

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2023-33

Held on Thursday, the 21<sup>st</sup> day of December 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.

Pastor Paul Fournier, Lifepoint 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>CHIEF DEPUTY CITY ATTORNEY:</b>	Michael Rodriguez	Present
<b>CITY CLERK:</b>	Terese Jones	Present

Councilman Foster attended the meeting via teleconference.

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Lisa Frazier, Growth Management Director; Frank Watanabe, City Engineer; Mariano Augello, Chief of Police.

### ANNOUNCEMENTS:

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

- 1. Three (3) terms expiring and one (1) vacancy on the Disaster Relief Committee Executive Board.++**
- 2. One (1) vacancy on the Community Development Advisory Board (represents 'employer within the city').++**

**AGENDA REVISIONS:**

1. Mrs. Jones announced that a travel request for councilmembers to attend the Florida League of Cities Legislative Action Days was added as Item 1, under New Business.

**PROCLAMATIONS AND RECOGNITIONS:**

The proclamation was read.

**1. Proclamation: Mayor's Business Spotlight recipient - Trattoria Bella Restaurant.**

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

Individuals made general comments.

1. Pat Dalpra, resident, requested an ordinance to address drainage on properties.

**APPROVAL OF CONSENT AGENDA:**

All items of business under the 'Approval of 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 2, 4, 9, 11 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. Adoption of Minutes: Meeting 2023-30; December 7, 2023.**

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

**2. Contract: Engineering and design services, bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, 12/08/23 Task Order (against Master Agreement 28-0-2022) – Public Works Department (Kimley-Horn - \$435,095); and approve the utilization of Parks Impact Fees (32907 and 32908 Nexus).**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**3. Miscellaneous: 'Cooperative Purchase', 'as needed' asphalt rejuvenation (City of Plantation contract) - Public Works Department (Pavement Technology, Inc. - \$1,888,787).**

Staff Recommendation: Approve the award for 'as needed' asphalt rejuvenation with Pavement Technology, Inc. (Westlake, Ohio), through the City of Plantation contract, in the amount of \$1,888,787.49.

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

**4. Resolution 2023-48, authorizing a State-Funded Grant Agreement with the Florida Department of Transportation for the St. Johns Heritage Parkway widening project; consideration of utilizing Transportation Impact Fee funds (\$1,737,000 (TIF funds)).**

The Chief Deputy City Attorney read the resolution in caption only.

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

**5. Consideration of accepting a funding agreement with Florida Department of Emergency Management for the 2023/2024 Hurricane Legislative Appropriation Program for impacts from Hurricane Nicole and consideration of entering into an agreement for waiver of local match requirements for Public Assistance for Hurricanes Ian and Nicole (SB4-A).**

Staff Recommendation: Authorize the City Manager or designee to execute the City's funding agreement with Florida Department of Emergency Management for the Legislative Appropriation Program for Fiscal Year 2023/2024 and the agreement for Waiver of Local Match Requirements for Public Assistance (SB4A Waiver).

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

**6. Consideration of a Ground Equipment Easement with Florida Power and Light to be located at the Fire Headquarters (895 Carlyle Avenue, SE).**

Staff Recommendation: Approve the Florida Power and Light easement request to be located behind the City's Fire Headquarters building at the Liberty Park site.

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

**7. Consideration of an extension of the Hazard Mitigation Grant Program Agreement with the Florida Division of Emergency Management.**

Staff Recommendation: Approve Hazard Mitigation Grant Program Project 4337-141-R (Contract H0225) grant modification and authorize the City Manager to execute the agreement.

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

**8. Consideration of utilizing Police Impact Fees (32907 Nexus) for engineering expenditures associated with new office additions to the Police Headquarters (\$12,000).**

Staff Recommendation: Approve the appropriation of Police Impact Fees from 32907 Nexus on the next budget amendment for the engineering expenditures associated with office additions to Police Headquarters.

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

**9. Consideration of utilizing General Fund Undesignated Fund Balance for emergency repairs at Castaways Park (\$19,611).**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**10. Consideration of utilizing Parks Impact Fees (32905 Nexus) to purchase a prefabricated restroom for Turkey Creek Sanctuary (\$300,000).**

Staff Recommendation: Approve the utilization of \$300,000 from Parks Impact fees (Nexus 32905) for a new restroom facility at Turkey Creek Sanctuary.

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

**11. Consideration of utilizing Parks Impact Fees (32907 Nexus) to add outdoor electrical infrastructure for events held at Fred Poppe Regional Park (\$277,525).**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**12. Consideration of utilizing General Fund Undesignated Fund Balance for the Access Control project (\$53,600).**

The item was removed from Consent Agenda and heard after Public Hearings under Consideration of Items Removed from Consent Agenda.

**13. Consideration of reallocating a portion of Fire Department funds designated for Fiscal Year 2024 projects (\$206,930).**

Staff Recommendation: Approve reallocating a portion of Fire Department funds designated for Fiscal Year 2024 projects as specified in the City Manager's memorandum.

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

**14. Acknowledgement of the City's Budget Monitoring Report for the fourth quarter of Fiscal Year 2023 (Unaudited).**

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

**15. Acknowledgement of the December 2023 GO Road Bond Paving Report.**

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

**PUBLIC HEARING(S):**

**1. Ordinance 2023-105, vacating a portion of the rear public utility and drainage easement located within Lot 15, Block 2124, Port Malabar Unit 42 (Case VE-16-2023, John and Colleen Pechulis), final reading.**

The Chief Deputy 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 2023-105. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**2. Ordinance 2023-103, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Palm Bay Infrastructure Advisory and Oversight Board', by modifying the sunset date and reinstating the board, final reading.**

The Chief Deputy 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 2023-103. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**3. Ordinance 2023-104, amending the Code of Ordinances, Chapter 96, Florida Building Code, Subchapter 'Building Code', by updating references to the Florida Building Code, final reading.**

The Chief Deputy 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 2023-104. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**4. Ordinance 2023-106, rezoning property located south of and adjacent to Alcantarra Street, in the vicinity between Calcutta and Chamberlin Avenues, from RS-2 (Single-Family Residential District) and SRE (Suburban Residential Estate Category) to RR (Rural Residential District) (10.58 acres) (Case Z23-00013, Michael and Rebecca Crews), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Joseph Crews, representative for the applicants, presented the request to Council.

Bill Battin, resident, asked how the business had obtained a business license since 1995 without having the property rezoned up to that point.

Mrs. Junkala-Brown explained that the business had been a preexisting, non-conforming piece and that the Business Tax Receipt would have been renewed each year. She stated that because the applicant wanted to expand their property by 0.58 acres, it needed to be rezoned.

Randall Olszewski, resident, supported the request but said that drainage on the front of the property needed to be addressed by the city.

Ms. Sherman said that staff had met with the property owners and the drainage issue was being addressed.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-106. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**5. Ordinance 2023-107, rezoning property located west of and adjacent to Glenham Drive, in the vicinity south of Palm Bay Road, from RS-1 (Single-Family Residential District) to RS-2 (Single-Family Residential District) (15.53 acres) (Case Z23-00014, SKA Properties, LLC), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Rick Kern, representative for the applicant, presented the request to Council.

Mayor Medina questioned why the applicant wanted to rezone to RS-2. Mr. Kern responded that the developer wanted to build sixty (60) foot wide homes and could add a few more lots on the small site.

Gina Bardy, resident, requested that the zoning for the property remain RS-1 as it was a small site, was full of vegetation and wildlife, as well as protected wildlife. Mr. Kern stated that due to the small size of the project, they would not be able to create a preservation area but would relocate the Gopher Tortoises as required by law.

Mr. Johnson inquired about the total amount of units that could be built on the property. He asked if the schools could accommodate additional students if more homes were added to the project. Ms. Frazier said that the request was for forty-three (43) homes and the most that could be constructed in the low density category would be three (3) units per acre, which was not a precise number with additional factors that would need to be considered, such as roads, stormwater, setbacks.

Ms. Sherman confirmed that Palm Bay Elementary School, Stone Magnet Middle School and Palm Bay Magnet Senior High School were projected to have enough capacity to accommodate the total of the projected and potential students from the Glenham Road project.

Mayor Medina expressed concern with additional traffic on the roadways.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-107.

Mr. Johnson said the applicant would still need to add stormwater and that could lessen the number of homes that would be completed. He supported the request.

Mayor Medina did not support the request due to traffic concerns.

Deputy Mayor Felix felt that an additional three (3) homes would not make a difference and supported the request.

Motion carried with members voting as follows:

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

**6. Request by DRP FL 6, LLC, for final plat approval of a proposed 124-lot residential subdivision to be known as ‘Riverwood at Everlands Phase 1’, which property is located east of and adjacent to St. Johns Heritage Parkway, in the vicinity north of Emerson Drive, in PUD (Planned Unit Development) zoning (52.77 acres) (Case FS23-00010). (Quasi-Judicial Proceeding)**



The Planning and Zoning Board recommended approval of the request, subject to the technical review conditions contained in the Land Development Division Staff Report.

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

Bill Battin, resident, mentioned he was concerned that funds were being taken from zip code 32908 to fund projects for 32907 and that 32907 was one of the fastest growing areas in the City. He felt the proposed project was going to contribute a substantial amount to 32907 Parks Impact Fees and Traffic Study Fees.

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; Councilman Foster, Yea.

**7. Request by KB Home Orlando, LLC, for preliminary subdivision plan/plat approval of a proposed 199 single-family residential unit development to be known as ‘Gardens at Waterstone Phase 3’, which property is located in the vicinities west of Mara Loma Boulevard and south of Brookfield Street, in PUD (Planned Unit Development) zoning (47.92 acres) (Case PS23-00012). (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

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

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

**8. Request by KB Home Orlando, LLC, for a final subdivision plan/plat approval to be known as ‘Gardens of Waterstone Phase 3’, including the proposed 84 single-family residential lots to be known as ‘Gardens of Waterstone Phase 3A’, which property is located in the vicinities west of Mara Loma Boulevard and south of Brookfield Street, in PUD (Planned Unit Development) zoning (47.92 acres) (Case FS23-00012). (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Jake Wise, CEG Engineering 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; Councilman Foster, Yea.

**9. Ordinance 2023-108, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity west of Melbourne Tillman Drainage District Canal 7, from Residential 1 Unit Per Acre (Brevard County) to Commercial Use (6.00 acres) (Case CP23-00017, Diaz Properties, LLC), only one reading required.**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy 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. Johnson inquired about the timeline for the lane widening and the traffic signal construction at the intersection.

Mr. Watanabe explained that the Lighting Plan had been approved and he was expecting to have the permit by January 2024 and out to construction to be awarded. The piggyback agreement was set to come forth to Council in February 2024, with construction starting by March or April 2024. Mr. Watanabe advised that the lane widening of St. John's Heritage Parkway would be paid for by the developers in the area because of it being developer driven. Malabar Road would be done in certain segments but was taking longer because of federal requirements.

Randall Olszewski, resident, was concerned with the main entrance of the project being on Malabar Road. He felt it was dangerous.

Mr. Wise explained that the project would be a benefit to the residents that were already driving through the area.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2023-108. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**10. Ordinance 2023-109, rezoning property located south of and adjacent to Malabar Road, in the vicinity west of Melbourne Tillman Drainage District Canal 7, from AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (6.00 acres) (Case CPZ23-00009, Diaz Treasures, LLC), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy 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.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2023-109. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**11. Ordinance 2023-110, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity southwest of St. Johns Heritage Parkway and west of Melbourne Tillman Drainage District Canal 7, from Residential 1 Unit Per Acre (Brevard County) to Commercial Use (13.05 acres) (Case CP23-00019, City of Palm Bay), only one reading required.**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy 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 Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2023-110. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**12. Ordinance 2023-111, rezoning property located south of and adjacent to Malabar Road, in the vicinity southwest of St. Johns Heritage Parkway and west of Melbourne Tillman Drainage District Canal 7, from AU (Agricultural Residential) (Brevard County) to CC (Community Commercial District) (13.05 acres) (Case CPZ23-00011, City of Palm Bay), first reading. (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy 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 2023-111. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**13. Ordinance 2023-112, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property, located at the southeast corner of Treeland Boulevard and San Filippo Drive, from Public/Semi-Public Use and Recreation and Open Space Use to High-Density Residential Use (7.02 acres) (Case CP23-00018, Treeland Apartments, LLC), only one reading required.**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy City Attorney read the ordinance in caption only. The public hearing was opened. Stuart Buchanan, representative for the applicant, presented the request to Council.

Mayor Medina inquired about the entrance to the project being on Treeland Boulevard instead of San Filippo Drive. Mr. Buchanan responded that they felt that Treeland Boulevard would be signalized at some point and that it would relieve some traffic from San Filippo Drive.

Mayor Medina asked the exact number of units. Mr. Buchanan replied that there would be a total of 140 units.

Deputy Mayor Felix asked for confirmation if the presentation referred to Workforce Housing or Market Rate Housing. He said he was concerned about the traffic and the current infrastructure not being able to handle another housing community in the area. Mr. Buchanan confirmed that he was referring to Market Rate Housing.

Mr. Foster asked if a traffic study had been performed. Mr. Buchanan said it would be submitted as part of the site plan review process.

Mr. Johnson had strong concerns regarding the influx of traffic to an already saturated area.

Mayor Medina said he would rather see a light industrial commercial project in the area.

Bill Battin, resident, did not want to see impact fee reductions for this project.

Robert Stise, resident, was concerned with the amount of traffic already in the area and asked that Council deny the request.

Mr. Buchanan advised that there would be a traffic study done and city staff would have to advise of any necessary improvements as part of the site plan process. He mentioned that if the property was to be developed as Light Industrial, the trip generation would be greater as a destination.

Pat Dalpra, resident, stated that if Council had approved the project at Glenham Road, which she felt the traffic was horrible, then this project should be approved as well.

Mr. Watanabe confirmed that if the property was to be zoned as Light Industrial, it would have a positive effect on the traffic in the area as it would be in the reverse direction away from Malabar Road and the Interstate 95 interchange.

The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to deny Ordinance 2023-112.

Deputy Mayor Felix explained that the only positive he saw with the project was the potential for student housing but not at Market Rate. He was concerned over the amount of already existing traffic and could not support request.

Motion carried with members voting as follows:

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

**14. Ordinance 2023-113, rezoning property located at the southeast corner of Treeland Boulevard and San Filippo Drive from RM-10 (Single-, Two-, Multiple-Family Residential District) to RM-20 (Multiple-Family Residential District) (7.02 acres) (Case CPZ23-00010, Treeland Apartments, LLC), first reading. (Quasi-Judicial Proceeding)**

Due to the denial of Ordinance 2023-112, this item was rendered moot.

**15. Ordinance 2023-114, amending the Code of Ordinances, by creating a new Chapter 71, to be titled 'School Zone Speed Infractions', first reading; authorize the establishment of a speed detection system on roadways maintained as school zones within the City.**

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

Mr. Johnson asked how much of the \$100 fine would be returned to the City and how the City would utilize the funds. Chief Augello advised that the funds received by the speed detection system violators would be used for a variety of things, including crossing guards and public safety equipment.

Bill Battin, resident, asked if the ticket would be issued to the vehicle owner or the driver.

Robert Stise, resident, asked how out-of-state plates would be handled and who would be monitoring the system.

Greg Parks, Red Speed (vendor for the City), provided further details on the system. There were no costs to the City and Red Speed operated on a revenue share, and all citations were reviewed by law enforcement. It was an educational program and no points were issued and insurance companies would not be contacted.

Randall Olszewski, resident, asked about the constitutionality of said cameras and traffic devices. He mentioned that the school zones needed to be identified easier and more effectively with flashing lights and times listed.

Mr. Parks advised that the cameras that would be used were much different than the typical red light cameras; instead of a nano second into the red light, drivers would be given a grace period of eleven (11) miles per hour over the posted limit.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2023-114.

Deputy Mayor Felix agreed with Mr. Olszewski about making the school zones stand out and making them more recognizable.

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

**16. Ordinance 2023-115, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', by modifying the timelines related to preliminary development plan submittals (Case T23-00028, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended approval of the request.

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

Bill Battin, resident, asked the timelines for inspections and hiring the outside agency to help with reviews of projects from the previous Council meeting. He inquired about the unlimited time that a project had to sit stagnant.

Mrs. Junkala-Brown responded that the change would not allow for an unlimited time for reviews but would be in line with state statutes. She said that the hiring of an outside agency was to assist with all applications and help fill the gap to keep up with the volume. She explained that because of land entitlement, there was not an expiration date for certain projects after a final zoning had been granted so projects that had been approved were able to sit stagnant for long periods of time.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-115.

Motion carried with members voting as follows:

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

**17. Ordinance 2023-116, amending the Code of Ordinances, Chapter 184, Subdivisions, by modifying the process for submission of preliminary and final plat applications (Case T23-00029, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended approval of the request.

The Chief Deputy 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 Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2023-116. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:**

**2. Contract: Engineering and design services, bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, 12/08/23 Task Order (against Master Agreement 28-0-2022) – Public Works Department (Kimley-Horn - \$435,095); and approve the utilization of Parks Impact Fees (32907 and 32908 Nexus).**

Staff Recommendation: Approve the Kimley-Horn Task Order, dated December 8, 2023, for engineering and design services for the bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, against Master Agreement 28-0-2022, in the amount of \$435,095; and approve the utilization of Recreation Impact Fees in the amount of \$217,548 from Nexus 32907 and \$217,548 from Nexus 32908.

Bill Battin, resident, felt that the cost should be shared between all the zip codes in Palm Bay as a universal benefit and felt it was unfair that 32908 was helping fund a project that was located in 32907.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Kimley-Horn Task Order for engineering and design services as requested by staff. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**4. Resolution 2023-48, authorizing a State-Funded Grant Agreement with the Florida Department of Transportation for the St. Johns Heritage Parkway widening project; consideration of utilizing Transportation Impact Fee funds (\$1,737,000 (TIF funds)).**

The Chief Deputy City Attorney read the resolution in caption only.

Bill Battin, resident, reiterated his comments regarding use of funds in zip codes.



Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Resolution 2023-48. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**9. Consideration of utilizing General Fund Undesignated Fund Balance for emergency repairs at Castaways Park (\$19,611).**

Staff Recommendation: Approve the allocation of \$19,611 from General Fund Undesignated Fund Balance for costs associated with the emergency repair at Castaways Park.

Bill Battin, resident, asked why the grant request for Item 5, under Approval of Consent Agenda, could not be combined with this item and save the General Fund \$20,000. Ms. Sherman replied that this item was for emergency repairs incurred during a storm event. Item 5 was a \$2 million grant from the State to permanently repair three (3) areas in the City, including Castaways Park.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve utilizing General Fund for emergency repairs at Castaways Park. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**11. Consideration of utilizing Parks Impact Fees (32907 Nexus) to add outdoor electrical infrastructure for events held at Fred Poppe Regional Park (\$277,525).**

Staff Recommendation: Approve the utilization of \$277,525 from Parks Impact fees (Nexus 32907) to install electrical infrastructure at Fred Poppe Regional Park to support future large-scale events.

Bill Battin, resident, made similar comments regarding funding and impact fees for different zip codes.

Randall Olszewski, resident, agreed with Mr. Battin's comments. He wanted to see events at the park but through not-for-profit organizations.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2023-116.

Ms. Sherman explained the process for using impact fees. She said that funds could be used from multiple Impact Fee Districts if there were multiple districts that would benefit from the services provided. For this particular agenda item, Ms. Sherman said that the

electrical infrastructure for Fred Poppe Regional Park would provide more opportunities for the City to use the park for both profit and non-profit events.

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

**12. Consideration of utilizing General Fund Undesignated Fund Balance for the Access Control project (\$53,600).**

Staff Recommendation: Approve the appropriation of \$53,600 from General Fund Undesignated Fund Balance for the Access Control project; and authorization to send four (4) city staff to vendor provided training in Tavares, Florida.

Bill Battin, resident, suggested that when training opportunities were offered to employees, the City should require dedicated times of service after said training so that the employees could not immediately leave the City for other employment.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2023-116. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**NEW BUSINESS:**

**1. Consideration of councilmembers attending the Florida League of Cities Legislative Action Days in Tallahassee, January 29-31,2024. (AGENDA REVISION)**

Mayor Medina and Deputy Mayor Felix would attend the conference. Council concurred.

**COMMITTEE AND COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman provided an update on the location of a cold night shelter within the City. Staff was collaborating with Helps Community Initiatives (HCI) for use of the Coast Guard Auxiliary building on Main Street and would be moving forward with an agreement for the rest of the season.

Mayor Medina said that emergency funding was provided to HCI last year. He said that if the cold night shelter plan did not work out, he suggested giving those funds to HCI again to use in the same capacity as last year by providing hotel vouchers. Staff would

confirm funding availability. Mr. Johnson wanted Council to be cautious on preferential treatment, especially if Community Development Block Grant funding was involved. Ms. Sherman said that fundings through the Disaster Relief Committee would also be explored.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 8:50 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK