

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-19

Held on Thursday, the 21st day of May 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.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:24 P.M.

Councilman Santiago 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
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Suzanne Sherman, Deputy City Manager; Joan Junkala-Brown, Economic Development 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').++**
- 2. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**

3. **Four (4) vacancies on the Disaster Relief Committee.++**
4. **One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**
5. **Three (3) terms expiring on the Community Development Advisory Board (represents 'residential home building', 'banking industry', and 'advocate for low-income persons' positions).++**
6. **One (1) term expiring on the Youth Advisory Board (represents youth board member 'at-large' position).+**

AGENDA REVISION(S):

1. Mrs. Morrell announced the following:
 - a.) Item 3, under New Business, related to the SHIP Local Housing Assistance Plan (LHAP) 2020-2023, was revised to include an updated Legislative Memorandum and the LHAP 2020-2023 (Exhibit A to Resolution 2020-25, in its entirety) had been replaced.
 - b.) The recommendation on the Legislative Memorandum was revised on Items 5, under New Business, related to land lease for Little Growers, Inc.
 - c.) The developer utilities agreement was provided as an attachment to the Legislative Memorandum on Item 7, under New Business, related to the sanitary sewer force main extension at 5180 Minton Road.
 - d.) A new Legislative Memorandum, related to the non-competitive refinancing of the energy performance lease/purchase agreement, was added at Item 11, under New Business.

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. Santiago, that the Consent Agenda be approved with the removal of Miscellaneous 1, under Procurement(s), and Item 3, under New Business, 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.

PROCLAMATION(S):

The proclamation was read.

1. **National Safe Boating Week – May 16-22, 2020.**

ADOPTION OF MINUTES:

- *1. **Special Council Meeting 2020-15; April 23, 2020.**
- *2. **Special Council Meeting 2020-16; April 29, 2020.**
- *3. **Regular Council Meeting 2020-17; May 7, 2020.**
- *4. **Special Council Meeting 2020-18; May 14, 2020.**

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

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

There were no public comments.

PUBLIC HEARING(S):

1. **Ordinance 2020-24, amending the Code of Ordinances, Chapter 110, Business Regulations, by revising provisions related to Business Tax Receipt exemptions, 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 Mr. Santiago, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-24. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. **Consideration of a substantial amendment to Community Development Block Grant Annual Action Plan prior year (Fiscal Year 2018) unspent funds (\$431,527).**

The Community Development Advisory Board (CDAB) recommended denial of the request.

The public hearing was opened. Mrs. Morrell presented the request to City Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the substantial amendment as requested.

Mr. Bailey asked the reason for the denial by the CDAB. Mrs. Junkala-Brown said the CDAB was concerned that Fire Rescue was continuously receiving the majority of the funding and wanted to see the funds dedicated towards more infrastructure-related projects, such as stormwater. She said that due to the timing, staff did not feel it was a feasible use for the funds. The deadline to expend the funds was August 2nd in the amount of approximately \$460,000.

Mr. Bailey asked if the item could be tabled to June 4th and allow for other items to be considered. Mrs. Morrell said that due to specific deadlines, a decision had to be made at tonight's meeting.

Mr. Anderson said he had the same concerns as Councilman Bailey, but said that due to the time constraints, there was no better use for the funds.

Mr. Bailey said he wanted to see the monies placed towards infrastructure but understood the timing and he knew that staff was also looking at the needs for infrastructure. He still preferred to table the item.

Motion carried with members voting as follows:

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

3. Consideration of an amendment to the Citizen Participation Plan for the Community Development Block Grant to include new emergency provisions for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

The Community Development Advisory Board recommended approval of the request.

The public hearing was opened. Mrs. Morrell presented the request to City Council. The public hearing was closed.

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

4. Consideration of the CARES Act amendment to the Fiscal Year 2020 Annual Action Plan related to COVID-19 (\$458,099).

The Community Development Advisory Board recommended approval of the request.

The public hearing was opened. Mrs. Morrell presented the request to City Council. The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve the CARES Act amendment to the Fiscal Year 2020 Annual Action Plan. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

PROCUREMENT(S):

Miscellaneous:

1. Pool repairs, Palm Bay Aquatic Center – Parks and Recreation Department (Oak Wells Aquatics - \$651,125; contingency - \$65,112 (sole source)).

Staff Recommendation: Approve the award of a sole source contract to Oak Wells Aquatics, using previously appropriated funds, in the amount of \$651,124.80; and the allocation of a ten percent (10%) contingency in the amount of \$65,112.48.

Rebecka VanHeden, resident, spoke on behalf of the many swim teams and public that utilize the pool. She said the closure had caused teams to travel to Cocoa for practice and training and created an inconvenience to the community. She asked that Council approve the repairs.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the award for pool repairs as requested.

Mr. Bailey understood the benefits of the pool but did not feel it was the highest priority for the City's budget at this time. He said there would be impacts to the City's budget in the upcoming fiscal years due to the pandemic.

Motion carried with members voting as follows:

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

COMMITTEE AND COUNCIL REPORT(S):

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

1. Mr. Anderson said that Deputy Mayor Johnson had spoken about some of the City's reserves being dedicated to the Road Maintenance Fund and felt that now was a good time for same.
2. Mr. Bailey said that he was continuing to meet with staff regarding urban farming and it would be presented to the Planning and Zoning Board as soon as possible.
3. Mr. Santiago asked for consensus from Council to continue the meetings of the advisory boards which had been on hold due to the pandemic. He was advised by staff that training would be required in order to conduct the meetings virtually. Council concurred.

Mr. Bailey thought that the boards were not able to meet virtually. He added that if the State moved into the next phase, virtual meetings may no longer be an option for City Council. Mr. Santiago said that the board members would be asked if they felt comfortable physically attending a meeting. Mayor Capote felt that the Governor could be lobbied to permit the boards to meet virtually. He did not think that many board members would be comfortable coming to a facility for a meeting. Mr. Anderson said it made sense to have a policy for the boards as many of the boards for Brevard County already met virtually.

Mr. Bailey said he had brought the idea of paring back on some of the boards. He said that the effects of social distancing had placed more work on staff and to allow all boards to meet, along with training, would add even more to their plate. Mr. Santiago said that virtual meetings may become the norm in the future.

4. Deputy Mayor Johnson asked the City Manager to address the City's healthy reserves and the Road Maintenance Policy. Mrs. Morrell said that Council could adopt a resolution regarding minimum Fund Balance and funds could be designated towards the deficit of the Road Maintenance Fund. The resolution could be adopted and amended each year during the budget process or just continue as is with the policy.

5. Deputy Mayor Johnson would be presenting revisions to the tiny homes ordinance. Specifically, the Small Planned Unit Development (SPUD) portion.

☞ Mrs. Smith addressed the discussion of virtual meetings for the advisory boards. She said that boards may be able to meet virtually. Policies, procedures and training needed to be implemented and it would be more detailed for quasi-judicial hearings. However, some boards may be able to meet virtually even without the Governor's Executive Order in place. Mrs. Smith would work with staff on a draft policies and procedures to be presented to Council at a future meeting.

6. Mr. Bailey readdressed the monies for the Road Maintenance Fund. He felt a policy was okay but wanted to make sure that Council was committed to funding the Road Maintenance Fund. He added that impact fees should be lower for the SPUDs.

NEW BUSINESS: (Ordinance is for first reading.)

1. Resolution 2020-23, amending Resolution 2019-34, as amended, adopting rates, charges, and fees, for Fiscal Year 2019-2020, pursuant to the Code of Ordinances, Title XVII, Land Development Code. (Councilman Bailey)(CONTINUED FROM SCM 05-14-20)

The City Attorney read the resolution in caption only.

Councilman Bailey presented the item to Council. He said that the City's fees were on the high side and residents were paying more for re-inspection fees than they did for the actual permit. He also felt the City should be more competitive with salaries for the building official and inspectors.

Bill Battin, resident, provided a virtual comment. He said that Council agreed to these rates initially and that the developers should continue to pay for same. He said that the residents did not receive a break, and neither should the developers.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-23.

Mr. Bailey said that the reduction was going to be helpful to anyone requesting a permit and was directed towards lowering the fee for first inspection. It was not related to an incentive for developers.

Deputy Mayor Johnson agreed that the fees should be lowered and suggested \$25 for first reinspection; \$50 for second reinspection; \$75 for third reinspection; and \$100 for fourth reinspection.

Mr. Bailey said he would be agreeable to \$0 for first reinspection; \$50 for second reinspection; \$75 for third reinspection; and \$100 for fourth reinspection. Mr. Santiago said he would support those fees.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Resolution 2020-23, with the amendment to \$0 for first reinspection; \$50 for second reinspection; \$75 for third reinspection; and \$100 for fourth reinspection.

Mr. Anderson said that contractors sometimes abused the system. He said it was an inspection-based industry, inspections were always being pushed, and having a free first reinspection could become problematic down the road. He felt the fee should be based on a percentage of the permit.

Mr. Santiago agreed that reinspections could sometimes be abused, but this fee tier would eliminate the homeowner or small business owner from having to pay a large amount for a small item.

Deputy Mayor Johnson asked if Councilman Bailey was aware of any issues from the City of Cocoa who had the same type of fees. Mr. Bailey was unaware of any, but Council could revisit the issue if problems occurred. Mrs. Morrell said the fees would be readopted during the budget process in September and staff could provide a report at that time of the number of reinspections.

Mr. Bailey added that permit fees were dedicated to the Building Fund which was used for building inspectors, fire inspectors, plan reviewers, etc., and was not used for the General Fund.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***2. Resolution 2020-24, amending Resolution 2020-09, as amended, extending the State of Local Emergency as declared by Legislative Order D-2020-01.**

The City Attorney read the resolution in caption only.

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

3. Resolution 2020-25, approving the City’s 2020-2023 Local Housing Assistance Plan and the City’s housing delivery goals for State Fiscal Years 2020-2023.

The Community Development Advisory Board recommended that the item be tabled.

The City Attorney read the resolution in caption only.

Ms. Junkala-Brown advised that the CDAB recommended tabling the item. The Florida Housing Coalition notified staff that the State’s LHAP Review Committee would be providing additional comments. Staff supported tabling the item until the comments were received.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to table Resolution 2020-25. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

***4. Consideration of the first amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization, the Florida Department of Transportation, and the Brevard County municipalities for the creation of the Transportation Planning Organization.**

Staff Recommendation: Approve the first amendment to the Restated Interlocal Agreement between the Space Coast Transportation Planning Organization, the Florida Department of Transportation, and the Brevard County municipalities for the creation of the Transportation Planning Organization.

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

***5. Consideration of a lease agreement with Little Growers, Inc., for the use of vacant, unimproved City-owned property located at 2230 Washington Street (\$12 annually).**

Staff Recommendation: Authorize the City Manager to execute the public land lease agreement at 2230 Washington Street, with Little Growers, Inc., for the use of a youth community garden program.

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

***6. Consideration of purchasing Microsoft server licenses for the Utilities Department from Software House International (SHI); and appropriation of funds on the next scheduled budget amendment (\$28,871).**

Staff Recommendation: Approve the purchase of Microsoft server licenses for the Utilities Department from Software House International (SHI); and the appropriation of funds on the next scheduled budget amendment in the amount of \$28,871.

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

***7. Consideration of a budget amendment from Utilities' Impact Fee Undesignated Fund Balance to Utilities Collection/Transmission account for the sanitary sewer force main extension project (5180 Minton Road)(\$3,804).**

Staff Recommendation: Approve a budget amendment from Utilities' Impact Fee Undesignated Fund Balance to Utilities Collection/Transmission account for the sanitary sewer force main extension project (5180 Minton Road) in the amount of \$3,804.

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

***8. Consideration of a reduction in Fleet Services' Fiscal Year 2020 Internal Service Funds (\$250,000).**

Staff Recommendation: Approve a reduction in the amount of \$250,000 in Fleet Services' Fiscal Year 2020 Internal Service Funds (General Fund \$178,763; Building Fund \$2,922; Stormwater Utility Fund 27,878; Solid Waste Fund \$2,896; Fleet Services Fund \$1,861; Utilities Operating Fund \$35,680).

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

***9. Acknowledgement of the correction to Employee Health Insurance Premium budget amounts adopted in Fiscal Year 2020 (\$3,651,467).**

Staff Recommendation: Acknowledge the correction to Employee Health Insurance Premium budget amounts adopted in Fiscal Year 2020, in the amount of \$3,651,467, for the following funds: General Fund, SHIP Fund, CDBG Fund, HOME Fund, NSP Fund,

BCRA Fund, Utilities Operating Fund, Building Fund, Stormwater Utility Fund, Solid Waste Fund, Health Insurance, Risk Fund, Other Employee Benefits Fund and Fleet Services Fund.

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

10. Acknowledgement of the City’s monthly financial report for March 2020.

Staff Recommendation: Acknowledge receipt of the March 2020 Financial Report as presented and provide feedback as to the sufficiency of the detail provided, frequency of the report to be provided, method of distribution and any other required changes.

Motion by Mr. Anderson, seconded by Mr. Bailey, to acknowledge the 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. Consideration of non-competitive refinancing of the energy performance lease/purchase agreement

Staff Recommendation: Approve the non-competitive refinancing of the Energy Performance Lease/Purchase Financing with Bank of America and authorize the Mayor or City Manager to execute all required documents.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve the non-competitive refinancing.

Mr. Anderson advised that Honeywell would be making a presentation in September to advise of any savings or to produce a check to the City.

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 special Council meeting on Thursday, May 28, 2020, at 6:00 P.M., to extend the state of local emergency and to award the bid for solid waste and recycling services. Council concurred.

PUBLIC COMMENTS/RESPONSES:

There were no comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:38 p.m.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

* Identifies items considered under the heading of Consent Agenda.