

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2023-22

Held on Thursday, the 7th day of September 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.

Father Brian Turner, Church of the Blessed Redeemer, 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
DEPUTY CITY CLERK:	Terri Lefler	Present

Councilman Foster attended the meeting via teleconference.

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Jesse Anderson, Assistant Growth Management Director; Nancy Bunt, Community and Economic Development Director; Chris Little, Utilities Director; Fred Poppe, Recreation Director; Mario Augello, Police Chief; Richard Stover, Fire Chief; Valentino Perez, Public Works Director.

ANNOUNCEMENTS:

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

1. **One (1) term expiring on the Melbourne-Tillman Control District Board.++**

AGENDA REVISIONS:

1. Ms. Sherman announced the following revisions:
 - A. Item 1, under Proclamations and Recognitions, related to Hispanic Heritage Month, was continued to the September 19, 2023, regular Council meeting.

B. A travel request for councilmembers to attend the Mayors Summit Against Antisemitism in November was added as Item 6, under New Business.

C. Consideration of City Council Flag Program nominee, Keith Van Buren, was added as Item 7, under New Business.

Mayor Medina requested that Items 1, 2, and 3, under New Business, be considered prior to Public Hearings.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Items 1, 2, and 3, under New Business, prior to Public Hearings. 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: Hispanic Heritage Month - September 15-October 15, 2023; 26th Annual Puerto Rican Day Parade - September 30, 2023. (AGENDA REVISION) (CONTINUED TO 09/19/23 RCM)**
- 2. Proclamation: National Forensic Science Week - September 17-23, 2023.**
- 3. Proclamation: National Suicide Prevention Month - September 2023.**

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

Individuals made general comments.

1. Nathan White, resident, questioned if the petition he was circulating was viable as it noted that there would be a Citizens' Budget Advisory Board which was recently dissolved by City Council.

Ms. Smith advised that if the petition succeeded and was made part of the City Charter, the board would be required for that specific purpose. It would not mean that the board would be brought back as it was in the ordinance, but the board would have to assemble and perform as required by the City Charter.

Council concurred to consider Items 1, 2, and 3, under New Business, at this time.

NEW BUSINESS:

1. Consideration of a co-sponsorship request for the 15th Annual Family Christmas Extravaganza at Fred Poppe Regional Park.

Staff Recommendation: Approve the City's co-sponsorship with the House Church for the 15th Annual Family Christmas Extravaganza at Fred Poppe Regional Park, approving a total of \$11,027.50 (\$5,270 of in-kind wages (labor) and authorizing \$5,757.50 in rental and fee waivers).

Pastor Ken Delgado, The House Church, presented the request to Council.

Bill Battin, resident, commented that although this was a great event, he did not agree with using taxpayer dollars for a private organization or function. He wanted to know the budgeted amount for the recreation portion of the event. Ms. Sherman did not have the information tonight, but would advise Mr. Battin accordingly.

Mayor Medina advised that although he did not receive any financial compensation from The House Church, he would be abstaining from voting to uphold ethical standards since he was involved with the event. Ms. Smith confirmed same.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the co-sponsorship as recommended by staff. Mr. Johnson had the same concerns as Mr. Battin and asked Council to be mindful moving forward as more and more nonprofit organizations would be applying for these opportunities.

Motion carried with members voting as follows:

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

2. Consideration of a co-sponsorship request for the Viva Brevard Festival at Fred Poppe Regional Park.

Staff Recommendation: Approve the City's co-sponsorship with Brevard Hispanic Center's Viva Brevard Festival at Fred Poppe Regional Park, approving a total of \$6,537.50 (\$2,355 of in-kind wages (labor) and authorizing \$4,182.50 in fee waivers).

Javier Molinares, representative, presented the request to Council. He noted that Viva Brevard was a public charity, not a private organization.

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; Councilman Foster, Yea.

3. Consideration of a co-sponsorship request from the West Indian Caribbean Culture and Sports, Inc., for the Family Fun Days event to be held on the first Sunday of every month in Fiscal Year 2024.

Staff Recommendation: Approve the City's co-sponsorship with the West Indian Caribbean Culture and Sports, Inc. for the Family Fun Days event to be held on the first Sunday of every month in Fiscal Year 2024 (12 occurrences) at the PAL pavilion, approving for \$2,745 in rental and fee waivers.

Alfred Agarie, representative, presented the request to Council.

Bill Battin, resident, said that this request was for a monthly event and he understood the policy or ordinance to state requests were only for annual events.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the co-sponsorship as recommended by staff. Ms. Sherman advised that the policy allowed for a single event or a series of events. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

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

PUBLIC HEARINGS:

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

Mr. Anderson advised of conditions recommended by the Florida Department of Economic Opportunity, which read as follows:

Transportation Level of Service Analysis Requirements

- A. Micco Road Improvements: From the project site to Babcock Street will need to be improved to four (4) lanes, pending improvements to other Rights of Way providing direct access to the project site. If improvements to other Rights of Way providing direct access to the project site are planned for prior to development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Plan Development Zoning District application process.
- B. Babcock Street Improvements: From Micco Road to St. John's Heritage Parkway will need to be improved to four (4) lanes pending improvements for other Rights of Way providing direct access to the project site. If improvements to other Rights of Way providing direct access to the project site are planned for prior to development, a Traffic Impact Analysis shall be required to determine any required improvements specific to this development through the Planned Development Zoning District application process.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-05, to include staff's comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2023-68, vacating a portion of the side public utility and drainage easement located within Lot 5, Block 674, Port Malabar Unit 15 (Case VE-10-2023, David Jr. and Evelyn Daniels), 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 2023-68. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Ordinance 2023-76, rezoning property located south of and adjacent to Malabar Road, in the vicinity west of Greenacre Drive, from IU (Institutional Use District) to RC (Restricted Commercial District) (6.43 acres) (Case CPZ23-00008, Merritt Island Holdings, LLC), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened. John Newton, 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 2023-76, subject to the condition that ingress/egress shall not be allowed on Waterman Lane. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

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

4. Ordinance 2023-77, rezoning property located at the northeast corner of Palm Bay Road and Skippers Way from IU (Institutional Use District) to CC (Community Commercial District) (4.08 acres) (Case Z23-00011, 1611 Meridian, LLC), final reading. (Quasi-Judicial Proceeding)

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 Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2023-77. Mayor Medina requested that a condition be included in the motion that the building be in substantial conformance with the architectural rendition provided by the applicant.

Mr. Johnson withdrew his second to the motion. Deputy Mayor Felix withdrew his motion. Ms. Smith advised that the public hearing should be reopened to allow the applicant to comment on the condition proposed by Mayor Medina.

Mayor Medina reopened the public hearing. Ms. Rezanka advised that the applicant was agreeable to the condition. The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2023-77, with the condition that the building be in substantial conformance with the architectural rendition provided by the applicant. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

5. Ordinance 2023-78, rezoning property located at the southwest corner of Malabar Road and Greenacre Drive from IU (Institutional Use District) to RC (Restricted Commercial District) (0.9 acres) (Case Z23-00012, Lawrence Kramer), final reading. (Quasi-Judicial Proceeding)

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 2023-78. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

6. Ordinance 2023-79, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapters 'General Provisions' and 'Supplementary District Regulations', by modifying provisions related to parking within residential districts (Case T23-00013, 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 2023-79. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Ordinance 2023-80, amending the Code of Ordinances, Chapter 184, Subdivisions, by including provisions for simple lot splits/lot reconfiguration (Case T23-00014, 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 2023-80. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

8. Ordinance 2023-81, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including brew pubs or other drinking establishments as permitted uses in HC (Highway Commercial District) zoning (Case T23-00015, 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 2023-81.

Motion carried with members voting as follows:

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

9. Ordinance 2023-82, amending the Code of Ordinances, Chapter 178, Signs, by modifying provisions related to setback requirements for interchange signs (Case T23-00017, All Digital All Day, LLC), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. He agreed with the amendment imposed by Council during the first public hearing. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2023-82.

Motion carried with members voting as follows:

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

10. Ordinance 2023-83, amending the Code of Ordinances, Chapter 184, Subdivisions, by modifying provisions related to the construction of model homes prior to a subdivision receiving a certificate of completion (Case T23-00019, 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 2023-83. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

11. Ordinance 2023-84, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, Subchapters ‘Building Code’ and ‘Fire Protection and Alarm Systems’, by repealing the subchapters in their entirety (Case T23-00020, 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 2023-84. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

12. Ordinance 2023-85, amending the Code of Ordinances, by creating a new Chapter 96, to be titled 'Florida Building Code', 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 2023-85. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

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

The public hearing was opened. Nancy Bunt, Community and Economic Development Director, 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 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; Councilman Foster, 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 with the removal of Items 7, 10, and 12 from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

1. Miscellaneous: 'Piggyback Purchase', Pavement Management (Preservation and Surfacing) Continuing Services (City of Gainesville contract) - Public Works Department (multiple vendors - \$242,574).

Staff Recommendation: Approve the award for pavement management (preservation and surfacing) continuing services with multiple vendors (to include Asphalt Paving Systems, Inc. (Zephyrhills), through the City of Gainesville contract, in the amount of \$242,574.

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

2. Miscellaneous: 'Cooperative Purchase', body armor and ballistic resistant products (Department of Management Services Alternative Source contract) - Police Department (Point Blank Enterprises, Inc. - \$15,584).

Staff Recommendation: Approve the award for body armor and ballistic resistant products with Point Blank Enterprises, Inc. (Pompano Beach) and authorized resellers (to include Federal Eastern International), through the Department of Management Services Alternative Source contract, in the amount of \$15,583.88.

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

3. Miscellaneous: Coagulant - Utilities Department (Harcros Chemicals - \$150,000 annually (standardized/sole source)).

Staff Recommendation: Approve the standardization and sole source procurement of coagulant H-Pac 8323S with Harcros Chemicals, in the estimated annual amount of \$150,000.

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

4. Resolution 2023-25, amending the City's Section 457 Deferred Compensation Plan by including an employee optional post tax retirement option in the form of a 457 Roth plan for eligible employees.

The City Attorney read the resolution in caption only.

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

5. Ordinance 2023-90, amending the Fiscal Year 2022-2023 budget by appropriating and allocating certain monies (fourth 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.

6. Consideration of a subgrant agreement and contract with the University of North Florida's Institute of Police Technology and Management for the Pedestrian Bicycle Safety High Visibility Enforcement and Support Program contract for 2023-2024.

Staff Recommendation: Authorize the City Manager to execute a subgrant agreement and contract with the University of North Florida's Institute of Policy Technology and Management for the Pedestrian and Bicycle Safety High Visibility Enforcement and Support Program contract for 2023-2024, to include any and all future amendments.

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

7. Consideration of utilizing Undesignated Stormwater Funds for the purchase of a Vac Truck and Pickup Truck for cleaning City stormwater systems (\$602,006).

Staff Recommendation: Approve utilizing Undesignated Stormwater Funds for the purchase of a Vac Truck and Pickup Truck for cleaning City stormwater systems from the Sourcewell contract in the amount of \$602,006.

Bill Battin, a resident, asked the cost of the recently purchased vacuum truck. He said a second truck would also mean doubling the amount of personnel. Mr. Battin mentioned that there was also the purchase of a F-150 truck for \$60,000. He said two (2) pick-up trucks could be obtained for that price.

Ms. Sherman explained there was a typographical error in the memo and the purchase was for a F-250 which was a more expensive vehicle. The initial Vac Truck was purchased five (5) years ago.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve utilizing Undesignated Stormwater Funds for the purchases as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

8. Consideration of utilizing Transportation Impact Fees to fund Supplemental No. 1 to Task Order 14, with Consor Engineers, for the lighting assessment of the traffic signal on Emerson Drive at St. Johns Heritage Parkway (\$12,008).

Staff Recommendation: Approve utilizing Transportation Impact Fees to fund Supplemental No. 1 to Task Order 14, with Consor Engineers, for the lighting assessment of the traffic signal on Emerson Drive at St. Johns Heritage Parkway in the amount of \$12,008.

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

9. Consideration of a request by Florida Power and Light for a Non-Exclusive Easement for placement of underground electric utility facilities with the South Regional Utilities Campus.

Staff Recommendation: Approve the request by Florida Power and Light for a Non-Exclusive Easement for placement of underground electric utility facilities with the South Regional Utilities Campus.

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

10. Consideration of fund appropriation for the upgrade to the City's Lift Stations 27, 33, 34, and 35, force main improvements and replacement of the wet well at Lift Station 34 by the owner at the Palm Breeze Apartments (\$1,003,519).

Staff Recommendation: Approve a budget amendment allocating \$1,003,519 from Utilities Operating Undesignated Fund Balance to Utilities Renewal and Replacement Reserves and to approve a budget amendment allocating that same \$1,003,519 from Utilities Renewal and Replacement Fund Balance (424-0000-392-3006) to accounts 424-8032-535-6325 and 424-8032-535-6327, Project #23WS21.

Bill Battin, resident, asked if this was a complete rebuild and, if so, if there was a miscalculation in the capacity before allowing the expansion of the additional housing.

Mr. Little responded that it was not a rebuild of the lift stations. There were four (4) existing lift stations. During site plan review, developers were notified that their project was going to increase capacity in the whole area, which also impacted those lift stations. The amount that was credited to the developer was the City's portion of the existing infrastructure should it need to be replaced.

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

11. Consideration of fund appropriation for Task Order 23-07-IS with Infrastructure Solution Services for Indian River Lagoon Basin Management Action Plan Onsite Sewage Treatment and Disposal System Remediation Plan Regulatory Assistance Services (\$92,160).

Staff Recommendation: Approve appropriation of funds on the next scheduled budget amendment for Infrastructure Solution Services, Task Order 23-07-IS, for Indian River Lagoon Basin Management Action Plan Onsite Sewage Treatment and Disposal System Remediation Plan Regulatory Assistance Services in the amount of \$92,160.

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

12. Consideration of reimbursement of costs associated with the emergency purchase to replace surveillance cameras located at Police Department Headquarters from Undesignated Fund Balance (\$28,064).

Staff Recommendation: Approve the reimbursement of costs associated with the emergency purchase to replace surveillance cameras located at Police Department Headquarters from Undesignated Fund Balance in the amount of \$28,064.

Bill Battin, resident, asked what caused the emergency purchase.

Ms. Misconi advised that due to security camera exemptions pursuant to Florida Statutes, the nature of the emergency could not be disclosed.

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

UNFINISHED AND OLD BUSINESS:

1. Continuation of Discussion Regarding Campground Project Next Steps.

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

Ms. Misconi presented the item to Council. Back in April, there was discussion about the campground which had been brought forward with a \$1.7 million grant from the Brevard County Tourism Development Council (TDC). At that time, Council had requested an estimate to add a second entrance to the park from St. Johns Heritage Parkway, which required a bridge. Through the City's consultant, Kimley-Horn, six (6) options were obtained based on material used and inclusion of a pedestrian crossings for an estimated cost range of \$2-\$4 million. Staff recommended a concrete bridge. Staff also reviewed the number of campsites that could be created based on revenue values. All campsite options presented included a bridge. The consultant settled on forty-five (45) campsites which fell within the \$3.2 million budget provided by staff. Ms. Misconi provided further details on the project. She advised that for each option, there was a line item for Malabar Road entrance improvements as the existing entrance was not designed to accommodate the gross vehicle weight or turning radius of recreational vehicles. It was noted that the grant funding had an expiration date of September 21, 2024.

Staff recommended the following options:

- Construction of bridge only – use of existing Parks Impact Fee dollars and add \$1.23 million from 32907 and 32908 impact fees; \$558,000 would be returned to the General Fund and the grant monies would be forfeited.
- Construction of bridge and the forty-five (45) campsites – project budget would increase by \$3.5 million; use of all current 32907 impact fees; utilize additional dollars from 32908 impact fees, leaving a remaining balance of \$1 million in impact fees; and there would be no impact to the General Fund.

- Construction of bridge and eighty-two (82) campsites – project budget would increase by over \$5 million and utilize \$4.4 million from the 32907 and 32908 impact fees which would leave a zero balance in Parks Impact Fees; and use approximately \$700,000 from the General Fund.

Ms. Misconi answered questioned posed by councilmembers.

Mayor Medina felt the impact fees could be used to construct the bridge, add more fields and possibly a splash pad. He said he was initially in support of the campground but would rather use the funds for amenities within the park.

Bill Battin, a resident, questioned why it would not be considered an Enterprise Fund. He was concerned with using General Fund dollars and Parks Impact Fees to fund the project, and recommended returning the grant funds.

Butch Orend, a resident, agreed with Mr. Battin's comments and felt the campgrounds would be a waste of money.

Motion by Mr. Johnson, seconded by Mayor Medina, to direct staff to negotiate a design task order with Kimley Horn for design services for the bridge only.

Mr. Johnson said he initially fought for the campgrounds but had now changed his stance.

Deputy Mayor Felix did not feel the grant funding should be given back to the TDC. He asked Mr. Poppe if he felt the project was viable. Mr. Poppe felt it was a viable project and suggested using the \$1.7 million grant funding for current and future design. Ms. Misconi advised that the requirement from the TDC was to build a campground. Deputy Mayor Felix agreed with building the bridge first as it was critical, but felt forty-five (45) campsites should be done as well.

Mayor Medina did not like the idea of returning the funds but said that construction costs were different back when this project was initiated. He wanted to add amenities to the park with impact fees.

Mr. Foster said an RV park would be built directly across the street from the park and the City would be competing for business. He was concerned about using impact fees for the campground, but fully supported using same for the bridge and enhancements to the park. He wanted to return the grant funds.

Mr. Johnson supported using impact fees towards improving/adding fields and park enhancements.

Mayor Medina withdrew his second to the motion.

Motion by Mr. Johnson, seconded by Mayor Medina, to amend the motion to direct staff to negotiate a design task order with Kimley Horn for design services for the bridge only and other park improvements or additional parks and facilities in the area.

Motion carried with members voting as follows:

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

NEW BUSINESS:

1. Consideration of a co-sponsorship request for the 15th Annual Family Christmas Extravaganza at Fred Poppe Regional Park.

This item was considered earlier in the meeting prior to Public Hearings.

2. Consideration of a co-sponsorship request for the Viva Brevard Festival at Fred Poppe Regional Park.

This item was considered earlier in the meeting prior to Public Hearings.

3. Consideration of a co-sponsorship request from the West Indian Caribbean Culture and Sports, Inc., for the Family Fun Days event to be held on the first Sunday of every month in Fiscal Year 2024.

This item was considered earlier in the meeting prior to Public Hearings.

4. Consideration of the City's 2024 State Legislative Priorities.

Staff Recommendation: Authorize staff and the City's state lobbying firm, Sunrise Consulting Group, to advocate for the 2024 state legislative priorities of the City of Palm Bay.

Ms. Sherman presented the request to Council.

Mayor Medina suggested including additional baffle boxes and assistance for septic to sewer conversion. He agreed with the funding requests presented by staff.

Mr. Johnson supported Mayor Medina's suggestion and said that he would consider removing the hurricane hardening for roof and shutters if it would place more funding towards the septic to sewer.

Mr. Foster said funding request number 3, replacement fire engine, should include the option to building a fire station. Ms. Sherman said it would have to be two (2) separate requests but did not feel that the fire engine would receive much support from the state. Mr. Foster and Deputy Mayor Felix were okay with the list as is and supported the additional funding for septic to sewer.

Motion by Mr. Johnson, seconded by Mayor Medina, to authorize staff and the City's state lobbying firm, Sunrise Consulting Group, to advocate for the 2024 state legislative priorities of the City of Palm Bay as follows:

- Additional funding support to provide financial assistance to Palm Bay residents for septic-to-sewer conversions
- New Police substation at the west end of Malabar Road and the St. Johns Heritage Parkway (\$3 Million)
- Replacement fire engine (\$2.5 Million)
- Additional fire station
- Additional baffle boxes
- City facility hurricane hardening for roof and shutters (\$1.7 Million)

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

5. Consideration of additional funding requests for Fiscal Year 2024, including additional State Shared Revenue and use of Undesignated Fund Balance.

Staff Recommendation: Consideration for additional funding to be allocated to meet some unfunded capital, operating, and personnel requests for the upcoming fiscal year.

Ms. Sherman presented the item to Council. Presentations were given by the Chief of Police and Fire Chief. They responded to questions posed by councilmembers. Ms. Sherman highlighted the funding requests.

Bill Battin, resident, supported the request as it addressed police, fire and infrastructure, but questioned why this information was not included in the budget hearing held on September 6th.

Ms. Sherman explained that there was no way to successfully fund these capital needs with the current three percent (3%) funding cap. Staff had discussed potentially budgeting Undesignated Fund Balance as part of a strategy each year to address the capital needs. Ms. Sherman said it was a matter of timing, availability of funding and critical needs due to hurricane season.

Mayor felt a full-time veteran service officer was important and beneficial to the community. It would be a partnership with Brevard County. Ms. Sherman said the position would be estimated at \$100,000, with \$78,000 for the base salary. The City would have to enter into an agreement with Brevard County for reimbursement purposes. It would be Brevard County's employee, but the City would provide funding for the salary, benefits and necessary equipment.

Mr. Johnson wanted scoreboards at Lynbrook and Fred Poppe Regional Parks. He felt more comfortable starting a veteran position as part-time as this would be a pilot program. If needed, it could be transitioned to a full-time position.

Deputy Mayor Felix said veteran services were already available through Brevard County. He felt the funding could be used elsewhere.

Mr. Foster said he utilized the veteran officer services through Brevard County for his benefits and said a part-time position would not be enough. He said he had received a lot of benefits using these services and he would not have them if it was not for the assistance of the veteran officer.

Mr. Johnson said he would support the full-time position, but wanted to review all related data in the future.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve additional funding to be allocated to meet some unfunded capital, operating, and personnel requests for the upcoming fiscal year, with the addition of a full-time veteran service officer position (\$100,000) and replacement of scoreboards at Lynbrook and Fred Poppe Regional Parks (\$86,000).

Motion carried with members voting as follows:

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

6. Consideration of councilmembers attending the North American Mayors Summit Against Antisemitism in Fort Lauderdale, November 15-17, 2023; consideration of rescheduling the second regular meeting in November. (AGENDA REVISION)

Mayor Medina would attend the conference.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to reschedule the second regular Council meeting in November 2023 to Tuesday, November 14, 2023.

A Point of Order was called to allow for public comments. Mr. Johnson withdrew his second to the motion. Deputy Mayor Felix withdrew his motion.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to extend the meeting by thirty (30) minutes. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Bill Battin, resident, did not agree with continuously changing the meeting schedule. He said it was failure on the part of the City Council to appoint a temporary person to the vacant Council seat and residents should not have to modify their schedules to suit the needs of Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to reschedule the second regular Council meeting in November 2023 to Tuesday, November 14, 2023. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Consideration of City Council Flag Program nominee, Keith Van Buren. (Mayor Medina) (AGENDA REVISION)

Staff Recommendation: Approve Keith Van Buren as a nominee for the City Council Flag Program.

Mayor Medina presented the item to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Keith Van Buren as a nominee for the City Council Flag Program. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

COUNCIL REPORTS:

1. Mr. Johnson made the following reports:

A. Requested feedback on utilizing the Evans Center for City purposes, such as expansion of the Police Department or another department. He felt that the City had invested so much money into the Center that any vacant space should be used. Council concurred for staff to research same.

B. Requested an update on addressing flooding, drainage and culvert replacement. Mr. Perez advised that additional steps had been taken to address drainage issues. Trenching throughout the City should be caught up by mid October. Staff was addressing emergency tickets for canal maintenance and were also reviewing contracts to expand services and to assist the overload for staff.

2. Deputy Mayor Felix clarified that he voted against Item 5, under New Business, only because of the veteran service officer position. He supported all other funding requests.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Smith requested an Executive Session on Thursday, October 17, 2023, at 6:00 P.M., to seek advice pertaining to Community Asphalt vs. City of Palm Bay, Case No. 05-2023-CA-036384, which would last approximately one (1) hour. Attendees would be Mayor Rob Medina; Deputy Mayor Donny Felix; Councilmembers Kenny Johnson and Randy Foster; City Manager Suzanne Sherman; City Attorney Patricia Smith; outside counsel Sean Mickley; and the Court Reporter.

Council concurred to schedule the session on Tuesday, October 17, 2023, at 6:00 P.M.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

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ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:28 P.M.

Rob Medina, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK