

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-07

Held on Thursday, the 18th day of March 2021, 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 7:22 P.M.

Councilman Bailey 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
CITY CLERK:	Terese Jones	Present

Mr. Felix participated in the meeting via teleconference.

CITY STAFF: Present was Frank Watanabe, Public Works Director.

ANNOUNCEMENT(S):

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

- 1. Two (2) vacancies on the Building Construction Advisory Committee (represents 'at-large' positions).++**
- 2. One (1) vacancy on the Business Improvement District Board (represents 'at-large' position).++**
- 3. 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).++**
- 4. Two (2) vacancies on the Recreation Advisory Board.++**

5. Three (3) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++

6. Two (2) vacancies on the Youth Advisory Board (represents 'adult member' positions).++

AGENDA REVISION(S):

1. Ms. Sherman announced that two (2) additional Letters of Intent had been provided for Item 2, under New Business, relating to the purchase of three (3) parcels known as Pelican Harbor Marina.

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 removal of Items 8, 11 and 14, 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 2021-05; February 18, 2021.

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

2. Award of Proposal: Feasibility study, environmental assessment for water quality restoration of Turkey Creek - RFP 04-0-2021 – Public Works Department (Geosyntec Consultants, Inc. - \$149,000 (grant-funded)).

Staff Recommendation: Approval for staff to negotiate a final agreement and subsequently award the proposal for a feasibility study of an environmental assessment for water quality restoration of Turkey Creek to Geosyntec Consultants, Inc. (Titusville), in the amount of \$149,000 (grant-funded).

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

3. Contract: Reverse Osmosis Rehabilitation Engineering, North Regional Water Treatment Plant - TO 01-2019-005 - Utilities Department (Tetra Tech - \$158,145).

Staff Recommendation: Authorize the execution of Tetra Tech Task Order 01-2019-005 for the North Regional Water Treatment Plant reverse osmosis rehabilitation engineering, against the master agreement, in the amount of \$158,145.

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

4. Miscellaneous: Continuing consultant services, facilities maintenance engineering (multi-discipline) – RFQ 15-0-2021 – Facilities Department (Graef-USA, Inc.; Architects RZK, Inc.; and Construction Engineering Group, LLC); and authorize staff to negotiate Master Consultant Agreements.

Staff Recommendation: Approve the award for qualifications for continuing consultant services of facilities maintenance engineering (multi-discipline) Graef-USA, Inc. (Maitland); Architects RZK, Inc. (Cocoa); and Construction Engineering Group, LLC (Melbourne); and authorize staff to negotiate master consultant agreements and establish hourly rate schedules for each firm for a one-year term contract, renewable by the Procurement Department for four (4) additional one-year terms.

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

5. Resolution 2021-13, extending the commencement period for a conditional use granted for retail automotive gas/fuel sales in CC (Community Commercial District) zoning (1.5 acres)(Case CU-2-2019), Carmel Development LLC).

The City Attorney read the resolution in caption only.

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

6. Resolution 2021-14, authorizing the submission of a grant application to the Florida Inland Navigation District (FIND) for the replacement of existing and permitted navigable channel markers along Turkey Creek.

The City Attorney read the resolution in caption only.

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

7. Ordinance 2021-14, amending the Code of Ordinances, Chapter 54, Franchises, by repealing the subchapter titled 'Solid Waste Collection', in its entirety, first reading.

The City Attorney read the ordinance in caption only.

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

8. Ordinance 2021-15, amending the Code of Ordinances, Chapter 54, Franchises, by creating a new subchapter to be titled 'Solid Waste Collection', first reading.

The City Attorney read the ordinance in caption only.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2021-15. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Ordinance 2021-16, amending the Code of Ordinances, Chapter 150, Solid Waste Management, subchapters 'General Provisions' and 'Solid Waste Collection', by modifying and updating 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.

10. Consideration of the Bayfront Community Redevelopment Agency 2020 Annual Report.

Staff Recommendation: Approve the annual report of the Bayfront Community Redevelopment Agency.

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

11. Consideration of a Strategic Alliance Memorandum with the U.S. Small Business Administration in order to strengthen and expand small business development in the local area.

Staff Recommendation: Authorize the City Manager to execute the Strategic Alliance Memorandum between the City and the U.S. Small Business Administration (SBA).

Vincent LoPresti, SBA Senior Area Manager, provided an overview of the Memorandum.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the Strategic Alliance Memorandum 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.

12. Consideration of a grant application for the Victims of Crime Act through the Office of the Attorney General.

Staff Recommendation: Authorize staff to submit a grant application for the 2021-2022 Victims of Crime Act.

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

13. Consideration of a grant application to the Scotts Field Refurbishment Program.

Staff Recommendation: Authorize staff to submit a grant application to the Scotts Field Refurbishment Program.

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

14. Consideration of utilizing General Fund to cover additional funding for three (3) locations in the Safe Routes to School (SRTS) project (\$18,421).

Staff Recommendation: Approve the utilization of General Fund Undesignated Fund Balance for four (4) change orders at three (3) locations for the SRTS Project, in the amount of \$18,421 (Christa McAuliffe Elementary School - \$2,483; Jupiter Elementary School - \$14,374; and Discovery Elementary School - \$1,564).

Bill Battin, resident, said that the company that was awarded the project in the amount of \$2.186 million should be able to cover the additional cost. Ms. Sherman advised that the funding was for additional items that were not included in the original scope of the project.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to utilize the General Fund for the SRTS project 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.

15. Acknowledgment of concept paper and authorize submission of a grant application for the Speeding and Aggressive Driving Program through the Florida Department of Transportation.

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

16. Acknowledgement of the City's monthly financial report for January 2021.

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

RECOGNITIONS AND PROCLAMATIONS:

The proclamation was read.

1. Honoring Nicholas F. Tsamoutales, City Attorney/City Attorney Emeritus.

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.

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

Individuals made general comments.

1. Bill Battin, resident, understood why the City took greenspace that was donated to the City and sold it in order to support roads. Now that there was a road paving program, he did not see the need to continue selling greenspace. He hoped that the City would reconsider the selling of same.

2. Ken Smith, resident, expressed concern about a councilmember's comment from the last Council meeting regarding an ordinance amendment and the state laws that contradicted the proposed Palm Bay ordinance. He felt that councilmembers should not determine whether a proposed ordinance was fair or unfair, especially when there was a specific ruling from the Florida Supreme Court. He said Council was required by their Oath of Office to obey and enforce the laws of the United States and the State of Florida.

Mr. Smith added that he did not agree with councilmembers only speaking or meeting with one party and not hearing both sides prior to the hearing. He felt it was a violation of due process.

3. Robert Stise, President of Summerfield Homeowners Association, commented that the ingress/egress of Summerfield was at a 90-degree turn and since 2017, there had been three accidents resulting in death at the location, along with numerous other accidents. The solar powered speed monitors had also been damaged by drivers and needed repair. Mayor Medina asked that Mr. Stise speak with the Public Works Department.

4. Connie McClary, resident, President of Powell's Subdivision Neighborhood Watch, noted complaints and violations regarding Republic Services (Republic). She said that Republic was in violation due to onsite mobile truck fueling and the site was not suitable to house the amount of service trucks and employee vehicles. Republic had cleared an adjacent vacant lot without a permit which was another violation. Council had approved a fuel tank, but Republic had yet to install same. Ms. McClary asked that Council take immediate action and require Republic to find a different location that would be large enough to operate their business or immediately charge the daily fines instead of waiting until the deadline of April 9th. She also requested soil sampling of the area for groundwater contamination.

Ms. Sherman responded to public comments as follows:

Mr. Battin – Ms. Sherman said that in the past, the City was selling its recreational zoned properties. A hold had been put into place on the sale of City properties as staff reevaluated the entire surplus list and it would be presented to Council at a future date for further discussion.

Ms. McClary – Ms. Sherman advised that Republic was in violation for two (2) issues – onsite mobile fueling and parking on the adjacent property which was cleared without a permit. The Code Enforcement Board considered the mobile fueling case at its meeting on March 10th and approved a deadline of April 9th to comply or receive a daily fine of \$250. Based on her conversations with Republic, Ms. Sherman advised that it was not clear if Republic would continue the mobile fueling or if they would send the trucks to local gas stations for fueling. Ms. Sherman said the other issue was that Republic, with the permission of the property owner, cleared an adjacent parcel without a site permit and Republic was working with the City's Engineer to complete the site plan review process.

Mr. Bailey explained that City Council had no control over the time and fees that were set by the Code Enforcement Board. He said that either Republic came into compliance or they would be assessed a fine. He had also been involved in the meetings between staff and Republic and his main concern was that the contract was enforced. He wanted to make sure that the residents were receiving the services for which they paid.

Mr. Foster felt that the problem would not be resolved without Republic and Powell's Subdivision meeting to discuss the issues. He did not understand how Republic was not being fined when a resident would be fined immediately. He suggested a workshop with all parties involved. Mr. Bailey did not feel a workshop was necessary, but he would be agreeable if one councilmember wanted to sit down with both parties.

Mr. Felix said he had visited Republic's site and he felt they were trying to work on the issues. He understood the residents' frustration but wanted staff and Republic to continue working on adhering to the contract.

Deputy Mayor Johnson said that multiple meetings were held between Republic and Powell's Subdivision and staff was included. He said if there was no consensus for a workshop, then it should be discussed at a regular meeting in which residents of the subdivision could attend and voice their concerns. Ms. Sherman advised of those meetings and said that the biggest issue was that Powell's Subdivision did not want Republic in their neighborhood.

Mr. Bailey said that if the case goes back to the Code Enforcement Board and Republic continues to be in violation, then it should be considered as repeat violations which would carry more or double the penalties. Staff could also suggest that the Code Enforcement Board give the maximum penalty should Republic fail to comply.

Mayor Medina expressed concern that if the main issue and request by Powell's Subdivision was for Republic to relocate their business, Council could not legally fulfill that request and a workshop should not be considered.

Council concurred that staff would have meetings with Republic and Powell's Subdivision and Deputy Mayor Johnson would attend those meetings.

Mr. Bailey clarified that residents were not fined immediately. There was a specific process for cases to be presented to the Code Enforcement Board and it took a few months for any property owner to be cited and fined.

PUBLIC HEARING(S):

1. Ordinance 2021-09, amending the Code of Ordinances, Chapter 59, Quasi-Judicial Proceedings, by modifying procedures contained therein, final reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2021-09. 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 2021-10, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by modifying the Rules of Procedure for meeting frequency and quorum requirements, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2021-10. 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 2021-11, granting approval of a Final Development Plan for a proposed single-family residential Planned Unit Development (PUD) to be known as 'The Preserves at Stonebriar Phase II' on property located north of the Melbourne Tillman Drainage District Canal 41-R, in the vicinity between Cogan and Windbrook Drives (28.878 acres) (Case FD-4-2021, Forestar USA Real Estate Group, Inc.) (Quasi-Judicial Proceeding), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Dan Liparini, D.R. Horton and representative for the applicant, presented the request to Council. Pursuant to Council's discussion at the last meeting regarding emergency access, the applicant was agreeable to installing a crash gate at the property line between Tract U-1 and the Summerfield right-of-way.

The public hearing was closed.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2021-11, subject to the staff comments A-F contained in the Staff Report being addressed upon submission of the administrative construction plan approval. 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 2021-12, amending the Code of Ordinances, Chapter 51, Public Hearings, by modifying provisions for withdrawal and denial of public hearing requests (Case T-6-2021, City of Palm Bay), final reading. (Councilman Bailey)

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to adopt Ordinance 2021-12.

Mr. Foster did not feel the ordinance was needed as it hurt the business community and the residents.

Deputy Mayor Johnson said that he did not support the ordinance initially, but once the revisions were made, he agreed.

Mr. Foster said that the amendment created confusion and questioned how a substantially different application would be determined. He added that Council may not agree with the final determination.

Mr. Felix said six (6) months was a long time and felt it would be a deterrent for growth and progress. He did not support the request. Ms. Sherman cited the language from the proposed ordinance that allowed for a waiver of the six (6) month period if there was a substantial change in the application.

Mr. Bailey explained how an applicant abused the process by withdrawing the request at the Council meeting when he saw that the votes would not be in his favor, or he would request to continue the cases to another month. He would basically attempt to wear down the residents so they would not show up and object to the request and he did not feel that was a fair process. Mr. Bailey said this ordinance would prevent those situations from occurring.

There was further discussion on the item. Mr. Bailey said if the vote was unfavorable, he would withdraw the item and have staff implement small changes to bring back for Council's consideration.

Deputy Mayor Johnson withdrew his second to the motion.

Ms. Sherman advised that if this ordinance was adopted, there was a provision in the Palm Bay Code of Ordinances (Section 169.006) that allowed Council to override the decision of the Growth Management Director.

The motion died for lack of a second. Mr. Bailey would bring the ordinance back at a later date with further changes.

A brief recess was taken after which time the meeting resumed.

5. Ordinance 2021-17, vacating a portion of the rear public utility and drainage easement located within Lots 33 and 34, Block 1842, Port Malabar Unit 39 (Case VE-1-2021, Richard Defay), first reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2021-17. 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 2021-18, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2367, Port Malabar Unit 45 (Case VE-2-2021, David Devenney), first reading.

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

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve Ordinance 2021-18. 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 the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program for Fiscal Year 2019-2020.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the CAPER 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 one (1) member to the Sustainability 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 Ziegler to the Sustainability 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) adult member to the Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Jacqueline Brathwaite-Yearby to the 'adult member' position on the Youth 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.

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. Deputy Mayor Johnson said he would be submitting a request to reconsider an amendment to the whistleblower ordinance. The amendment would be to modify the members of the audit committee which currently consisted of the Finance Director, Chief Procurement Officer, Human Resources Director and City Manager. He suggested having the City Clerk and/or City Attorney serve in place of the City Manager. Deputy Mayor Johnson said it was no reflection on the current City Manager. He also requested an update on how many complaints had been filed, how many were anonymous, etc. Council concurred.

2. Mr. Bailey requested a workshop for staff to provide an update on remaining items related to the Joint Legislative Audit Committee and discussion on the whistle blower ordinance could be included as well.
3. Deputy Mayor Johnson appointed Charlie Robbins to the Youth Advisory Board.
4. Mr. Bailey said he would be working with staff on potential textual amendments to address sidewalks and roadways being destroyed by developers during construction projects.

NEW BUSINESS:

1. Resolution 2021-15, naming two (2) baseball fields located at Fred Poppe Regional Park (Roberto Clemente Sports Complex) in honor of Jackie Robinson and Hank Aaron. (Councilman Foster)

The City Attorney read the resolution in caption only. Councilman Foster presented the item to Council.

Individuals spoke in support of the resolution.

Mr. Foster said he had received the blessings from the wives of Hank Aaron and Jackie Robinson to name the fields.

Motion by Councilman Foster, seconded by Mr. Bailey, to adopt Resolution 2021-15. Councilmembers expressed their support of the resolution. 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 Letters of Intent for the purchase of three (3) parcels known as Pelican Harbor Marina.

Staff Recommendation: Authorize the City Manager to execute Letters of Intent at City Council's discretion and to engage in further discussions with the buyer to bring back an offer to Council for future consideration.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to authorize the execution of the Letters of Intent 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.

3. Consideration of the GO Road Bond Paving Program – Phase 3, including the addition of Madden Avenue in Unit 49 (\$44,030,177).

Staff Recommendation: Approve the GO Road Bond Paving Program – Phase 3, with the addition of Madden Avenue in Unit 49, in the amount of \$44,030,177.

Mr. Watanabe presented the request to Council. He provided an overview of the five (5) phase, eight (8) year construction plan. He explained that Unit 49 was currently scheduled for Phase 5. If it were included in Phase 3, it would exceed the allotted bond amount by over \$8 million. He recommended moving Unit 30 from Phase 3 to Phase 2 as it was ready for construction and had no utilities. The paving of Madden Avenue was recommended by the Infrastructure Advisory and Oversight Board (IAOB) and, if done in Phase 3, required full depth reclamation at a cost of \$1.96 million. Mr. Watanabe mentioned there was a small section of Osmosis Drive that could connect from the end of pavement of Unit 31 to Madden Avenue. It would be a full depth reclamation at a cost of approximately \$200,000.

Mr. Foster said if there were only three homes on Madden Avenue, another road should be selected that had more homes on it. Mr. Watanabe said with so many Units throughout the City, the purpose would be to pave the collector roads that received a lot of traffic. In Unit 49, that would be Madden Avenue and Osmosis Drive.

Mr. Felix supported the IAOB's recommendation to include Madden Avenue as it would be an improvement for the entire area.

Don Jordan, resident of Unit 49, spoke to most of his neighbors and they supported the paving of Madden Avenue.

Bill Battin, resident, provided additional suggestions to further connect north to south collector roads on the west side of the City.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the GO Road Bond Paving Program Phase 3, with the addition of Madden Avenue and Osmosis Drive in Unit 49.

Mr. Bailey said Madden Avenue was the recommendation of the IAOB, not staff. He said that Madden Avenue should remain in Phase 5. One board member at the IAOB meeting stated it was a bad precedent to pull out one street. Mr. Bailey said he spoke with members of the IAOB and received two interpretations of the vote at the board meeting

– one thought it meant that Madden Avenue would be done now, and no other roads would ever be paved in Unit 49; the other thought that Madden Avenue would be paved now and then the remainder of Unit 49 would be done later. He said it was massively disproportionate to spend \$2 million compared to the amount of people that would utilize the roadway.

Deputy Mayor Johnson did not feel it would set a precedent. Unit 49 was initially slated for Phase 1, but Council pushed it out to Phase 5, and included other Units in Phase 1. He said that changes were being made along the way and he supported the request as is.

Mayor Medina had no issue with paving Madden Avenue, and it would possibly save more money today than to keep it in Phase 5.

Mr. Bailey said there were still a lot of unknown costs and it was not likely that Madden Avenue would be paved this year. He explained a different way to proceed with the program that had the least amount of preparation, would get the job done quickly, and would have a bigger impact on more families. He added that Units were moved around in different Phases to provide more efficiency. He said that the majority of the IAOB were new members and suggested that they review Phase 3 again and give them a chance to discuss and refine their recommendation. Mr. Watanabe agreed that the new board members may have been confused as there was a lot of discussion and did not truly understand the vote that was made.

Mr. Foster withdrew his second to the motion and said he did not support the request.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Phase 3 as is, with IAOB to further review Madden Avenue and Osmosis Drive at their next meeting.

Motion carried with members voting as follows:

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

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Smith requested an executive session on Tuesday, March 23, 2021, at 6:00 P.M., to discuss settlement negotiations pertaining to Robbie Plante v. City of Palm Bay, OJCC Case 14-007104RLD, date of accident 02/28/09. She advised the meeting should not exceed 20-30 minutes and announced those who would be in attendance. Council concurred.

PUBLIC COMMENTS/RESPONSES:

A resident made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:51 P.M.

Robert Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK