

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-04

Held on Thursday, the 4th day of February 2021, at the Tony Rosa Community Center, Rooms A and B, 1502 Port Malabar Boulevard, NE, 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.

Councilman Jeff Baily 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
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

ANNOUNCEMENT(S):

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

1. One (1) vacancy on the Community Development Advisory Board (represents 'residential home building', 'actively engaged in home building', 'employer within the City', or 'for-profit provider' positions).+
2. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++
3. Two (2) terms expiring on the Building Construction Advisory Committee (represents 'at-large' positions).++
4. Two (2) terms expiring on the Recreation Advisory Board (represents 'at-large' positions).++
5. Two (2) terms expiring on the Youth Advisory Board (represents 'at-large student member' positions).++

6. Three (3) terms expiring on the Youth Advisory Board (represents 'adult member' positions).++

AGENDA REVISION(S):

1. Ms. Sherman announced that Items 1 through 5, under Public Hearings, were rescheduled to the February 18, 2021, regular Council meeting due to legal notice requirements for the change in venue.

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, with the removal of Item 1, 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 2021-01; January 7, 2021.

Mr. Felix requested the following correction to the minutes: Under Council Reports, he reappointed Philip Weinberg to the Space Coast Transportation Planning Organization's Citizen's Advisory Committee and not the Citizens' Budget Advisory Committee.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the minutes with the correction as stated by Councilman Felix. 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: Laboratory services – IFB 20-0-2021 – Utilities Department (Advanced Laboratories, Inc. - \$90,000 annually); and approve reappropriation of funding from personnel services on the next scheduled budget amendment to outside laboratory services (\$69,630) and Utilities operating fund balance (\$70,788).

Staff Recommendation: Award the bid for laboratory services to Advanced Laboratories, Inc. (Jacksonville), in the amount of \$90,000 annually; with Flower Chemical Laboratories, Inc. (Altamonte Springs) as the secondary vendor; and approve reappropriation of funding from personnel services on the next scheduled budget amendment to outside laboratory services (\$69,630) and Utilities operating fund balance (\$70,788).

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

3. Miscellaneous: ‘Cooperative Purchase’, bucket truck (Sourcewell contract) – Public Works Department (Altec Industries, Inc. - \$149,202).

Staff Recommendation: Approve the ‘cooperative purchase’ of a bucket truck from Altec Industries, Inc. (Birmingham, Alabama), utilizing the Sourcewell contract, in the amount of \$149,202.

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

4. Ordinance 2021-06, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Palm Bay Infrastructure Advisory and Oversight Board', by reinstating the board and revising the sunset date to December 31, 2023, first reading. (CONTINUED FROM RCM 01-21-21)

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 amendment to the interlocal agreement with Brevard County for the Save Our Indian River Lagoon project.

Staff Recommendation: Authorize the City Manager to execute Amendment 2 to the Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement, SOIRL 18-17.

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

6. Consideration of applying for FEMA’s Assistance to Firefighter’s Grant for the purchase of a quint fire apparatus as well as air packs and air bottles sets.

Staff Recommendation: Authorize the Fire Rescue Department to apply for FEMA’s Assistance to Firefighter’s Grant for the purchase of a quint fire apparatus as well as air packs and air bottles sets.

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

7. 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.

8. Acknowledgement of the City's monthly financial report for October 2020.

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

9. Acknowledgement of the City's monthly financial report for November 2020 (Unaudited).

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

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

1. Bill Battin, resident, mentioned the asterisk on the agenda which was in place to denote those items that were to be considered under the Consent Agenda, but the asterisk was no longer applicable with the new agenda format. Mrs. Lefler advised that staff was addressing formatting issues with the vendor and would bring this to their attention to correct on future agendas.

2. Brittney Herndon, President of Palm Bay East Little League (Little League), requested working scoreboards and bleacher covers at several fields. She was advised by the Parks and Recreation Department that it was not feasible at this time. Mayor Medina suggested that the Little League partner with businesses in the community to become a sponsor of a scoreboard or the bleacher covers.

3. Peter Filiberto, resident, commented that the City should match any donations made to the Little League.

PUBLIC HEARING(S):

1. Request by Palm Bay Greens, LLC, to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Country Club Drive, in the vicinity east of Riviera Drive and west of

Port Malabar Boulevard, from Single Family Residential Use to Multiple Family Residential Use (9.99 acres) (Case CP-2-2021). (RESCHEDULED to RCM 02-18-21)

2. Request by Palm Bay Greens, LLC, for approval of a Planned Unit Development (PUD) Preliminary Development Plan of a subdivision to be known as 'The Reserve at Country Club Lake Estates', which property is located north of and adjacent to Country Club Drive, in the vicinity east of Riviera Drive and west of Port Malabar Boulevard) (74.24 acres) (Case PD-2-2021). (RESCHEDULED TO RCM 02-18-21)

3. Request by City of Palm Bay for an Evaluation and Appraisal Report (EAR) amendment to the City's Comprehensive Plan Capital Improvements Element, Coastal Management Element, Infrastructure Element, Intergovernmental Coordination Element, and Transportation Element (Case CP-3-2021). (RESCHEDULED TO RCM 02-18-21)

4. Request by Waterstone Farms, LLC for Preliminary Development Plan approval for a Planned Unit Development (PUD) to be known as 'Cypress Bay West Phase I', which property is located in the vicinity south of Mara Loma Boulevard (77.52 acres) (Case PD-3-2021). (RESCHEDULED TO RCM 02-18-21)

5. Request by Babcock, LLC for a conditional use to allow for an expansion of an existing mining excavation of a borrow pit in GU (General Use Holding District) zoning on property located at the northwest corner of Babcock Street and Centerlane Road (372.19 acres) (Case CU-37-2020). (RESCHEDULED TO RCM 02-18-21)

PROCUREMENTS:

1. Award of Bid: Two Lime Slaking Silo Replacements, North Regional Water Treatment Plant – IFB 23-0-2021 – Utilities Department (Odyssey Manufacturing Company - \$824,000, with a 5% contingency fund of \$41,200).

Staff Recommendation: Approve the award for Two Lime Slaking Silo Replacements, North Regional Water Treatment Plant, to Odyssey Manufacturing Company (Tampa), in the amount of \$824,000, with a 5% contingency fund of \$41,200.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, 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 5 – IFB 25-0-2021 – Public Works Department (VA Paving, Inc. - \$921,044, with a 10% contingency fund of \$92,104).

Staff Recommendation: Approve the award for road bond paving, Unit 5, to VA Paving, Inc. (Cocoa), in the amount of \$921,044.02, with a 10% contingency fund of \$92,104.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, 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. Mr. Foster made an announcement honoring members of law enforcement that had lost their lives in 2021. He said that family members visit the Law Enforcement Memorial and Museum in Washington, D.C., during the month of May for National Police Week. Mayor Medina suggested a presentation at or prior to the Regular Council Meeting in May to coincide with the National Day of Prayer. Council concurred.

2. Mr. Bailey requested that staff continue to work with Republic Services regarding issues from the public and quality of service for the solid waste collection contract. Deputy Mayor Johnson asked the public to provide feedback to City Council via email. Mr. Bailey asked for a summary of complaints be brought to Council for discussion at the next Council Meeting. Council concurred.

3. Mr. Foster asked Mayor Medina to meet with residents of Driskell Heights to discuss their issues related to Republic Services. Mayor Medina said he had met with the residents prior to being elected and agreed to meet with them again.

NEW BUSINESS:

1. Resolution 2021-08, urging the Florida Legislature to approve Medicaid expansion for certain qualified adults under the age of 65 in an effort to improve the health of Floridians. (Councilman Foster)

The City Attorney read the resolution in caption only.

Councilman Foster presented the item to Council. He advised that thirty-nine (39) states had Medicaid expansion, but not Florida.

Susan Connolly, resident, spoke in favor of the request. She said there was an insurance gap of individuals that did not have health insurance due to the lack of the expansion, over fifty percent (50%) of which were people of color.

Bill Battin, resident, asked the following that was reflected in the resolution: how the 138% of the Federal Poverty Level related to the State of Florida; how many of the 19,000 adults in Brevard County were illegal aliens; and why Florida decided not to expand Medicaid. He did not feel this was a good idea and asked that Council deny the request until more information was provided.

Phillip Snyder, resident, stated that he worked in the health insurance industry and said that most individuals in this community could not acquire health insurance.

Motion by Mr. Foster, seconded by Deputy Mayor Johnson, to adopt Resolution 2021-08.

Mayor Medina said he would not support the request. He felt that collaboration with each level of government was key. He said the City should be working with other levels of government, not pointing the finger. These were issues for the State Senators and Representatives, and he had not heard of anyone reaching out to those individuals as a courtesy. Mayor Medina said this had nothing to do with how the City of Palm Bay was governed. He hoped for a unanimous consensus to deny the resolution.

Deputy Mayor Johnson said the maker of the motion should have spoken first, but he did not feel anyone was pointing fingers. He felt it was a request for the Florida Legislature to look into an issue. Mayor Medina asked if it would be more fitting to present it to the Florida League of Cities. Deputy Mayor Johnson said he was okay either way.

Mr. Felix disagreed with the Mayor's comments. He felt that Council was the voice of the people and the resolution was sending a message on behalf of the City Council. The Palm Bay community had residents that were struggling and could really benefit from the expansion.

Mr. Bailey did not feel it was vastly inappropriate with Council expressing its voice through a resolution. However, he did not feel this particular resolution was the way to go and explained his reasons for same. He said that topics such as the Indian River Lagoon or utilities were more appropriate. He said the resolution implied that the state would save money, but the federal government would spend billions of dollars.

Mayor Medina asked if Councilman Foster had contacted the Brevard Delegation. Mr. Foster answered in the negative but was aware that they had been contacted about this issue. Mayor Medina said it was common courtesy to reach out to them. Mr. Bailey said this was not the time to go against the grain. Mayor Medina agreed.

Deputy Mayor Johnson asked if any of Palm Bay's initiatives were being presented by a member of the Brevard Delegation during the Legislative Session. Ms. Sherman was not aware of any formal filings, but there had been an indication of support from the legislators for the baffle box appropriation request. She advised of other potential items.

Mr. Foster said that other municipalities and Florida counties had approved a similar resolution and forwarded same to their state legislators. He said it was up to those legislators to approve or deny the item.

Motion carried with members voting as follows:

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

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman advised that a special Council Meeting would be scheduled in the near future to consider a conditional use request from FAR Chemical Research (Case CU-5-2021). Mr. Bailey asked if hearing procedures could be implemented. Ms. Smith confirmed same and Council concurred.

Mr. Bailey asked if it could become common practice that councilmembers would refrain from meetings with applicants or the public on quasi-judicial issues due to ex-parte communications. Council concurred.

2. Ms. Sherman stated there had been an increased volume of calls to Utilities Customer Service and there were complaints of long wait times. She advised that the annual stormwater bills had been distributed using an incorrect data file and people were receiving bills for properties they no longer owned. Staff was working on correcting the issue.

Mr. Bailey asked if penalties could be waived if residents were paying late due these errors. Ms. Sherman said that if it was the City's error, there would be no penalties. Mr. Bailey felt a blanket amnesty for a month would be easier than handling individually.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Butch Orend, resident, commented on the extremely high elevation of a new home being built. He asked if a variance could be implemented for the older neighborhoods. He also asked if there was a way to opt out of recycling. Ms. Sherman said that residents did not have to utilize the service, but still had to pay for the service.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:36 p.m.

Robert Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK