

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2020-43

Held on Thursday, the 17<sup>th</sup> 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 7:00 P.M.

Pastor Tom Walker, Centerpointe Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### ROLL CALL:

<b>MAYOR:</b>	Robert Medina	Present
<b>DEPUTY MAYOR:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Jeff Bailey	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Donny Felix	Present
<b>ACTING CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Present was Laurence Bradley, Growth Management Director; Valentino Perez, Building Official; Joan Junkala-Brown, Community and Economic Development Director.

### ANNOUNCEMENT(S):

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

- 1. Two (2) vacancies on the Disaster Relief Committee.++**
- 2. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**
- 3. One (1) vacancy on the Business Improvement District Board (represents 'bank or financial institution' position).++**

### AGENDA REVISION(S):

There were no agenda revisions.

**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. Bailey, that the Consent Agenda be approved as presented. 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 2020-42; December 3, 2020.**

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

**2. Contract: Cityworks enterprise license agreement, renewal – Utilities and Public Works Departments (Azteca Systems, LLC - \$50,000 annually (three-year term)(sole source)).**

Staff Recommendation: Approve the Cityworks enterprise license agreement renewal with Azteca Systems, LLC (Sandy, Utah), in the amount of \$50,000 annually for a three-year term.

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

**3. Contract: Nutrient removal facilities, North Regional Water Reclamation Facility, Change Order 2 – Utilities Department (TLC Diversified, Inc. - \$59,474).**

Staff Recommendation: Approve Change Order 2 for nutrient removal facilities at the North Regional Water Reclamation Facility to TLC Diversified, Inc. (Palmetto), in the amount of \$59,473.47; and approve the appropriation of funds on the next scheduled budget amendment.

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

**4. Miscellaneous: Design, permitting, and bidding services for water distribution system improvements and modifications, eleven (11) locations, Task Order 21-02-IS – Utilities Department (Infrastructure Solutions Services, LLC (ISS) - \$220,870).**

Staff Recommendation: Approve Task Order 21-02-IS for design, permitting, and bidding services for water distribution system improvements and modifications at eleven (11) locations, as specified in the City Manager’s Legislative Memorandum, against Master Agreement 36-0-2020 with Infrastructure Solutions Services, LLC, in the amount of \$220,870.

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

**5. Ordinance 2020-85, amending the Code of Ordinances, Chapter 39, Community and Economic Development, by including additional provisions for the Economic Development Division and adding the Business Improvement District as a departmental division, first reading.**

The City Attorney read the ordinance in caption only.

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

**6. Ordinance 2020-86, amending the Code of Ordinances, Chapter 92, Noise, by modifying definitions 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.

**7. Consideration of utilizing two (2) Local Housing Assistance Plan (LHAP) strategies (owner-occupied rehab and special needs) to fund repairs for a single-family rehabilitation at 1498 Ranger Road.**

Staff Recommendation: Authorize the utilization of two (2) Local Housing Assistance Plan (LHAP) strategies (owner-occupied rehab and special needs) to fund repairs for a single-family rehabilitation at 1498 Ranger Road SE (SHIP Single Family Rehab - \$50,000; SHIP Special Needs - \$4,581).

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

**8. Consideration of reallocating State Housing Initiative Partnership Program funds to meet the needs of wait-listed residents for the single-family rehabilitation and utility hook-up assistance programs (\$426,019).**

Staff Recommendation: Approve a budget amendment reallocating State Housing Initiative Partnership Program funds in the amount of \$369,019 to the single-family rehabilitation program and \$30,000 to the utility hook-up assistance program, to meet the needs of wait-listed residents.

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

**9. Consideration of travel and training for specified 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.

**PRESENTATIONS:**

- 1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce – quarterly update.** Ms. Peltonen provided an update on the Chamber's activities.
- 2. Frank Watanabe, Public Works Director - road paving program update.** Mr. Watanabe provided an update on the Piping Program; road surface maintenance; Years 1, 2 and 3 of the Road Paving Program; and swale trenching and excavating in Unit 23.

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

There were no public comments.

**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), 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 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), 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 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), 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 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. Ordinance 2020-58, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Building Code', by eliminating the requirement for a building permit for accessory structures 120 square feet or less in residential districts associated with single-family dwellings and revising provisions contained therein (Case T-20-2020, City of Palm Bay), first reading. (Councilman Bailey) (CONTINUED FROM 09/03/20 RCM and 11/04/20 P&Z)**

The Planning and Zoning Board recommended that the request be approved, to include that a zoning review remain as a requirement.

The City Attorney read the ordinance in caption only. The public hearing was opened. Councilman Bailey presented the request to Council.

Deputy Mayor Johnson said that several municipalities had adopted a similar ordinance. He asked if there were there any issues with installation of the structures. His concern was safety when disastrous events threatened the area and the possibility of the structures being blown over.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-58, to include that a zoning review remain as a requirement.

Mr. Bailey responded to Deputy Mayor Johnson's comment and stated that staff and the Planning and Zoning Board felt that installation would not be an issue. He said that if Palm Bay was in a higher wind zone, there would be stricter regulations for the installation of the structures, but he did not feel there was a concern.

Mr. Felix agreed with the safety issue as stated by Deputy Mayor Johnson. He felt Palm Bay was susceptible to high winds during hurricanes due to its proximity to the coastline. He said there was a public safety issue if there was no guarantee that the structures were properly installed.

Mayor Medina said this was an interesting issue, not only for the property owner to be allowed to install a shed, but for those that may be in jeopardy of a shed that was not properly anchored. He asked if the structures could still be inspected, especially with the removal of the building permit requirement. Mr. Bailey said the time it took to get an inspection was the issue, not the inspection fee. He said there were many other items in someone's yard that could blow around. If there were any violations, Code Compliance would cite the property owner accordingly. In addition, there were numerous unpermitted sheds throughout the City.

Mr. Bradley said that a zoning review would still be performed as the structures had to comply with the zoning for location, as well as size and height. If the structure was not pre-manufactured and approved by the State, a building permit was still required. It also could not be placed on a concrete slab without a building permit and could not have utilities or habitation. Its purpose would be for storage. Mr. Perez had no additional comments or concerns regarding the request.

Motion carried with members voting as follows:

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

**5. 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). (CONTINUED FROM RCM - 12/03/20, first occurrence)**

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

The public hearing was opened. Ms. Katja Jones, representative for the applicant, presented the request to Council.

Stephen Stomber, resident, was located adjacent to the property and spoke against the request. He objected to the proposed elevation and the sign posted on the property as it did not cite the correct section from the Code of Ordinances (Code). He said that if the request was approved, it should be stated for the record that the builder could not modify the elevation after-the-fact.

Ms. Smith reviewed the sign and said that although the Code reference was incorrect, the specifics of the request and all other requirements pursuant to the Code had been reflected accordingly on the sign. Ms. Katja Jones said that the information for the sign was provided by staff. Mr. Bradley agreed that the sign was incorrect, but the legal advertisement and notice to property owners had the correct information. He said the elevation for this home would be one foot lower than Mr. Stomber's house and staff review was required for the plans to ensure that the house complied with the variance.

Mr. Stomber requested to speak again. Mr. Bailey called a Point of Order and advised that speakers were only allowed to speak once, but Council could modify that policy in the future, if desired.

The public hearing was closed.

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

**6. Ordinance 2020-87, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by modifying front yard building setbacks and parking areas, and reducing the minimum side corner building setback in RC (Restricted Commercial District) zoning (Case T-33-2020, City of Palm Bay), first reading. (Councilman Bailey)**

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.

Bill Battin, resident, said it would be better to grant variances on a case by case basis instead of approving a blanket request for an entire zoning district. Otherwise, separate variance requests would be submitted to further reduce the setback requirements on parcels.

Councilman Bailey presented the request to Council. He said there were very limited areas throughout the City that had RC zoning, and most were along Malabar Road. Ms. Sherman said the setbacks would be consistent with CC (Community Commercial District) zoning.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2020-87. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**7. Ordinance 2020-88, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'District Regulations', by including additional definitions and providing provisions for small-box discount stores in NC (Neighborhood Commercial District) zoning (Case T-34-2020, City of Palm Bay), first reading. (Deputy Mayor Johnson)**

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. Deputy Mayor Johnson presented the request to Council.

Mr. Bradley said that for the small-box discount stores, the impact to the sales was only ten percent (10%) of the total floor area. The architectural style choices were reduced as these stores would mostly be located near residential areas.

Mr. Foster asked if this would change the operations of a box store. Mr. Bradley answered that it would require them to carry a slightly different product line, which would only be ten percent (10%) of the total floor area. The other ninety percent (90%) would still be whatever currently existed in the store. Family Dollar, Dollar General and Dollar Tree would all be considered small-box stores. Mr. Bradley said that this was similar to a Dollar



General Market that was located in Merritt Island. Mr. Foster said that if a store wanted to come into the City and did not sell food, then they would be in violation of the ordinance and this would affect their business model. Mr. Bradley said that if a business currently existed or had an application in process prior to adoption of this ordinance, then they would not be in violation.

Mr. Bailey said that vacant parcels in NC zoning seemed spread throughout the City and asked if a distance study had been performed. Mr. Bradley said that a study had not been done, but similar businesses could be within one mile of each other. The one-mile provision was for applications received after enactment of the ordinance. Mr. Bailey asked if there were any other zoning districts in which similar uses had a distance requirement. Mr. Bradley said there were others that were regulated either by the Code or Florida Statutes, such as assisted living facilities, but he did not fully research same. Mr. Bradley clarified that the distance provision for the small-box stores was only within the NC zoning and did not apply within the other zoning districts.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2020-88.

Deputy Mayor Johnson said this was not prohibiting commercial uses but protected the surrounding residential neighborhoods. It ensured that the businesses complimented the area and did not contradict them.

Mr. Foster said the City was dictating business models and how close a business should be to others like it. He said that variety was a good thing, but Council should not tell businesses how to change their business models. It limited the amount of businesses that came to the City.

Mr. Bailey said it was awkward to say a business could be in NC zoning and operate one way but go into another zoning and operate the same business a different way. He agreed with Councilman Foster. He further stated his reasons for not supporting the request.

Mr. Felix saw it was an added value for neighborhoods as residents could go a short distance to a store for a few groceries as an alternate to large grocery stores. Existing business were not being asked to conform to the new regulations.

Mayor Medina said that even though the intent was good, he did not agree with the government overreach. He said this was a free society and competition of businesses was what drove the economy. He did not support the ordinance.

Mr. Foster said he would support the request if the fruits and vegetables and the ten percent (10%) was removed from the ordinance. Mr. Bradley said if those three (3) provisions were removed, the mile separation, architectural design and required wall or fence when abutting residential would remain in the ordinance.

Mayor Medina asked Mr. Foster if he wanted to regulate the distance between the businesses. Mr. Foster said two of the same businesses would not be near each other, such as two McDonald's across the street from one another. He was concerned with telling a business what they should sell in their facility.

Mr. Bailey supported both the architecture and the buffering. He said that competition would be limited with the other provisions, and it was not fair to businesses.

Mr. Felix said the ten percent (10%) provision was the core value of the ordinance. He felt more comfortable removing the distance requirement.

Mr. Bradley said the distance was based on the type of store, not the store brand. Mr. Foster said he would be in favor of the ordinance with the removal of the distance, and the requirement for fruits and vegetables.

Deputy Mayor Johnson said he had no issue removing the distance provision but wanted to keep the fruits and vegetables.

Mr. Foster withdrew his second to the motion.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2020-88, with the amendment to remove the distance requirement.

Motion failed with members voting as follows:

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

**PROCUREMENTS:**

**1. Award of Bid: Residential Brokerage Services – IFB 06-0-2021 – Community and Economic Development Department (Ellingson Properties, LLC – commissions from proceeds of sales).**

Staff Recommendation: Approve the award for residential brokerage services to Ellingson Properties, LLC (Rockledge), for a one-year term, renewable by the Procurement Department for two (2) additional one-year terms.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to award the bid as requested.

Mr. Bailey had hoped a local business would be awarded the contract but knew that would be a hard task and that staff made numerous efforts to get the word out. He felt it was important to move forward.

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, Units 1, 2, 3, 4, 27, 35, 43, and 47 – IFB 14-0-2021 – Public Works Department (VA Paving, Inc. - \$3,370,209).**

Staff Recommendation: Approve the award for road bond paving in Units 1, 2, 3, 4, 27, 35, 43, and 47 to VA Paving, Inc. (Cocoa), in the amount of \$3,370,209.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, 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.

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of two (2) members to the Infrastructure Advisory and Oversight Board.**

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. Number 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Rebecca Thibert and David Jones to the Infrastructure Advisory and Oversight Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

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

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. Number 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Jaclyn Bounaito to the Recreation Advisory Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**3. Appointment of one (1) member to the Disaster Relief Committee.**

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Keith Miller to the Disaster Relief Committee. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

**COMMITTEE AND COUNCIL REPORTS:**

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

1. Mr. Felix made the following advisory board appointments:
  - a. Terry Muller – Infrastructure Advisory and Oversight Board; and
  - b. Phillip Snyder – Sustainability Board.
2. Mr. Foster made the following advisory board appointments:
  - a. Paul Edwards – Infrastructure Advisory and Oversight Board;
  - b. Alberta Clinkscales – Citizens’ Budget Advisory Board;
  - c. Kay Maragh – Sustainability Board; and
  - d. Gabriel Capote – Recreation Advisory Board.
3. Deputy Mayor Johnson made the following advisory board appointments:
  - a. Susan Connolly – Sustainability Board; and
  - b. Ann-Marie Fraser – Infrastructure Advisory and Oversight Board.
4. Mayor Medina made the following advisory board appointments:

- a. Patrick Woodard – Infrastructure Advisory and Oversight Board and Citizens' Budget Advisory Board;
- b. Benjamin Aubin, Jr. – Recreation Advisory Board; and
- c. Lesley Byrd – Sustainability Board.

**NEW BUSINESS:**

**1. Resolution 2020-62, supporting U.S. Space Force Command in Brevard County. (Mayor Medina)**

Mayor Medina presented the item to Council. The City Attorney read the resolution in caption only.

Bill Battin, resident, spoke in favor of the resolution. He did not want to see another housing development replace the Malabar Annex.

Motion by Mr. Bailey, seconded by Mr. Foster, to adopt Resolution 2020-62.

Deputy Mayor Johnson asked if Brevard County had a similar resolution. Mayor Medina said that Palm Bay was joining efforts with Brevard County. Deputy Mayor Johnson asked if the City's lobbyists should be involved. Mayor Medina said this was a federal issue and asked if the City had a federal lobbyist. Ms. Sherman answered in the negative but said that the state lobbyists were aware of this item and would advocate when needed.

Deputy Mayor Johnson said he would present the resolution to the Space Coast League of Cities.

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

**2. Consideration of a subordination policy for the City's state and federal housing grant programs.**

Staff Recommendation: Approve a subordination policy for the City's state and federal housing grant program.

Bill Battin, resident, spoke in favor of the policy.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the subordination policy as requested.

Mr. Bailey asked for clarification that there was no written policy currently in place, and with no policy in place, staff did not subordinate under any circumstance. Ms. Sherman confirmed same. Mr. Bailey asked if any grant funding used for the Homes for Warriors Program had been reimbursed after the homes were sold. Mrs. Junkala-Brown did not have all the information for the Homes for Warriors Program but would provide Council with an update.

Mr. Bailey felt that ‘refinancing for educational purposes’, under Item 5 should be removed from the policy. Mrs. Junkala-Brown stated that staff had originally stricken the language from the policy, but staff from the City Attorney’s Office said that if a homeowner had the ability to secure an education that would allow them to continue to make those payments, it would be better for the City. However, the City Manager had the discretion of declining the request. Mr. Bailey said there were appropriate loan measures by the federal government for student loans. He did not think it was a proper way of refinancing a home in order to get the money for education. Ms. Smith said it was a policy decision, but it was not her preference to subordinate liens unless it was due to an emergency.

Mrs. Junkala-Brown explained that the intent of the policy was if the homeowner was refinancing and the City was in a first lien position because there was no mortgage, the City could reassume its position as the lienholder. The homeowner could not take out equity to remodel their home. The educational component allowed the homeowner to take equity to pay for their tuition. She said that staff had originally removed the ‘refinancing for educational purposes’ and ‘refinancing for medical emergencies’.

Mr. Foster withdrew his second to the motion.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the subordination policy with the removal of ‘refinancing for educational purposes’ and ‘refinancing for medical emergencies’, under Item 5 of the policy.

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 councilmembers serving as representatives to other agencies/organizations/committees.**

Councilmembers announced on which agencies/organizations/committees they wished to serve.

Mayor Medina expressed interest in serving on the Police and Firefighters' Pension Plan, Board of Trustees. Mr. Foster recommended that William Capote continue to serve until the expiration of the term. There was question as to whether Mr. Capote could continue to serve as he was no longer Mayor or if he could serve as a resident. Staff would research same and bring the matter back to Council at the next meeting.

Council concurred to vote on the appointments for each agency/organization/committee.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to appoint Deputy Mayor Johnson as the delegate and Mayor Medina as the alternate to the Space Coast League of Cities. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to appoint Mayor Medina and Councilmembers Foster and Felix as delegates, and Deputy Mayor Johnson and Councilman Bailey as alternates, to the Space Coast Transportation Planning Organization. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to appoint Mrs. Junkala-Brown as the delegate and Councilman Felix as the alternate to the Ad Valorem Tax Abatement Council. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to appoint Councilman Felix to serve on the Palm Bay Municipal Foundation, Inc.'s Disaster Relief Committee. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Councilmembers Bailey and Foster expressed interest in serving on the Risk Management Committee (Committee). Mr. Foster felt he would serve well on the Committee due to his legal background. Mayor Medina said the position should be yielded to the senior member on Council, Councilman Bailey. Mr. Foster disagreed.

Mayor Medina relinquished the chair to Deputy Mayor Johnson and made the motion to appoint Councilman Bailey to serve on the Risk Management Committee. Mr. Foster called a Point of Order and questioned why Mayor Medina passed the gavel instead of

giving a councilmember the opportunity to make the motion. Mayor Medina explained that as presiding officer, he had the right to make a motion pursuant to Council's Policies and Procedures.

Deputy Mayor Johnson said there was a motion was on the floor and asked for a second to the motion. Mr. Bailey seconded the motion.

Deputy Mayor Johnson said he was okay with either councilman serving on the Committee but felt that Councilman Foster had the experience with the types of cases that would be presented to the Risk Management Committee. Mr. Felix agreed that Councilman Foster had the experience but supported Councilman Bailey as senior member of Council.

Mr. Foster said he had experience with lawsuits, civil rights issues, as well as use of force issues and would provide a good perspective to the City.

Mr. Bailey withdrew his second to the motion. The motion died for lack of a second.

Motion by Mr. Foster, seconded by Mr. Bailey to appoint Councilman Foster to serve on the Risk Management Committee.

Motion carried with members voting as follows:

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

Mayor Medina resumed as presiding officer of the meeting.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman advised of upcoming events.

**PUBLIC COMMENTS/RESPONSES:**

1. Bill Battin, resident, asked when the updated Comprehensive Plan would be completed, and the deadline and process for analyzing same.



Ms. Sherman said the process would take approximately 1-2 years and would begin in 2021. There would be a stakeholders meeting in which the public and various groups would be asked to participate and provide input. Mr. Bradley said there was no specific deadline to update the Comprehensive Plan and advised of upcoming amendments that had to be approved prior to moving forward.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:03 p.m.

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Robert Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK