

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2020-21

Held on Thursday, the 4<sup>th</sup> day of June 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 7:00 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### ROLL CALL:

<b>MAYOR:</b>	William Capote	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Harry Santiago, Jr.	Present
<b>COUNCILMEMBER:</b>	Jeff Bailey	Present
<b>COUNCILMEMBER:</b>	Brian Anderson	Present
<b>CITY MANAGER:</b>	Lisa Morrell	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager; Laurence Bradley, Growth Management Director; Christopher Little, Utilities Director.

### ANNOUNCEMENT(S):

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

- 1. Five (5) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City', 'advocate for low-income persons' and 'bank industry').++**
- 2. Two (2) vacancies on the Youth Advisory Board (represents youth board member 'at-large' positions).++**

**3. Four (4) vacancies on the Disaster Relief Committee.++**

**4. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**

**5. One (1) vacancy on the Melbourne-Tillman Water Control District (represents 'resident within district' position).+**

**AGENDA REVISION(S):**

1. Mrs. Morrell announced that:

a.) Items 5, 6, and 7, under Public Hearings, regarding parking of vehicles in residential areas, were withdrawn from the agenda as Council was scheduled to consider these items at their July 16, 2020, regular Council meeting.

b.) A textual amendment to Chapter 185, Zoning Code (Ordinance 2020-35), related to certain exemptions of multi-family developments, was added to the agenda as Item 15, under Public Hearings,

c.) Item 7, under New Business, the Bayfront Redevelopment Community Agency Fiscal Year 2021 proposed budget, was withdrawn from the agenda.

**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 Items 3 and 6, 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. Indian River Lagoon Scenic Highway 20th Anniversary – June 12, 2020.**

**PRESENTATION(S):**

**1. Chief Nelson Moya, Palm Bay Police Department – homeless update.** Chief Moya advised that there were currently twenty-three (23) active homeless camps identified within the City, with an estimated population of eighty (80) individuals. He provided information on the creation of the Palm Bay Homeless Task Force and said it was designed to serve as a tool to address and coordinate homeless related services in the community.

In November 2018, the Palm Bay Police Department created a new call classification, Homeless Assist, to promote engagement with homeless individuals in the City and coordinate social services. Panhandling calls for service was also initiated as a call type in May 2020 as a measure to capture the impact of proactive assistance for the homeless community in Palm Bay.

Chief Moya provided an overview of the protocol for trespassing procedures. He said that no homeless individuals had been arrested for trespassing since November 2019, but trespass warnings had been issued at various camps.

**ADOPTION OF MINUTES:**

**\*1. Regular Council Meeting 2020-19; May 21, 2020.**

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

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

1. Paul Vileno, resident, submitted a virtual comment. He questioned Council's decision for twice weekly trash pick-up and why he did not receive a survey to express his opinion on the matter.

2. Andres Ortiz, resident, commented on the condition of property located at 1798 Glenwood Street, NE. He said it looked like a junkyard and he had contacted Code Compliance several times but nothing had been done to date.

3. Frederick Hartmann, resident, also commented on the condition of the property located at 1798 Glenwood Street, NE. He asked for information pertaining to the Code Compliance complaints on this property. He had heard that the property was being fined in addition to a lien on the home, but nothing had been cleaned up on the property.

Mayor Capote said that this had been an ongoing situation and asked staff to research same. Mrs. Morrell said that staff was monitoring the issue and the Code Enforcement Board had not met due to the pandemic.

**PUBLIC HEARING(S):**

**1. Ordinance 2020-13, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘General Provisions’ and ‘District Regulations’ by creating definitions and establishing regulations related to accessory dwelling units (Case T-3-2020, City of Palm Bay), 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 Johnson, seconded by Mr. Bailey, to adopt Ordinance 2020-13. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Ordinance 2020-18, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from Public/Semi-Public Use to Single-Family Residential Use (11.71 acres)(Case CP-2-2020, Paul Yates), final 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 Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-18. 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 2020-19, rezoning property located east of and adjacent to Dalhart Avenue, in the vicinity between Geary Street and Harper Boulevard, from RS-2 (Single-Family Residential District) to RR (Rural Residential District) (11.71 acres)(Case CPZ-2-2020, Paul Yates), final 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. Bailey, seconded by Mr. Santiago, to adopt Ordinance 2020-19. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**4. Ordinance 2020-25, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Torgerson Road, in the vicinity east of Toronto Avenue, from Recreation and Open Space Use to Single-Family Residential Use (5.5 acres)(Case CP-5-2020, Brandon and Carissa Stranz), only one reading required.**

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments contained in the staff report.

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. Bailey, seconded by Mr. Anderson, to approve Ordinance 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.

**5. Ordinance 2020-26, amending the Code of Ordinances, Chapter 70, General Provisions, Subchapter ‘General Provisions’, by revising provisions related to parking of vehicles in residential areas (Case T-8-2020, City of Palm Bay), first reading.**

The item, announced under Agenda Revisions, was withdrawn from the agenda.

**6. Ordinance 2020-27, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter ‘Unsightly and Unsanitary Conditions’, by revising provisions related to parking of vehicles in residential areas (Case T-8-2020, City of Palm Bay), first reading.**

The item, announced under Agenda Revisions, was withdrawn from the agenda.

**7. Ordinance 2020-28, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters ‘General Provisions’ and ‘Supplementary District Regulations’, by revising provisions related to parking of vehicles in residential areas (Case T-8-2020, City of Palm Bay), first reading.**

The item, announced under Agenda Revisions, was withdrawn from the agenda.

**8. Ordinance 2020-29, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter ‘Stormwater Management Utility’, by revising provisions contained therein (Case T-14-2020, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended that the request be approved, based on the analysis contained in the staff report.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-29.

Motion carried with members voting as follows:

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

**♣9. Request by Thomas Marshall for a variance to allow a proposed detached workshop relief from the requirement that no accessory structure shall exceed the size of the principal structure’s living area (0.24 acres)(Case V-9-2020).**

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

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. Deputy Mayor Johnson asked if the workshop was for a home-based business. Mr. Marshall said it was not for a business, just hobby and personal purposes. The public hearing was closed.

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

**♣10. Request by Steamboat Landing, LLC for a variance to allow a proposed sign to exceed the maximum allowable height by 10 feet and a maximum sign area by 35 square feet (0.60 acres)(Case V-11-2020).**

The Planning and Zoning Board recommended that the request be approved, subject to the condition that the development would not be permitted additional pole signs on Dixie Highway.

The City Attorney read the ordinance in caption only. The public hearing was opened. Curtis McKinney, representative for the applicant, presented the request to Council. Mr. Bailey asked if the applicant approved of the condition by the Planning and Zoning Board. Mr. McKinney confirmed same and commented on the implementation of directional signs. Mr. Bailey asked staff about the directional signs. Mr. Bradley advised that those signs were already permitted by regulation and did not need to be included as a condition. The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the request, subject to the condition that the development would not be permitted additional pole signs on Dixie Highway. 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 2020-30, vacating a portion of the rear public utility and drainage easement located within Lot 18, Block 253, Port Malabar Unit 8 (Case VE-4-2020, Jaime Vargas Jr.), 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 Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-30. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**12. Ordinance 2020-31, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 53, Port Malabar Unit 4 (Case VE-5-2020, Redwood RE Holdings II, LLC), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Robert Morin, 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 2020-31. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**13. Ordinance 2020-32, vacating a portion of the rear public utility and drainage easement located within Lot 16, Block 7, Port Malabar Country Club Unit 1 (Case VE-6-2020, Anthony Acosta), first reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Linda Acosta, 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 2020-32. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**14. Ordinance 2020-33, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 1719, Port Malabar Unit 36 (Case VE-7-2020, M. Lavonte Stanley), 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 Deputy Mayor Johnson, seconded by Mr. Santiago, to approve Ordinance 2020-33. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**☞ 15. Ordinance 2020-35, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by exempting multi-family developments of less than five (5) units from the additional zoning provisions currently provided in the applicable districts (Case T-8-2020, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended that the request be approved, based on the analysis contained in the staff report.

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



Motion by Mr. Bailey, seconded by Mr. Santiago, to approve Ordinance 2020-35.

Mr. Bailey asked Mr. Santiago for background information on the item as he was the originator. Mr. Santiago said the purpose was to provide diversity in the types of housing as well as affordable housing. Mr. Bailey asked if Mr. Santiago brought this forward on his own or if an individual asked him to do so. Mr. Santiago said he had received input from members of the public, but also to follow with recent text amendments, such as the tiny homes.

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):**

### **Award of Bid(s):**

**\*1. Electrical supply – IFB 30-0-2020 – Facilities Department (CED Vero Beach, A&J Leggio Enterprises, LLC and Florida Bulb & Ballast – estimated \$120,000 annually ‘as needed’).**

Staff Recommendation: Approve the award for electrical supply to CED Vero Beach, A&J Leggio Enterprises, LLC, and Florida Bulb & Ballast in the estimated annual amount of \$120,000, ‘as needed’, for an initial two (2) year term, with the option to renew for an additional three (3) one-year terms.

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

**\*2. Road bond paving, Units 11, 15, 18, 23 and 56 – IFB 32-0-2020 – Public Works Department (Asphalt Paving System, Inc. - \$2,190,727 (Unit 11); \$1,540,020 (Unit 15); \$2,499,351 (Unit 18); \$3,203,032 (Unit 23); and \$1,077,529 (Unit 56)).**

Staff Recommendation: Approve the award for road bond paving of Units 11, 15, 18, 23, and 56 to Asphalt Paving System, Inc. in the amount of \$2,190,726.90 (Unit 11); \$1,540,019.71 (Unit 15); \$2,499,350.82 (Unit 18); \$3,203,031.95 (Unit 23); and \$1,077,528.67 (Unit 56).

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

**\*3. Type 6 brush truck – IFB 58-0-2020 – Fire Rescue (Midwest Fire - \$113,334 (funded by CDBG Program)).**

Staff Recommendation: Approve the award for the purchase of a type 6 brush truck to Midwest Fire (Luverne, Minnesota) in the amount of \$113,334 (funded by the CDBG program).

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

**\*4. Mobile water tender – IFB 59-0-2020 – Fire Rescue (Midwest Fire - \$254,754 (funded by CDBG Program)).**

Staff Recommendation: Approve the award for the purchase of the mobile water tender to Midwest Fire (Luverne, Minnesota) in the amount of \$254,754 (funded by the CDBG program).

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

**Miscellaneous:**

**\*1. Clarifier valve replacement, North Regional Wastewater Treatment Plant (emergency purchase) – Utilities Department (Ferguson Waterworks - \$17,846 (purchase of new valve); L7 Construction, Inc. - \$39,186 (removal of existing/installation of new valve)).**

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment for the clarifier valve replacement (emergency procurement) at the North Regional Wastewater Treatment Plant to Ferguson Waterworks for the purchase of the new valve in the amount of \$17,845.50; and to L7 Construction for the removal of the existing/installation of the new valve in the amount of \$39,185.57.

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

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of one (1) member to the Community Development Advisory Board.**

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to re-appoint David Hernandez to the Community Development Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

### **COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

1. Mr. Anderson announced that he would not be seeking re-election.
2. Mr. Bailey asked to participate in the Police Department's use of force training.
3. Mr. Santiago announced that he would not be seeking re-election for his last term.
4. Mayor Capote said there was potential for an active hurricane season. Florida Power and Light had been working on hardening its system with the installation of new poles and lines. He asked that residents be patient should the community experience a hurricane event and loss of power.

Councilmembers expressed their personal comments regarding the events surrounding the death of George Floyd. Chief Moya said that the Palm Bay Police Department practiced sound principles regarding use of force procedures. He provided his vision of how to further enhance the Police Department and continue the positive relationship with the community.

### **NEW BUSINESS: (Ordinance is for first reading.)**

**\*1. Resolution 2020-27, authorizing the execution and delivery of an amended and restated equipment lease/purchase agreement with Banc of America Public Capital Corp.**

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

**\*2. Ordinance 2020-34, amending the Code of Ordinances, Chapter 37, Departmental Divisions, by removing provisions related to Housing and Community Development.**

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

**3. Consideration of a Utility Agreement with Avery Springs Subdivision; authorize the purchase of pumps and electrical panel to support Regional Pump Station 1 (\$157,815).**

Staff Recommendation: Authorize staff to execute the Avery Springs Subdivision Utility Agreement and for the Utilities Department to purchase and furnish the pumps and electrical panel required to support the RPS-1; and approve the piggyback purchase of pumps and electrical panel utilizing the Orange County purchasing agreement in the amount of \$157,815.

Bill Battin, resident, submitted a virtual comment. He questioned why the sale of land to a developer was contingent upon the City building a \$1.8 million lift station to support the development. He said that Avery Springs had been inactive since 2015 and asked what would happen if Avery Springs did not come to completion.

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to approve the agreement and piggyback purchase.

Mrs. Morrell advised that the lift station would support all anticipated development in the northwest quadrant of the City, not just Avery Springs. Mr. Little explained the history of the project.

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 establishing a Code Compliance Amnesty Program through December 31, 2020.**

Staff Recommendation: Approve the Code Compliance Amnesty Program from June 5, 2020, thru December 31, 2020.

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

**\*5. Consideration of a temporary waiver of mobile food vendor fees through September 30, 2020.**

Staff Recommendation: Approve a temporary waiver of mobile food vendor fees related to COVID-19 economic impacts from June 5, 2020, through September 30, 2020.

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

**6. Consideration of a budget amendment for potable water off-site improvements related to Bayridge Subdivision (\$37,049).**

Staff Recommendation: Approve a budget amendment for potable water off-site improvements related to Bayridge Subdivision, allocating \$37,049 from Undesignated Fund Balance to account 423-8021-533-6324, Project #20WS20.

Bill Battin, resident, submitted a virtual comment. He questioned if the new work to be done would require demolition of the work that had just been completed. He did not want the newly paved Gaynor Drive to be affected in order to fix something.

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

**\*7. Consideration of the proposed budget for the Bayfront Community Redevelopment Agency for Fiscal Year 2021.**

The item, announced under Agenda Revisions, was withdrawn from the agenda.

**\*8. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended March 31, 2020.**

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

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Mrs. Morrell responded to Mr. Battin's comment on Item 6, under New Business. She said that the work was complete, and Gaynor Drive would not be affected.
2. Mrs. Morrell requested a workshop to discuss proposed amendments to parking regulations on Thursday, June 11, 2020, at 6:00 P.M. Mr. Bailey asked that it be postponed until meetings were no longer virtual. Mr. Santiago said he was okay with moving forward with it now. Council concurred to schedule the meeting on June 11, 2020, at 6:00 P.M.
3. Mrs. Smith advised that staff would be requesting a workshop in the future regarding the noise ordinance.

**PUBLIC COMMENTS/RESPONSES:**

There were no public comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:03 p.m.

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William Capote, MAYOR

ATTEST:

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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.