

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2020-22

Held on Thursday, the 18<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 7:06 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>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Present was Suzanne Sherman, Deputy City Manager; Chief Nelson Moya, Police Department.

### ANNOUNCEMENT(S):

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

- 1. Four (4) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City', and 'advocate for low-income persons').++**
- 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 Melbourne-Tillman Water Control District (represents ‘resident within district’ position).++**
5. **One vacancy on the Citizens’ Budget Advisory Committee (represents ‘at-large’ position).++**
6. **One (1) vacancy on the Citizens’ Budget Advisory Committee (represents ‘at-large’ position).+**

**AGENDA REVISION(S):**

1. Mrs. Jones announced the following revisions:
  - a.) Juneteenth Celebration Proclamation would be added as Item 1, under Recognitions and Proclamations; and
  - b.) Parks and Recreation Month Proclamation would be added as Item 2, under Recognitions and Proclamations.

**CONSENT AGENDA:**

All items listed under Consent Agenda were considered and enacted by the following motion:

Motion by Mr. Santiago, seconded by Mr. Anderson, that the Consent Agenda be approved with the removal of Items 1 and 7, 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.

1. **Award of Bid: Babcock Street Connection and Left Turn Lane (Phase 1 and 2) - IFB 56-0-2020 - Public Works Department (MJC Land Development, LLC - \$321,526.32).**

Staff Recommendation: Approve budget and additional appropriation of funding in the amount of \$21,226.32 from Transportation Impact Fees, Nexus 32909, for Phase 1 and 2 of St. Johns Heritage Parkway Intersection project; and b) approve the award for Phase 1 and 2 Babcock Street Connection and left turn lane to MJC Development, LLC, in the amount of \$321,526.32.

Peter Filiberto, resident, asked why the City was paying a developer to finish the road and mentioned that a local business placed a bid but was not considered. Mrs. Morrell said the procurement process allowed for anyone to bid on the project and the lowest bidder would be considered.

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

Mr. Bailey said he had the same concerns as Mr. Filiberto but understood the procurement process had been followed correctly. He would be voting against 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

**2. Award of Bid: Greater Palm Bay Senior Center Renovation - IFB 37-0-2020 - Parks and Recreation Department (Archangel Engineering and Construction, Inc. - \$400,609).**

Staff Recommendation: Approve the award for renovations to the Greater Palm Bay Senior Center to Archangel Engineering and Construction, Inc., in the amount of \$400,609, utilizing Community Development Block Grant funds.

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

**3. Contract: Bidding Support Services, South Regional Water Treatment Plant - TO 01-2019-003 - Utilities Department (Tetra Tech - \$49,188).**

Staff Recommendation: Approve the appropriation of funds on the next scheduled budget amendment in the amount of \$49,188 for Tetra Tech Task Order 01-2019-003 for the South Regional Water Treatment Plant Expansion, Bidding Support Services.

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

**4. Ordinance 2020-39, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, first reading.**

The City Attorney read the ordinance in caption only.

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

**5. Consideration of an agreement with Florida Department of Emergency Management for the Hazard Mitigation Grant Program for Police Headquarters new roof and hurricane shutters.**

Staff Recommendation: a) approve the grant agreement between the City of Palm Bay and Florida Department of Emergency Management; b) authorize the City Manager to execute the grant agreement, and c) authorize the Police Department to submit a Budget Amendment Request for the funding of the grant's required local match from the General Fund Undesignated Fund balance (\$224,473).

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

**6. Consideration of an Interlocal Agreement with Brevard County as it relates to CARES Act funding.**

Staff Recommendation: Authorize the Mayor to execute the agreement.

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

**7. Request by Space Coast Cultural Arts and Business Organization Charities, Inc. for a reduction of fees pursuant to the adopted Parks and Recreation rate resolution.**

Staff Recommendation: Authorize an eighty-five percent (85%) reduction from the adopted fee of ten dollars (\$10) per hour, for non-profit use, to \$3.33 per hour for thirty (30) hours of use per month.

Bill Battin, resident, questioned why a tax exempt, non-profit entity could receive financial breaks from the City, but residents could not, even though residents had financial difficulties as well. Mrs. Morrell advised that a fee reduction for non-profit organizations was adopted annually by City Council with the rate resolutions.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the reduction of fees as requested.

Mr. Bailey felt that the policy needed to be reviewed and updated or enforced as is. He had concerns with approving fee reductions on an individual basis.

Motion carried with members voting as follows:

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

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

Staff Recommendation: Approve the travel and training as specified.

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

**9. Acknowledgement of the City's monthly financial report for April 2020.**

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

**RECOGNITIONS AND PROCLAMATION(S):**

The proclamations were read.

- 1. Juneteenth Celebration – June 19, 2020.**
- 2. Parks and Recreation Month – July 2020.**

**ADOPTION OF MINUTES:**

- 1. Special Council Meeting 2020-20; May 28, 2020.**

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt the minutes as presented. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy

Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**2. Regular Council Meeting 2020-21; June 4, 2020.**

Motion by Mr. Santiago, seconded by Mr. Bailey, to adopt the minutes as presented. 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 made general comments.

1. Courtney Curry, resident, submitted a virtual comment. She asked for an update on the new interchange and connector road.
2. Individuals commented on the need for services for the homeless and asked Council to schedule a workshop to address the issue.
3. Dionna Gayle, resident, said that her road (Fitzpatrick Avenue) was in need of repair. She asked that her street be moved up on the list for paving.
4. Thomas Gaume, resident, advised that the City Charter stated that the City shall have a Police Department. He said that could mean just one officer. He said a referendum should be presented on the November ballot to maintain a minimum amount of funding for the Police Department based on a per capita basis.

Mrs. Morrell responded to comments. She provided an update on the interchange and intersection with a tentative opening of October. She added that Fitzpatrick Drive was slated for Year 3 of the Road Bond Program.

Mr. Anderson asked about a workshop regarding the homeless. Mayor Capote said that Mr. Rebman had taken on the task and he resigned from the volunteer position with the City. He said that Council had moved on with an internal plan since that time. Mr. Anderson said that direction had been given about a service center and related job description for a volunteer liaison which seemed to have fallen to the wayside. He also wanted quarterly reports from the Police Department and Brevard Homeless Coalition to determine if the homeless population estimates were accurate. He felt that there would be an increase once the pandemic was over. Mayor Capote did not feel that Council would have an issue with Councilman Anderson taking on that task and suggested that

he discuss these issues with the faith-based organizations. Councilman Anderson concurred.

**PUBLIC HEARING(S):**

**1. 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), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened.

Thomas Gaume, resident, said the stormwater utility should fall under the Public Works Department budget, not Utilities, and should be part of the General Fund. It should not be on the utility bill or be considered as a fee.

Bill Battin, resident, asked the annual cost to the residents as it was not reflected in the ordinance.

Mrs. Morrell advised that the fee resolution would be presented at the regular Council meeting on July 16<sup>th</sup>.

The public hearing was closed.

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

Mr. Anderson felt this should be part of the Public Works budget and did not support the request.

Mr. Bailey said the ordinance addressed the revenue sources for the Stormwater Program. He said that if Council was agreeable to removing some of the references to the revenue sources, he would support tabling the item to the next meeting after further review.

Deputy Mayor Johnson asked Councilman Anderson what he preferred to include in the ordinance. Mr. Anderson said he wanted it included in the Public Works budget and handled during the budget cycle. He asked staff's input on including in the budget. Mrs. Morrell said the request was to approve the methodology as the assessment process was overturned by the voters. Rates would be considered at the July 16<sup>th</sup> regular Council meeting or during the budget process.

Mr. Santiago had no objection either way, if placed on the utility bill or billed separately and directed toward the Stormwater Fund, not General Fund. Mrs. Morrell said that those funds could only be placed in the Stormwater Fund and used only for stormwater related projects. Mr. Santiago said he was okay with tabling the item until discussed during the budget cycle. He added that his concern was the City may not receive one hundred percent (100%) collection rate and those who would be paying the fee would also be paying for those that failed to pay the fee.

Mayor Capote asked if it was legally acceptable to table the item. Mrs. Smith said there were no legal issues if Council desired to table the ordinance.

Mr. Santiago withdrew his motion and Deputy Mayor Johnson withdrew his second to the motion.

Motion by Mr. Bailey, seconded by Mr. Santiago, to table the item.

Mr. Bailey said that he was under the impression that Mr. Gaume and Councilman Anderson were not questioning the rate, but if there should even be a rate at all. If there was no rate, then the revenue sources under Section 174.092(A)(1) and (2) would be removed from the ordinance. Mayor Capote said that as the item had been tabled, discussion should be held when the item was presented in the future.

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 2020-30, 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.), 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. Bailey, to adopt 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.

**3. 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), 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. Bailey, to adopt 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.

**4. 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), 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 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.

**5. 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), 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. Anderson, to adopt 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.

**6. Ordinance 2020-34, amending the Code of Ordinances, Chapter 37, Departmental Divisions, by removing provisions related to Housing and Community Development, 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. Santiago, to adopt Ordinance 2020-34. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy

Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**7. 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), 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. Santiago, to adopt Ordinance 2020-35. 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 2020-36, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Goldcoast Road, in the vicinity north of Malabar Road, from Single-Family Residential Use to Commercial Use (0.54 acres)(Case CP-6-2020, Masone Properties and Development), only one reading required.**

The Planning and Zoning Board recommended that the request be approved, subject to the staff comments and the condition that access to the lots be restricted to Malabar Road and Emerson Drive.

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

Peter Filiberto, resident, asked that a landscape buffer be installed along with the wall. Mr. Masone advised that there would be landscaping along the wall.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-36. 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 2020-37, rezoning property located west of and adjacent to Goldcoast Road, in the vicinity north of Malabar Road, from RS-2 (Single-Family**

**Residential District) to RC (Restricted Commercial District) (0.54 acres)(Case CPZ-6-2020, Masone Properties and Development), first reading (Quasi-Judicial Proceeding).**

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

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 2020-37. 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 2020-38, vacating a portion of the rear public utility and drainage easement located within Lot 30, Block 727, Port Malabar Unit 16 (Case VE-8-2020, Gary and Avril Gordon), first reading.**

Staff recommended that the request be approved, per the analysis section of 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. Anderson, seconded by Mr. Santiago, to approve Ordinance 2020-38. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Staff requested that Item 12 be considered prior to Item 11, under Public Hearings. Council concurred.

**12. Consideration of Public Service Agency Recommendations for the Fiscal Year 2020-2021 Annual Action Plan.**

The Community Development Advisory Board recommended funding to the top five (5) public service agencies as follows: a) Aging Matters (\$27,000); b) South Brevard Women's Center (\$27,404); c) Brevard County Legal Aid (\$20,000); d) Greater Melbourne Police Athletic League (\$22,404); and e) Evans Center (\$20,000).

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

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to approve funding to the public service agencies as recommended by 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.

**11. Resolution 2020-28, approving the Fiscal Year 2020-2021 Annual Action Plan and Recommendations of Programs and Activities to be Funded by CDBG and HOME.**

The City Attorney read the resolution 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 adopt Resolution 2020-28. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

**UNFINISHED AND OLD BUSINESS:**

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

Motion by Deputy Mayor Johnson, seconded by Mr. Anderson, to reappoint Alan Borkowski to the 'banking industry' position on the Community Development Advisory Board.

Mr. Bailey asked if Mr. Borkowski served in the banking industry. Mrs. Jones advised that positions were filled to the best extent possible for the advertised positions but were not required to be employed in those occupations.

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

**2. Appointment of one (1) member to the Youth Advisory Board.**

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Miguel Wisner Cuartas the 'at-large student member' position on the Youth 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.

#### **COMMITTEE AND COUNCIL REPORTS:**

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

1. Mr. Anderson asked for consensus from Council on initiating research on a service center for the homeless. Council concurred.
2. Mr. Santiago had a meeting with Police Department staff and United Third Bridge to discuss bringing back the Police Athletic League (PAL). He wanted to see what a good PAL Program looked like in other cities, how much it would cost to run the program and funding options to get one started. He asked for consensus on same for the next budget. Council concurred.
3. Deputy Mayor Johnson asked for staff to report on the Cool Cops Program. Chief Moya said he had attended the Youth Advisory Board (YAB) to discuss ideas of how to engage the youth in the community. The YAB presented the option of a mentoring program. Club Esteem, a Melbourne-based mentoring program, provided services to mostly Palm Bay youth. The City collaborated with Club Esteem to create the Cool Cops Program. Funding and staff would still be needed for same.

#### **NEW BUSINESS:**

1. **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. (CONTINUED FROM RCM 05/21/20).**

The City Attorney read the resolution in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt 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.

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

1. Mrs. Morrell requested a workshop on Tuesday, June 23, 2020, at 6:00 P.M., to provide a mid-year review of the Fiscal Year 2019-2020 budget and to discuss the Fiscal Year 2020-2021 proposed budget. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

There were no public comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 8:50 p.m.

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William Capote, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK