

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2023-08

Held on Thursday, the 6th day of April 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 6:04 P.M.

Pastor Chris Adams, Christian Life Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Donny Felix	Present
COUNCILMEMBER:	Kenny Johnson	Present
COUNCILMEMBER:	Randy Foster	Present
COUNCILMEMBER:	Vacant	
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

Councilman Foster attended the meeting via teleconference.

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Alexandra Bernard, Growth Management 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 REVISIONS:

The following revisions were announced:

A. Ms. Sherman announced a revision to the Sourcewell contract number on Item 7, under Consent Agenda, relating to the tractor and slope mower cooperative purchase.

B. Mrs. Jones advised that Item 1, under New Business, had been withdrawn.

C. Mr. Johnson asked that Item 1, under Public Hearings, and Item 1, under Unfinished and Old Business, be considered prior to the first Public Comments section, respectively.

Motion by Mr. Johnson, seconded by Mr. Foster, to consider the agenda revisions as stated. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

- 1. Proclamation: Recognizing Mykel Benson. (Mayor Medina)**
- 2. Proclamation: Sustainability Awareness Month - April 2023.**
- 3. Proclamation: Water Conservation Month - April 2023.**

PRESENTATION:

- 1. Pastor Ken Delgado, The House Church - honoring the City of Palm Bay for its partnership with the 2022 Family Christmas Extravaganza Event.**

Pastor Delgado presented the Police, Fire, and Parks and Facilities Departments with a \$500 check each for their assistance with the event.

Council considered Item 1, under Public Hearings, at this time.

- 1. Ordinance 2023-10, amending the Code of Ordinances, Chapter 50, Elections, Subchapter 'Filling of Vacancies', by modifying provisions contained therein pursuant to the Palm Bay City Charter, final reading.**

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

Mayor Medina felt that the timeline to fill the permanent vacancy for mayor should be longer than sixty (60) days. Ms. Smith advised that the sixty (60) days was pursuant to the language approved by the voters in the City Charter and could not be modified.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2023-10.

Motion carried with members voting as follows:

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

Council considered Item 1, under Unfinished and Old Business, at this time.

1. Consideration of initial ranking of applicants for the vacancy of Palm Bay City Council Seat 5.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to advance Aaron Parr, Kay Maragh, Michael Jaffe, Phil Moore, and William Capote to the April 13, 2023, special Council meeting for final ranking for the vacancy of Palm Bay City Council Seat 5. Deputy Mayor Felix read the ranking votes for the five (5) applicants.

Motion carried with members voting as follows:

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

Mr. Foster left the meeting at this time and did not return.

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

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

Individuals made general comments.

PUBLIC HEARING(S):

1. Ordinance 2023-10, amending the Code of Ordinances, Chapter 50, Elections, Subchapter 'Filling of Vacancies', by modifying provisions contained therein pursuant to the Palm Bay City Charter, final reading.

The item was considered earlier in the meeting prior to Public Comments.

2. Ordinance 2023-14, vacating a portion of the side public utility and drainage easement located within Lot 20, Block 777, Port Malabar Unit 16 (Case VE-2-2023, Landsea Homes/Carissa Tyler), first 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 approve Ordinance 2023-14. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

3. Ordinance 2023-15, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 1865, Port Malabar Unit 41 (Case VE-3-2023, Dominick Migliaccio), first reading.

Ms. Sherman advised of an error in the legal advertisement and that the request had to be continued to the May 4, 2023, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Case VE-3-2023 to the May 4, 2023, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

4. Resolution 2023-09, granting a conditional use to allow for a self-storage facility in CC (Community Commercial District) zoning, on property located between Babcock Street and Knecht Road, in the vicinity south of Palm Bay Road (4.9 acres) (Case CU-3-2023, M. David Moallem). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to the comments in the Land Development Division Staff Report and the applicant complying with the following:

- Constructing the self-storage facility in accordance with the site;
- The self-storage facility will not be utilized for overflow parking or storage of U-Haul box trucks from the adjoining business;
- The proposed location is prohibited from having doors facing residentially zoned properties other than ingress and egress locations;
- A six (6) foot high opaque masonry wall or fence shall be erected around the entire property boundary;

- The owner/developer will be responsible for extending service to the site in accordance with current City regulations;
- If violations or hazards become a nuisance, this Conditional Use could be brought back before City Council for reconsideration, revocation, or additional conditions to be applied; and
- Adherence to all provisions of the Code of Ordinances of the City of Palm Bay and all other state and federal rules, regulations, and statutes.

The City Attorney read the resolution in caption only. The public hearing was opened. Ken Hartel and Cal Conner, representatives for the applicant, presented the request to Council.

Mayor Medina expressed concern with the existing corridor not being equipped to handle the traffic, as well as the left hand turn from Palm Bay Road and crossing three to four lanes of traffic. He asked if an agreement had been requested with the dental facility for use of its corridor in order to provide multiple access to the location. Mr. Connor responded that the main entrance was to the U-Haul property, and it was already used by customers of the shopping center and there were numerous entrances to the shopping plaza. He noted that cross easement agreements were already in place and the decision was made to access the U-Haul property instead of the dental office.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2023-09. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

5. Ordinance 2023-16, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Micco Road, in the vicinity east of Interstate 95 Highway, from Micco Park Village District to Parkway Flex Use (353.47 acres) (Case CP-2-2023, Peat Holding, LLC/Brian Lulfs, Managing Member), 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 James Gelda (Lotis Group), representatives for the applicant, presented the request to Council.

Mayor Medina felt that an additional school should be considered. Mr. Wise responded that charter schools were being negotiated for the areas of Waterstone and Cypress Bay and another in the Emerald Lakes area. Ashton Park also had thirty (30) acres set aside for public schools.

Bill Battin, resident, said this project was associated with two (2) other projects – Ashton Park and Emerald Lakes. He questioned if St. Johns Heritage Parkway (Parkway) would not be completed if one or more of these projects did not come to fruition. He asked if there would be one-acre plus lots as it was located adjacent to the Environmentally Endangered Lands (EELs) property; and how pedestrians would cross the Parkway to Micco Park.

Other residents agreed with the larger lots which would attract individuals from the science, technology, engineering and math (STEM) professions.

Mr. Wise responded to comments. He said the warranted traffic signals would allow for pedestrian interconnectivity and crossing the Parkway. The larger lots or equestrian lots would not be a good fit for this project as the property would typically be in a more remote area.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-16. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

6. Ordinance 2023-17, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'District Regulations' and 'Conditional Uses', by modifying provisions related to self-storage facilities (Case T23-0003 (formerly T-23-2023), City of Palm Bay), first reading. (Councilman Johnson)

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 2023-17. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

7. Request by Babcock & Malabar, LLC, to rezone property located in the vicinity south of Malabar Road, east of Interstate 95 Highway, and west of Babcock Street, from CC (Community Commercial District) to GC (General Commercial District) (8.93 acres) (Case Z23-00002 (formerly Z-18-2023)). (CONTINUED TO 04/05/23 P&Z AND 04/20/23 RCM)

8. Request by Babcock & Malabar, LLC, to amend the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located in the vicinity south of Malabar Road, east of Interstate 95 Highway, and west of Babcock Street, from Residential Open Space Use to Commercial Use (7.43 acres) (Case CP23-00002 (formerly CP-5-2023)). (CONTINUED TO 04/05/23 P&Z AND 04/20/23 RCM)

9. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter ‘Stormwater Management and Conservation, Part 2: Drainage Plan’, to clarify residential elevations for single-family residential construction (Case T23-00002 (formerly T-12-2023)). (CONTINUED TO 04/05/23 P&Z AND 05/18/23 RCM)

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 14 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

1. Adoption of Minutes: Meeting 2023-04; February 16, 2023.

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

2. Adoption of Minutes: Meeting 2023-05; February 23, 2023.

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

3. Award of Bid: Road bond paving (Units 13 and 14, Madden Avenue and Osmosis Drive) - IFB 21-0-2023 - Public Works Department (Timothy Rose Contracting, Inc. - \$10,954,848).

Staff Recommendation: Approve the award for road bond paving (Units 13 and 14, Madden Avenue, and Osmosis Drive) with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$10,945,848.18.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the award of bid for road bond paving in Units 13 and 14, Madden Avenue and Osmosis Drive, with Timothy Rose Contracting, Inc. in the amount of \$10,954,848.18. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

4. Award of Bid: Culvert replacement (Walden Boulevard at C-42) - IFB 23-0-2023 - Public Works Department (Timothy Rose Contracting, Inc. - \$476,556).

Staff Recommendation: Approve the award for culvert replacement (Walden Boulevard at C-42) with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$476,555.90.

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

5. Contract: Voluntary supplemental insurance benefits, renewal - Human Resources Department (Life Insurance Corporation of North America (Cigna Group Insurance) - \$72,000 (employee-paid coverages)).

Staff Recommendation: Approve the renewal of voluntary supplemental insurance benefits (accident injury, critical illness, and hospital care) with Life Insurance Corporation of North America (Cigna Group Insurance) for the 2023 benefit year (employee-paid coverages).

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

6. Contract: Citywide multi-function equipment, lease extension (Canon Financial Services Inc. (lease payments) - \$143,356; Dex Imaging LLC (maintenance costs) - \$69,305).

Staff Recommendation: Approve a 36-month extension of lease payments and maintenance costs, through February 28, 2026, to Canon Financial Services, Inc., (Chicago, IL), in the amount of \$143,356.32, and Dex Imaging, LLC, (Tampa), in the amount of \$69,305.28, respectively.

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

7. Miscellaneous: 'Cooperative Purchase', tractor trade-in/tractor and slope mower purchase (Sourcewell contract) - Public Works Department (Everglades Equipment Group - \$230,825).

Staff Recommendation: Approve the award for tractor and slope mower with Everglades Equipment Group (Ft. Pierce), through the Sourcewell contract, in the amount of \$230,825; and approve the request to trade in three (3) tractors to utilize existing capital funds and offset price increase to procure the tractor and slope mower.

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

8. Miscellaneous: 'Piggyback Purchase', polyethylene pipe Volusia County Polyethylene Pipe contract) - Public Works Department (Ferguson Enterprises, Inc. - \$120,000).

Staff Recommendation: Approve the award for polyethylene pipe with Ferguson Enterprises, Inc. (Orlando), through the Volusia County contract, in the amount of \$120,000.

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

9. Miscellaneous: 'Piggyback Purchase', 2023 Ford Maverick Hybrid and excavator attachments (Volusia Schools contract) - Public Works Department (Step One Automotive Group (vehicle purchase); Ring Power (excavator attachments) - \$50,844).

Staff Recommendation: Approve the award to use existing capital funds for a 2023 Ford Maverick Hybrid and excavator attachments with Step One Automotive Group (vehicle purchase) and Ring Power (excavator attachments), through the Volusia Schools contract, in the amount of \$50,844.

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

10. Ordinance 2023-18, redefining and establishing the territorial and corporate limits of the City of Palm Bay, first reading.

The City Attorney read the ordinance in caption only.

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

11. Ordinance 2023-19, amending the Code of Ordinances, Chapter 34, Human Resources, Subchapter 'General Provisions', by including provisions for a general background check requirement and a special criminal history background check, first reading.

The City Attorney read the ordinance in caption only.

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

12. Ordinance 2023-20, amending the Code of Ordinances, Chapter 51, Public Hearings, Subchapter 'Public Hearing Notices', by modifying provisions related to public hearing notices, first reading.

The City Attorney read the ordinance in caption only.

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

13. Ordinance 2023-21, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (second 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.

14. Consideration of an in-kind services donation from The House Church to beautify the Police Department employee picnic area.

Staff Recommendation: Approve the donation of in-kind services donated by The House Church to beautify the Police Department's employee picnic area.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve the donation of in-kind services donated by The House Church to beautify the Police Department's employee picnic area. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

15. Consideration of submitting an application for Energy Efficiency and Conservation Block Grant Program funds.

Staff Recommendation: Authorize staff to submit a pre-award information sheet and application to the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant.

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

16. Consideration of appropriating funds for an additional Electrician position within the Utilities Department (\$80,261).

Staff Recommendation: Approve the addition of an Electrician position within the Utilities Department and the appropriation of funds for the remainder of Fiscal Year 2023 from the Utilities Operating Undesignated Fund Balance in the amount of \$30,261, plus a one-time expense of \$50,000 for a vehicle.

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

17. Consideration of appropriating funds for an additional Operations Division Manager position within the Utilities Department (\$39,419).

Staff Recommendation: Approve the addition of an Operations Division Manager position within the Utilities Department and the appropriation of funds for the remainder of Fiscal Year 2023 from the Utilities Operating Undesignated Fund Balance in the amount of \$39,419.

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

18. Consideration of travel and training for specified City employees (Finance Department).

Staff Recommendation: Approve the travel and training as specified.

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

19. Consideration of travel and training for specified City employees (Utilities Department).

Staff Recommendation: Approve the travel and training as specified.

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

20. Acknowledgement of the City's monthly financial report for February 2023 (Unaudited).

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

UNFINISHED AND OLD BUSINESS:

1. Consideration of initial ranking of applicants for the vacancy of Palm Bay City Council Seat 5.

The item was considered earlier in the meeting prior to Public Comments.

NEW BUSINESS:

1. Acknowledgement of the temporary vacancy of City Council Seat 3 due to the illness of Councilman Randy Foster.

The item, announced under Agenda Revisions, was withdrawn.

2. Consideration of scheduling a workshop meeting for April 2023.

Council concurred to schedule a workshop meeting for Tuesday, April 25, 2023, at 6:00 p.m., for a Republic Services update.

COUNCIL REPORTS:

Councilmembers addressed various subjects.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman introduced the new Chief Procurement Officer, George Barber.

PUBLIC COMMENTS/RESPONSES:

Residents made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:33 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK