

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2023-06

Held on Thursday, the 2<sup>nd</sup> day of March 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 6:00 P.M.

Pastor Tim Ritchey, Eastwind Pentecostal 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	Absent
<b>COUNCILMEMBER</b>	Vacant	
<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; Juliet Misconi, Deputy City Manager; Frank Watanabe, City Engineer; Fred Poppe, Recreation Director; Nancy Bunt, Community and Economic Development Director; Alexandra Bernard, Growth Management Director.

### 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).++**
2. **One (1) vacancy on the Planning and Zoning Board (represents 'at-large' position).++**
3. **One (1) vacancy on the Palm Bay City Council (represents 'Seat 5' position).+**

**AGENDA REVISION(S):**

Ms. Sherman announced the following revisions:

A. Resolution 2023-07, requesting an extension to the commencement period of a conditional use for a self-storage facility had been added as Item 2, under New Business; and

B. Consideration of submitting the design phase for the widening of St. Johns Heritage Parkway for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding had been added as Item 3, under New Business.

**PROCLAMATIONS AND RECOGNITIONS:**

The proclamations were read.

- 1. Proclamation: American Red Cross Month - March 2023. (Councilman Johnson)**
- 2. Proclamation: Irish American Heritage Month - March 2023.**
- 3. Proclamation: Procurement Month - March 2023.**

**PRESENTATIONS:**

- 1. Kittelson & Associates, traffic engineering subconsultant to Consor Engineers – northwest and southeast traffic studies update.**

Adam Burghdoff, Principal Engineer, provided an overview of the firm's independent analysis of traffic conditions in the northwest and southeast sectors of the city. The analysis approach was to prepare a comprehensive travel demand model with all planned developments in the quadrant and evaluate operating conditions. Mr. Burghdoff discussed the upcoming developments in the area; quadrant study segments and intersections; transportation network analysis, results, and improvements; and preliminary cost estimates for additional improvements.

Deputy Mayor Felix felt the lack of east/west corridors also needed to be addressed in the future. Mr. Watanabe said that this study covered the first two quadrants and eventually it would be a city-wide model covering all quadrants in the city.

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

Individuals made general comments.

1. Tim Bland, resident, spoke about the condition of the Majors Golf Course. He wanted recreational activities and facilities for all Palm Bay residents and said that overdevelopment and lack of infrastructure contributed to the increased traffic.

2. Alfred Agarie, resident, said he had a non-profit organization and was recently granted a co-sponsorship, but the request did not include use of the pavilion, only tents, chairs and tables. He asked to use another tent to provide shade to the attendees or due to unforeseen weather conditions. The event would be held on March 4<sup>th</sup>.

Ms. Sherman said the request would be presented to Council at the March 16<sup>th</sup> meeting. She said there were some additional issues, such as sale of alcohol, which was not included in the original request. Mayor Medina would agree to the additional tent, tables and chairs, but not alcohol. Mr. Johnson asked for comments from the Recreation Director regarding the application. Mr. Poppe said the application was straightforward and he was unaware of any misplaced information on the application. He noted that this was a monthly event, not a one-time event. The additional equipment would also require staff assistance to set up and take down.

Mayor Medina said this was a community event and was presented to Council as such. The sale of alcohol and food was not part of the agreement. Mrs. Misconi said there was no clear understanding of which parts of the co-sponsorship were the City's responsibility. There would be significant cost for the manpower for a large tent, and staff went strictly by what was approved in the Legislative Memorandum. Mayor Medina said he would only support three (3) hours of manpower for the large tent. Deputy Mayor Felix agreed with the Mayor. Mr. Johnson said it would be six (6) hours, three (3) hours to put up and three (3) hours to take down. He had concerns with placing this on staff on short notice and said that if Council were to review it for the remaining nine (9) months or so, he would discuss it at that time. Ms. Sherman suggested placing a modification to the request on a future meeting as she did not have the official numbers for the cost. Council concurred.

3. Anton Evans, resident, said there was still a problem of speeding along Witchita Boulevard. He said that once the monitor was taken down, the speeding started again, and asked if a speed hump could be installed.

**PUBLIC HEARING(S):**

**1. Ordinance 2023-07, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 1186, Port Malabar Unit 24 (Case VE-8-2022, Emily Flagge), 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 Deputy Mayor Felix, to adopt Ordinance 2023-07. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**2. Ordinance 2023-08, vacating a portion of the rear public utility and drainage easement located within Lot 6, Block 470, Port Malabar Unit 11 (Case VE-11-2022, Tami and David Lee), 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 Deputy Mayor Felix, to adopt Ordinance 2023-08. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

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

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

Individuals spoke in favor of the request.

Bill Battin, resident, was not against the request, but did not agree that only large businesses received a tax abatement.

The public hearing was closed.

Mayor Medina relinquished the chair to the Deputy Mayor and made a motion to adopt Ordinance 2023-04. Mr. Johnson seconded the motion. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

Mayor Medina resumed as presiding officer.

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

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Substantial Amendment to the City’s approved Fiscal Years 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.

**5. Ordinance 2023-11, updating the Comprehensive Plan Future Land Use (FLU) Element in its entirety (Case CP-3-2023, 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. Chris Dougherty, Inspire Placemaking Collective, consultant for the City’s Comprehensive Plan update, provided a presentation on the project. Ms. Bernard and Mr. Dougherty answered questions posed by councilmembers.

Bill Battin, resident, commented that there were no classified Rural Residential properties within the Comprehensive Plan. There was Rural Single Family in the proposed Comprehensive Plan, and his property was currently zoned Rural Residential. Under the new category, he would qualify to allow thirty (30) homes on his property. He added there were conflicts between the FLU, the zoning element and the Code of Ordinances.

Ms. Bernard responded that RR (Rural Residential District) was a zoning category and tonight’s agenda item was related to the Future Land Use Element. The Rural Single Family Future Land Use would allow for a Rural Residential zoning classification. Ms. Smith added that the land development regulations would be amended to ensure that the zonings matched the Comprehensive Plan.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-11. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**6. Ordinance 2023-12, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'General Provisions', by modifying provisions related to accessory dwelling units (Case T-16-2023, 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. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-12. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, 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. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**1. Contract: Hydrogeological services, one-year extension of the master consultant agreement – Utilities Department (Ardaman and Associates, Inc. – rates unchanged since contract award).**

Staff Recommendation: Approve a one-year extension of the master consultant agreement for hydrogeological services with Ardaman and Associates, Inc. (Orlando), with no change to rates.

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

**2. Contract: Firefighter physical exams, one (1) additional year contract extension and negotiated increases for contract years 4 (4.2%) and 5 (4.2%) – Human Resources Department (Life Extension Clinics – \$2,661 (year 4 contract increase)).**

Staff Recommendation: Approve a one-year contract extension for firefighter physical exams and negotiated increases for contract year 4 at 4.2% and year 5 at 4.2% with Life Extension Clinics (Tampa), in the amount of \$2,661 for contract year 4.

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

**3. Miscellaneous: 'Piggyback Purchase', Vehicles (Volusia County Schools contract) – various City Departments (Step One Automotive - \$55,391).**

Staff Recommendation: Approve the award for vehicles with Step One Automotive (Crestview), through the Volusia County Schools contract, in the amount of \$55,391.

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

**4. Consideration of utilizing Stormwater Utility Fees to provide additional funding for Project 23SU05, Unit 50 Culvert Replacement (\$700,000).**

Staff Recommendation: Approve and authorize the use of Stormwater Utility Fees to provide additional funding for Project 23SU05, Unit 50 Culvert Replacement, in the amount of \$700,000.

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

**5. Consideration of utilizing General Fund undesignated fund balance for Castaway Point Park (Task Order 23-COPB-Q01) and Stearns Point Park (Task Order 23-COPB-Q02) Improvements and Permitting Services (Construction Engineering Group - \$58,107).**

Staff Recommendation: Approve the execution of Construction Engineering Group Task Orders 23-COPB-Q01 and 23-COPB-Q02 for Castaway Point Park and Stearns Point Park improvements and permitting services, against Master Agreement 15-0-2021, with Construction Engineering Group, LLC (CEG); and approve appropriation of funds on the next scheduled budget amendment; in the amount of \$58,107.50.

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

**6. Consideration of accepting the 2022 Annual Reports from L3Harris Technologies and Midwest Dental Arts for the City's Ad Valorem Tax Abatement Program.**

Staff Recommendation: Accept the 2022 Annual Reports for the City's Ad Valorem Tax Abatement Program from L3Harris Technologies and Midwest Dental Arts as certified by the Brevard County Property Appraiser.

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

**7. Consideration of submitting an application to the Florida Local Government Cybersecurity Grant Program for grant funds to provide software monitoring to identify and respond to internal and external network vulnerabilities.**

Staff Recommendation: Authorize the City to submit an application to the Florida Local Government Cybersecurity Grant Program for grant funds to provide software monitoring to identify and respond to internal and external network vulnerabilities.

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

**8. Consideration of travel and training for specified City employees (Office of the City Manager).**

Staff Recommendation: Approve the travel and training as specified.

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

**NEW BUSINESS:**

**1. Consideration of a co-sponsorship request from Blazing Trails, Corp. for the Palm Bay Makers Faire to be held on April 29, 2023.**

Staff Recommendation: Approve the City's co-sponsorship with Blazing Trails, Corp. for its annual Palm Bay Makers Faire to be held at Florida Tech's Center for Advanced Manufacturing and Innovative Design (CAMID) facility located at 2495 Palm Bay Road NE on Saturday, April 29, 2023, from 10:00 A.M. – 4:00 P.M., for a total amount of \$1,405 (\$1,000 waiver – City's stage and bleachers rental cost; \$280 waiver – in-kind wages (labor) and fees; \$125 waiver – fire inspection fee).



Ms. Sherman presented the item to Council.

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

**2. Resolution 2023-07, amending Resolution 2022-11, by extending the commencement period of the conditional use granted for a self-storage facility in CC (Community Commercial District) zoning (Case CU-6-2022, Willard Palmer). (AGENDA REVISION)**

Staff Recommendation: Adopt the Resolution 2023-07 amending Resolution 2022-11, authorizing an extension to the conditional use for an additional 365 days.

The City Attorney read the resolution in caption only.

Ms. Bernard presented the item to Council. Ken Ludwa, BSE Consultants, representative for the applicant, explained the delay with the project and the reason for the extension. He said that a full year was not needed, just enough to get through staff review and construction plan approval. Mayor Medina asked if six months would be sufficient. Mr. Ludwa confirmed same.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to adopt Resolution 2023-07.

Mr. Johnson expressed concern with a storage facility on a prime site along Malabar Road and would not support the request since they did not complete the project on time. Mayor Medina agreed. Deputy Mayor Felix said that Council had agreed that more commercial was needed in the city, and this was an investment that would bring millions into the community. Mayor understood and suggested a six-month extension.

Mayor Medina withdrew his second to the motion.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to amend the motion to adopt Resolution 2023-07, with the modification from a one-year extension to a six-month extension.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Yea
Councilman Johnson	Nay

**3. Consideration of submitting the design phase for widening of St. Johns Heritage Parkway, from Malabar Road to the northern city limit, for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding. (AGENDA REVISION)**

Staff Recommendation: Approve the submittal of the design phase for the widening of St. Johns Heritage Parkway, from the Malabar Road to the northern city limit, for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding.

Mr. Watanabe presented the request to Council.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve the submittal of the design phase for the widening of St. Johns Heritage Parkway, from the Malabar Road to the northern city limit, for the Fiscal Year 2023 Space Coast Transportation Planning Organization's Call for Projects funding. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**COUNCIL REPORTS:**

Councilmembers addressed various subjects.

1. Mr. Johnson felt there may be a large number of applications for City Council Seat 5 vacancy. He suggested that the first ranking take place on April 6<sup>th</sup>, which would be narrowed down to the top five (5) applicants; then those five (5) applicants would be re-ranked at a special Council meeting on April 13<sup>th</sup> to select the individual to fill the vacancy. This would give each councilmember the ability to ask questions of the applicants instead of having to complete the process at a regular Council meeting with other items on the agenda. This would all still occur within the 60-day time frame pursuant to the City Charter.

Mayor Medina did not want to give a false impression to the public that they could come to the meeting and speak for themselves or in support of an applicant. The process was solely with City Council, not the public. He suggested having the top three (3) applicants

instead of five (5). Mayor Medina said he also preferred to conduct private interviews with the applicants.

Deputy Mayor Felix said there were numerous individuals that had already expressed interest through the City Clerk's Office and the application process had not even been opened yet. He agreed with one-on-one meetings with the applicants and narrowing it down to a smaller number and allowing them to publicly share why they want to serve on Council. Mayor Medina did not want applicants publicly campaigning to Council.

Council concurred with the following:

- March 16<sup>th</sup> – another first reading of the ordinance to include language regarding the ranking process.
- April 6<sup>th</sup> – final reading of the ordinance and the first ranking of the applicants which would be narrowed down to five (5) applicants/finalists.
- April 13<sup>th</sup> – final ranking of the five (5) applicants/finalists to select the individual to fill the vacancy. There would be no public interviews; interviews would be done privately by each councilmember.

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

Staff provided updates on various topics.

1. Ms. Sherman requested consensus from Council to send a letter to Senator Mayfield relating to Senate Bill 102/House Bill 627, the "Live Local Act". She said the bill would adversely affect development of commercially zoned areas in Palm Bay. Council concurred.
2. Mrs. Junkala-Brown provided an update on the Rays Grant application which had recently been submitted to the State. The grant, with matching funds from the City, would be intended for the widening of Malabar Road, from Minton Road to Jupiter Boulevard. The matching funds would come from impact fees.
3. Mrs. Misconi advised of the electric vehicle purchase for the Building Department. She said that one EV would be purchased, and a charging station would be installed in front of Council Chambers as a Level 2 charging station which would also be available to the public. In addition, three (3) Hybrid F-150s and fifteen (15) Hybrid Mavericks were also purchased.

**PUBLIC COMMENTS/RESPONSES:**

Residents made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:11 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK