

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2023-01

Held on Thursday, the 5<sup>th</sup> day of January 2023, 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 6:01 P.M.

Pastor David Cannon, Grace Bible Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### ROLL CALL:

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Peter Filiberto	Present
<b>DEPUTY CITY MANAGER:</b>	Joan Junkala-Brown	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Fred Poppe, Recreation Director.

### ANNOUNCEMENTS:

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

1. **One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**

### AGENDA REVISION(S):

There were no agenda revisions.

### PRESENTATIONS:

1. **Sunrise Consulting Group, State Lobbyist - update.**

Shawn Foster and Andrew Carlisle appeared virtually and advised that the 2023 Legislative Session would begin March 7<sup>th</sup> and funding requests were due by February

13<sup>th</sup>. Mr. Foster provided an overview of the financial outlook for the state, leadership priorities for the state and local priorities for the city. Mr. Carlisle advised of proposed bills that would affect local government – vacation rentals; permitting; and release of balloons.

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

Individuals made general comments.

1. Tom Gaume, resident, asked for help with the longstanding issue of public safety in the area known as the Compound. He recommended creating an ad-hoc committee to come up with solutions that would include the Police, Fire and Public Works Departments.

Mayor Medina liked the idea of having a meeting to discuss options in the Compound. Mr. Filiberto supported an ad hoc committee and suggested that it be comprised of three (3) residents, one (1) member of the Police Department and one (1) member of City Council. Mr. Foster felt a workshop was the best idea and to invite property owners in that area. Mr. Johnson said a committee could take weeks or months to establish. He and Deputy Mayor Felix agreed with a workshop. Council concurred to schedule a workshop.

**PUBLIC HEARING(S):**

**1. Ordinance 2022-124, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations' by modifying provisions related to model homes (Case T-52-2022, LGI Homes), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Tres Williams, LGI Homes, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-124. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**2. Ordinance 2022-127, naming a private roadway to be known as Astor Drive NE, 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. Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-127. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**3. 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), final reading.**

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

Bill Battin, resident, commented on how long it took to vacate an easement and the impact on residents, and this item was just to erect a shed. The public hearing was closed.

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

**4. Ordinance 2022-125, rezoning property located north of and adjacent to Emerson Drive, in the vicinity east of St. Johns Heritage Parkway, from AU (Agricultural Residential) (Brevard County), to CC (Community Commercial District) (13.96 acres) (Case Z-59-2022, Ascot Palm Bay Holdings, LLC), final reading. (Quasi-Judicial Proceeding)**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2022-125. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**5. Ordinance 2022-126, granting approval of a Final Development Plan for a residential subdivision to be known as ‘Everlands Phase II (also known as NE-Quad)’ on property located west of and adjacent to St. Johns Heritage Parkway, in the vicinity north of Emerson Drive (143.73 acres) (Case FD-60-2022, DRP FL 6, LLC), final reading. (Quasi-Judicial Proceeding)**

The City Attorney read the ordinance in caption only. The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2022-126, subject to staff comments contained in the Staff Report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**6. Ordinance 2022-119, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by modifying provisions related to unimproved real property (Case T-57-2022, City of Palm Bay), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Mrs. Junkala-Brown presented the request to Council.

Individuals spoke in favor of the request.

Bill Battin, resident, was concerned that the ordinance was being written based on one individual and it could be detrimental to other people. He said his property may be highly affected due to its Rural Residential District zoning.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2022-119. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

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

**7. Ordinance 2023-02, rezoning property located north and south of Ersoff Boulevard, in the vicinity east of Lipscomb Street, from HC (Highway Commercial District) to RMH (Residential Mobile Home District) (2.87 acres) (Case Z-58-2022, Paul Daly and Don Ballew), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 12/06/22 RCM)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened.

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Attorney Kim Rezanka, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve Ordinance 2023-02. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**8. Consideration of a Substantial Amendment to the City's approved Fiscal Years 2018-2019, 2020-2021, 2021-2022, and 2022-2023 Annual Action Plans for Community Development Block Grant entitlement funds, only one hearing required.**

The public hearing was opened. Mrs. Junkala-Brown presented the request to Council. There were three (3) substantial amendments: funding increase for the purchase of a quint to support Fire Station 7; amendment to the scope for drainage improvements in Driskell Heights; and funding increase to replace twenty-eight (28) existing and deteriorating benches along the lineal path in Driskell Heights (Liberia Park).

Mayor Medina asked the lifespan of the composite recycled benches. Mr. Poppe responded that it was 25-30 years. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve a Substantial Amendment to the City's approved Fiscal Years 2018-2019, 2020-2021, 2021-2022, and 2022-2023 Annual Action Plans for Community Development Block Grant entitlement funds. 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 Deputy Mayor Felix, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 3 and 8, 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: Regular Council Meeting 2022-33; November 17, 2022.**

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

**2. Adoption of Minutes: Regular Council Meeting 2022-35; December 6, 2022.**

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

**3. Contract: Design services for City Hall Complex Building E – Task Order 1, Amendment 3 (IT and Emergency Operations) – Parks and Facilities Department (Silling Architects - \$115,120).**

Staff Recommendation: Approve Amendment 3 to Task Order 1 (IT and Emergency Operations) against the master agreement for design services for City Hall Complex, Building E, with Silling Architects in the amount of \$115,120.

Bill Battin, resident, said it was taking a long time to get to completion of Building E and questioned if staff would run out of time to utilize the American Rescue Plan Act (ARPA) funding. He also asked if departments would be relocated to the City Hall campus or would some still be scattered throughout the city.

Mrs. Junkala-Brown said the deadline for ARPA was December 31, 2026, and she did not foresee an issue with being able to expend the funds prior to that time. She said there would still be some offices spread throughout the City.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Amendment 3 to Task Order 1 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.

**4. Contract: Miscellaneous wastewater collection system improvements project design, permitting, and bidding services – Task Order 23-02-IS – Utilities Department (Infrastructure Solution Services, \$164,700).**

Staff Recommendation: Approve Task Order 23-02-IS for miscellaneous wastewater collection system improvements project design, permitting, and bidding services with Infrastructure Solution Services in the amount of \$164,700.

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

**5. Miscellaneous: ‘Cooperative Purchase’, generator, fuel tank and automatic transfer switch (ATS) replacement, Lift Station 93 (Florida Sheriff’s contract) – Utilities Department (LJ Power - \$113,400); approve the appropriation of funds on the next scheduled budget amendment.**

Staff Recommendation: Approve the award for the generator, fuel tank and automatic transfer switch (ATS) replacement for Lift Station 93 to LJ Power, through the Florida Sheriff's contract, in the amount of \$113,400; and approve the appropriation of funds on the next scheduled budget amendment.

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

**6. Miscellaneous: Emergency dispatch system, Phase 2, Mach Alerting System and installation – Fire Department (Mach Alert, Inc. and Communications International, Inc. - \$119,740); and authorize use of Fire Impact Fees to complete Phase 2 of the emergency dispatch system.**

Staff Recommendation: Approve the sole source purchase of the Mach Alerting System equipment and installation with Mach Alert, Inc. and Communications International, Inc. in the amount of \$119,740; and authorize use of Fire Impact Fees to complete Phase 2 of the emergency dispatch system.

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

**7. Miscellaneous: Special Procurement and Waiver of the Procurement Process, three (3) passenger vans – QUO 18-0-2023 – Recreation Department (Step One Automotive - \$142,050); and approve the appropriation of funds on the next scheduled budget amendment (\$26,550).**

Staff Recommendation: Approve the award of special procurement and waiver of the procurement process for three (3) passenger vans for the Recreation Department with Step One Automotive (Crestview) in the amount of \$142,050; and approve the appropriation of funds on the next scheduled budget amendment in the amount of \$26,550.

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

**8. Resolution 2023-01, establishing a Building Permit Fee Reduction Program as an economic development incentive tool to encourage certain commercial and industrial development projects.**

The City Attorney read the resolution in caption only.



Bill Battin, resident, asked the impact of the overall operation of the City. He said that residents, who may struggle more financially, were required to pay outrageous fees for something as simple as a shed in their backyard. He said that Council and staff should be thinking about the residents, not just commercial and industrial.

Mrs. Junkala-Brown said this was an economic development tool with the intent to create jobs and encourage capital investment which would, in turn, provide added tax revenue to the city.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Resolution 2023-01. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**9. Ordinance 2023-03, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (first 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.

**10. Consideration of allocating Stormwater Utility Undesignated Funds for the construction of Weldon Street at C-42-R Culvert Replacement, Project 18SU05 (\$450,000).**

Staff Recommendation: Authorize the use of \$450,000 from Stormwater Utility Undesignated Fund balance for the construction of Weldon Street at C-42-R culvert replacement, Project 18SU05.

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

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

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

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of two (2) members to the Citizens' Budget Advisory Board.**

Motion by Mr. Johnson, seconded by Mr. Foster, to appoint Jimmy Backus to the 'at-large' position on the Citizens' Budget Advisory Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

Motion by Mr. Johnson, seconded by Mr. Foster, to deny the appointment of Daniel Acosta to the 'at-large' position on the Citizens' Budget Advisory Board due to the application being incomplete.

Motion carried with members voting as follows:

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

**NEW BUSINESS:**

**1. Consideration of a co-sponsorship request from CareerSource Brevard for a job fair to be held on February 8, 2023, at the Tony Rosa Community Center.**

Staff Recommendation: Approve the City's co-sponsorship with CareerSource Brevard for a Veteran-focused job fair to be held on February 8, 2023, at the Tony Rosa Community Center, authorizing \$1,275 in fee waivers.

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

**COUNCIL REPORTS:**

Councilmembers addressed various subject.

1. Mr. Johnson announced that he would be hosting a Town Hall meeting at Skeebo's Rib Shack on Friday, January 13<sup>th</sup>, to highlight what's going on in Palm Bay.
2. Mayor Medina asked the City Attorney and City Clerk to work on implementing the new laws regarding legal notices as there would be a cost savings to the city. Ms. Smith advised that Brevard County was the lead and staff would provide information as it became available.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Mrs. Junkala-Brown announced upcoming meetings and events.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

1. Bill Battin, resident, asked about the clearing of land adjacent to Fire Station 5. Mrs. Junkala-Brown responded that she was unaware of the clearing and would have staff research same.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 8:02 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK