

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2023-17

Held on Thursday, the 20th day of July 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 David Trexler, Peace Lutheran 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	Absent
COUNCILMEMBER	Vacant	
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Juliet Misconi, Deputy City Manager; Jesse Anderson, Assistant Growth Management Director; Greg Minor, Parks and Facilities Director; Frank Watanabe, City Engineer; Nancy Bunt, Community and Economic Development Director.

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).++**

AGENDA REVISION(S):

- Ms. Sherman announced the following revisions:

A. The ordinance numbers were revised for Items 20 and 23, under Public Hearings. Ordinance 2023-59 changed to Ordinance 2023-38; and Ordinance 2023-62 changed to Ordinance 2023-37. These changes were reflected in the agenda packet and no other wording in the ordinances was modified.

B. The applicant for Items 20, 21, and 22, under Public Hearings, requested that the cases be continued to the August 17, 2023, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 20, 21, and 22, under Public Hearings, to the August 17, 2023, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

C. The applicant for Items 23, 24, and 25, under Public Hearings, requested that the cases be continued to the August 17, 2023, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 23, 24, and 25, under Public Hearings, to the August 17, 2023, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

D. Item 12, under Consent Agenda, relating to the Drug Recognition Expert Call-Out Overtime Reimbursement Program, was withdrawn.

E. The applicant for Item 18, under Public Hearings, requested that the item be considered prior to Item 1, under Public Hearings.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Item 18, under Public Hearings, prior to Item 1, under Public Hearings. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

2. Ms. Smith announced that Item 14, under Consent Agenda, relating to the Chief Deputy City Attorney appointment, was withdrawn.

PROCLAMATIONS AND RECOGNITIONS:

The proclamations were read.

- 1. Proclamation: Mayor's Business Spotlight - Smoothie Social Cafe. (Mayor Medina)**
- 2. Proclamation: R&S Soft Water Service - 50 years of service.**

PRESENTATIONS:

- 1. Angela Neal, Space Coast Economic Development Commission - Mission Space Coast.**

Ms. Neal advised of Space Coast Economic Development Commission's (EDC) unified branding initiative in conjunction with the Space Coast Office of Tourism and stakeholders throughout Brevard County. This was the first time a unified brand for Brevard County had been attempted and the purpose was to identify key assets that made Brevard County a great place, such as attracting businesses, talent and tourism. The hope was that businesses and government agencies would use this brand side by side with their own. Ms. Neal detailed the three (3) phases of the process.

2. Anthony Brunson, P.A. – Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2022.

Mr. Brunson provided an overview of the report, including significant audit results, taxable property value and operating highlights. There were no material weaknesses or significant deficiencies noted in the internal control system nor any reportable conditions of non-compliance for current or prior year. Mr. Brunson noted the internal control recommendations. He answered questions posed by councilmembers.

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

Individuals made general comments.

PUBLIC HEARING(S):

Item 18, under Public Hearings, announced under Agenda Revisions, was considered at this time.

18. Ordinance 2023-58, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive (0.63 acres) (Case VRW-1-2023, Palm Bay Marina, LLC), 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 2023-58. 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.

1. Ordinance 2023-39, vacating a portion of the rear public utility and drainage easement located within Lot 7, Block 802, Port Malabar Unit 16 (Case VE-4-2023, Steven Daniel Barbieri Revocable Trust), 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 2023-39. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

2. Ordinance 2023-40, vacating a portion of the rear public utility and drainage easement located within Lot 17, Block 2373, Port Malabar Unit 45 (Case VE-5-2023, Wayne Arthur Stephenson and Donnice McReynolds Stephenson Revocable Trust), 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 2023-40. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

3. Ordinance 2023-53, granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project LEO', final reading.

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

Bill Battin, resident, felt these tax breaks were preferential treatment and did not agree with placing additional burden on the residents.

The public hearing was closed.

Mayor Medina relinquished the chair to the Deputy Mayor and made a motion to approve Ordinance 2023-53. Councilman 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. Ordinance 2023-54, granting an Ad Valorem Tax (AVT) Abatement to L3Harris Technologies Inc. for 'Project SAMT', 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.

Mayor Medina relinquished the chair to the Deputy Mayor and made a motion to approve Ordinance 2023-54. Councilman 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.

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), 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, presented the request to Council.

Bill Battin, resident, asked if any improvements would be made to the intersection at Micco Road and Babcock Street and how long the project was anticipated to take.

Mr. Wise responded that the project would be take approximately five (5) years. The site plan approval process included a full traffic study which would determine if offsite improvements were necessary.

The public hearing was closed.

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

6. Ordinance 2023-27, establishing a Community Development District to be known as "Everlands II Community Development District" (143.73 acres), 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 2023-27. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

7. Ordinance 2023-43, rezoning property located east of and adjacent to Gaynor Drive, in the vicinity north of Four Winds Street, from IU (Institutional Use District) to RS-2 (Single-Family Residential District) (1.33 acres) (Case CPZ23-00002, MP Developers Inc.), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. James Boothroyd, 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 2023-43. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

8. Ordinance 2023-45, rezoning property located east of and adjacent to Dixie Highway, in the vicinity between Kirkland Road and Bay Boulevard, from BMUV (Bayfront Mixed Use Village District) and RM-20 (Multiple-Family Residential District) to BMU (Bayfront Mixed Use District) (4.12 acres) (Case CPZ23-00003, Steamboat Landing, LLC and Gateway Medical Property, LLC), final reading. (Quasi-Judicial Proceeding)

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

Vicki Northrup, resident, asked if any impact studies had been performed, and if not, suggested that the item be tabled until studies were done and made available to the public.

Susan Connolly, resident, presented a petition from affected residents. She requested that the item be tabled due to the volume of citizen response and factual presentation from citizens.

Mr. Anderson explained the requirements and approvals necessary from various agencies, such as Army Corps of Engineers and Department of Environmental Protection, in addition to City criteria that had to be met.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-45. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

9. Ordinance 2023-47, rezoning property located east of and adjacent to Magnolia Street, in the vicinity north of Palm Bay Road, from RS-3 (Single-Family Residential District) to HC (Highway Commercial District) (0.38 acres) (Case CPZ23-00004, Vision 43 LLC), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. Holly Tanner, 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 2023-47. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

10. Ordinance 2023-48, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Administration and Enforcement, Part 2: Amendments', by establishing Factors of Analysis required for the Planning and Zoning Board (Case T23-00004, City of Palm Bay), final reading.

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 adopt Ordinance 2023-48. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

11. Ordinance 2023-49, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Conditional Uses', by including provisions for conditional use applications, and repealing related language from Subchapter 'Administration and Enforcement, Part 2: Amendments' (Case T23-00012, City of Palm Bay), final reading.

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 adopt Ordinance 2023-49. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

12. Ordinance 2023-50, amending the Code of Ordinances, Chapter 55, Police and Firefighters Pension Plan, by modifying provisions related to optional forms of benefits and minimum distribution of benefits, final reading.

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 adopt Ordinance 2023-50. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

13. Ordinance 2023-51, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by revising provisions contained therein, final reading.

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 adopt Ordinance 2023-51. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

14. Ordinance 2023-52, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (third budget amendment), final reading.

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 adopt Ordinance 2023-52. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

15. Ordinance 2023-55, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 2065, Port Malabar Unit 46 (Case VE-6-2023, Tracey-Ann Andrea Walker), 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 2023-55. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

16. Ordinance 2023-56, vacating a portion of the rear public utility and drainage easement located within Lot 1, Block 489, Port Malabar Unit 12 (Case VE-7-2023, Luis Roberto Viera & Luz Eneida Roman Viera), first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant was not present. The public hearing was closed.

There was a motion by Mr. Johnson, seconded by Deputy Mayor Felix. Mrs. Jones advised that as the applicant was not present for the first hearing, pursuant to Section 51.03 of the Code of Ordinances, the item was automatically rescheduled to the next meeting. Deputy Mayor Felix withdrew his second to the motion and Mr. Johnson withdrew his motion.

17. Ordinance 2023-57, vacating a portion of the rear public utility and drainage easement located within Lot 35, Block 758, Port Malabar Unit 16 (Case VE-8-2023, Patricia Hartter and Jean Schicker), 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 2023-57. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

18. Ordinance 2023-58, vacating a portion of the road right-of-way known as Kinney Avenue NE, lying between Orange Blossom Trail and Water Drive (0.63 acres) (Case VRW-1-2023, Palm Bay Marina, LLC), first reading.

The item was considered earlier in the meeting prior to Item 1, under Public Hearings.

19. Request by DRP FL 6, LLC, for a final subdivision plat to be known as ‘Timbers at Everlands Phase 1B’ in PUD (Planned Unit Development) zoning (10.47 acres) (Case FS23-00004). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. The public hearing was closed.

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

20. Ordinance 2023-38, providing for the annexation of certain real property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, into the City (2.11 acres) (Case A23-00002, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading.

This item, addressed under Agenda Revisions, was continued to the August 17, 2023, regular Council meeting.

21. Ordinance 2023-60, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from Community Commercial Use (Brevard County) to Commercial Use (City of Palm Bay) (2.11 acres) (CP23-00013, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), only one reading required.

This item, addressed under Agenda Revisions, was continued to the August 17, 2023, regular Council meeting.

22. Ordinance 2023-61, rezoning property located west of and adjacent to Minton Road, in the vicinities north of Palm Bay Road and south of Hield Road, from BU-1 (General Retail Commercial) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (2.11 acres) (Case CPZ23-00007, Bruce Coffman/Affordable Trailer Service and Supply, Inc.), first reading. (Quasi-Judicial Proceeding)

This item, addressed under Agenda Revisions, was continued to the August 17, 2023, regular Council meeting.

23. Ordinance 2023-37, providing for the annexation of certain real property located at the southwest corner of Hield Road and Minton Road, into the City (4.58 acres) (Case A23-00001, Cole Oliver/West Malabar Properties, LLC), first reading.

This item, addressed under Agenda Revisions, was continued to the August 17, 2023, regular Council meeting.

24. Ordinance 2023-63, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the southwest corner of Hield Road and Minton Road from Residential 2 Use (Brevard County) to Commercial Use (City of Palm Bay) (4.58 acres) (Case CP23-00010, Cole Oliver/West Malabar Properties, LLC), only one reading required.

This item, addressed under Agenda Revisions, was continued to the August 17, 2023, regular Council meeting.

25. Ordinance 2023-64, rezoning property located at the southwest corner of Hield Road and Minton Road from RP (Resident Professional) (Brevard County) and AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (City of Palm Bay) (4.58 acres) (Case CPZ23-00006, Cole Oliver/West Malabar Properties, LLC), first reading. (Quasi-Judicial Proceeding)

This item, addressed under Agenda Revisions, was continued to the August 17, 2023, regular Council meeting.

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, 6, 8, 9, 11 and 13 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

1. Award of Bid: Canal clearing - IFB 36-0-2023 - Public Works Department (Aquatic Control Group Inc. - \$408,050).

Staff Recommendation: Approve the award for canal clearing with Aquatic Control Group, Inc. (Miami), in the amount of \$408,050.

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

2. Contract: Nutrient Baffle Boxes, Goode Park and Lipscomb Street – IFB 37-0-2022, Change Order 2 – Public Works Department (Tim Rose Contracting - \$40,950).

Staff Recommendation: Approve Change Order 2 for Goode Park and Lipscomb Street nutrient baffle boxes with Tim Rose Contracting, in the amount of \$40,950.

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

3. Contract: Nash Street repump station rehabilitation, Task Order 19-10, Amendment 3 – Utilities Department (Wade Trim - \$31,800).

Staff Recommendation: Approve Task Order 19-10, Amendment 3, for the Nash Street repump station rehabilitation with Wade Trim, in the amount of \$31,800, against Master Agreement 28-0-2005.

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

4. Ordinance 2023-65, extending the time period for meeting conditions for vacating the road right-of-way known as Kinney Avenue, lying between Orange Blossom Trail and Florida East Coast Railway (Case VRW-2-2022, Palm Bay Marina, LLC), first reading.

The City Attorney read the ordinance in caption only.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-65. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

5. Ordinance 2023-66, providing for the naming a private roadway to be known as Zen Way NE, first reading.

The City Attorney read the ordinance in caption only.

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

6. Ordinance 2023-67, amending the Code of Ordinances, Chapter 53, State of Emergency, Declaration, by modifying provisions related to the termination of a State of Local Emergency, first reading.

The City Attorney read the ordinance in caption only.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-67. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

7. Resolution 2023-20, 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 (third amendment).

The City Attorney read the resolution in caption only.

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

8. Resolution 2023-21, amending Resolution 2022-52, as amended, adopting the Five-Year Capital Improvements Program for Fiscal Years 2022-2023 through 2026-2027 (third amendment).

The City Attorney read the resolution in caption only.

Bill Battin, resident, asked that status of the military static display. Mr. Minor said when the initial request was approved by Council, the organization advised the process could take years, but the City was on a standing list.

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

9. Consideration of a third amendment to the Interlocal Agreement with Brevard County regarding the St. Johns Heritage Parkway and Babcock Street intersection.

Staff Recommendation: Approve the third amendment to the Interlocal Agreement with Brevard County related to the St. Johns Heritage Parkway and Babcock Street intersection; and authorize the City to bring forth this amendment to Brevard County Board of County Commissioners for consideration at their July 28, 2023, regular meeting.

Bill Battin, resident, questioned why the City could not meet the December 31, 2023, deadline and what would happen if Brevard County did not approve the amendment. Ms. Misconi advised that the agreement had been pre-vetted by Brevard County Public Works Department and the County Attorney. The approval by the Brevard County Board of County Commissioners was just a formality.

Mr. Watanabe added that the project was taking longer than anticipated due to manufacturing of the signal poles and working with the agencies related to the underground utilities.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the third amendment to the Interlocal Agreement with Brevard County as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

10. Consideration of reimbursing the Bayfront Community Redevelopment Agency unexpended funds for Fiscal Year 2022 to the Palm Bay Road Maintenance Fund (\$1,002,311) and Brevard County (\$470,376).

Staff Recommendation: Authorize the reimbursement of \$1,002,311 to the City, transferred to the Road Maintenance Fund; and \$470,376 to be directed to Brevard County.

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

11. Consideration of awarding HOME Investment Partnership Program funds to Macedonia Community Development Corporation of South Brevard for the acquisition with rehabilitation of three (3) affordable rental housing units (\$435,746.89).

Staff Recommendation: Award \$435,747.00 in Fiscal Year 2019-2020 and 2020-2021 HOME funds to Macedonia Community Development Corporation of South Brevard, contingent upon Housing staff completing and verifying eligibility, in accordance with HOME regulations and further authorize the City Manager to execute a Subrecipient Agreement, a Land Use Restriction Agreement and all associated documents with Macedonia Community Development Corporation of South Brevard.

Bill Battin, resident, asked how much renters were currently paying and what the rent would be after improvements. Ms. Bunt responded that the current rents were \$600 per month and would maintain that price after the improvements.

Deputy Mayor Felix was fully in support of the funding but was concerned about the use of the funding. He felt the dollars could go much further. Ms. Bunt explained the requirements for utilizing federal funds. As the units were so old, the majority of funding went into the rehabilitation portion, such as testing for lead and asbestos, Energy Star rated appliances, roof replacement, etc. Deputy Mayor Felix did not feel this was a good deal but supported the ministry.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the award of HOME Investment Partnership Program funds to Macedonia Community Development Corporation of South Brevard as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

12. Consideration of participating in the Drug Recognition Expert (DRE) Call-Out Overtime Reimbursement Program Contract with the Florida Department of Transportation.

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

13. Consideration of utilizing Undesignated Fund Balance for AUE Staffing as a budget amendment at the Palm Bay Aquatic Center.

Staff Recommendation: Approve the appropriation of funds in the amount of \$66,940 for AUE Staffing on the next scheduled budget amendment.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve utilizing Undesignated Fund Balance for staffing at the Palm Bay Aquatic Center. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

14. Consideration of appointing Michael Rodriguez as Chief Deputy City Attorney.

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

15. Acknowledgement of the City's monthly financial report for May 2023 (Unaudited).

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

16. Acknowledgement of the July 2023 GO Road Bond Paving Report.

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

NEW BUSINESS:

1. Consideration of a revision to the City's Co-Sponsorship Policy.

Staff Recommendation: Acknowledge and approve the revised Co-Sponsorship Policy.

Ms. Misconi presented the item to Council.

Mr. Johnson said numerous revisions to the policy had been presented to Council and he felt there were constant hurdles. He had done research in which another municipality utilized a grant process in which organizations applied and it was one-time deal. Mr. Johnson also suggested that applicants paid for police and fire services instead of the City paying for same. Mayor Medina said that all events were not the same but felt the policy still needed some balance, such as waiving an event that had historically proven to provide services to the community. He supported in-kind services for the day of the event and leading up to the event. He added that Brevard County had criteria for waiver of fees and asked staff to explore same. There was further discussion on the policy revisions, including the number of manhours from staff. Mr. Johnson said he would not support the request if in-kind services were not paid by the applicant. Deputy Mayor Felix felt the benefit far exceeded the expense.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve the revised Co-Sponsorship Policy.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Yea
Councilman Johnson	Nay

2. Consideration of 2023 Certification of Taxable Value; Fiscal Year 2024 proposed Operating Millage Rate; Fiscal Year 2024 proposed Debt Millage Rate; and scheduling dates for the budget public hearings.

Staff Recommendation: Authorize the City Manager to advertise a Fiscal Year 2024 proposed operating millage rate of up to 7.5995; authorize the City Manager to advertise a Fiscal Year 2024 proposed voted debt millage rate of 0.9084; and to schedule the first

public hearing date for Wednesday, September 6, 2023, at 6:00 p.m., and the second public hearing date for Wednesday, September 20, 2023, at 6:00 p.m.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the advertisement, proposed operating millage rate, proposed debt millage rate, and budget public hearing dates as recommended by staff.

Mr. Johnson wanted to stay within the three percent (3%) cap unless there was a critical need. Mayor Medina and Deputy Mayor Felix agreed.

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

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Johnson wanted to recognize Senator Debbie Mayfield and Representative Thad Altman at a meeting for their support for funding received from the Florida Legislature. Council concurred. Mayor Medina wanted to extend the invitation to the Brevard Delegation and Representative Robbie Bracket.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Smith requested an Executive Session on Thursday, August 3, 2023, at 5:30 P.M. to discuss settlement negotiations pertaining to FAR Research v. City of Palm Bay and MLEF-2, Case 05-2020-CA020032. She advised that the session would last approximately 30 minutes and attendees would be Mayor Rob Medina; Deputy Mayor Donny Felix; Councilmembers Kenny Johnson and Randy Foster; City Manager Suzanne Sherman; City Attorney Patricia Smith; and the Court Reporter. Council concurred.

2. Mr. Johnson noted that he only wanted to acknowledge Senator Mayfield and Representative Altman for their efforts as they co-sponsored and pushed for the requests for Palm Bay. Mayor Medina thanked Representative Randy Fine as he did not fight against the appropriations.

PUBLIC COMMENTS/RESPONSES:

Residents made general comments.

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ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:23 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK