

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2023-03

Held on Thursday, the 2<sup>nd</sup> day of February 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.

Elder Toby Hubbard, Truth Revealed Ministries, 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>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Nancy Bunt, Community and Economic Development Director; Alexandra Bernard, Growth Management Director; Frank Watanabe, City Engineer.

### ANNOUNCEMENTS:

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

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

### AGENDA REVISION(S):

- Ms. Sherman advised that the applicant for Item 3, under Public Hearings, requested that Case PD-36-2022 be continued to the February 16, 2023, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Item 3, under Public Hearings, to the February 16, 2023, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**PROCLAMATIONS AND RECOGNITIONS:**

The proclamations were read.

- 1. Proclamation: Human Trafficking Awareness Month - January 2023.**
- 2. Proclamation: Honoring the service of Ruben Saltares-Ruiz. (Mayor Medina)**

**PRESENTATIONS:**

- 1. Maurice Kurland, Alcalde & Fay (Federal Lobbyist) - update.**

Mr. Kurland provided a brief overview of the legislative session at the federal level. He said the firm would be pursuing the four (4) federal priorities for the City: infrastructure needs for the widening of Malabar Road and the St. Johns Heritage Parkway; water quality and coastal rehabilitation for the Indian River Lagoon and Turkey Creek; public safety; and interoperable radio systems for First Responders. Mr. Kurland answered questions posed by councilmembers.

- 2. Luis Nieves-Ruiz, Eastern Central Florida Regional Planning Council - Economic Development Strategic Plan.**

Mr. Luis Nieves-Ruiz explained that the East Center Florida Regional Planning Council (ECFRPC) provided technical assistance to both local governments and organizations in a variety of areas, including emergency management, resiliency, and economic development. He detailed the process of creating an Economic Development Plan in which an existing conditions analysis was performed that reviewed demographics, eight (8) economic corridors of significance and the city's economic structure. The second part of the report was the SWOTT analysis (strengths, weaknesses, opportunities and threats). Mr. Nieves-Ruiz noted the factors that contributed to the City's SWOTT analysis. He answered questions posed by councilmembers.

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

Individuals made general comments.

**PUBLIC HEARING(S):**

- 1. Ordinance 2023-01, providing for the annexation of certain real property generally located north, south and west of Micco Road, in the vicinity south of Dottie Drive, into the city (302.70 acres) (Case A-5-2022, Tiffany Dismukes Floyd), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, and James Dicks, Dix Development, presented the request to Council.

Mayor Medina said he appreciated Viera's Master Plan as it incorporated various places of worship for the residents.

Bill Battin, resident, did not want the City to incur a large expense for the roadway which had occurred previously with the St. Johns Heritage Parkway (Parkway). He said these were the same developers that were supposed to have paid for the southern portion of the Parkway and felt that people would not be able to cross the Ashton Park corridor due to traffic conditions.

Mr. Filiberto was pleased with the project and advised that he would hold the applicant to all conditions listed in the Master Plan.

The public hearing was closed.

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

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

## **2. Ordinance 2023-04, granting Ad Valorem Tax (AVT) Abatement to Rogue Valley Microdevices, Inc., final reading.**

The City Attorney read the ordinance in caption only. Mrs. Bunt presented the request to Council.

Numerous individuals spoke in favor of the request. Jessica Gomez, Chief Executive Officer for Rogue Valley Microdevices, made comments and responded to questions.

The public hearing was closed.

Mayor Medina relinquished the chair to Deputy Mayor Felix and made the motion to consider this hearing as the first reading of the ordinance; and to modify the annual abatement percentages from sixty percent (60%) to seventy percent (70%) for the first four (4) years; sixty percent (60%) for year five (5); fifty percent (50%) for year six (6); and forty percent (40%) for year seven (7). Mr. Johnson seconded the motion.

Motion by Mayor Medina, seconded by Mr. Johnson, to approve Ordinance 2023-04 as 1<sup>st</sup> reading and revise the abatement percentages from 60% to 70% for first 4 years, 5th year 60%, 6th year 50%, 7th year 40%. Mr. Filiberto said he could not support this initiative.

Motion carried with members voting as follows:

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

Ms. Smith advised that the ordinance would need to be re-advertised and the final reading of this ordinance would be considered at the March 2, 2023, regular Council meeting. Mayor Medina resumed as presiding officer.

**3. Resolution 2022-60, granting approval of a Preliminary Development Plan for a proposed mixed residential development to be known as ‘Palm Vista Everlands West PUD’ in AU (Agricultural Residential) (Brevard County) zoning, which property is located west of and adjacent to St. Johns Heritage Parkway, in the vicinity east of Melbourne-Tillman Water Control District Canal 2R (1198.1 acres) (Case PD-36-2022, Palm Vista Preserve, LLC). (Quasi-Judicial Proceeding) (CONTINUED FROM 11/17/22 RCM)**

This item, addressed under Agenda Revisions, was continued to the February 16, 2023, regular Council meeting.

**4. Ordinance 2023-05, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located north, south, and west of Micco Road, in the vicinity south of Dottie Drive, from Micco Park Village District and RES 1 (Residential Unit Per Acre) (Brevard County) to Mixed Use (1,435.36 acres) (Case CP-40-2022 – MLCI Investments, Ltd.; Brevard 270, LLC; David Lee, LLC; Brevard Property Holdings, LLC; MLCI Realty II, LLC; MLCI Realty, Ltd.; L&L Collections, LLC; Trustees of the William H. Lee Revocable Trust; Tiffany Dismukes Floyd), first reading.**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, and James Dicks, Dix Development, presented the request to Council.

Individuals commented on increased traffic and safety of residents due to high traffic, the property should remain Rural Residential, destruction of wildlife, and that the project location should be further north in the city. Mr. Wise responded to the comments.

Mr. Filiberto noted that the plan would include acreage for schools, greenspace and a future police/fire station. Mr. Wise confirmed same.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-05. 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 2023-06, amending the Code of Ordinances, Chapter 169, Land Development Code, by modifying provisions related to Citizen Participation Plans (Case T-7-2023, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Bernard presented the request to Council. She advised that Section 169.005(B)(1) was revised as follows:

(1) Every application for development >>, unless specifically exempted by this subchapter,<< ~~that requires a Comprehensive Plan Future Land Use Map or Zoning Map Amendment, preliminary subdivision approval, preliminary planned unit development, or a conditional use~~ shall include a citizen participation plan >>and a citizen participation report<< that must be implemented prior to an application being deemed sufficient for staff review and scheduling of public hearings.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Filiberto, to adopt Ordinance 2023-06, with staff's revisions. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**6. Request by the City of Palm Bay to amend the City's Comprehensive Plan Future Land Use Element to ensure consistency with the City Council's intent to promote mixed use development (Case CP-37-2022). (WITHDRAWN)**

**7. Request by Ascot Palm Bay Holdings, LLC for a conditional use to allow retail automotive gas/fuel sales in CC (Community Commercial District) zoning on property located at the northeast corner of Emerson Drive and St. Johns Heritage Parkway (2.00 acres) (CU-1-2023). (WITHDRAWN)**

**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. Foster, that the Consent Agenda be approved as presented with the removal of Items 7 and 13, 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 2023-01; January 5, 2023.**

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

**2. Contract: Brass fittings (Ford Brand only), purchasing authority - Utilities Department (Ferguson Enterprises, Inc. - \$190,000).**

Staff Recommendation: Approve an increase in annual purchasing authority for the purchase of brass fittings (Ford Brand only) (Contract 17-0-2020) with Ferguson Enterprises, Inc. (Melbourne), in the amount of \$190,000.

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

**3. Miscellaneous: 'Piggyback Purchase', fire hydrants (City of Melbourne contract) - Utilities Department (Ferguson Enterprises, Inc. - \$150,000 annually).**

Staff Recommendation: Approve the piggyback purchase for fire hydrants with Ferguson Enterprises, Inc. (Melbourne), through the City of Melbourne contract, in the amount of \$150,000.

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

**4. Miscellaneous: 'Cooperative Purchase', athletic surfacing and asphalt maintenance (National Cooperative Purchasing Alliance Contract) – Parks and Facilities Maintenance Department (The NIDY Sports Construction Company - \$99,900).**

Staff Recommendation: Approve the cooperative purchase for athletic surfacing and asphalt maintenance with The NIDY Sports Construction Company (Sanford), through the National Cooperative Purchasing Alliance contract, in the amount of \$99,900.

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

**5. Consideration of City Council Flag Program nominee, Ruben Saltares-Ruiz. (Mayor Medina)**

Staff Recommendation: Approve Ruben Saltares-Ruiz as a nominee for the City Council Flag Program.

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

**6. Consideration of reallocating a portion of capital funds from Fiscal Year 2023 to purchase a 14-foot technical rescue trailer for the Fire Rescue's Special Operations Team (\$12,000), and to complete the build-out of Brush Truck 2 (\$30,000).**

Staff Recommendation: Approve reallocation and utilization of capital funds from Fiscal Year 2023 to purchase a 14-foot equipment trailer to carry necessary equipment for the Fire Rescue's Special Operations Team (\$12,000) and to finish the build-out of Brush Truck 2 (\$30,000).

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

**7. Consideration to add a funding appropriations request for improvements to the memorial at Sacrifice Park to the City's 2023-2024 state legislative priorities.**

Staff Recommendation: Approve the addition of a funding appropriations request for improvements to the memorial at Sacrifice Park to the City's 2023-2024 state legislative priorities; and authorize staff and the City's state lobbying firm, Sunrise Consulting Group, to advocate for the 2023 State legislative priorities of the City of Palm Bay.

Mr. Filiberto did not agree with using taxpayer dollars for this project and felt raising funds through the Mayor's Ball or other avenues would be better options.

Motion by Mr. Foster, seconded by Mayor Medina, to approve the addition of a funding appropriations request for improvements to the memorial at Sacrifice Park to the City's 2023-2024 state legislative priorities.

Motion carried with members voting as follows:

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

**8. Consideration of an amendment to the grant agreement with the Florida Department of Environmental Protection's Coastal Partnership Initiative for improvements to Castaway Point Park.**

Staff Recommendation: Authorize the City Manager to execute the amendment of the grant scope of work as approved by Florida Department of Environmental Protection related to the Coastal Partnership Initiatives grant program for improvements to Castaway Point Park.

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

**9. Consideration of submitting an application for the Assistance to Firefighters Grant for the 2022 grant period.**

Staff Recommendation: Approve submitting an application to the Assistance to Firefighters Grant for the 2022 period.

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



**10. Consideration of submitting an application for the 2023 AARP Community Challenge Grant.**

Staff Recommendation: Authorize staff to submit a grant application for the 2023 AARP Community Challenge Grant.

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

**11. Consideration of submitting a grant application to the Public Art Challenge of Bloomberg Philanthropies Opportunity for U.S. Cities.**

Staff Recommendation: Authorize staff to submit a grant application to the Public Art Challenge of Bloomberg Philanthropies Opportunity for U.S. Cities; and authorize the Mayor to issue a cover letter on behalf of the City.

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

**12. Consideration of submitting a grant application for the Speeding and Aggressive Driving Program through the Florida Department of Transportation.**

Staff Recommendation: Approve the application submission of The Florida Department of Transportation (FDOT) State Safety Office Speeding and Aggressive Driving Concept Paper grant proposal on behalf of the City.

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

**13. Consideration of the final draft of the City's Economic Development Strategic Plan.**

Staff Recommendation: Accept the City of Palm Bay Economic Development Strategic Plan as prepared by East Central Florida Regional Planning Council.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to accept the City of Palm Bay Economic Development Strategic Plan as prepared by East Central Florida Regional Planning Council. 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 a Proportionate Fair Share Agreement with Development Partners, LLC for a development project known as Palm Breeze Apartments.**

Staff Recommendation: Approve the Proportional Fair Share Agreement with Development Partners, LLC, for a development project known as ‘Palm Breeze Apartments’.

Alexandra Bernard presented the item to Council.

Bill Battin, resident, requested a left turn lane onto the property so that traffic would not be blocked on San Filippo Drive.

Mr. Watanabe detailed existing deficiencies along the roadway and said that it needed to be widened to four (4) lanes and have a center lane for left turns.

Mr. Kinan Husainy, Kimley-Horn and Associates and representative for the project, said a significant analysis and traffic study was performed and revealed that eleven percent (11%) of traffic would be making a left turn as it related to the project location and connection to Interstate 95. Most of the trips would be travelling southbound, not northbound; therefore, no left turn was warranted.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Proportionate Fair Share Agreement. 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 the City's 2023 federal legislative priorities.**

Staff Recommendation: Approve the 2023 federal legislative priorities; and authorize the Deputy Mayor to execute letters of support to Senators Rubio and Scott, and Congressman Posey.

Bill Battin, resident, questioned why the request was to widen the Parkway to Emerson Drive instead of to U.S. 192. Ms. Sherman responded that the agencies responsible for the Parkway beyond the city limits were not pursuing widening their portion of the Parkway at this time.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve the 2023 federal legislative priorities and authorize the Deputy Mayor to execute letters of support to Senators Rubio and Scott, and Congressman Posey. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Filiberto, Yea.

**3. Consideration of amending Chapter 5, Types of Meetings, of Council's Policies and Procedures, by modifying the distribution date of agenda packets for regular meetings. (Mayor Medina)**

Staff Recommendation: Approve the amendment to Section 5.1, Regular Meetings, of Council's Policies and Procedures, to change the distribution date of the regular meeting agenda packet from Friday to Thursday.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve the amendment to Section 5.1, Regular Meetings, of Council's Policies and Procedures, to change the distribution date of the regular meeting agenda packet from Friday to Thursday. 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 scheduling workshop meetings for February and March 2023.**

Council concurred to schedule three (3) workshop meetings: 1) Tuesday, February 28, 2023, 6:00 P.M., Republic Services update; 2) Tuesday, March 7, 2023, 6:00 P.M., discussion of Majors Golf Course; and 3) Thursday, March 30, 2023, 6:00 P.M., discussion of area known as the Compound.

Mayor Medina mentioned a larger facility (Bayside High School) or option to open two rooms with a rotation schedule for speakers. Mr. Filiberto supported a larger facility. Mr. Foster said it would cost extra money to change the venue and there were two facilities at the City Hall campus, but he also did not want residents standing out in unforeseen weather conditions waiting to get into Chambers. He would support securing the high school and giving extra time for residents to speak. Mr. Johnson felt that Council Chambers was the best venue for the workshop. Mayor Medina requested additional outside speakers for citizens.

**COUNCIL REPORTS:**

Councilmembers addressed various subjects.

1. Mr. Foster requested Council’s support for a proposed bill by Senator Rubio that would streamline the grant process. He suggested a letter in support of the bill. Mayor Medina said that Deputy Mayor Felix could sign the letter. Council concurred.

2. Deputy Mayor Felix asked that staff include “workforce housing”, based on percentage, for large-scale projects. This would also include the project’s economic impact on the community.

Mayor Medina was concerned about coercion. Ms. Smith said there was a statute that required certain criteria and she would provide further information to Council. Mr. Johnson said a similar topic was discussed in 2019 for mandatory inclusionary housing which eventually became voluntary inclusionary housing through incentives, density, setbacks, etc. Mayor Medina was fine with it being voluntary but did not support mandates when it was related to property rights. Mr. Filiberto agreed with Mayor Medina. Council concurred for staff to gather information and present to Council.

**ADMINISTRATIVE AND LEGAL REPORTS:**

There were no reports.

**PUBLIC COMMENTS/RESPONSES:**

Residents made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:28 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK