

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-42

Held on Thursday, the 3rd day of December 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 7:01 P.M.

Bishop Merton L. Clark, Truth Revealed International Ministries, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Robert Medina	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Donny Felix	Present
ACTING CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Laurence Bradley, Growth Management Director; Frank Watanabe, Public Works Director/City Engineer; Joan Junkala-Brown, Community Planning and Economic Development Director; Chris Little, Utilities Director; Fred Poppe, Parks and Recreation Director; Nelson Moya, Police Chief.

ANNOUNCEMENT(S):

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

- 1. Two (2) terms expiring on the Infrastructure Advisory and Oversight Board (represents 'at-large' positions).++**
- 2. One (1) vacancy on the Recreation Advisory Board (represents 'at-large' position).++**
- 3. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++**
- 4. Three (3) vacancies on the Disaster Relief Committee.++**

5. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++

AGENDA REVISION(S):

1. Ms. Sherman announced the following revisions to the agenda:

a. There were corrections to the Funding Appropriations on Item 2, under New Business, relating to the legislative priorities:

1) For the Utilities Department, the total funding appropriation request was increased from \$1,125,000 to \$1,630,500, due to the utility impact fees effective January 1st; and

2) The funding appropriation for the Information Technology Department should have reflected \$660,000.

b. The subject on the Legislative Memorandum of Item 3, under New Business, was revised to include Deputy Mayor Johnson's name as well as an expanded description for consideration of a lease agreement with Brevard Public Schools for development of a disc golf course.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, that the Consent Agenda be approved with the removal of Item 6, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Adoption of Minutes: Regular Council Meeting 2020-39; November 5, 2020.

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

2. Adoption of Minutes: Regular Council Meeting 2020-40; November 19, 2020.

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

3. Adoption of Minutes: Special Council Meeting 2020-41; November 23, 2020.

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

4. Award of Bid: Drainage pipe connection, St. Johns Heritage Parkway to Fire Station retention pond – IFB 12-0-2021 – Public Works Department (MJC Land Development, LLC - \$145,163).

Staff Recommendation: Award the bid for drainage pipe connection, from the St. Johns Heritage Parkway to the Fire Station retention pond, to MJC Land Development, LLC, in the amount of \$145,163.

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

5. Resolution 2020-61, naming a park site located at the northeast corner of Wake Forest Road and Barnes Avenue as ‘West Pine Estates Park’.

The City Attorney read the resolution in caption only.

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

6. Consideration of the sale of nine (9) surplus escheated properties in Holiday Park (\$51,570).

Staff Recommendation: Authorize the Acting City Manager to execute the sale contracts for all nine (9) properties for a total of \$51,570 in sale proceeds.

Mr. Bailey was concerned that the offer was too low, especially since they had water and sewer services. He said that a lot of payments were written off and not collected, and felt that the properties could be sold at a higher cost in order to recover the debt. He said the City was in process of securing a residential broker within the next thirty (30) days and suggested waiting until that time to try and get better offers. Mr. Bailey suggested a counteroffer of \$15,000 per property and if any properties were not sold, they could be handled by the broker. Otherwise, Council should reject the current offers and allow the broker to sell the properties.

Deputy Mayor Johnson supported either option. Mr. Felix agreed that the offers were very low and felt all offers should be rejected and have the broker perform a fair valuation of each property. Mayor Medina and Mr. Foster concurred.

Sheree Morris, District Manager, Holiday Park Recreation District (District), said it was the District’s intent to remove the derelict homes. She said the District was not trying to make any money and she felt the City had put a lot of money into the properties already.

The properties were a nuisance and the District just wanted to clean up the neighborhood and make it a better community for the seniors. Ms. Morris asked that Council reconsider its stance.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to reject all offers and allow the City's broker to handle the sale of the properties.

Mr. Bailey clarified that offers had not been accepted, only received. He said that it would be a month or so for the broker to be secured and then the properties could be advertised accordingly.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Consideration of utilizing additional funding from the General Fund Undesignated Fund balance for the increased estimates of eleven (11) replacement vehicles for the Police Department (\$21,646).

Staff Recommendation: Approve the use of an additional \$21,646 from the General Fund Undesignated Fund balance towards the increased estimates of the eleven (11) replacement vehicles for the Police Department.

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

8. Consideration of appropriation of funds from Building Department Undesignated Fund Balance for new positions within the Building Department (\$133,651).

Staff Recommendation: Approve a budget amendment from the Building Department Undesignated Fund Balance for new positions within the Building Department, in the amount of \$133,651.

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

9. Consideration of appropriation of funds for engineering and other contractual services for removal of an abandoned water main at Jupiter bridge/C-1 canal (\$35,000).

Staff Recommendation: Approve the appropriation of funds for engineering and other contractual services for removal of an abandoned water main at Jupiter bridge/C-1 canal, in the amount of \$35,000.

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

10. Consideration of a grant application to Firehouse Subs Public Safety Foundation to obtain dive equipment for the Police Department dive team.

Staff Recommendation: Approve the submittal of a grant application to Firehouse Subs Public Safety Foundation for the purpose of obtaining dive equipment for the Police Department dive team and to re-submit quarterly, if needed, to continue competitive efforts to secure the grant funding in 2021.

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

11. Consideration of travel and training for specified employee (Fire Department).

Staff Recommendation: Approve the travel and training as specified.

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

RECOGNITIONS AND PROCLAMATIONS:

The proclamation was read.

1. Proclamation: Family Christmas Day Extravaganza - December 19, 2020. (Mayor Medina)

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

1. Garnell McAfee Jr., resident, asked Council to pass a resolution/proclamation similar to the City of Asheville, North Carolina, which supported community reparations for the black community.

2. Angela Moore, resident, commented on the increased costs with Republic Services versus Waste Management for solid waste services at her commercial property. She asked Council to revisit the contract with Republic Services.

PUBLIC HEARING(S):

1. Ordinance 2020-82, amending the Code of Ordinances, Chapter 37, Growth Management Department, by modifying provisions related to the Land Development Division (T-35-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-82. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2020-83, amending the Code of Ordinances, Chapter 40, Building Department, by modifying duties and responsibilities of the department (T-35-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-83. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2020-84, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Floodplain Management', by modifying provisions contained therein (T-35-2020, City of Palm Bay), first reading.

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

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-84. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Resolution 2020-58, granting approval of a Planned Unit Development (PUD) Preliminary Development Plan of a single-family residential subdivision to be known as ‘Gardens of Waterstone Phase 1 PUD’, which property is located west of and adjacent to Mara Loma Boulevard, in the vicinity south of Melbourne Tillman Water Control District Canal 38 (44.65 acres) (Case PD-32-2020, Waterstone Farms, LLC) (Quasi-Judicial Proceeding).

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 resolution 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 Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Resolution 2020-58, subject to the staff comments contained in the staff report and the following items being submitted with a Final PUD application: 1) a preliminary subdivision plat and a boundary and title opinion; 2) deed restrictions establishing development standards and minimum dwelling sizes; 3) Specific layout and architectural drawings illustrating the amenities and walking trails; and 4) the technical comments generated by the Development Review Staff shall be observed and incorporated into all future subdivision designs. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Resolution 2020-59, granting a conditional use to allow an assisted living facility to be known as ‘Hampton Manor of Palm Bay’ in IU (Institutional Use District) zoning on property located in the vicinity south of Koutnik Road, between Ruffin and Buffing Circles (20.19 acres) (Case CU-30-2020, DSG, LLC and Gus & Son, LLC) (Quasi-Judicial Proceeding).

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 resolution in caption only. The public hearing was opened.

Jake Wise, representative for the applicant, presented the request to Council. He stated that the proposed project would occupy 7.65 acres of the 20-acre parcel.

Mr. Bailey asked about the material to be used for the opaque fence. Mr. Wise answered that it would be vinyl PVC. Mr. Bailey asked how many residents attended the public meeting. Mr. Wise said it was approximately twenty-five (25) people.

Bill Battin, resident, asked what would be done with the remaining 12.51 acres on the property. He said there was nothing to stop another phase to be developed on the property.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2020-59, subject to the following conditions: 1) submittal of a traffic impact analysis; 2) the developer shall pay their Proportionate Fair Share of the cost of all necessary traffic improvements; 3) construct a porte-cochere at the main entrance to the building; 4) the opaque perimeter fence shall be constructed of either wood or PVC, and extended on the west side of the property north to Pilgrim Lane; 5) the building height shall be restricted to a maximum of twenty-five (25) feet; 6) the developer shall work closely with city staff to save as many existing specimen trees as practical; and 7) construct an emergency access to Satz Street for future development.

Mr. Bailey responded to the comment that if this request was approved, the property owners would require additional approvals to develop the remaining 12.51 acres. He clarified that the remaining wooded area could be cleared in the future for development. He felt that the applicant had met all criteria and supported the request.

Mayor Medina said he visited the site and did not agree with the traffic counts provided. He felt it would disrupt and change the community and did not support the request. Mr. Bailey asked to reopen the public hearing so that staff could address the emergency access to Satz Street. Mayor Medina said the public hearing had been closed and would not be reopened. He asked for any further discussion from Council.

Deputy Mayor Johnson supported staff's recommendation. He said the traffic impact would be minimal.

Mr. Foster agreed that there would not be a lot of traffic as the individuals housed at the facility would not be driving, only receiving visits from family and friends. He supported the request with the additional access.

Mayor Medina said an official traffic study had not been performed as yet. He said an additional access, regardless of it being emergency vehicles, would impact the residents and neighborhood on the east side of the site. Mr. Bailey said that pursuant to the ordinance, a traffic impact analysis was required at the time of the proposed development of the site. However, under Item G of the Staff Report, the ITE Trip Generation Informational Report reflected that assisted living facilities (ALFs) were generally a low producer of overall traffic. He said that if Council were to deny the request based on Item G, competent evidence would be required to support the denial. Mayor Medina said his denial was based on what he had seen with other ALFs throughout the community and the traffic generated for same.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Johnson	Yea
Councilman Bailey	Yea
Councilman Foster	Yea
Councilman Felix	Yea

6. Resolution 2020-60, granting a conditional use to allow for an automotive fuel dispensary in LI (Light Industrial and Warehousing District) zoning on property located at the southeast corner of Taylor Avenue and Kirby Circle (1.6 acres) (Case CU-31-2020, WJJ Land Holdings, LLC) (Quasi-Judicial Proceeding).

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

The City Attorney read the resolution 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. Felix, to adopt Resolution 2020-60. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Request by Palladio Development, LLC, for a variance to allow the east side of a proposed single-family home to exceed the allowable finish floor elevation by a maximum of 2.2 feet, as established by Section 174.073(A)(3), Palm Bay Code of Ordinances (0.23 acres) (V-26-2020) (Quasi-Judicial Proceeding).

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

The public hearing was opened. The applicant was not present.

Stephen Stomber, resident, was located adjacent to the property and opposed the request. He said the increased elevation would cause additional water runoff and erosion onto his property.

Mr. Watanabe said that the finished floor elevations were established by Brevard County when they set the septic system. He said that as homes were being built, Brevard County was setting the elevations higher and higher, and the older homes were at lower elevations as was established at the time that those homes were built. Mr. Watanabe explained that during the process of permitting the driveway and reviewing the drainage, staff would assess and try to manage any erosion issues. Staff would work with developers to ensure that the grading went toward the front of the house and to the street versus the back. Mayor Medina suggested that Mr. Stomber work with City staff.

Bill Battin, resident, called a Point of Order as a resident was permitted to speak twice on the issue and others were given the opportunity to speak when his name was called to make his comment. He said the applicant stated that it would be favorably economical to request the additional elevation. However, it would cost more for the adjacent properties that were of lower elevation to deal with flooding issues.

Sean Hartley, resident and realtor, said that Mr. Stomber's home was built a year ago and he did not understand how Brevard County would have modified its regulations to increase the elevations in such a short period of time. He had experienced the devalue of homes with lower elevations due to buyers' concerns of flooding.

Mr. Foster asked if there had been excessive flooding in that area. Mr. Watanabe said it varied as there were low lying flood areas, but as long as the swales and canals were properly maintained, the water would flow appropriately. Mr. Foster requested information on the flood zone of the area.

Mr. Bailey asked if the item could be continued due to the absence of the applicant, even though the public hearing had been opened. Ms. Smith said that Council should continue the request as the applicant had to be allowed to provide any necessary evidence. Mr. Bailey said that Council typically continued the first hearing if the applicant was not in attendance.

Phil Weinberg, resident and Chairman of the Planning and Zoning Board (P&Z), advised that P&Z had recommended approval of this request because the home to the west was at a higher elevation than the request presented tonight.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to continue the request to the next regular Council meeting on December 17, 2020. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Request by Dale Herscher, for a variance to allow a proposed covered carport to encroach 6.5 feet into the 8-foot side interior building setback as established by Section 185.033(F)(7)(b), Palm Bay Code of Ordinances (0.23 acres) (V-28-2020) (Quasi-Judicial Proceeding).

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

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

Bill Battin, resident, understood the purpose of the request, but said the runoff from the roof of the carport would fall right onto the property line and could cause issues for the adjacent property owner. The applicant said he would install a gutter if needed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the request, with the condition that a gutter be installed to prevent flooding onto the neighboring property. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

PROCUREMENTS:

1. Award of Bid: Malabar Road pipe repair – IFB 05-0-2021 – Public Works Department (Insituform Technologies, LLC - \$1,151,152).

Staff Recommendation: Approve the award for Malabar Road pipe repair to Insituform Technologies, LLC (Chesterfield, Missouri), in the amount of \$1,151,152.40.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to award the bid as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Award of Bid: Road bond paving, Unit 17 – IFB 07-0-2021 – Public Works Department (Ranger Construction Industries - \$1,569,051.75).

Staff Recommendation: Approve the award for road bond paving, Unit 17, to Ranger Construction Industries (Fort Pierce), in the amount of \$1,426,410.75 plus \$142,641 for the contingency change orders.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to award the bid as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject.

1. Deputy Mayor Johnson advised that he was working with staff on an Adopt-A-Park Program, which would be for volunteers and local organizations. The purpose would be to adopt a park for a year and keep it clean. Signage honoring the organization/individual would be posted as well. The program would be for ages ten (10) and older, with at least one adult supervisor, and a minimum of ten (10) clean-ups for the year. He wanted to ensure that the Palm Bay Chamber was involved as well.

2. Mayor Medina made the following reports:

a) Requested a workshop with the Federal Bureau of Investigation (FBI) regarding an anti-corruption briefing. He wanted to have it sometime in the first quarter of 2021.

b) Advised that he wanted to purchase “challenge coins”, similar to those distributed by the military, and utilize the City logo. He said the coins would be given to employees and residents as encouragement or praise. Council concurred.

Deputy Mayor Johnson said he was not opposed to the workshop but asked if it was common practice to have a workshop of this nature. Mr. Foster asked if Mayor Medina had spoken to anyone in the FBI. Mayor Medina said he had a contact at the FBI that would be available. Mr. Foster asked if it was different from the Florida Commission on Ethics. Mayor Medina said it would be a briefing on different aspects, such as contracts, and review potential pitfalls and related case studies. Mr. Bailey supported having the workshop and felt it would be interesting, but also thought it was unorthodox. He asked if this had been done at any other municipalities and, if so, that information from those

meetings be provided to Council. Mayor Medina said this type of meeting had occurred in other cities. He said the workshop was more of an informative session. Mr. Felix supported the workshop, especially for public perception.

NEW BUSINESS:

1. Consideration of adopting Christmas Eve (December 24) as an official holiday observed by the City of Palm Bay. (Deputy Mayor Johnson)

Staff Recommendation: Adopt Christmas Eve (December 24th) as an official holiday observed by the City of Palm Bay.

Ms. Sherman advised that the estimated cost for this year was \$97,925. Deputy Mayor Johnson said that all but two municipalities, as well as Brevard County, were closed on Christmas Eve.

Robert Burns, Viera resident, asked if the expense was in addition to the funding already budgeted and, if denied by Council, if those monies could be utilized for other purposes. Ms. Sherman said it was an additional cost that was not in the existing budget. She said that funding from current position vacancies would be used this year to offset the expense.

Mr. Bailey said that previous Council had concurred that if the holiday fell on a Tuesday or Thursday, then the Monday or Friday would automatically be budgeted as a day off for that year.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt December 24th as an official holiday.

Mr. Bailey understood that the majority of cities were closed and added that Palm Bay employees received a floating day for their birthday. He recommended swapping the floating birthday, Presidents Day or Labor Day and there would be no fiscal impact. He said that some cities had swapped Martin Luther King Jr. Day.

Mr. Foster disagreed and felt it should be a permanent holiday. Mr. Felix concurred with Councilman Foster. Mayor Medina was pleased that the City had flexibility right now to afford the day off but cautioned that the City may not be in the same position in the future. He supported approving for this year only and discuss with staff for future years.

Mr. Bailey said that swapping the day with another holiday or floating day would keep the number of annual holidays for employees at eleven (11) which was in line with the other municipalities.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to amend the motion to approve Christmas Eve off for this year and for Council to consider Christmas Eve as a holiday during the Fiscal Year 2021-2022 budget process.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Nay
Councilman Foster	Yea
Councilman Felix	Yea

2. Consideration of the City's state legislative priorities.

Staff Recommendation: Approve the 2021 Legislative Priorities of the City and authorize City staff, in coordination with the City's state lobbying firm, to pursue the City's legislative agenda and seek legislative support and sponsorship from the Brevard Delegation; and approve the request for \$200,000 in General Fund reserves to serve as local match for Funding Appropriation Request 3 relating to cybersecurity.

Mrs. Junkala-Brown detailed the six (6) priorities: three (3) funding appropriation requests and three (3) legislation/policy recommendations. Shawn Foster and Sam Wagoner, Sunrise Consulting Group (City's state lobbying firm), reviewed proposed items for the upcoming Legislative Session.

Mr. Bailey asked if items could be moved around, such as the request from the Procurement Department being moved to Priority 1. Mr. Shawn Foster said Council could prioritize as desired.

Deputy Mayor Johnson said his priorities were the septic-to-sewer conversions and baffle boxes to protect and support the Indian River Lagoon (IRL).

Mr. Wagoner advised of a new rule in the Florida House of Representatives (House) known as the Fifty Percent Rule. In order for a project to be considered by the House, it must be funded at fifty percent (50%) or more of the amount proposed in the bill.

Mr. Felix supported any projects that would help the IRL.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the 2021 state legislative priorities and the request for \$200,000 for local match.

As there was a public comment, Mr. Bailey withdrew his second to the motion and Deputy Mayor Johnson withdrew his motion.

Bill Battin, resident, asked the location of the 150 residential parcels that would benefit from the septic-to-sewer conversion; if the property owners would be required to connect to the system; if new roads would be torn up to install the lines; and if the City or the residents had to pay for the connection. Ms. Sherman advised that the selected parcels were located in the vicinity of Turkey Creek and the IRL; it would be a mandatory hook-up; new services would not be extended in the area so roads would not be affected; and the funding would pay for the entirety of the hook-up, but she was unsure if it included the abandonment and removal of the septic tank and drain field. However, if the removal was not included, then funding could be obtained through Save Our Indian River Lagoon (SOIRL).

Mr. Little said it was set up for those that had sewer available but were not connected. The homeowner would abandon the septic tank and connect. The exact properties had not been identified but the parcels would not necessarily be at Turkey Creek or within the SOIRL area. Many were along canals that may go into St. Johns Water Management District or towards Turkey Creek. Mr. Bailey asked about costs for connection from the roadway to the house. Mr. Little said that impact fees would remain as is; the main line extension (MLE) fees would be waived; and fees for septic system abandonment and plumbing for connection from road to house were included. Costs to the property owner would be little to nothing.

Mr. Foster asked if there was a state law for mandatory connection. Mr. Little said that Florida Statutes stated that the utility had to notify the property owner when services were available and that they would have to connect within one year. Deputy Mayor Johnson added that the issue was there was no way to enforce the law.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the 2021 state legislative priorities and the request for the \$200,000 local match.

Mr. Bailey asked that the Procurement Department's request, under Legislation/Policy Priorities, be moved from Priority 3 to Priority 1 and explained his reasons for same. He felt that the septic-to-sewer could be moved down as there was no enforcement mechanism.

Mayor Medina felt that staff prioritized the items for a reason and after discussing these issues with staff, he was confident that all items would be addressed as if they were Priority 1. Deputy Mayor Johnson said his motion would remain as stated.

Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Consideration of an interlocal agreement with Brevard Public Schools for the purpose of sharing the use of sports and recreational facilities (Deputy Mayor Johnson); and consideration of a lease agreement with Brevard Public Schools for development of a disc golf course.

Staff Recommendation: Authorize and approve the Acting City Manager to execute the interlocal and lease agreements.

Deputy Mayor Johnson and Mr. Poppe presented the interlocal agreement request to Council. Council supported the request.

Mr. Poppe presented the lease agreement request to Council. Mr. Bailey supported the request but questioned if the fence would still have to be installed if the City did not develop the site. Mr. Poppe felt the intent was that the fence would be in place to protect private properties from activities of the golf course.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to authorize and approve the Acting City Manager to execute the agreements as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Consideration of a pay adjustment for sworn and communications center personnel within the Police Department (\$478,350).

Staff Recommendation: Approve the implementation of the pay adjustments and corresponding related expenditures for sworn and communications center personnel within the Police Department, up to \$478,350.

Chief Moya provided a salary study of sworn and communications center personnel. Over the last year, twelve (12) police officers had resigned for law enforcement positions at other agencies or in private sector; and seven (7) telecommunicators had left for positions within the City in the previous eighteen (18) months. Officer vacancies spread across all four (4) patrol shifts as well as in each of the specialty units, which created increased workload demands on the remaining personnel. Chief Moya said that challenges included the City being at the lower end of the pay scale; aging vehicle fleet; and restricted one-time bonus for Certified Police Officers. He said the request for sworn personnel was for a pay adjustment equivalent to the value of two (2) steps for all Officers, Sergeants and

Lieutenants; change Telecommunicator to Communications Officer Training and then to progress to Communications Officer upon certification; and change Communications Shift Supervisor from Grade M to Grade P.

Mr. Bailey said that many of the municipalities had a higher turnover rate than Palm Bay, with only Satellite Beach possibly being lower. He said that the City of Cocoa offered 2.25% per year of experience, up to five (5) years, as an incentive and asked if that would be an option. Chief Moya said he had reviewed that option but felt that a one-time bonus of \$1,000 per year, up to \$4,000 for four (4) years of prior experience, was more suitable. Mr. Bailey asked if the cost of the Pension Obligation Bonds were included. Chief Moya answered that the bonds were not captured in the Police Department's budget. Mr. Bailey reviewed salary comparisons to include benefits and commented on the large Pension Obligation Bond. He said that as Palm Bay had a lower turnover, maybe employees were leaving due to promotional opportunities and not salary. Chief Moya answered further questions posed by councilmembers.

Deputy Mayor Johnson felt this was an easy ask. He understood the fiscal impact but questioned the impact to the community and knew that it would be far more substantial.

Mr. Foster knew from experience how salary increases stopped the issues of retention. He supported the request and stated his reasons for same. He said it was not about pension, but about pay and competing with other law enforcement agencies.

Mr. Felix felt the ask was fair and supported the request.

Mayor Medina said that the Chief was tasked to equip the men and women of the Police Department with a higher morale and that could not be done if there was dissention and staff was leaving the department.

An individual spoke in favor of the request.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the pay adjustments as requested.

Mr. Bailey said that one of his concerns was that there were three percent (3%) increases at the bottom level, and nine percent (9%) at the top. He understood the data was there to support it, but funding the police was not just salary, it was the equipment, the vehicles and the compensation. When all of those figures were added together, Palm Bay was at

the top of the comparison chart. He commended staff and said they all do a great job, but there was not enough evidence to approve the item and it should be handled during negotiations.

Mayor Medina said he had questioned the recruitment bonus and asked the findings from the City Attorney. Ms. Smith said there was a question regarding the applicability of Section 215.425, Florida Statutes, as it related to extra compensation. She cited Attorney General Opinion 2005-30, which stated that the City could adopt a policy which would authorize an employment bonus as an incentive for employees to accept employment with the city. If such policy is adopted prior to the hiring of the officer or employee, no extra compensation was being paid after the services had been rendered; rather, it is part of the offer of employment and the provisions of Sections 215.425 and 166.021, Florida Statutes, would not appear to be implicated. Mayor Medina asked if the incentive was being offered when the City went through the recent audit from the State. Ms. Smith confirmed same and said the City was not found to be in violation.

Mr. Bailey clarified that he was in support of the adjustments for the telecommunicator staff.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Nay
Councilman Foster	Yea
Councilman Felix	Yea

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman requested a workshop to provide an overview of the Council-Manager form of government and City Charter on Thursday, December 10, 2020, at 6:00 P.M. Council concurred.
2. Ms. Sherman advised that the total valuation of new commercial activity last year was \$36 million and \$22 million so far for this year.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

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ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:45 p.m.

Robert Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK