

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-09

Held on Thursday, the 1st day of April 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 7:00 P.M.

Councilman Felix 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

CITY STAFF: Present was Sandra Urban, Housing Assistant; Nelson Moya, Chief of Police; Valentino Perez, Building Department Director; Laurence Bradley, Growth Management Director; Frank Watanabe, Public Works Director/City Engineer; Fred Poppe, Parks and Recreation 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' members who own a commercial property or operate a business within the District; preferably members of the Palm Bay Chamber of Commerce).++**
- 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. Three (3) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++

5. One (1) vacancy on the Youth Advisory Board (represents 'adult member' position).++

AGENDA REVISION(S):

1. Ms. Sherman advised that Item 10, under Consent Agenda, was inadvertently placed on consent and was moved to Item 3, under Unfinished and Old Business.

2. Ms. Smith advised that a travel and training request from the Office of the City Attorney had been added as Item 3, under New Business.

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 as presented, with the removal of Items 9, 12, and 13, from consent; and consideration of Item 10, under Consent Agenda, as Item 3, under Unfinished and Old Business. 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 2021-06; March 4, 2021.

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

2. Adoption of Minutes: Special Council Meeting 2021-08; March 23, 2021.

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

3. Miscellaneous: 'Cooperative Purchase', Mobile generator package (Florida Sheriff's Association Contract) - Building Department (L.J. Power - \$138,698).

Staff Recommendation: Approve the 'Cooperative Purchase' of the TecnoGen 200KW Mobile Generator Package, Model FP225TSX, for the Building Department, with L.J. Power (Melbourne), utilizing the Florida Sheriff's Association contract, in the amount of \$138,698.

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

4. Miscellaneous: Nash Street Repump Station Rehabilitation, Task Order 19-10 (Amendment 2) - Utilities Department (Wade Trim - \$69,536).

Staff Recommendation: Approve Task Order 19-10 (Amendment 2) for the Nash Street repump station rehabilitation, with Wade Trim, in the amount of \$69,536.

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

5. Ordinance 2021-19, amending the Fiscal Year 2020-2021 budget by appropriating and allocating certain monies (second budget amendment), 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 2021-20, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Sustainability Board' by modifying the name of the board and revising quorum requirements, 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. Ordinance 2021-21, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by including additional provisions relating to unimproved real property, 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. Consideration of a Right-of-Way Use Agreement for the installation of a fence at 1802 Cajeput Court NW.

Staff Recommendation: Approve the issuance of a Right-of-Way Use Agreement to install a fence in the City right-of-way at 1802 Cajeput Court NW (Michael Gangwer).

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

9. Consideration of a Ground Lease Agreement with Brightline Trains Florida, LLC for the construction of a new railroad bridge over Turkey Creek.

Staff Recommendation: Approve a Ground Lease Agreement with Brightline Trains Florida, LLC, for the construction of a new railroad bridge over Turkey Creek, in the amount of \$1,531.20 per month, to terminate on September 30, 2022.

Attorney Kendall Moore, Moore Law Group, presented the request to Council. Mr. Bailey asked if there were other leases to compare. Mr. Moore advised they did not pull a list to compare pricing but confirmed that the pricing was average. Mr. Bailey asked how staff determined the amount to ensure that the City was receiving a fair price. Ms. Sherman advised that staff had researched the square foot cost of local area commercial land leases to determine the rate. Staff decided to use approximately one-third of the researched rates to calculate the rate for this project.

Mr. Foster asked if other municipalities had lease agreements to help build the railroad. Mr. Moore confirmed same but only if the property was owned by the municipality. Many properties surrounding the railroad were privately owned. He believed this would be a beneficial way for residents and visitors to travel. Mayor Medina stated that he would like to see a stop in Palm Bay.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the Ground Lease Agreement as requested.

Mr. Bailey stated there was more value at this location and the City did not have enough to compare to prove the City received a fair value. He suggested tabling the item to the April 15th regular Council meeting to get more information before voting on the item. Mayor Medina asked Ms. Sherman if the City did comparisons. Ms. Sherman advised the City looked at commercial ground leases on vacant land. She said it was critical that this request was considered at tonight's meeting.

Deputy Mayor Johnson felt Council should move forward and supported staff's recommendation.

Mr. Bailey asked if Mr. Moore would agree to still provide the other comparable leases. Mr. Moore agreed. Mr. Foster said the City would be receiving \$1,500 per month for a vacant piece of land. He did not want the want the City to delay the project.

Motion carried with members voting as follows:

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

10. Consideration of advancing Unit 30, Madden Avenue and Osmosis Drive ahead of remaining GO Road Bond Paving Program, Phase 2, road paving units.

The item, announced under Agenda Revisions, was moved to Item 3, under Unfinished and Old Business.

11. Consideration of amending capital equipment purchase for slope mowing and cutbacks throughout the City (Public Works Department - \$62,349 savings).

Staff Recommendation: Approve amending the capital equipment purchase for slope mowing and cutbacks throughout the City from the cutter head attachment to the Bush Hog and John Deere attachments, in an estimated savings amount of \$62,349.

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

12. Consideration of allocating Undesigned Fund Balance to repay Brevard County for ineligible HOME Program income expenses (\$58,110).

Staff Recommendation: Approve a budget amendment allocating Undesigned Fund Balance to repay Brevard County for ineligible HOME Program income expenses, in the amount of \$58,110.13.

Bill Battin, resident, inquired as to how the money was spent. Mrs. Urban responded that costs were for administrative expenses, such as salaries and office supplies for Fiscal Years 2016-2020. Ms. Sherman said she would provide Mr. Battin with a detailed list.

Mr. Bailey asked how the error was discovered. Mrs. Urban said that the City had been monitored over the last year by Brevard County and the City's financial records had been provided for the last five fiscal years. It was discovered that those administrative costs were deemed ineligible to be paid through the program.

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

13. Consideration of appropriating personnel and operating funding for a Community Outreach Coordinator within the Building Department (\$69,066).

Staff Recommendation: Approve the appropriation of personnel and operating funding for a full-time Community Outreach Coordinator position within the Building Department, in the amount of \$69,066.

Bill Battin, resident, asked if someone was already performing these duties and if this new position would duplicate efforts. He stated that contractors should already know the rules and did not see a reason to pay an employee out of the General Fund to provide assistance to contractors and citizens.

Ms. Sherman advised that there was currently no designated employee that performed the job and funds would come from the Building Enterprise Fund, not the General Fund. Mr. Perez further explained the needs of the position.

Mr. Foster asked if the department had any type of outreach for the community. Mr. Valentino answered in the negative. Mr. Felix commended the Building Department and said he had seen an increased turnaround in the last year.

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.

14. Consideration of utilizing Undesignated Fund Balance for spent lime removal (Utilities Department - \$50,000).

Staff Recommendation: Approve the utilization of Undesignated Fund Balance for spent lime removal from the North Regional Water Treatment Plant, in the amount of \$50,000.

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

15. Acknowledgement of the Semi-Annual Report of Formal Solicitations awarded by the Procurement Department from October 1, 2020 to March 18, 2021.

Staff Recommendation: Acknowledge receipt of the Semi-Annual Report of Formal Solicitations issued and awarded by the Procurement Department from October 1, 2020 through March 18, 2021.

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

RECOGNITIONS AND PROCLAMATIONS:

The proclamation was read, and winners of the poster contest were announced.

1. Water Conservation Month - April 2021.

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

1. Robert Stise, President of Summerfield at Bayside Lakes Homeowners Association, said he met with Mr. Watanabe regarding safety issues on Bayside Lakes Boulevard at the Summerfield subdivision. He said it was an extremely dangerous area due to the 90-degree turn on Bayside Lakes Boulevard. He said that Mr. Watanabe advised that speed humps were not a viable option, and a traffic light required a minimum of five (5) accidents per month. He requested that staff, including the Police Department, advise on plans to address the situation.

Mr. Bailey suggested rumble strips but was advised by staff that they were not typically used in residential areas because they could become a noise nuisance. Mr. Stise disagreed with rumble strips due to the noise and preferred to have an officer in the area at least once a day for an hour or so with a radar and road strips to track vehicle speeds. He did not feel that the rumble strips would reduce speeding. Mr. Bailey said that police could not be at that location on a consistent basis. Another alternative would be the reflective poles that were typically used to prevent left-hand turns. The poles could be used to keep vehicles in their lanes around the curve. Mr. Stise asked if police could be posted once a month for 2-3 days. Mayor Medina asked staff to have traffic engineers look at this issue and come up with ideas.

Mr. Felix agreed that more police presence would send a message but was unsure how feasible it would be to have police in the area all the time, but encouraged random presence.

Mr. Foster asked Chief Moya to provide input. Chief Moya said that the road was a straight-away, which brought increased speed. He said that speeding remained the biggest issue for the Police Department but would continue to try to increase enforcement in the area. Unless there was another solution to force traffic to slow down prior to entering the turn, the potential for accidents would continue. Chief Moya answered questions posed by councilmembers.

2. Santa Isabel Wright, President of the Florida Puerto Rican Chamber of Commerce, recognized Officer Monica Ruiz for Women's History Month and noted her many accomplishments. She asked that Officer Ruiz's recognition be posted on the City's website, social media, etc.

PUBLIC HEARING(S):

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

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

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to adopt Ordinance 2021-14. 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 2021-15, amending the Code of Ordinances, Chapter 54, Franchises, by creating a new subchapter to be titled 'Solid Waste Collection', final reading.

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

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

3. 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, final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2021-16. 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 2021-17, 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), final reading.

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

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

5. 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), final reading.

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

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

6. Ordinance 2021-22, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Jupiter Boulevard and Brevard Avenue, from Single Family Residential Use to Multiple Family Residential Use and Commercial Use (23.862 acres)(Case CP-1-2021, Sachs Capital Group, LP), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the following conditions contained in the Staff Report: a) at the time of any development plan submittal, the property owner shall submit a traffic impact analysis and Phase One

and Two Environmental Study; b) at the time of site development, a traffic impact analysis would be required, and extensive access management related to the school and Jupiter Boulevard; c) a School Capacity Determination Letter shall be obtained from the Brevard County School Board; and d) the maximum density shall be capped at ten (10) units per acre.

The City Attorney read the ordinance in caption only. The public hearing was opened. David Bassford, MBV Engineering, Inc., and representative for the applicant, presented the request to Council. Mr. Bradley provided specifics of the project and the conditions proposed by staff.

Mayor Medina asked if the School Board was aware of this request. Mr. Bradley confirmed same. Deputy Mayor Johnson asked if staff felt that multi-family was needed throughout the community. Mr. Bradley said numerous requests had been submitted for multi-family projects, but staff had not performed any analyses. Mayor Medina asked if area residents had been notified and how far that notification had extended. Mr. Bradley answered that notifications were sent to property owners within a 500' radius. Mr. Felix supported the request, especially for the diverse housing and the combination with retail. He expressed concern with excess traffic due to the proximity to the schools.

Mr. Bassford answered questions posed by councilmembers. He explained the commercial portion of the project and why certain uses, such as restaurants and apartments, could not be placed at the site.

Mr. Bailey asked if the applicant would agree to a condition that the multi-family would be townhomes only. Mr. Bassford said he did not have authority to agree to the condition and it would be up to the applicant.

Bill Battin, resident, disagreed with the process because Council approved the land use change first and there was no guarantee that the project would ever happen. He also disagreed with the necessary traffic studies not being required until later.

Randall Holshefski, resident, said that all three schools affected were already projected to be at capacity prior to this project being completed. He wondered if the projection would be the same if single-family homes were built instead. He felt there would be other builders in Palm Bay that may be interested in building single-family homes on this property. He was unsure if commercial at that location would be a good use of the site, especially with other strip malls having a lot of vacant stores. He asked Council to consider the vision that may come with the new Comprehensive Plan.

Barbara Bailey, resident expressed concern about the commercial portion of the request. She did not see how commercial fit in that area and how much traffic would be produced.

Mr. Bassford responded to the comments. He said if the request was not approved, then the applicant could not move forward. Required processes, such as traffic studies, infrastructure, etc. would not be done until this initial part of the request was approved.

Mr. Bailey asked about school concurrency. Mr. Bradley said the School Board would have asked for mitigation if it had an issue. It was said that there could be capacity issues, but the School Board would consider looking at other schools outside of the immediate area.

Mr. Bailey asked if there was difference between limiting the units per acre versus the types of uses on the property. Ms. Smith expressed concern with limiting the types of uses as courts caution against governments dictating specific uses on a property when numerous allowable uses were permitted pursuant to the Code of Ordinances.

Mayor Medina advised he was not comfortable changing the zoning on this property. He liked the current uses as is as it had less impact on the community and the schools, and he was concerned about the commercial piece never being developed.

The public hearing was closed.

Motion by Mr. Foster, seconded by Mr. Felix, to approve Ordinance 2021-22, subject to the conditions contained in the Staff Report.

Mr. Foster was concerned that there was no traffic study. Ms. Smith advised that the traffic study would be presented during site plan review, which was after Council approval.

Mr. Bailey felt it would be less of concern if it were a Planned Unit Development as it would be more self-contained and organized, and it would be a better transition from the surrounding uses. He said if the property were sold, then any type of multi-family, such as apartments, could be built at the site. He did not see the commercial piece as being problematic.

Deputy Mayor Johnson did not see a need for more multi-family developments, and he was concerned about traffic.

Mr. Felix said he supported the request and felt there was a need for these types of developments.

Mr. Foster said the request was recommended for approval by staff and the Planning and Zoning Board. The applicant agreed to all of the conditions. He said Council could not predict the effects on traffic or schools. He supported the request.

Motion failed with members voting as follows:

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

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

7. Ordinance 2021-23, rezoning property located at the northwest corner of Jupiter Boulevard and Brevard Avenue, from RR (Rural Residential District) to RM-10 (Single-, Two-, Multiple-Family Residential District) and NC (Neighborhood Commercial District) (23.862 acres) (Case CPZ-1-2021, Sachs Capital Group, LP), first reading (Quasi-Judicial Proceeding).

Due to the denial of Ordinance 2021-22, this item was rendered moot.

8. Request by Richard DeFay for a variance to allow a proposed swimming pool and screen enclosure to encroach 6.00 feet into the 10-foot rear accessory structure setback (0.48 acres) (V-7-2021) (Quasi-Judicial Proceeding).

The Planning and Zoning Board recommended that the request be approved, subject to the Staff Report.

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 approve the request, subject to the Staff Report. 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) 'at-large' members 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. Foster, to appoint Thomas Graver and Phil DeFranco to the 'at-large' positions on the Recreation Advisory Board.

Mr. Bailey did not agree with the application deadline being extended for this item. He suggested that the two original candidates be appointed since they met the application deadline.

Mayor Medina supported the individuals as selected but felt that Council should follow the process in the future and adhere to the application deadlines. Mr. Bailey said the process should be followed tonight.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Johnson	Yea
Councilman Bailey	Nay
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 Corey Williams 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.

Note: Item 10, under Consent Agenda, was pulled from consent and Council concurred to consider the item at this time.

10. Consideration of advancing Unit 30, Madden Avenue and Osmosis Drive ahead of remaining GO Road Bond Paving Program, Phase 2, road paving units.

Staff Recommendation: Approve advancing Unit 30, with Madden Avenue and Osmosis Drive ahead of the remaining GO Road Bond Paving Program, Phase 2, road paving units.

Mr. Bailey said the north portion of Madden Avenue ended at Matecumbe Street. He suggested that the paving of Madden Avenue stop at either at Garvey Road or Bombardier Boulevard.

Mr. Watanabe provided a cost overview of staff's recommendation. He said there were six (6) homes on Madden Avenue, one home and business on Osmosis Drive, and sixteen (16) failed pipes crossing Madden Avenue. He said that if Council desired to pave Madden Avenue between Bombardier Boulevard and St. Andre Boulevard, it would save approximately \$500,000.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve advancing Unit 30, with Madden Avenue and Osmosis Drive ahead of the remaining GO Road Bond Paving Program, Phase 2, road paving units.

Mr. Bailey asked Council to remember the mistakes made with General Development Corporation and did not agree with building roads to where there was nothing and residents that did not want those areas paved at this time. Mayor Medina asked if Deputy Mayor Johnson would reconsider his motion and add the cut-off for Madden Avenue. Deputy Mayor Johnson did not agree and felt this would delay the recommendations of the advisory board. Mayor Medina concurred with Deputy Mayor Johnson's comments. Mr. Foster advised that the gas prices were going to be higher and said the City should move forward now and pay less in gas prices.

Motion carried with members voting as follows:

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

Council resumed the consideration of items in the order as shown on the agenda.

COUNCIL REPORTS:

Councilmembers addressed various subject.

1. Mr. Bailey said comments were made at the Bayfront Community Redevelopment Agency meeting regarding the City having a ladder truck. Ms. Sherman confirmed that one ladder truck was currently in operation and one was in the process of being built and would be delivered around September/October of this year.
2. Deputy Mayor Johnson said Council was notified of the American Relief Bill related to COVID and the City was to receive approximately \$19.41 million. He said the guidelines were very vague as to how the funds were to be spent. He felt a workshop should be held once guidelines were established. Council concurred.
3. Deputy Mayor Johnson said that panhandling had become a nationwide issue. He said that fining the individuals did not solve the problem. Chief Moya would be providing further information to Council in the future. Deputy Mayor Johnson said he was concerned about safety due to panhandlers being on the medians at major intersections.
4. Deputy Mayor Johnson advised that he had met with Connie McClary of Powell's Subdivision and then communicated with Republic Services. He said there were only three options: utilize an offsite fueling facility; use local area gas stations; or use an unauthorized onsite mobile fueling station and be fined accordingly by the City.

Mr. Bailey said the main question was whether Republic Services was going to continue on-site mobile fueling and continue to violate the Code of Ordinances.

Ms. Sherman said mobile fueling on any site within any zoning district of the City was prohibited. She said that Republic Services had until April 9th to comply with the Code violation or incur a potential fine of \$250 per day. Mr. Bradley added the maximum fine was \$500 per day. Ms. Sherman said she would confirm the expected time frame for installation of onsite fuel tank, but Republic was still undergoing site plan review for the request for same.

NEW BUSINESS:

1. Consideration of utilizing Parks Impact Fees for the development and construction of a Disc Golf Course adjacent to Fred Poppe Regional Park.

Staff Recommendation: Approve the use of \$35,000 in Nexus 32908 Parks Impact Fees for the development and construction of a Disc Golf Course adjacent to the Fred Poppe Regional Park.

Bill Battin, resident, asked if there was any exchange of funds between the City and the School Board. Ms. Sherman answered in the negative and said that part of the agreement

was to erect boundary fencing on the east side of the property adjacent to the neighborhood.

Motion by Mr. Bailey, seconded by Deputy Mayor Johnson, to approve the request.

Mr. Bailey asked if staff had contacted the association that provided the upkeep of the golf course. Mr. Poppe said that the agreement had recently been renewed with the disc golf group.

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 councilmembers attending the Institute for Elected Municipal Officials, May 7-9, 2021, in Tampa.

Mayor Medina and Councilmembers Foster and Felix expressed interest in attending the conference. Council concurred.

3. Consideration of travel and training for specific City Employees (Office of City Attorney). (AGENDA REVISION)

Staff Recommendation: Approve the travel and training as specified.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the travel and training 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.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman advised Council of proposed bills that were currently going through the legislative process: HB 219/SB 522 (vacation rentals); HB 403/SB 266 (home-based business), HB 337/SB 750 (impact fees), and HB 15/SB 50 (sales and use tax). She explained and recommended opposition to the first three (3) bills as they further eroded home rule and local control. Ms. Sherman recommended support for the fourth bill as it required online or out-of-state retailers to collect/remit sales tax, thereby leveling the playing field with in-state retailers and increasing sales tax revenue. She requested Council direction on staff authoring letters for the Mayor's signature to be sent in support or opposition.

Councilmembers supported the recommendations of the City Manager. Mr. Bailey was not motivated either way with regard to the vacation rentals. He was not opposed to the home-based businesses or the impact fees. He felt that the sales and use tax was just another tax increase and he did not support the bill. There was further discussion on the sales and use tax. After clarification, Mayor Medina stated that he would not support the bill if it created more taxes.

Motion by Deputy Mayor Johnson to authorize the City Manager to move forward with letters for these bills per her recommendation and future items as well. Mayor Medina felt there should be a separate motion for each bill. Council concurred.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to oppose the bills for vacation rentals.

Motion carried with members voting as follows:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to oppose the bills for home-based businesses.

Motion carried with members voting as follows:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to oppose the bills for impact fees.

Motion carried with members voting as follows:

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

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to support the bills for sales and use tax.

Motion carried with members voting as follows:

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

2. Chief Hoog announced that the Fire Rescue Department would be administering Covid vaccines to the public every Friday beginning April 9th. Appointments could be made on the Mondays prior to each vaccine day. Chief Hoog further explained the process.

3. Mrs. Lefler advised Council of two additional Institute for Elected Municipal Officials to be held this year: June 4-6, 2021 in Palm Gardens and October 8-10, 2021, in Kissimmee.

4. Mr. Bailey appointed Thomas Gaume to the Recreation Advisory Board.

PUBLIC COMMENTS/RESPONSES:

1. Bill Battin, resident, suggested that staff have multiple projects ready for immediate action by Council to utilize the American Relief Bill funding. He said an idea would be for the panhandlers and homeless.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:04 p.m.

Robert Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK