

CITY OF PALM BAY, FLORIDA
SPECIAL COUNCIL MEETING 2021-25

Held on Wednesday, the 22nd day of September 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 6:00 P.M.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Kenny Johnson	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

Mr. Felix participated in the meeting via teleconference.

CITY STAFF: Present was Fred Poppe, Recreation Director; Angelica Collins, Fiscal Manager; Chris Little, Utilities Director.

PUBLIC HEARING:

1. Discussion of tax rate, millage rate and final budget for Fiscal Year 2021-2022 - City Manager.

The public hearing was opened.

Ms. Sherman stated that the City had tentatively adopted an operating millage rate of 7.5955, which exceeded the Truth in Millage (TRIM) current year rollback rate of 7.4142 by 2.5%. The percentage increase being above the three percent (3%) cap was caused by new construction being excluded from the three percent (3%) cap.

Contributing to the operating millage rate increase over the rollback rate were: actuarial requirements to increased Police and Fire pensions; increased debt service payments; anticipated health insurance benefit associated expenditure increases; additional full-time employee positions, including police officers, school resource officers, firefighters, record specialists and materials management technician to accommodate increasing citywide public safety service needs; General Fund liability; Stormwater Utility Fund institutional exemptions; and Road Maintenance funding.

Ms. Sherman advised that the city had also adopted a tentative debt millage rate of 1.3424 for the next fiscal year. The debt millage rate would generate estimated revenues of \$6,972,036 based on the gross taxable value certified by the Brevard County Property Appraiser. These revenues were restricted and designated for the payment of the General Obligation Bonds, Series 2019, debt service payment of \$3,524,750; and the General Obligation Bonds, Series 2021, debt service payment of \$3,447,625.82, both due in the Fiscal Year 2022 budget year.

Bill Battin, resident, asked about CARES Act funds being used for people to connect to the City's water and sewer system that was available in their area. He felt the funding should be utilized to benefit a larger amount of the population. He asked if it was included in the budget. Ms. Sherman responded in the negative. Council had only voted on three (3) uses for the funding, which including body cameras for the police officers, City Hall Building E, and new software to replace HTE.

BUSINESS:

1. Resolution 2021-46, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 33, Fire Department.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-46. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Resolution 2021-47, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title III, Administration, Chapter 36, Recreation Department.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Mayor Medina questioned the greenspace fee. Mr. Poppe explained that it would typically be associated with a special event. It was a flat fee of \$200.00, regardless of the amount of space used.

Nathan White, resident, asked if the usage of the greenspace actually cost the city anything. He felt that the overtime rate for employees was excessive.

Mr. Poppe said there was a cost to maintain the area and to clean up afterwards, similar to utilizing a pavilion and paying for same. The charge for overtime was incurred by the department and was associated with the Parks Maintenance employees. Mr. Poppe answered questions posed by councilmembers. Mayor asked if the fees could be waived. Mr. Poppe said that all fees, per ordinance, could be waived.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-47. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Resolution 2021-48, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XI, Business Regulations, Chapter 117, Alarm Systems.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council and advised there were no changes to these fees.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-48. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Resolution 2021-49, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council and advised there were no changes to these fees.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-49. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Resolution 2021-50, establishing fees, rates, and charges pursuant to the Code of Ordinances, Title XVII, Land Development Code, Chapter 171, Fair Share Impact Fees.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council and advised there were no changes to these fees.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-50. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Resolution 2021-51, establishing fees, rates, and charges pursuant to the Code of Ordinances, for specified chapters and sections therein.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council. She advised of the amendment to the rates under Chapter 150, Solid Waste Management. The rates were revised to include a 3% rate annual increase pursuant to the contract with Republic Services (Republic).

Bill Battin, resident, felt that \$10 per month for an extra cart was excessive. Ms. Sherman said that it was part of the contract, and the city was working with Republic to eliminate that fee. No customers have been charged that rate since the onset of the contract.

Nathan White asked about the length of contract and if it held Republic liable for service/performance. He had received comments from residents that Republic would intentionally miss some pickup areas because they were understaffed. Ms. Sherman said there were a range of items in the contract that addressed certain expectations, performance and service. She would research the comment of Republic being understaffed and skipping residential pick-ups.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-51. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Resolution 2021-52, adopting Classification and Pay Plans, and the Position Control Plan for employees of the City of Palm Bay.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-52. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

8. Resolution 2021-53, adopting the Five-Year Capital Improvements Program for Fiscal Years 2021-2022 through 2025-2026.

The City Attorney read the resolution in caption only.

Ms. Sherman presented the request to Council.

Nathan White questioned the \$175,432,296 million grand total of utilities, non-utility and non-utility additional on the exhibit and if it was for Fiscal Year 2022. Ms. Sherman said that was for Fiscal Years 2022-2026. The amount for Fiscal Year 2022 was \$23,727,064. Mr. White asked how much of the budget was represented by this allotment in Fiscal Year 2022. Mrs. Collins answered that it was approximately ten percent (10%).

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-53. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

9. Resolution 2021-54, approving the millage rate and debt millage rate for Fiscal Year 2021-2022.

The City Attorney read the resolution in caption only.

Nathan White, resident, spoke against the item. He questioned why taxes were being increased after the city was ending its most profitable year in ten (10). Ms. Sherman said the increases in the pensions, debt service, health insurance costs, additional positions and funding of the Road Maintenance Fund all contributed to the increase.

There was discussion of the use of Undesignated Fund Balance. Ms. Sherman explained that the Undesignated Fund Balance was typically used for one-time costs, such as a one-time project or a capital item that needed to be repaired or replaced. Mainly it was used as a reserve or “savings” account.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Resolution 2021-54. Mr. Foster asked how much was currently in reserves. Ms. Sherman said it was approximately \$20 million. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

PUBLIC HEARINGS:

1. Ordinance 2021-61, amending the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the rates, fees, and charges for the City’s utilities system and services, final reading.

The City Attorney read the ordinance in caption only.

The public hearing was opened. Ms. Sherman presented the item to Council and advised of the rate increases for Items 1, 2, and 3. Water user rates had increased by 1.75%, and sewer and reclaimed water rates increased by 3.75%.

At the first budget hearing, Deputy Mayor Johnson requested an example in which a municipality had deferred increasing its rates for a significant time and how much the rates had increased once implemented. Jeff Dykstra, Managing Consultant at Stantec, said one city held off on marginal increases and ended up having to approve a four-year plan of 12.5% rate increases. He explained that if Council decided not to implement the rates this year, he would come back next year with an approximate increase of 4% and 8%, respectively. Mr. Dykstra answered further questions posed by councilmembers.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-61. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2021-62, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Miscellaneous Provisions', by adjusting the permit fees and other charges related to the City's utilities wastewater system, final reading.

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-62. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2021-63, amending the Code of Ordinances, Chapter 202, Reclaimed Water, by adjusting the rates, fees, and charges for reclaimed water, final reading.

The City Attorney read the ordinance in caption only.

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

Bill Battin, resident, asked if there was any way of salvaging the reclaimed water that was not used or if it went back down into the deep well. Mr. Little responded that staff tried to maximize the use of reclaimed water for the main purpose that wastewater would not be

treated to a high standard then thrown down into the deep well. Staff also tried to use mainline extensions for reclaimed water, especially to the south.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-63. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2021-64, adopting the final budget for Fiscal Year 2021-2022, final reading.

The City Attorney read the ordinance in caption only.

Ms. Sherman presented the request to Council. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2021-64. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

There being no further business, the meeting adjourned at the hour of 7:10 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK