

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2021-19

Held on Thursday, the 5th day of August 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 7:06 P.M.

Bill Battin, resident, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob 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

Councilman Bailey participated in the meeting via teleconference and physically attended later in the meeting.

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Andrew Orndorff, Facilities Construction Project Manager.

ANNOUNCEMENT(S):

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

- 1. One (1) vacancy on the Business Improvement District Board (represents 'at-large' member who owns a commercial property or operates a business within the District).++**
- 2. Two (2) vacancies on the Community Development Advisory Board (represents 'residential home builder', 'actively engaged in home building', 'employer within the City', 'for-profit provider' or 'not-for-profit provider' positions).++**
- 3. Two (2) vacancies on the Youth Advisory Board (represents 'at-large' student member positions).++**

AGENDA REVISION(S):

1. Ms. Sherman announced the following:

a) A revised Legislative Memorandum and amended purchase offer from Space Coast Marinas had been provided for Item 6, under Consent Agenda; and

b) A revised Legislative Memorandum relating to the Information Technology Director salary had been provided for Item 18, under Consent Agenda.

2. Ms. Sherman requested a continuance of Item 3 (Ordinance 2021-45), under Public Hearings, to the September 2, 2021, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Council, to continue Item 3, under Public Hearings to the September 2, 2021, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Bailey, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Deputy Mayor Johnson suggested that Item 2 (Ordinance 2021-50), under Public Hearings, be withdrawn.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to withdraw Item 2, under Public Hearings.

Deputy Mayor Johnson thought he had made a compromise at the last meeting and felt that a five-member Council was needed to properly operate, but the residents believed that a four-member Council could work so he would agree to withdraw the item. Mayor Medina supported the request as it was giving the right to the people. Mr. Bailey suggested moving forward with the ordinance and removing the vacancy portion only. He said the timeline for holding the special election was an important piece that should be approved. It would also save the taxpayers approximately \$20,000.

Ms. Smith advised that changes could be made to the ordinance without it coming back for first reading. Staff would bring back the amendments that conflicted with law at a later date. Ms. Smith advised that if the ordinance was withdrawn, the special election would not be held on November 2nd, and would likely occur in December or January.

Deputy Mayor Johnson amended his motion to adopt Ordinance 2021-50 with the removal of subsection (a) under Section 50.55. Ms. Smith advised that the public hearing would have to be held if Council did not wish to withdraw the item. Deputy Mayor Johnson stood with his original motion to withdraw the item.

Mr. Felix did not feel that having a four-person Council was a good idea and put the City in a bad position. Mr. Foster stated that the special election was not included in next fiscal year's budget. He would support the ordinance as written for the first reading. Mayor Medina said it was not right for Council to give itself authority to do something other than what each member swore an oath to do. Mr. Felix said that Council was operating within its authority to modify ordinances at any given time and had done so on a regular basis. Mayor Medina said that Council would be changing this ordinance because of the situation. Mr. Foster said he would support withdrawing the request and stated his reasons for same. There was discussion of having a workshop to discuss the issue in the future or have it addressed by the Charter Review Commission in 2022.

Motion carried with members voting as follows:

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

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. Foster, that the Consent Agenda be approved as presented with the removal of Items 4, 6, 15, 18, and 19 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 2021-17; July 1, 2021.

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

2. Adoption of Minutes: Regular Council Meeting 2021-18; July 15, 2021.

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

3. Award of Bid: Fiscal Year 2021 pavement rejuvenation – IFB 55-0-2021 – Public Works Department (Pavement Technologies, Inc. - \$964,979).

Staff Recommendation: Approve the award for Fiscal Year 2021 pavement rejuvenation with Pavement Technologies, Inc. (Westlake, Ohio), in the amount of \$964,978.70.

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

4. Contract: Master agreement and hourly rate schedule, architect and engineering design services, Building E, City Hall Complex – RFQ 34-0-2021 – Utilities, Building, and Parks and Facilities Departments (Silling Architects); and approval of Task Order 01-2021 against the Master Agreement (\$543,750).

Staff Recommendation: Approve and authorize the Chief Procurement Officer to finalize and execute the Master Agreement and Hourly Rate Schedule with Silling Architects (Orlando); and approve and authorize Task Order 01-2021, Attachment B, Exhibit 1, against the Master Agreement in the amount of \$543,750.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to authorize the execution of the Master Agreement and Hourly Rate Schedule; and authorize the Task Order 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.

5. Miscellaneous: Seepex cake pump, North Regional Wastewater Treatment Plant belt filter press (emergency purchase) – Utilities Department (Hudson Pump and Equipment - \$103,950); and appropriation of funds on next scheduled budget amendment (\$120,000).

Staff Recommendation: Approve the emergency purchase and installation of a Seepex cake pump with Hudson Pump and Equipment in the amount of \$103,950; and approve the appropriation of funds on the next scheduled budget amendment in the amount of \$120,000.

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

6. Resolution 2021-38, conveying City and CRA-owned surplus real estate located at 4220 Dixie Highway NE, 2932 and 2920 Pospisil Avenue NE to buyer Space Coast Marinas, LLC.

The City Attorney read the resolution in caption only.

Bill Battin, resident, said the Legislative Memorandum did not note the actual cost being spent, which was \$1.7 million, as it was pending approval by the Bayfront Community Redevelopment Agency (BCRA) which was held immediately prior to this Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-38.

Mr. Bailey said he had listened to the BCRA meeting and felt there were discrepancies that needed to be handled. He said Council was under the impression that some of the mitigating factors that claimed to have been discovered during the due diligence period were acknowledged and provided to the developer prior to their letter of intent being given to the City. Namely, the current lease the City had with the Brightline project. Mr. Bailey said the developer knew about the lease and was given an email to that fact back in May. He did not feel it was a legitimate reason to reduce the price and said the developer's feet should be held to the fire. He said that \$1.9 million was well below the appraisal and felt this project was not going to walk away at \$1.9 million. Mrs. Junkala-Brown explained the history of the lease agreement.

Mr. Felix agreed with Councilman Bailey and said this was prime property. The cost difference could cover the special election. Mr. Foster wanted to see this agreement go through as the property had been sitting with no buyer for ten (10) years. It was also going to create three hundred (300) jobs. He said the return on investment was tremendous. Mayor Medina felt the buyer showed a huge amount of initiative with the neighbors and getting support from the neighbors spoke volumes.

Motion carried with members voting as follows:

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

7. Consideration of a Florida Power and Light non-exclusive easement for above and below ground utility facilities, located at the southwest corner of Lot 21, Block 657, Port Malabar Unit 13.

Staff Recommendation: Approve a Florida Power and Light non-exclusive easement for above and below ground utility facilities, located at the southwest corner of Lot 21, Block 657, Port Malabar Unit 13.

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

8. Consideration of a School Resource Officer Agreement with Odyssey Charter School for the 2021/2022 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the School Resource Officer Agreement with Odyssey Charter School for the 2021/2022 school year.

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

9. Consideration of a School Resource Officer Agreement with Pineapple Cove Classical Academy for the 2021/2022 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the School Resource Officer Agreement with Pineapple Cove Classical Academy for the 2021/2022 school year.

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

10. Consideration of a purchase offer for City-owned surplus real estate located at 194 Holiday Park Boulevard NE from buyer Zoltan Szabo (\$18,553).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 194 Holiday Park Boulevard NE with buyer Zoltan Szabo in the amount of \$18,553; and bring forth a resolution at a future Council meeting.

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

11. Consideration of a purchase offer for City-owned surplus real estate located at 1042 Moonlight Court NE from buyer Teresa A. Linton (\$22,250).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 1042 Moonlight Court NE with buyer Teresa A. Linton in the amount of \$22,250; and bring forth a resolution at a future Council meeting.

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

12. Consideration of a purchase offer for City-owned surplus real estate located at 2050 Agora Circle SE from buyer EJ & JT Associates Inc. (\$46,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 2050 Agora Circle SE with buyer EJ & JT Associates Inc. in the amount of \$46,000; and bring forth a resolution at a future Council meeting.

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

13. Consideration of a purchase offer for City-owned surplus real estate located at 1942 Agora Circle SE from buyer Central Florida Investment Fund, LLC (\$45,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 1942 Agora Circle SE with buyer Central Florida Investment Fund, LLC, in the amount of \$45,000; and bring forth a resolution at a future Council meeting.

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

14. Consideration of a purchase offer for City-owned surplus real estate located at 1956 Agora Circle SE from buyer Central Florida Investment Fund, LLC (\$45,000).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 1956 Agora Circle SE with buyer Central Florida Investment Fund, LLC, in the amount of \$45,000; and bring forth a resolution at a future Council meeting.

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

15. Consideration of aerial firefighting support Memorandum of Understanding with the Brevard County Sheriff's Office.

Staff Recommendation: Approve the Memorandum of Understanding with the Brevard County Sheriff's Office for aerial firefighting support.

Bill Battin, resident, felt this was a very good deal with the Sheriff's Office and at an excellent cost.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the Memorandum of Understanding 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.

16. Consideration of submitting a grant application to the Florida Department of Environmental Protection’s Resilient Florida Grant Program, in collaboration with the East Central Florida Regional Planning Council.

Staff Recommendation: Authorize submitting a grant application to the Florida Department of Environmental Protection’s Resilient Florida Grant Program and enter into a grant agreement for tasks to be completed as specified.

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

17. Consideration of the Fiscal Year 2020 reimbursement to City’s General Fund (\$616,004) and Brevard County (\$289,085) for unexpended funds from the Bayfront Community Redevelopment Agency.

Staff Recommendation: Authorize the Fiscal Year 2020 reimbursement to City’s General Fund in the amount of \$616,004, and Brevard County in the amount of \$289,085, for unexpended funds from the Bayfront Community Redevelopment Agency.

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

18. Consideration of an increase in the annual salary for the Information Technology Director.

Staff Recommendation: Authorize an increase in the annual salary for the Information Technology (IT) Director, from \$85,258 to \$105,000.

Bill Battin, resident, suggested reducing all other directors to the salary of \$85,258, then the City could hire an additional director.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to authorize an increase in the annual salary for the IT Director, from \$85,258 to \$105,000.

Mr. Bailey appreciated the value that the IT Director had brought to the position but felt it should be a more modest increase.

Motion carried with members voting as follows:

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

19. Consideration of appropriation of funds from the Undesignated Fund Balance for the replacement of Shelter number 3 at Castaways Point Park (\$29,069).

Staff Recommendation: Approve the appropriation of funds from the Undesignated Fund Balance for the replacement of Shelter number 3 at Castaways Point Park in the amount of \$29,068.55.

Bill Battin, resident, asked if funding was coming from the Parks Department budget or General Fund Undesignated Fund Balance. He questioned the breakdown of costs and why concrete and rebar were included when a concrete pad already existed on the site. He felt the City should not pay for its own building permit fees and that \$29,000 was an extreme amount of money to put up a shed.

Ms. Sherman said funding was from General Fund Undesignated Fund Balance which included the Parks and Facilities Department budget. She added that as the Building Enterprise Fund was separate from the General Fund, the City was required to pay the building permit fees.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve the appropriation of funds from the Undesignated Fund Balance for the replacement of Shelter number 3 at Castaways Point Park as requested.

Mr. Bailey felt there were other projects that should be considered first, and this should be a lower priority and placed on the Capital Improvements Projects list.

Andrew Orndorff, Facilities Construction Project Manager, commented on the concrete and rebar. He said the new pavilion required a new footprint and could not just be added to the existing slab. He said it was more cost-effective to remove everything and pour a new foundation.

Motion carried with members voting as follows:

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

20. Consideration of travel and training for specified city employees (Building Department).

Staff Recommendation: Approve the travel and training as specified.

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

21. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

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

22. Acknowledgement of Budget Monitoring Report for Fiscal Year 2021 Quarter 3 (unaudited).

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

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

PROCLAMATION:

The proclamation was read.

1. Florida Water Professionals Month - August 2021.

As Councilman Bailey was unable to be physically present at the meeting, each member of Council recognized Councilman Bailey and thanked him for his service to the community. Mayor Medina advised that a plaque had been prepared honoring his service on City Council.

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

1. Robert Stise, resident, requested an update on the 90-degree turn on Bayside Lakes Boulevard. He had met with staff and various ideas had been discussed including having the traffic light at Walden Boulevard turn red more frequently to slow speeds before the curve on Bayside Lakes Boulevard. He had not heard anything further to date. Ms. Sherman responded that she would provide an update at the next Council meeting or advise Mr. Stise and Council via email.

2. David Morris, resident, commented on the amount of money being spent on the roads. The roadwork was shotty as new roads already had grass growing through it. He said that the corner of Wilkinson Avenue and Townsene Road had already been destroyed and there was no stormwater drainage.

3. Phil DeFranco, resident and Chairman of the Recreation Advisory Board said that vacancies on the advisory boards needed to be addressed in a proactive manner. He commented on boards not being able to meet due to lack of a quorum because there were too many vacancies on the board or absence of current members. Mr. DeFranco suggested that if a councilmember could not fill his appointment to a board within thirty (30) days of the vacancy, the City Clerk should go back to the rank sheet of applicants for at-large positions and contact the next highest-ranked individual and so on. Another option was for councilmembers to suggest applicants to each other for appointment. Mr. DeFranco said there needed to be a better way of advertising the vacant positions and get the boards to start meeting again.

Mr. Foster said his appointment on the RAB was vacant, but he said it could be very difficult to find the right person that would be beneficial to the board and who wanted to dedicate their time. He did not want to appoint someone to a board just for the sake of making an appointment and then they did not do a good job.

4. Amanda Rosenfried, resident, requested a turn signal at Minton Road and Americana Boulevard to turn north onto Minton Road. She said it was a very dangerous intersection with high traffic during school hours. Ms. Sherman said the intersection was under the jurisdiction of Brevard County and she would contact them regarding same.

PUBLIC HEARING(S):

1. Ordinance 2021-49, amending the Code of Ordinances, Chapter 61, Suspension and/or Removal of City Boardmember, by including provisions for attendance by boardmembers, final reading.

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

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-49. 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 2021-50, amending the Code of Ordinances, Chapter 50, Elections, by updating provisions contained therein, final reading.

This item, addressed under Agenda Revisions, was withdrawn.

3. Ordinance 2021-45, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations' by modifying provisions of the BMU - Bayfront Mixed Use District (Case T-8-2021, City of Palm Bay), first reading.

This item, addressed under Agenda Revisions, was continued to the September 2, 2021, regular Council meeting.

4. Request to amend the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Part 2: Drainage Plan', by modifying the provisions for finished floor elevation (T-23-2021). (Rescheduled to 08/04/21 P&Z and 08/19/21 RCM)

5. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by modifying provisions within GC (General Commercial District) zoning to allow for indoor recreation (T-28-2021). (Rescheduled to 08/04/21 P&Z and 08/19/21 RCM)

6. Request by James and Nola Musgrove for a variance to grant a proposed detached metal garage relief from the requirement that no accessory structure shall exceed the size of the principal structure's living area, and to increase the maximum allowable size of the metal structure from 300 square feet to 1,200 square feet in an RS-2, Single-Family Residential District, as established by Section 185.118(C) and (G) of the Palm Bay Code of Ordinances (0.46 acres) (V-25-2021). (Rescheduled to 08/04/21 P&Z and 08/19/21 RCM)

7. Request by Thomas and Michelle Capritta for a variance to allow a proposed garage addition and concrete slab to encroach six (6) feet into the 25-foot front yard setback, as established by Section 185.033(F)(7)(a) of the Palm Bay Code of

Ordinances (0.41 acres) (V-27-2021). (Rescheduled to 08/04/21 P&Z and 08/19/21 RCM)

8. Request by Christian Development Center for a conditional use to amend an existing ordinance in order to allow a proposed private school to operate from church facilities in RR (Rural Residential District) zoning, on property located west of and adjacent to Nail Street, in the vicinity north of Emerson Drive (3.00 acres) (CU-26-2021). (Rescheduled to 08/04/21 P&Z and 08/19/21 RCM)

9. Request by Lennar Homes, LLC, to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northeast corner of Pace Drive and St. Johns Heritage Parkway, from Recreation and Open Space Use to Single Family Residential Use (96.66 acres) (Case CP-9-2021). (Rescheduled to P&Z and RCM – TBD)

10. Request by Lennar Homes, LLC, for a Planned Unit Development (PUD) Preliminary Development Plan to allow for a development with a mixture of townhomes and single-family lots to be known as 'Medley at Everlands', which property is located at the northeast corner of Pace Drive and St. Johns Heritage Parkway (96.66 acres) (Case PD-21-2021). (Rescheduled to P&Z and RCM – TBD)

11. Request by Florida Power and Light to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity east of Babcock Street and north of the Indian River County line, from Agricultural (Brevard County) to Utilities Use (3,266.49 acres) (Case CP-10-2021). (Rescheduled to P&Z and RCM – TBD)

12. Request by Florida Power and Light to rezone property located in the vicinity east of Babcock Street and north of the Indian River County line, from General Use (Brevard County) to GU (General Use Holding District) (3,266.49 acres) (Case CPZ-10-2021). (Rescheduled to P&Z and RCM – TBD)

13. Request by NSD Palm Bay IV, LLC, to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from Industrial Use to Bayfront Mixed Use (7.11 acres) (Case CP-11-2021). (Rescheduled to P&Z and RCM – TBD)

14. Request by NSD Palm Bay IV, LLC, to rezone property located at the northwest corner of Robert J. Conlan Boulevard and Commerce Park Drive, from LI (Light

Industrial and Warehousing District) to BMU (Bayfront Mixed Use District) (7.11 acres) (Case CPZ-11-2021). (Rescheduled to P&Z and RCM – TBD)

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) student member to the Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to appoint Denise Amador to the 'at-large student 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.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

1. Mr. Foster appointed Phil Moore to the Recreation Advisory Board.

Councilman Bailey left the meeting via teleconference at this time.

NEW BUSINESS:

1. Consideration of a Master Development Agreement for Emerald Lakes with Emerald Investment Holdings, LLC.

Staff Recommendation: Approve the Emerald Lakes Master Development Agreement with Emerald Investment Holdings, LLC, and authorize the Mayor to execute the agreement.

Ms. Sherman presented the item to Council. Paul Paluzzi, representative for Emerald Investment Holdings, LLC, provided further details about the project.

Bill Battin, resident, said he would give more support to this request if the developer did not have a strong tie to the St. Johns Heritage Parkway issue that ended up costing the City. However, he said the Emerald Lakes would be a majestic development once completed. He asked if the conservation lands and trails would be open to the public or restricted to the residents of the Community Development District. Mr. Paluzzi responded that all would be open to the public.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the Emerald Lakes Master Development Agreement with Emerald Investment Holdings, LLC. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

Councilman Bailey physically joined the meeting at this time.

ADMINISTRATIVE AND LEGAL REPORTS:

Mayor Medina presented Councilman Bailey with a plaque and thanked him for his service to the City of Palm Bay. Councilman Bailey gave his outgoing speech.

1. Ms. Smith requested an executive session on Tuesday, August 17, 2021, at 6:00 P.M., to discuss settlement negotiations pertaining to the following cases:

- Matthew David v. City of Palm Bay, Case 05-2020-CA-046537; and
- Brenda Burgos-Colon v. City of Palm Bay, Case 05-2021-CA-033665.

The meeting would take approximately one hour. Ms. Smith announced the individuals that would be in attendance. Council concurred to schedule the meeting as requested.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Phil DeFranco, resident and Chairman of the Recreation Advisory Board felt that as “Committee Reports” were on the agenda, the boards should be required to make a report – half of the boards at the first regular Council meeting each month and the other half at the second meeting of the month.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:45 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK