

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2024-02

Held on Thursday, the 18th day of January 2024, 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 6:02 P.M.

Councilman Johnson gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

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

Councilman Foster attended the meeting via teleconference.

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Frank Watanabe, City Engineer; Chris Childs, Acting Fire Marshal; Mariano Augello, Chief of Police; Lance Fisher, Deputy Chief of Police

ANNOUNCEMENTS:

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

- 1. Four (4) vacancies on the Disaster Relief Committee Executive Board.++**
- 2. Three (3) terms expiring on the Youth Advisory Board (represents 'adult member' positions.)+**
- 3. Four (4) terms expiring on the Youth Advisory Board (represents 'student member' positions).+**

AGENDA REVISION(S):

There were no agenda revisions.

PROCLAMATIONS AND RECOGNITIONS:

The following individuals were recognized.

- 1. Recognition: Presentation of the American Flag – honoring the service of Earl Johnson. (Deputy Mayor Felix)**
- 2. Recognition: One (1) year of service as a City board member on the Community Development Advisory Board – Jamie Hirzel; Shenielle Walker; Jerry Williams.**
- 3. Recognition: One (1) year of service as a City board member on the Recreation Advisory Board – Wudson Fenelon.**
- 4. Recognition: One (1) year service as a City board member on the Sustainability Advisory Board – Jane Higgins; Kevin Smith.**
- 5. Recognition: One (1) year of service as a City board member on the Sustainability Advisory Board and the Infrastructure Advisory and Oversight Board – Logan Luse.**

PRESENTATIONS:

- 1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce - semi-annual update.**

Ms. Peltonen provided an update on the Chamber's activities.

- 2. Clayton McCormack, Infrastructure Solution Services – summary of Wastewater and Onsite Sewage Treatment and Disposal Systems (OSTDS) Draft Remediation Plans.**

Mr. McCormack provided an overview of the Indian River Lagoon (IRL) Basin Management Action Plan, and the Wastewater Treatment Plant and Onsite Sewage Treatment and Disposal System (OSTDS) Remediation Plan. He explained the project goals and objectives, the purpose of the Basin Management Action Plan, the enactment of the IRL Protection Program. Mr. McCormack said the estimated project costs to connect OSTDS to central sewer and upgrade the OSTDS and Wastewater Treatment

Plant would be \$665 million. He added that the migration of the existing septic tanks to the upgraded septic tanks would need to be completed by 2030 per legislation and would cost \$12,000 to \$15,000 per septic tank upgrade.

Mayor Medina asked that the presentation be made available on the City's website so that residents could be informed of future requirements.

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

Individuals made general comments.

1. Ron Cook, resident, said that drainage issues throughout the city needed to be addressed. He said the city used to have a large truck program to help remove debris from the culverts but due to liability on private property, the program was halted.

Ms. Sherman confirmed that the program was discontinued due to liability issues as the culverts were considered to be private property and was the responsibility of the property owner.

2. James Steed, resident, asked what could be done regarding noise ordinance violations at a nearby establishment that was playing music loudly until 2:00 am.

Ms. Sherman directed Mr. Steed to speak with Police Department staff.

3. Pat Dalpra, resident, asked that the Building Department be more proactive in working with the builders in neighborhoods to prevent flooding and hold the builders accountable to the residents in said areas.

Deputy Mayor Felix agreed with Ms. Dalpra and suggested that the Building and Public Works Departments, and Code Compliance Division begin to work on a communication plan to hold the builders accountable if flooding occurred due to negligence.

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 4 and 8 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 2023-33; December 21, 2023.

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

2. Resolution 2024-02, amending Resolution 2023-35, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (first amendment).

The City Attorney read the resolution in caption only.

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

3. Resolution 2024-03, amending Resolution 2023-36, adopting the Five-Year Capital Improvements Program for Fiscal Years 2023-2024 through 2027-2028 (first amendment).

The City Attorney read the resolution in caption only.

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

4. Ordinance 2024-02, amending the Code of Ordinances, Chapter 33, Fire Department, Subchapter 'Fire Prevention; General Provisions', by including provisions for new construction requirements, first reading.

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

5. Consideration of submitting an application for Firehouse Subs Grant Foundation funds for two (2) Fire Extinguisher Systems.

Staff Recommendation: Approve the submittal of a grant application to Firehouse Subs Grant Foundation for two (2) Fire Extinguisher Systems and authorize the City Manager to execute the grant agreement.

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

6. Consideration of reclassifying an existing part-time Secretary position within the Police Department to a full-time Administrative Assistant (\$26,876).

Staff Recommendation: Approve an allocation of \$26,876 from the General Fund Undesignated Fund Balance to the Police Department's Executive Division personnel accounts to reclassify existing a part-time Secretary position to a full-time Administrative Assistant and amend the Department's Full Time Employment (FTE) count accordingly.

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

7. Consideration of utilizing General Fund to purchase software updates and replacement of obsolete survey data collectors for the Public Works Department.

Staff Recommendation: Approve the appropriation of \$18,634 from the General Fund Undesignated Fund Balance for the purchase of software updates and replacement of obsolete survey data collectors for Public Works' survey section.

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

8. Consideration of a grant agreement with Brevard County Board of County Commissioners for improvements to Sacrifice Park (\$250,000).

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

PUBLIC HEARING(S):

1. Ordinance 2024-01, amending the Fiscal Year 2023-2024 budget by appropriating and allocating certain monies (first budget amendment), final reading.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2024-01. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2024-03, vacating a portion of the rear public utility and drainage easement located within Lot 15, Block 859, Port Malabar Unit 17 (Case VE-17-2023, Jose A. Sanabria Jr. and Stephanie A. Sanabria), 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 2024-03. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Request by Paul Daly and Don Ballew for a final subdivision plan to be known as ‘Lipscomb Street Townhomes’ in PUD (Planned Unit Development) zoning (24.56 acres) (Case FS23-00011). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. The 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.

4. Ordinance 2024-04, granting approval of a Final Development Plan for a proposed residential development consisting of a 126-unit townhome subdivision to be known as ‘Bramblewood Townhomes’ on property located east of and adjacent to Bramblewood Circle, in the vicinity south of Bayside Lakes Boulevard (20.02 acres) (Case FD23-00008, JWH Holdings, LLC), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, which failed by a vote of 4 to 3.

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.

Mayor Medina questioned why the ninety-two (92) homes that were initially approved in 2006 would not be built unless there was an approval for an increase of units to one hundred twenty-six (126). Ms. Rezanka explained that the builder, D.R Horton, would not take on the project without the additional units.

Deputy Mayor Felix supported the project if it was done the right way. He expressed concern with the traffic. Mr. Foster asked about the traffic study and the impacts it would have on the area. Ms. Rezanka replied that staff had approved the traffic study because it showed no impact on current traffic situations.

Kyle Crosby, Civil Engineer with Kimley-Horn and representative for the applicant, provided a presentation regarding the infrastructure and traffic study.

Individuals spoke against the request, stating that traffic, parking within the development, and safety were major concerns.

Mr. Watanabe explained that the builder was not required to perform a traffic study as the morning and evening trips were below one hundred (100), but staff had requested the study to accommodate potential issues that could arise. He answered questions posed by councilmembers.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mayor Medina, to deny Ordinance 2024-04.

Mr. Johnson felt that the allowable ninety-two (92) units was enough for the site. Mayor Medina agreed.

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.

5. Ordinance 2024-05, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including provisions for fitness centers and other indoor/outdoor health facilities and activities within certain zoning districts (Case T23-00030, City of Palm Bay), first reading.

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. Mayor Medina asked if existing businesses would be grandfathered. Ms. Sherman confirmed that projects after the effective date of this ordinance would be affected. The public hearing was closed.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Ordinance 2024-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

6. Request by Palm Bay Development Group, LLC, to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Robert J. Conlan Boulevard, in the vicinity

east of Seagrape Street, from Commercial Use to Neighborhood Center Use (26.5 acres) (Case CP23-00020). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

7 Request by Palm Bay Development Group, LLC, for a Preliminary Development Plan of a proposed Planned Unit Development (PUD) to allow for a mixed-use subdivision to be known as ‘Palm Bay Suites and Residences’, with property is located west of and adjacent to Robert J. Conlan Boulevard, in the vicinity east of Seagrape Street (26.5 acres) (Case PD23-00008). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

8. Request by Kimaya, LLC, to amend the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located at the northwest corner of Babcock Street and St. Johns Heritage Parkway from Commercial Use to Neighborhood Center Use (28.0 acres) (Case CP23-00012). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

9. Request by Kimaya, LLC, for a Preliminary Development Plan of a proposed Planned Unit Development (PUD) to allow for a commercial and multi-family subdivision to be known as ‘Palm Bay Pointe West’, with property is located west of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (84.75 acres) (Case PD23-00005). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

10. Request by Kimaya, LLC, for a Final Development Plan for a proposed PUD to allow for a commercial and multi-family subdivision to be known as ‘Palm Bay Pointe West’, which property is located west of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (84.75 acres) (Case FD23-00012). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

11. Request by Kimaya, LLC, for a Preliminary Development Plan of a proposed Planned Unit Development (PUD) to allow for a commercial subdivision to be known as ‘Palm Bay Pointe East’, which property is located east of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (42.95 acres) (Case PD23-00007). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

12. Request by Kimaya, LLC, for a Final Development Plan for a proposed PUD to allow for a commercial subdivision to be known as ‘Palm Bay Pointe East’, which property is located east of and adjacent to Babcock Street, in the vicinity north and south of St. Johns Heritage Parkway (42.95 acres) (Case FD23-00010). (CONTINUED TO 02/07/24 P&Z AND 03/07/24 RCM)

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

4. Ordinance 2024-02, amending the Code of Ordinances, Chapter 33, Fire Department, Subchapter 'Fire Prevention; General Provisions', by including provisions for new construction requirements, first reading.

The City Attorney read the ordinance in caption only.

Deputy Mayor Felix asked for clarification of what changes would be required with the proposed ordinance.

Mr. Childs explained that the language had been revised for better understanding of Fire Suppressant Systems within multi-family dwellings, single family homes, townhomes, and apartments. He stated that with a large influx of Assisted Living Facilities, Family Care Homes, and Residential Care Homes in the city, the requirements needed to be updated and managed for safety. Mr. Childs answered questions posed by councilmembers.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-05. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

8. Consideration of a grant agreement with Brevard County Board of County Commissioners for improvements to Sacrifice Park (\$250,000).

Staff Recommendation: Authorize the City Manager to execute the grant agreement with Brevard County for the improvements to Sacrifice Park in the amount of \$250,000.

Bill Battin, resident, asked when the conceptual plan would be available for review and asked where the parking would be for the proposed amphitheater.

Mrs. Misconi provided an overview of the project. She said the memorial structure would be pivoted slightly from the original position and the pavilions would be demolished and replaced with the amphitheater. The existing parking on campus would be used.

Mayor Medina relinquished the chair to the Deputy Mayor and made a motion to approve the grant agreement. Councilman Johnson seconded the motion.

Chief Augello spoke positively in reference to the new monument and the collaboration of staff to include a mental health esthetic representing those who had taken their lives as a result of the public safety profession.

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

Mayor Medina resumed as the presiding officer.

NEW BUSINESS:

1. Consideration of membership in the Brevard County Civilian Military Community Relations Council (CivMil). (Mayor Medina)

Staff Recommendation: Approve membership in the Brevard County Civilian Military Community Relations Council (CivMil).

Bill Battin, resident, said that he did not agree with these meetings being held behind closed doors with no report to the citizens of Palm Bay, and that the membership would be paid for by the taxpayers. He felt that Mayor Medina should have had to pay for it personally if he wanted to be a member.

Mayor Medina clarified that the membership was exclusively for federal, state and local elected officials, active duty military, and civilians from Patrick Space Force Base and Kennedy Space Center.

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

2. Discussion of January 2024 GO Road Bond Paving Report and overview of progress and future funding needs.

Staff Recommendation: Acknowledge the January 2024 GO Road Bond Paving update.

Mr. Watanabe and Ms. Sherman provided an update on the paving program. It was explained that there was a shortfall in funding. The original bond amount was \$150 million, of which approximately \$94 million had been used in the program. However, the total net amount was \$220 million, so there was a shortfall of \$56 million. Contributing factors to the overage and impediments were Covid, inflation, high cost of fuel and asphalt, limited supplies and increase in trucking costs. Mr. Watanabe advised of ways staff was saving dollars to complete the program but an additional \$50 million was needed. Ms. Sherman noted potential options for funding, such as issuance of a bond that would be financed by the city, use of new revenue on an annual basis, and funding

sources that would require political action outside of the city's control (i.e. local option gas tax, discretionary sales tax).

Council concurred with staff's recommendation to utilize future annual revenue from the Local Option Gas Tax and transfer the funds over several fiscal year budget cycles into the Road Maintenance Fund, then potentially use the revenue for annual debt repayment of an additional \$50 million bond to complete the road program.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to acknowledge the report. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, 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. Councilman Foster made the following reports:
 - a. Appointed Susan Hardison to Sustainability Advisory Board.
 - b. Recognized Palm Bay's anniversary of incorporation, January 15, 1960. He requested a proclamation for same.
2. Mr. Johnson said that Micco Road bridge would be shut down in the near future. The concerns he had received from residents was the impact to school routes and traffic. Mayor Medina suggested contacting the Brevard County Board of County Commissioners to find out the plans for the bridge and the timeline. Ms. Sherman said there was an article regarding same and it was noted that the bridge was eighty (80) years old and would take approximately eight (8) months to complete. Mr. Johnson said that Sunrise Elementary School would be affected and asked that the school be given a contact from Brevard County for communication purposes on the project. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman made several reports. She advised that the cold night shelter, coordinated with HELPS Community Initiatives (HCI) was operational and would be open for the weekend. The shelter was located at the Coast Guard Auxiliary Building, 1455 Main Street NE.
2. Mr. Johnson appointed Alfred Agarie to the Recreation Advisory Board.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:39 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK