

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2023-10

Held on Thursday, the 20<sup>th</sup> 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 6:01 P.M.

Reverend Debra Cox, First Presbyterian 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>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

Councilman Foster attended the meeting via teleconference.

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Natalie Shaber, Environmental Engineer; Nancy Bunt, Community and Economic Development Director; Frank Watanabe, City Engineer.

### ANNOUNCEMENTS:

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

- 1. One (1) vacancy on the Youth Advisory Board (represents 'at-large student member' position).++**
- 2. Three (3) terms expiring on the Community Development Advisory Board (represents 'Real Estate', 'Essential Services Personnel', and 'Employer with the City' positions).+ (AGENDA REVISION)**

### AGENDA REVISION(S):

Ms. Sherman announced the following revisions:

A. The announcement of terms expiring on the Community Development Advisory Board was added as Item 2, under Announcements.

B. A presentation on the Turkey Creek Restoration Feasibility Study was provided for Item 1, under Presentations.

C. An updated Development Agreement and Exhibits were included as attachments to Item 7, under Public Hearings, relating to a development project known as 'Gardens at Waterstone Phases 2 and 3'.

D. The applicant for Items 12 and 13, under Public Hearings, requested that Cases PS23-00001 and FD23-00001 be continued to the first regular Council meeting in May 2023 for advertising requirements.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 12 and 13, under Public Hearings, to the first regular Council meeting in May 2023. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster; Yea.

Note: The regular meeting date, addressed under Item 2, New Business, was rescheduled to May 1, 2023.

E. Item 12, under Consent Agenda, was inadvertently placed on consent and should be removed when motioning to approve the Consent Agenda.

F. Item 18, under Consent Agenda, relating to the use of Fire Impact Fees, was withdrawn.

G. A presentation relating to the Fred Poppe Regional Park Campground was provided for Item 1, under Procurements.

H. Staff requested to consider Item 1, under Procurements, prior to the Consent Agenda.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Item 1, under Procurements, prior to the Consent Agenda. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster; Yea.

I. Discussion on the process of filling of vacancies relating to City Council Seat 5 was added as Item 1, under New Business, at the request of Mayor Medina.

J. Mayor Medina requested to consider Item 1, under New Business, prior to Presentations.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Item 1, under New Business, prior to the Presentations. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster; Yea.

K. An attachment providing additional information on the appointment/election process and absences/disability was provided for Item 1, under New Business.

L. Consideration of rescheduling the first regular Council meeting in May 2023 was added as Item 2, under New Business.

#### **PROCLAMATIONS AND RECOGNITIONS:**

Mr. Saltares-Ruiz was not in attendance to receive the American Flag. The proclamation was read.

**1. Recognition: Presentation of the American Flag - honoring the service of Ruben Saltares-Ruiz. (Mayor Medina)**

**2. Proclamation: National Small Business Week - April 30-May 6, 2023.**

Council concurred to consider Item 1, under New Business, at this time.

#### **NEW BUSINESS:**

**1. Discussion on the process of filling of vacancies relating to City Council Seat 5. (Mayor Medina) (AGENDA REVISION)**

Mayor Medina explained that he did not attend the special meetings as he felt a critical piece of the process was missing which was the citizens. He said the process had to be completed within a certain time frame and he did not agree with it being rushed. Mayor Medina said he took an oath to abide by the City Charter, U.S. Constitution and the people of Palm Bay. He said all were lumped into one and there was no separation. The process was flawed, and he believed that the ranking sheets should have been date stamped and signed by the respective councilmember. The Lord directed him not to attend the special meetings and he would never choose the word of man before choosing the word of God.

Mayor Medina asked if councilmembers were aware that the language as approved in the City Charter meant that there would be no special election. Mr. Johnson said a special election would be held, but it would be in conjunction with the regular election in November.

Individuals spoke in support of and against the Mayor's actions to be absent from the special meetings.

Mr. Johnson stated that the voters overwhelming voted to have the appointment process, but Mayor Medina intentionally obstructed the process and went against the City Charter.

Deputy Mayor Felix understood that the Mayor was uneasy but said that he had a job to do and failed to do it and displayed a lack of leadership.

Mr. Foster said the City Charter should be followed. He felt Mayor Medina did not follow through with his duties as an elected official.

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

## **PRESENTATIONS:**

### **1. Geosyntec Consultants, Inc. – Turkey Creek Restoration Feasibility Study. (AGENDA REVISION)**

Drs. Mike Hardin and Claudia Listopad, Geosyntec Consultants, Inc., provided a summary on the restoration of Turkey Creek. The City had acquired a \$160,000 grant for the feasibility study. The study examined muck dredging, Cadillac Island removal and sump maintenance, ecological restoration, benefits of harvesting versus herbicides, wastewater treatment systems, and stormwater and baseflow. Dr. Hardin detailed other funding opportunities and recommendations moving forward. They answered questions posed by councilmembers.

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

Residents of the Turkey Creek area spoke in support of the study.

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

Individuals made general comments.

1. Randall Olszewski, resident and Chair of the Citizens' Budget Advisory Board (CBAB) requested Council's direction to determine the purpose of the CBAB. He said the bylaws stated that the CBAB was to review budget items after it had already been approved by City Council. He felt this was counterintuitive and the CBAB wanted to modify that language and desired Council's input.

**PUBLIC HEARING(S):**

**1. 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), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-14. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**2. 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), final reading. (Councilman Johnson)**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-17. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**3. Ordinance 2023-18, redefining and establishing the territorial and corporate limits of the City of Palm Bay, final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-18. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**4. 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, final reading.**

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

Mr. Battin asked if there were guidelines should a background come back with questionable history. Ms. Sherman responded that there were different standards for different positions and some positions may have a higher threshold in terms of what history would be acceptable for an applicant. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-19. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

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

The City Attorney read the ordinance in caption only. Ms. Sherman presented the item to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-20. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**6. Ordinance 2023-21, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (second budget amendment), final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-21. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**7. Consideration of a Development Agreement with KB Home Orlando, LLC, pertaining to a development project known as 'Gardens at Waterstone Phases 2 and 3', first hearing. (AGENDA REVISION)**

The public hearing was opened. Ms. Sherman presented the request to Council. Jake Wise, CEG Engineering and representative for the applicant, spoke on the project. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Development Agreement with KB Home Orlando, LLC. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**8. Request by L3Harris Technologies, Inc. for a final subdivision plat to be known as 'L3Harris – Leo and SAMT' in LI (Light Industrial and Warehousing District) zoning (117.73 acres) (Case FS23-00001). (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request, subject to the comments contained in the Staff Report being addressed prior to construction plan approval.

The public hearing was opened. Jake Wise, CEG Engineering and representative for the applicant, as well as Jason Lambert, Vice President of Operations for the Space and Airborne Systems segment, presented the request to Council and responded to questions posed by councilmembers.

Bill Battin, resident, questioned the need for a tax abatement when businesses were needed in the city to offset the burden on residents. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve the final subdivision plat to be known as 'L3Harris – Leo and SAMT'. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**9. Ordinance 2023-22, amending 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, and west of Babcock Street from Recreation and Open Space Use and Commercial Use to Commercial Use (7.43 acres) (Case CP23-00002 (formerly CP-5-2023), Babcock & Malabar, LLC), only one reading required. (CONTINUED FROM 04/06/23 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. Attorney Kim Rezanka, 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 2023-22. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**10. Ordinance 2023-23, rezoning property located in the vicinity south of Malabar Road, east of Interstate-95, and west of Babcock Street from LI (Light Industrial and Warehousing District) and CC (Community Commercial District) to GC (General Commercial District) (6.459 acres) (Case CPZ23-00001, Babcock & Malabar, LLC), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Kim Rezanka, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2023-23. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**11. Ordinance 2023-24, rezoning property located in the vicinity south of Malabar Road, east of Interstate-95, and west of Babcock Street from CC (Community Commercial District) to GC (General Commercial District) (11.668 acres) (Case Z23-00002 (formerly Z-18-2023), Babcock & Malabar, LLC), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 04/06/23 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. Attorney Kim Rezanka, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2023-24. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**12. Request by Sachs Capital Group, LP, and Identical Investments, LLC, for preliminary subdivision approval of a proposed mixed-use development, consisting of 236 residential units and 30,000 square feet of commercial retail, to be known as ‘Jupiter Bay PUD’, which property is located at the northwest corner of Jupiter Boulevard and Brevard Avenue, in PUD (Planned Unit Development) zoning (24.69 acres) (Case PS23-00001). (Quasi-Judicial Proceeding)**

This item, addressed under Agenda Revisions, was continued to the first regular Council meeting in May 2023. The meeting date, addressed under Item 2, New Business, was rescheduled to May 1, 2023.

**13. Ordinance 2023-25, granting approval of a Final Development Plan for a proposed mixed-use subdivision to be known as ‘Jupiter Bay PUD’ on property located at the northwest corner of Jupiter Boulevard and Brevard Avenue (24.69 acres) (Case FD23-00001, Sachs Capital Group, LP, and Identical Investments, LLC), first reading. (Quasi-Judicial Proceeding)**

This item, addressed under Agenda Revisions, was continued to the first regular Council meeting in May 2023. The meeting date, addressed under Item 2, New Business, was rescheduled to May 1, 2023.

**14. Ordinance 2023-26, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapter 'Building Code', by modifying the City's Administrative Amendments referencing the Florida Building Code (Case T23-00001, 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. Sherman presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-26. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**15. Substantial Amendment to the City’s approved Program Years 2019, 2020, 2022 Annual Action Plans for Community Development Block Grant funds, only one hearing required.**

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

Motion by Mr. Johnson, seconded by Mayor Medina, to approve the Substantial Amendment to the City's approved Program Years 2019, 2020, 2022 Annual Action Plans for Community Development Block Grant funds. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

Council concurred to consider Item 1, under Procurements, at this time.

#### **PROCUREMENTS:**

**1. Contract: Negotiation of design task order for the campground at Fred Poppe Regional Park against Master Agreement 28-0-2022 (Kimley Horn). (AGENDA REVISION)**

Staff Recommendation: Direct staff to negotiate a design task order with Kimley Horn using Master Agreement 28-0-2022 for design services of the Fred Poppe Regional Park Campground.

Ms. Misconi presented the item to Council. She explained that the current project budget preliminary projections exceeded \$4 million, so continuing engineering contracts could not be utilized. Many existing designs would need to be redesigned as they were not budgeted. Matthew Gillespie, with Kimley Horn, explained the purpose of the feasibility study and scope of work for the project. Ms. Misconi said that roadway entrance improvements were needed as the park entrance was not designed to hold the weight of recreational vehicles and the turning radius coming out of the park onto Malabar Road was not wide enough to accommodate recreational vehicles. The feasibility study showed a Return on Investment (ROI) on the initial capital investment within ten (10) years and the campground could generate substantial revenue with forty-five (45) sites, ranging from \$500,000 to \$800,000 per year.

Mayor Medina said the main question was to continue with the project as an investment or surrender the \$1.7 million back to the Tourist Development Council (TDC).

Mr. Johnson asked about the entrance improvements. Mr. Watanabe said in order to expand the entrance to accommodate the larger vehicles, there would be major improvements to the intersection as well as the canal which would involve Melbourne Tillman Water Control District. In addition, the roadway entrance belonged to Brevard County.

Bill Battin, resident, asked that no funding come from the Road Maintenance Fund or the Road Bond. He suggested lowering the expectations of the campground to rustic camping and stay within the budget.

Randall Olsewski, resident, suggested abandoning the project. He said the monies should be spent on the bridge and making things better for the current residents.

Mr. Johnson did not want to return the funding. He felt a different project may be more feasible plus working towards developing the bridge. Mayor Medina suggested returning the money and utilize existing funding for the bridge. In the future, staff could reapply for funding. Ms. Smith advised that there was potential to use impact fees, but the design and intent would have to be discussed further. Ms. Misconi said the only deadline at this point was the expiration of the grant which was September 21, 2024.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to table the item. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

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

#### **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 4, 12, 13, 16, and 23, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

#### **1. Adoption of Minutes: Meeting 2023-06; March 2, 2023.**

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

#### **2. Award of Bid: Turkey Creek Baffle Box Project - IFB 05-0-2023 - Public Works Department (Gregori Construction, Inc - \$1,268,975).**

Staff Recommendation: Approve the award for the Turkey Creek Baffle Box project with Gregori Construction, Inc. (Mims), in the amount of \$1,268,975.

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

#### **3. Award of Bid: Culvert pipe replacement 44 - IFB 24-0-2023 - Public Works Department (Timothy Rose Contracting, Inc. - \$1,160,642).**

Staff Recommendation: Approve the award for culvert pipe replacement 44 with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$1,160,642.05.

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

**4. Contract: Malabar Road water main extension, Weber Road to Cory Road; Design, Permitting, Land Acquisition Support, and Bidding Services – Task Order 23-03-IS – Utilities Department (Infrastructure Solution Services, \$206,810).**

Staff Recommendation: Authorize the execution of Infrastructure Solution Services Task Order 23-03-IS for Design, Permitting, Land Acquisition Support, and Bidding Services related to the Malabar Road water main extension, Weber Road to Cory Road, against Master Agreement 36-0-2020, in the amount of \$206,810.

Bill Battin, resident, questioned who would be paying the land acquisition, how much was paid to the city by the Town of Malabar for water services, why services were not being expanded to city residents instead of outside the city, and if the non-city residents paid more for the service.

Ms. Sherman responded that Malabar residents paid higher rates than Palm Bay residents and the purchase of easements would be paid with Utilities funds, not General Funds. She explained how the project was beneficial for city residents, Malabar residents and the Palm Bay Hospital.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to authorize the execution of Infrastructure Solution Services Task Order 23-03-IS for Design, Permitting, Land Acquisition Support, and Bidding Services related to the Malabar Road water main extension, Weber Road to Cory Road, against Master Agreement 36-0-2020. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**5. Contract: Nutrient Baffle Boxes, Goode Park and Lipscomb Street - IFB 37-0-2022, Change Order 1 - Public Works Department (Tim Rose Contracting - \$67,922).**

Staff Recommendation: Approve Change Order 1 relating to Good Park and Lipscomb Street Nutrient Baffle Boxes with Tim Rose Contracting, in the amount of \$67,922.11.

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

**6. Contract: Road bond paving, Unit 30 - IFB 39-0-2022, Change Order 5 - Public Works Department (Tim Rose Contracting - \$314,975).**

Staff Recommendation: Approve Change Order 5 relating to Unit 30 road bond paving with Tim Rose Contracting, in the amount of \$314,975.

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

**7. Miscellaneous: 'Cooperative Purchase', ePermit Hub Integration to iMS (Omnia Partner IT Products & Services contract) - Building Department (\$90,773).**

Staff Recommendation: Approve the 'cooperative purchase' of the ePermit Hub with Omnia Partner contract, in the amount of \$90,772.54 for the first year; and authorize the execution of a five-year subscription agreement.

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

**8. Resolution 2023-10, amending Resolution 2022-51, as amended, adopting the Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay for Fiscal Year 2022-2023 (second amendment).**

The City Attorney read the resolution in caption only.

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

**9. Resolution 2023-11, amending Resolution 2022-52, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2022-2023 through 2026-2027 (second amendment).**

The City Attorney read the resolution in caption only.

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

**10. Resolution 2023-12, amending the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plans (LHAP) for State Fiscal Years 2020-2021, 2021-2022, and 2022-2023.**

The City Attorney read the resolution in caption only.

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

**11. Resolution 2023-13, adopting the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plans (LHAP) for State Fiscal Years 2023-2024, 2024-2025, and 2025-2026.**

The City Attorney read the resolution in caption only.

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

**12. Consideration of a co-sponsorship request for the Kasik Heritage Corp. Second Annual Haitian Flag Day Parade and Soccer Tournament, Kasik Flag Cup (\$1,380).**

Staff Recommendation: Approve the co-sponsorship request with the Kasik Heritage Corp. for the Second Annual Haitian Flag Day Parade and Soccer Tournament (Kasik Flag Cup); and authorize \$460 of in-kind wages (labor) and \$920 in fee waivers.

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

**13. Consideration of an agreement with Florida Power and Light for additional streetlights throughout the City.**

Staff Recommendation: Approve the addition of 31 new streetlights in Phase 1; approve the Florida Power and Light lighting agreement for Phase 1; and approve the additional funds needed to cover the monthly costs for Phase 1.

Bill Battin, resident, asked the average cost per light, where would Phase 2 be done, and the actual annual cost for street lighting. Ms. Sherman explained that the cost was higher than someone's house electricity because the city paid both the fixture fee and the monthly fee for usage. The scope for Phase 2 had not yet been completed. Ms. Sherman explained how locations were selected.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve the agreement with Florida Power and Light as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**14. Consideration of a grant agreement with the Florida Digital Service, a part of the Florida Department of Management Services.**

Staff Recommendation: Authorize the City Manager to execute the grant agreement with the Florida Digital Service, a part of the Florida Department of Management Services (FLDS) related to the Cybersecurity Grant Program.

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

**15. Consideration of a grant agreement with the Space Coast Office of Tourism's Cultural Support Grant Program for multiple City events (\$10,000).**

Staff Recommendation: Accept the grant and authorize the City Manager to execute the grant agreement between the Brevard County Board of County Commissioners and the City of Palm Bay for the Cultural Support Grant Program.

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

**16. Consideration of adopting the Turkey Creek Restoration Feasibility Study.**

Staff Recommendation: Adopt the Turkey Creek Restoration Feasibility Study and authorize the implementation of the recommended restoration projects and upstream best management practices.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt the Turkey Creek Restoration Feasibility Study. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

**17. Consideration of five (5) additional full-time positions and additional funding for vehicle purchases within the Public Works Department (\$139,142 (General Fund Undesignated Fund Balance); \$129,234 (Stormwater Undesignated Fund Balance)).**

Staff Recommendation: Approve the addition of five (5) new full-time employees and three (3) reclassifications from part-time to full-time (one (1) part-time GIS Technician I to GIS Technician, and two (2) part-time Heavy Equipment Operator I positions to a Small Equipment Technician and Parts Inventory Specialist); and the approval of additional funding for the Survey Division F150 truck and three (3) Engineering Inspector trucks to the Public Works Staff.

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

**18. Consideration of utilizing Fire Impact Fees to acquire necessary gear and equipment (\$107,748). (WITHDRAWN) (AGENDA REVISION)**

This item, addressed under Agenda Revisions, was withdrawn by staff.

**19. Consideration of utilizing Police Impact Fees 32907 Nexus for Real Time Crime Center Capital Equipment (\$55,000).**

Staff Recommendation: Approve the appropriation of Police Impact Fees from 32907 Nexus on the next budget amendment for the capital equipment expenditures related to the Real Time Crime Center.

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

**20. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund for various items (\$60,500).**

Staff Recommendation: Approve the expenditure of funds as specified in the City Manager's memorandum.

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

**21. Consideration of travel and training for specified City employee (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.

**22. Acknowledgement of the Semi-Annual Report of Formal Solicitations awarded by the Procurement Department from October 7, 2022 through March 31, 2023.**

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

**23. Acknowledgement of the April 2023 GO Road Bond Paving Report.**

Staff Recommendation: Acknowledge the April 2023 GO Road Bond Paving report update.

Randall Olzewski, resident, commented that the funding would be expended before all roads were completed. Ms. Sherman advised that staff was aware of the issue and was currently working on various resolutions to solve the problem.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to acknowledge the April 2023 GO Road Bond Paving report update. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

#### **PROCUREMENTS:**

**1. Contract: Negotiation of design task order for the campground at Fred Poppe Regional Park against Master Agreement 28-0-2022 (Kimley Horn). (AGENDA REVISION)**

This item was considered earlier in the meeting, prior to the Consent Agenda.

#### **NEW BUSINESS:**

**1. Discussion on the process of filling of vacancies relating to City Council Seat 5. (Mayor Medina) (AGENDA REVISION)**

This item was considered earlier in the meeting, prior to Presentations.

**2. Consideration of rescheduling the first regular Council meeting in May 2023. (AGENDA REVISION)**

Staff Recommendation: Reschedule the first regular Council meeting in May 2023 from Thursday, May 4<sup>th</sup>, to Monday, May 1<sup>st</sup>.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to reschedule the first regular Council meeting in May 2023 from Thursday, May 4<sup>th</sup>, to Monday, May 1<sup>st</sup>. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

#### **COMMITTEE AND COUNCIL REPORTS:**

Councilmembers made general comments.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Smith requested an Executive Session on Tuesday, April 25, 2023, at 5:30 P.M., to discuss settlement negotiations pertaining to the following case: Jewel Keene v. City of Palm Bay, Case 05-2021-CA-014074. The meeting would take approximately thirty (30) minutes. Ms. Smith announced those to be in attendance. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

Residents made general comments.

1. Bob Touchton, resident, said that Knecht Road had become a speedway since it was recently paved. He requested some traffic calming measures, such as speed bumps.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:44 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK