said there were numerous problems with this ordinance. He felt there would be an argument with property rights and the First Amendment. He thought the item was going back to the Planning and Zoning Board (P&Z) and not to be considered for final reading.

Steven Headley, resident, felt this was a regulation on speech and explained his reasons for same. Mr. Bailey asked which portion of the ordinance Mr. Headley opposed. Mr. Headley objected to the time frame of thirty (30) days consecutive and sixty (60) days per year requirements. He said it was unconstitutional.

Mrs. Morrell advised that the changes would be considered by P&Z in the near future and brought back to Council again for final consideration.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2019-68.

Deputy Mayor Johnson clarified that only three (3) provisions were being added to the ordinance: "(i) Temporary signs shall only be installed or placed with the express consent of the occupant or owner of the premises; (ii) Temporary signs may only be placed on privately owned property, and (iii) Temporary signs shall follow the guidelines as outlined per each zoning district in the appendixes below."

Mr. Bailey said there had been a lot of discussion about transparency and he felt staff had made more documents available online and through other resources than any other municipality that he had seen. He said that due to ADA compliance issues, the documents may be a little hard to understand as to what language was actually being amended but it was a Federal requirement to make all online documents ADA compliant.

Mr. Bailey and Mr. Anderson felt that the thirty (30) and sixty (60) day requirement should be removed. Mr. Anderson added that (2)(b)(iv)(a) related to temporary signs being removed from public view while the business was closed should be removed as well.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Yea
Councilman Anderson	Nay

♣4. Ordinance 2019-69, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as “The Courtyards at Waterstone” on property located south of and adjacent to Mara Loma Boulevard, in the vicinity west of Babcock Street (79.181 acres)(Case FD-19-2019, Waterstone Farms, LLC/Waterstone Holdings, LLC), final reading.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Rochelle Lawandales, representative for the applicant, presented the request to Council.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to adopt Ordinance 2019-69. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

5. Ordinance 2019-70, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2364, Port Malabar Unit 45 (Case VE-8-2019, Larry and Stephanie Mirador), final reading.

The Deputy 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 Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2019-70. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

6. Consideration of the Comprehensive Development Agreement/Northshore Palm Bay Mixed-Use Development Agreement with Palm City Investments, F.H., LLC for Phase One of the Aqua mixed-use development project, final hearing.

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

Bill Battin, resident, cautioned the City about entering into agreements with developers because if something went wrong with the project, the City would be left with the cost.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the development agreement. Mr. Bailey reiterated his objection due to City losing \$400,000 in impact fees.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

7. Ordinance 2020-01, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from Single-Family Residential Use to Multiple-Family Residential Use (0.08 acres)(Case CP-14-2019, Steven Ciancio), only one reading required.

The Planning and Zoning Board recommended that the request be approved.

The Deputy 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 Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-01. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣8. Ordinance 2020-02, rezoning property located north of and adjacent to Gran Avenue, in the vicinity east of Dixie Highway, from RS-3 (Single-Family Residential District) to RM-20 (Multiple-Family Residential District) (0.08 acres)(Case CPZ-14-2019, Steven Ciancio), first reading.

The Planning and Zoning Board recommended that the request be approved.

The Deputy 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. Anderson, seconded by Mr. Bailey, to approve Ordinance 2020-02. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣9. Ordinance 2020-03, granting approval of a Final Development Plan for a planned unit development (PUD) to allow a proposed single-family residential development to be known as “Palm Vista Everlands” on property located at the southeast corner of St. Johns Heritage Parkway and Pace Drive (50.4 acres)(Case FD-28-2019, Lennar Homes, Inc./Pace Drive Holdings, LLC), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the items being addressed as follows upon submission of the construction plans:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;
- 2) The Land Development Division Staff Report;
- 3) The setbacks shall be defined in the Declarations of Covenants and Restrictions and placed upon the subdivision plat;
- 4) The minimum home size shall be provided in the Declarations of Covenants and Restrictions;
- 5) The developer shall be required to apply for a Conditional Letter of Map Amendment/Revision (CLOMR); and an approved Letter of Map Revision (LOMR) shall be required for this project upon completion of each phase; and
- 6) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Kenneth Ludwa, BSE Consultants, and representative for the applicant, presented the request to Council.

Terry Ann Murphy, resident located on Delaware Street, spoke against the request. She said there was no notice to her or numerous neighbors.

Bill Battin, resident, said that Council and staff should be looking ahead at traffic issues along the St. Johns Heritage Parkway (Parkway). He said that a pass lane or turn lane should be implemented at Pace Drive.

Mr. Ludwa advised that proper notification was sent to all property owners within the required five hundred-foot (500') radius and there were no attendees at the Citizen Participation Meeting; a traffic study had been performed and would comply with any environmental requirements; the client was paying the required impact fees; there would be no septic systems; the applicant submitted the Conditional Letter of Map Revision to the City which would then be sent to the Federal Emergency Management Agency; and there was no weapon permitting on this property.

Mr. Bailey asked if there was proof of notification to the property owners. Mr. Ludwa confirmed same. Mr. Bradley advised that the case would not have been presented to P&Z until all requirements, including proper notices, had been met. Mr. Ludwa said that Delaware Street was not within the five hundred-foot (500') notification radius.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-03, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣10. Ordinance 2020-04, granting approval of a Final Development Plan for the proposed parking and playfield expansion of Odyssey Charter School on property located at the southeast corner of Eldron Boulevard and Raleigh Road (13.27 acres)(Case FD-30-2019, Odyssey Charter School, Inc.), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the applicant complying with the following:

- 1) The property shall be developed in substantial conformance with the Final Development Plan, except as may be modified by the conditions of approval;

- 2) The Land Development Division Staff Report;
- 3) Amendment of the Declarations of Covenants, Conditions, and Restrictions for the Bayside Lakes Commercial Center to allow “hard improvements” (sidewalks and parking areas) within the 100’ Preservation Easement located along the north of Tract 1-4. The adopting ordinance number shall be reflected in the amended easement language (Article II, Section 3) to capture specific improvements shown on the conceptual site plan;
- 4) The new parking lot, which accesses Raleigh Road, shall be restricted to Odyssey Charter School staff only. No parents, students, or visitors will be allowed access to this parking lot. EMPLOYEES ONLY signage shall be affixed to the entrance gate. The gate shall be open during school days, only during school hours. The gate will be locked overnight and all non-school days. Light poles for the parking lot shall be limited to ten (10) feet in height and shall be motion activated;
- 5) Canopy trees shall be planted within any gaps in the existing perimeter tree line of the parcels that contain the new parking lot and playfield. This will be determined upon administrative site plan review;
- 6) The playfield lights, if installed, shall only be on for events and shall have an automatic cutoff at 8:30 p.m.;
- 7) Administrative site plan review and approval must be obtained prior to issuance of any building permits;
- 8) During the administrative site plan review process, the off-site sidewalk and the land indicated for dedication to the City shall be transferred to the City through the proper legal instrument(s); and
- 9) All provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The Deputy 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 Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-04, subject to the items contained in the Staff Report. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

♣11. Ordinance 2020-05, rezoning property located north of and adjacent to Tishman Road, in the vicinity north of San Filippo Drive, from RS-2 (Single-Family Residential District) to IU (Institutional Use District) (1.26 acres) (Case Z-29-2019, M. David Moallem), first reading.

The Planning and Zoning Board recommended that the request be approved.

The Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Phillip Nohrr, of Gray Robinson and representative for the applicant, presented the request to Council. Mr. Santiago asked if the Telecommunication Tower Value Impact Study was performed by a certified real estate appraiser. Mr. Nohrr confirmed same.

Individuals spoke against the request, stating it would drop property values, would be an eye-sore, and posed many health and safety risks to children and families. Mr. Nohrr responded to the comments and stated that the Palm Bay Code of Ordinances stipulated setbacks for safety.

The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-05.

Mayor Capote said the applicant had met all requirements of the Code and it was difficult for the City to deny the request. Deputy Mayor Johnson understood the concerns with a 5G cellular tower, but the request was to rezone the property, not approving the cell tower itself. Mr. Anderson asked if future permitting required Council approval or if it was handled administratively. Mr. Bradley confirmed that it would be a staff level review only.

Mr. Bailey felt there was a slight flaw in the Code as Item 1 in the Staff Report stated that "...to change the zoning district to allow for a communication tower that will benefit the public ...". He did not understand how Council must approve the request based upon that criteria.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

PROCUREMENT(S):

Award of Bid(s):

***1. Culvert pipe replacement, Unit 18 – IFB 08-0-2020 – Public Works Department (Timothy Rose Contracting - \$150,127).**

Staff Recommendation: Approve the award for culvert pipe replacement, Unit 18, to Timothy Rose Contracting (Vero Beach), in the amount of \$150,127.

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

Miscellaneous:

***1. Culvert pipe replacement, Unit 42, Phase III – Change Order 3 – Public Works Department (Ferreira Construction, Southern Division – \$12,208).**

Staff Recommendation: Approve Change Order 3 for Bid 57-0-2019, culvert pipe replacement, Unit 42, Phase 3, to Ferreira Construction, Southern Division (Hobe Sound), in the amount of \$12,208.

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

COUNCIL REPORTS:

Councilmembers addressed various subject matters. The passing of former councilman, Hank Simon, was announced.

1. Mr. Bailey asked that additional information be included in the agenda packets regarding the final reading of ordinances. He requested an excerpt from the minutes of the first reading as well as the Legislative Memorandum. Council concurred.

2. Mr. Santiago said he had contacted Nancy Peltonen, Greater Palm Bay Chamber of Commerce, to ask if they would honor Mr. Simon as he was very involved with the Chamber. Ms. Peltonen said she would speak to the board members of the Chamber.

3. Deputy Mayor Johnson commented on the permitting process with Brevard County regarding the Parkway. He felt direction should be given to the City Manager as to how to proceed. Mr. Bailey said he had met with Brevard County staff. He did not want Council

to give direction that could possibly hamper the City Manager's ability to continue moving forward. He hoped that Brevard County would recognize that this Parkway was a benefit for them as well and to quickly move forward.

Mr. Anderson felt it was more about Babcock Street, additional costs and Community Asphalt. He said that Brevard County needed to give Council the necessary document(s) for consideration, let Council review it, and get it executed. Mrs. Morrell advised that an Interlocal Agreement had been drafted and City staff were awaiting comments from Brevard County. Mr. Bailey felt it should be relayed that City Council would like to consider the item at the next Council meeting or hold a special meeting if needed. Mayor Capote said he would like negotiations to continue between staff and Brevard County.

NEW BUSINESS:

***1. Resolution 2020-01, recognizing the importance of the 2020 Census and supporting participation in helping to ensure a complete, fair and accurate count.**

The Deputy City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

2. Resolution 2020-02, amending Resolution 2019-34, adopting rates, charges, and fees, for Fiscal Year 2019-2020, pursuant to the Code of Ordinances, Title XVII, Land Development Code.

The Deputy City Attorney read the resolution in caption only.

Bill Battin, resident, questioned if the City inspector or the developer's inspector would be responsible for the final inspection or if something went wrong with the project. Mrs. Morrell advised that the City's Building Official had the final say and issued the Certificate of Occupancy once the project was complete.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-02. Mr. Bailey appreciated staff streamlining the process. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

3. Ordinance 2020-06, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions' by modifying provisions contained therein.

The Deputy City Attorney read the ordinance in caption only.

Thomas Gaume, resident, asked for a point of order as it was posted on social media that the item was pulled from the agenda. He asked that the item be tabled to allow public input as it was thought that the item was withdrawn. Mayor Capote explained that it was a post on social media but was not the collective decision of City Council. Mr. Gaume felt that the City should not regulate where individuals parked their vehicles on their property. If vehicles were properly registered, the City should not regulate same.

Motion by Mr. Anderson, seconded by Mr. Bailey, to table Ordinance 2020-06 to the next regular Council meeting. Mr. Anderson advised that he made the post to social media as he had received an email that the item would be withdrawn but was unaware that it was only the storm shutter portion. He felt the public should be given the opportunity to be heard.

Mr. Santiago said that the ordinance regarding the parking provisions were already within the Palm Bay Code of Ordinances and provided history on same. The proposed ordinance provided additional regulations. He did not support tabling the request.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Nay
Councilman Bailey	Yea
Councilman Anderson	Yea

***4. Ordinance 2020-07, amending the Code of Ordinances, Chapter 118, Liens Levied Against Private Property, by modifying provisions related to the collection of liens.**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

***5. Ordinance 2020-08, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (first budget amendment).**

The Deputy City Attorney read the ordinance in caption only. The ordinance was approved under Consent Agenda.

***6. Consideration of utilizing Fiscal Year 2019/2020 budget funds to lease/purchase eighteen (18) pursuit vehicles in lieu of the twenty-three (23) vehicles identified during the budget process.**

Staff Recommendation: Approve the utilization of Fiscal Year 2019/2020 budget funds to lease/purchase eighteen (18) 2020 Dodge Durango pursuit vehicles in lieu of the twenty-three (23) vehicles identified during the budget process.

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

***7. Consideration of transferring funds from Building Division Undesignated Fund Balance to contracted services of the Operating Budget to process permits, conduct inspections and plan review (\$299,102).**

Staff Recommendation: Approve the transfer of \$299,102 from Building Division Undesignated Fund Balance to contracted services of the Operating Budget to process permits, conduct inspections and plan review.

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

***8. Consideration of acceptance of the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-2019.**

Staff Recommendation: Approve the acceptance of the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-2019.

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

***9. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended September 30, 2019.**

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

***10. Acknowledgement of the City's monthly financial report for September 2019.**

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

***11. Acknowledgement of the City’s monthly financial report for October 2019.**

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

12. Consideration of councilmembers attending the Florida League of Cities Legislative Action Days in Tallahassee, Florida, from February 11-12, 2020.

Mayor Capote and Deputy Mayor Johnson would attend the conference.

13. Consideration of Council appointment to Economic Development Commission of Florida’s Space Coast

Councilmembers selected the following:

Economic Development Commission of Florida’s Space Coast
Joan Junkala

Economic Development Commission of Florida’s Space Coast – Executive Committee
(member receives confidential information and participates in discussions regarding potential companies contemplating expansion of locating in Brevard County)
Joan Junkala

☛ 14. Consideration of travel for the Police Department.

Staff Recommendation: Approve travel for the Police Department as specified.

Motion by Mr. Anderson, seconded by Mr. Bailey, to approve the travel as specified. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Mrs. Morrell requested a workshop to discuss the Road Program on Thursday, January 9, 2020, at 6:00 p.m. Council concurred.
2. Mrs. Cockcroft asked Council to elect one (1) of its members to attend Attorney General Ashley Moody’s Region Four meeting to discuss the opioid crisis and litigation. Deputy Mayor Johnson would attend the meeting. Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Thomas Gaume, resident, suggested utilizing the grant funding from the Tourist Development Council (TDC) that was initially earmarked for the campground and use it to construct a stage or band shell at Fred Poppe Regional Park. Mr. Anderson said he would be presenting the item to the TDC this month. Council supported the idea.

2. Kevin Vacciana, resident, asked that street lighting be addressed throughout the City. Mr. Bailey asked if there was any budget for street lights or an application process. Mrs. Morrell answered that residents could request street lights directly through Florida Power and Light (FPL). Any savings from the FPL billing through the LED lighting conversion were invested back into program, but funding was minimal.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:36 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.
- ☞ Indicates item was considered out of sequence or added to the agenda.