

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-36

Held on Thursday, the 15th day of December 2022, 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 6:04 P.M.

Mr. Keith Becher, Humanist Celebrant, Humanist Community of the Space Coast, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

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|------------------------------|-----------------|---------|
| MAYOR: | Rob Medina | Present |
| DEPUTY MAYOR: | Donny Felix | Present |
| COUNCILMEMBER: | Kenny Johnson | Present |
| COUNCILMEMBER: | Randy Foster | Present |
| COUNCILMEMBER: | Peter Filiberto | Present |
| CITY MANAGER: | Suzanne Sherman | Present |
| DEPUTY CITY ATTORNEY: | Rodney Edwards | Present |
| DEPUTY CITY CLERK: | Terri Lefler | Present |

CITY STAFF: Juliet Misconi, Deputy City Manager; Fred Poppe, Recreation Director; Christopher Little, Utilities Director.

ANNOUNCEMENTS:

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

- 1. Two (2) vacancies on the Citizens' Budget Advisory Board (represents 'at-large' positions).++**
- 2. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**

AGENDA REVISION(S):

Mayor Medina requested that Item 2, under New Business, be considered prior to Public Hearings.

Motion by Mr. Johnson, seconded by Mr. Foster, to consider Item 2, under New Business, prior to Public Hearings. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

1. Ms. Sherman announced the following revisions:

A. A proclamation recognizing the Mayor's Business Spotlight recipient, Thrifty Specialty Produce and Meats, had been added as Item 1, under Proclamations and Recognitions.

B. Consideration of a second amendment to a contract with Wade Trim for Engineering Services During Construction at the South Regional Water Reclamation Facility had been added as Item 1, under Procurements.

C. Item 9, under Consent Agenda, relating to the allocation of remaining American Rescue Plan Act (ARPA) funding, was moved to Item 7, under New Business.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

1. Proclamation: Mayor's Business Spotlight Recipient - Thrifty Specialty Produce and Meats. (AGENDA REVISION)

PRESENTATIONS:

1. Travis Hills, Kittelson and Associates, Inc. - Bayside Lakes Boulevard Curve, Road Safety Audit.

Mr. Hills presented the road safety audit findings for the curve along Bayside Lakes Boulevard. He provided crash data for the past ten (10) years, history of the roadway, and recommendations, such as improving curve navigation, enhancing roadway lighting, improving vehicle speed compliance, and resurfacing the pavement. Mr. Hills answered questions posed by councilmembers.

Mr. Johnson asked if staff was prepared to move forward with the recommendations. Ms. Sherman said she was ready to implement as many as possible. The lower cost items could be done within the current budget and the more expensive items would be brought to Council for consideration. Council concurred.

Bill Battin, resident, asked the cost to perform the study and suggested that the speed limit go back to the original limit of thirty (30) miles per hour.

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

Individuals made general comments.

1. Isabel Wright, Florida Hispanic Chamber of Commerce, requested funding assistance for the Three Kings Day Celebration event to be held January 7, 2023. She said the city may have received funding from Brevard County for multi-cultural events and she was hoping to utilize some of the funds.

Ms. Sherman addressed Mr. Battin's question from Presentations. She said that the cost of the study was \$23,000.

Mr. Poppe advised that the monies received from the Tourist Development Council were specifically for City events that had to meet certain tourism level requirements in order to be eligible. It was a reimbursable grant up to \$10,000.

Council concurred to consider Item 2, under New Business, at this time.

2. Consideration of a co-sponsorship request from The Indian Association of the Space Coast, Inc. and The Florida Hispanic Chamber of Commerce for the First Annual Palm Bay Indian Kite Festival on January 22, 2023.

Staff Recommendation: Approve the City's co-sponsorship with the Indian Association of the Space Coast and Florida Hispanic Chamber of Commerce for the first annual Palm Bay Indian Kite Festival on January 22, 2023, in the amount of \$1,040 of in-kind wages (labor) and authorizing \$1,425 in fee waivers.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the co-sponsorship request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

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

PUBLIC HEARING(S):

1. Ordinance 2022-128, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 2065, Port Malabar Unit 46 (Case VE-6-2022, Walter Gordon), first reading.

The Deputy 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. Johnson, seconded by Councilman Filiberto, to approve Ordinance 2022-128. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, that the Consent Agenda be approved as presented with the removal of Items 4, 5, 6, 10, and 14, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

1. Adoption of Minutes: Meeting 2022-32; November 3, 2022.

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

2. Adoption of Minutes: Meeting 2022-34; November 28, 2022.

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

3. Award of Proposal: Underwriting services – RFP 02-0-2023 – Finance Department (Bank of America Securities and Raymond James & Associates).

Staff Recommendation: Approve the award for underwriting services to Bank of America Securities (Winter Park) and Raymond James & Associates (St. Petersburg) to establish a three-year term contract.

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

4. Contract: Design of intersection improvements and signal, Emerson Drive and St. Johns Heritage Parkway – Task Order 14 – Public Works Department (Conzor Engineers, LLC - \$206,962); and approve the use of Transportation Impact Fees.

Staff Recommendation: Authorize the execution of Consor Engineers, LLC, Task Order 14 for the design of the intersection improvements and signal at Emerson Drive and St.

Johns Heritage Parkway (Parkway); and approve the use of Transportation Impact Fees in the amount of \$206,962.

Bill Battin, resident, questioned the fair share portion for the developers and asked if the cost was for planning only or if it included the construction of the turn signal. Ms. Sherman responded that the cost was for planning only. The proportionate fair share calculations would be included in a separate development agreement.

Nathan White, resident, asked if widening the Parkway was only due to the turn lane and the effect the signal would have on future widening of the Parkway. Ms. Sherman said that the mast arm signal would be placed in a way that it would not affect the future widening of the roadway.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Task Order 14 and approve the use of Transportation Impact Fees as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

5. Contract: Northwest and southeast traffic studies, pre and post analysis – Task Order 8, Amendment 1; and Task Order 9, Amendment 1 – Public Works Department (Conzor Engineers, LLC - \$66,478); and approve the use of Transportation Impact Fees.

Staff Recommendation: Authorize the execution of the amendments to Consor Engineers, LLC, Task Order 8 (Southeast Pre and Post Traffic Analysis) and Task Order 9 (Northwest Pre and Post Traffic Analysis); and approve the use of Transportation Impact Fees in the amount of \$66,477.97.

Bill Battin, resident, asked if changes from the study would be incorporated into the Comprehensive Plan, and if the southwest sector would be included in a similar study due to the amount of growth in that area. Ms. Sherman said that the roadway classifications that would come out of the traffic studies would ultimately be incorporated into the new Comprehensive Plan. There was no set timeframe for the southwest area but staff would be looking into that as well.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Amendment 1 to Task Order 8, Amendment 1 to Task Order 9, and approve the use of Transportation Impact Fees as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

6. Miscellaneous: Consideration of reallocating existing capital funds to procure two (2) Ford 150 Super Cabs (\$74,541) (State of Florida DMS contract), additional funds for two (2) Zero Turn Mowers (\$2,269) (Sourcewell contract), and allocating General Fund Operating Account funds to purchase one (1) F550 Flatbed Dump Truck (\$19,000) (State of Florida DMS contract).

Staff Recommendation: Approve the request to use existing capital funds to procure two Ford F150 Super Cabs (\$74,541), additional funds for two Zero Turn Mowers (\$2,269) and authorize a budget amendment using General Fund Undesignated Fund Balance for the purchase of an F550 Flatbed Dump Truck (\$19,000).

Questions were raised regarding the cost increase and reallocating funds that were previously approved for this purpose. Ms. Sherman explained that a tractor and bush hog could have been purchased in the prior year but due to an oversight, the budget capital items were not corrected, and the funding was allocated towards another item on the capital list. The Zero Turn Mowers were budgeted but the cost was \$2,200 above the budgeted amount. Lastly, the price for the dump truck came in \$19,000 above what was originally quoted so staff was requesting small transfers from operating accounts to cover the overage.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

7. Resolution 2022-65, adopting a Low Impact Development (LID) Design Manual in accordance with Chapter 174, Floodplain and Stormwater Management, of the Palm Bay Code of Ordinances.

The Deputy City Attorney read the resolution in caption only.

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

8. Consideration of City Council Flag Program nominee, Alberta Clinkscales. (Deputy Mayor Felix)

Staff Recommendation: Approve Alberta Clinkscales as a nominee for the City Council Flag Program.

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

9. Consideration of allocating remaining American Rescue Plan Act (ARPA) funding (\$938,601).

This item, addressed under Agenda Revisions, was moved to Item 7, under New Business.

10. Consideration of a Commercial Property Enhancement Program Grant Agreement with Rooney's Inc. for grant funds to improve commercial property located at 2641 Palm Bay Road NE (\$10,000).

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$10,000 to Rooney's Inc. for eligible improvements to commercial property located at 2641 Palm Bay Road NE and authorize the City Manager to execute the grant agreement.

Motion by Mr. Filiberto, seconded by Mayor Medina, to approve the CPEP grant award in the amount of \$10,000 to Rooney's Inc. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

11. Acknowledgement of the City's monthly financial report for September 2022 (Unaudited).

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

12. Acknowledgement of the City's quarterly Budget Monitoring Report for Fiscal Year 2022 Quarter Four (Unaudited).

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

13. Acknowledgement of the December 2022 GO Road Bond Paving report update.

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

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

Staff Recommendation: Approve the travel and training as specified.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve the travel as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

PROCUREMENTS:

1. Contract: Professional scheduler, South Regional Water Reclamation Facility – TO 20-05, Amendment 2 – RFQ 68-0-2007 – Utilities Department (Wade Trim - \$21,330). (AGENDA REVISION)

Staff Recommendation: Authorize the execution of Wade Trim Task Order 20-05, Amendment 2, for the South Regional Water Reclamation Facility, Engineering Services During Construction (professional scheduler), in the amount of \$21,330. The amended total for the task order would be \$2,334,493.

Motion by Mr. Foster, seconded by Deputy Mayor Felix, to approve Amendment 2 to Wade Trim Task Order 20-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

NEW BUSINESS:

1. Consideration of collective bargaining agreements with National Association of Government Employees (NAGE) White (Local R-5-197) and Blue (Local R-5-186).

Staff Recommendation: Authorize the City Manager to sign the Collective Bargaining Agreements with NAGE White and NAGE Blue, including adopting the new pay plans.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve the Collective Bargaining Agreements with NAGE White and NAGE Blue, including adopting the new pay plans. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

2. Consideration of a co-sponsorship request from The Indian Association of the Space Coast, Inc. and The Florida Hispanic Chamber of Commerce for the First Annual Palm Bay Indian Kite Festival on January 22, 2023.

This item was considered earlier in the meeting prior to Public Hearings.

3. Consideration of accepting a segment of Babcock Street, between Waco Boulevard and Malabar Road, in accordance with the Interlocal Agreement with Brevard County.

Staff Recommendation: Accept the transfer of the portion of Babcock Street from Malabar Road to Waco Boulevard.

Ms. Sherman presented the request to Council and answered questions posed by councilmembers.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to accept the transfer of the portion of Babcock Street from Malabar Road to Waco Boulevard. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

4. Consideration of amending Chapter 5, Types of Meetings, of Council's Policies and Procedures, by including a curfew for regular meetings. (Deputy Mayor Felix)

Staff Recommendation: Approve the amendment to Section 5.1, Regular Meetings, of Council's Policies and Procedures, to include curfew provisions at regular meetings.

Deputy Mayor Felix presented the request to Council. The revision to the policies would include a curfew of 11:00 P.M., with two (2) thirty (30) minute extensions that may be approved by Council.

Bill Battin, resident, felt that people attended and spent hours at the meetings waiting to speak and should be afforded that opportunity. They also may be unable to attend the next meeting if their item was continued due to the curfew.

Nathan White, resident, supported the request and felt it held Council to better time management. He said the priority should still be to hear the people.

Robert Stise, resident, suggested brainstorming and said that recognitions and proclamations should be managed more efficiently as it would take sometimes over an hour to get through that portion.

Mayor Medina said all of Council was elected to perform a duty. He did not campaign for shortening the meetings. He felt this would limit people from speaking and then having to come back to another meeting to speak on an item. Council was elected to serve the

people and if took until a late hour to hear all of the comments and get through city business, he was okay with no curfew. Mayor Medina said he would support a discussion of limiting the public comments at the end of the meeting.

Mr. Johnson called a Point of Order and stated a motion needed to be made prior to discussion by Council.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve the amendment to Section 5.1 of Council's Policies and Procedures, as presented.

Mayor Medina said he would agree to two (2) one-hour extensions. Deputy Mayor Felix said he wanted to avoid going into the next day for a meeting.

Mr. Filiberto felt like this request was taking the voice away from the people, but Council should be able to work on the timing of the meetings to make them end in a timely manner.

Mr. Foster said the agenda had been modified to get business handled quickly, especially for public hearing items, but it did not shorten the meetings. He did not see this as shutting out the public and felt the curfew would put pressure on Council to move the meeting along. The meetings were moved to one hour earlier and still did not adjourn until midnight or after. If there was an item that may be considered contentious, then it should be held at a separate meeting.

Motion carried with members voting as follows:

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| Mayor Medina | Nay |
| Deputy Mayor Felix | Yea |
| Councilman Johnson | Yea |
| Councilman Foster | Yea |
| Councilman Filiberto | Nay |

5. Consideration of councilmembers attending the Florida League of Cities FAST Fly-In, February 7-8, 2023, in Washington, D.C.

Nathan White, resident, spoke against this item and questioned the purpose.

Councilman Foster was a member of the Federal Action Strike Team (FAST) and would attend the conference. Council concurred.

6. Consideration of councilmembers serving as representatives to other agencies/organizations/committees.

Councilmembers announced on which agencies/organizations/committees they wished to serve.

- A. Space Coast League of Cities
Donny Felix, Delegate
Rob Medina, Alternate
- B. Space Coast Transportation Planning Organization
Rob Medina
Randy Foster
Donny Felix
Kenny Johnson, Alternate
Peter Filiberto, Alternate
- C. Economic Development Commission of Florida's Space Coast (Board of Directors)
Peter Filiberto
- D. Economic Development Commission of Florida's Space Coast (Executive Committee)
Peter Filiberto
- E. Economic Development Commission of Florida's Space Coast (Ad Valorem Tax Abatement Council)
Nancy Bunt
- F. Risk Management Committee
Randy Foster
- G. Capital Outlay Committee
Alexandra Bernard
- H. Community Development Advisory Board
Kenny Johnson

7. Consideration of allocating remaining American Rescue Plan Act (ARPA) funding (\$938,601). (AGENDA REVISION)

Staff Recommendation: Consideration of the following options for the remaining funds of \$938,601. Ms. Sherman advised that the lift station project was pulled from the list as it contained incorrect data.

- A. Allocate an additional \$31,908 for salaries and benefits associated with the administration of the ARPA program.
- B. Provide additional ARPA funding to any of the five (5) ARPA subrecipients, and direct staff to coordinate with the awardees to bring an amendment to the proposal and an updated grant agreement for Council's consideration.
- C. Provide ARPA funding to agencies with eligible proposals that did not receive funding for homelessness, affordable housing, and related public services.
- D. Provide monetary assistance for septic-to-sewer conversions with priority consideration given to income eligible households. The average cost per resident to connect was \$21,000. This would potentially assist forty-one (41) Palm Bay homeowners.
- E. Phase 2 improvements to Castaway Point Park, covering a portion of the parking improvements, specifically providing permeable pavement parking on two City-owned parcels (tax accounts 2832555 and 2832554). The City's engineers estimate was approximately \$339,029.63 as of October 2021. However, due to inflation and cost of materials, staff estimates this figure should be at least 30% higher in today's market.
- F. Funding towards approximately twelve (12) water main looping and upgrade projects aimed to increase water quality and pressure, estimated to cost approximately \$2 million. The design and permitting would be complete in January 2023.

Bill Battin, resident, suggested using the funding to offset the stormwater utility fee for residents.

Drew Warren, Community of Hope, requested funding to assist in paying the \$850,000 mortgage for Baywood Townhomes which provided affordable housing to the homeless.

Nathan White, resident, felt it would be appropriate to split the remaining funds between those organizations that had already been approved. The next best option would be the sewer to septic conversion.

Philip Corcoran, resident, mentioned an article from the New York Post in which Palm Bay Gardens utilized ARPA funds to build a \$16 million golf course.

Council discussed the options and asked questions of staff.

Motion by Councilman Johnson, seconded by Mayor Medina, to provide monetary assistance towards sewer to septic conversion for twenty (20) Palm Bay homeowners (\$420,000) and the remainder of the funds would be placed towards Community of Hope's project (mortgage funding). Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, 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. Councilman Johnson reappointed Conrado Martinez to the Citizens' Budget Advisory Board and reappointed Susan Connelly to the Sustainability Advisory Board.
2. Mayor Medina appointed Logan Luse to the Infrastructure Advisory and Oversight Board, Jane Higgins to the Sustainability Board, and Ethan Davis to the Youth Advisory Board.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Bill Battin, resident, asked that Council not consider removing Public Comments section at the end of the meeting.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:14 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK