

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2024-03

Held on Thursday, the 1<sup>st</sup> day of February 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 6:00 P.M.

Pastor Tim Ritchey, Eastwind Pentecostal Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### ROLL CALL:

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Present
<b>COUNCILMEMBER:</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Frank Watanabe, City Engineer; George Barber, Chief Procurement Officer; Mariano Augello, Police Chief.

### 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 REVISIONS:

Ms. Sherman announced the following revisions:

A. A proclamation for School Crossing Guard Appreciation Day was added as Item 2, under Proclamations and Recognitions.

B. Consideration of waiving the procurement process for the purchase of a 12-passenger van for the Recreation Department was added as Item 2, under New Business.

C. Consideration of additional funding related to mental health services for Police Department personnel was added as Item 3, under New Business.

D. Presentation of the American Flag honoring Councilman Randy Foster was added as Item 3, under Proclamations and Recognitions.

### **PROCLAMATIONS AND RECOGNITIONS:**

The proclamations were read, and the flag was presented.

**1. Proclamation: City of Palm Bay 64th Anniversary- January 16, 2024 (Councilman Foster).**

**2. Proclamation: School Crossing Guard Appreciation Day – February 2, 2024. (AGENDA REVISION)**

**3. Recognition: Presentation of the American Flag – honoring the service of Councilman Randy Foster. (Mayor Medina) (AGENDA REVISION)**

### **PRESENTATIONS:**

**1. Peter Napoli, Stantec – 2024 Police and Fire Impact Fee Study.**

Mr. Napoli explained that this study was an update to the study performed in 2018. He would be providing updated calculations that would follow the state statutes. He said that impact fees allowed new developments to “pay their own way”. Impact fees funded expansion of related capital costs and were not to be used for operations, maintenance, or replacement. Mr. Napoli recommended a hybrid methodology to calculate impact fees, which was a combination of a buy-in method (estimated replacement cost of the departments’ major assets) and incremental method (a multi-year capital improvement plan associated with providing additional capacity). He provided impact fee results based on this methodology and how it would be implemented over a course of four (4) years. Mr. Napoli responded to questions posed by councilmembers.

Council expressed their concerns regarding the suggestions by Mr. Napoli and wanted to consider the other impact fees prior to making any recommendations. Ms. Sherman advised that the Transportation Impact Fees were in final draft and would be presented at a future meeting. Once all data was presented, staff would get direction from Council.

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

Individuals made general comments. Numerous residents spoke about traffic issues at Pineapple Cove Academy in the Lockmar area.

1. Bill Battin, resident, commented on mandatory connection, septic tank conversions and funding for same.

Ms. Sherman said that the State required that all septic tanks be converted to aerated systems by 2030. She said it would cost approximately \$500 million to convert all existing septic tanks to an advanced treatment tank system. Staff was currently working with the State Legislators to request additional time to complete the conversions and to possibly run sewer lines rather than modifying septic tanks.

Ms. Sherman provided an update on the traffic situation at Pineapple Cove Academy. She said that the release of students on different schedules based on grade level had been implemented. There were also modifications to the looping on the school site which allowed for more capacity of students. Ms. Sherman advised that staff could contact the school as to why they were only open at a certain time and if they could open earlier so that vehicles would not stack up on the street. There were also discussions of relieving traffic from the neighborhood and onto Emerson Drive; however, Emerson Drive would have to be shut down during the morning and afternoon times which would not be a feasible solution. A longer turn lane was also discussed but that would not alleviate the traffic. Staff would also follow-up with the alternative of bussing students from a different location to the school.

Mr. Watanabe said the School District had discussions with the adjacent church to utilize their property as a potential park and ride, but there was nothing in writing to date. Staff would follow-up on same. He provided a history of the options that had been tested to relieve the traffic on the neighborhood streets.

Council directed staff to recommend that Pineapple Cove Academy utilize buses for students to alleviate the school traffic and to determine any legal recourse, if needed. Mayor Medina asked that the residents be updated on the progress.

**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 3 and 7, 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 2024-01; January 4, 2024.**

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

**2. Award of Bid: Roof replacement, Police Headquarters – IFB 04-0-2024 – Police Department (Nailed It Roofing Solutions, LLC).**

Staff recommendation: Approve the award for Police Headquarters roof replacement (HMGP & CDBG-MIT) with Nailed It Roofing Solutions, LLC, (Vero Beach), in the amount of \$546,541.

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

**3. Award of Bid: Lift Station 1 replacement, rebid – IFB 08-0-2024 – Utilities Department (AMCON Development Group, LLC - \$1,643,682); approve appropriation of funds on the next budget amendment (\$688,421).**

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

**4. Miscellaneous: 'Piggyback Purchase', law enforcement technology products and services (Omnia Partners (Cobb County contract)) – Police Department (Insight Public Safety – \$628,276).**

Staff Recommendation: Approve the utilization of the Omnia Partners (Cobb County) IT Products and Services Contract 23-6692-03, to include amendments, renewals, re-solicitations, and replacement contract if it expires, and only if funds are appropriated by Council; and approve the Chief Procurement Officer to enter into the five-year quote agreement for the law enforcement technology services with Insight Public Safety.

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

**5. Miscellaneous: ‘Other Agency Contracts’, ‘as needed’ computer equipment, peripherals, and related services (Department of Management Services Alternate Contract Source) – Information Technology Department (HP, Inc.).**

Staff Recommendation: Approve the Fiscal Year 2024 annual purchases of the equipment, services, materials, and supplies on an “as needed” basis through utilization of the other agency term contracts, renewals, re-solicitations, and replacement contracts when a contract expires.

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

**6. Contract: Consultant engineering services agreement, Amendment 5 (Malabar Road widening PD&E pond site report) – Public Works Department (Kittelton & Associates - \$13,951).**

Staff Recommendation: Approve Amendment 5 for the Malabar Road widening PD&E pond site report with Kittelson & Associates, in the amount of \$13,950.97.

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

**7. Consideration of a budget amendment for the purchase of portable pumps and the temporary emergency rental of portable pumps (Xylem Dewatering Solutions - \$356,380).**

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

**8. Consideration of travel and training for specified City employees (Police Department).**

Staff Recommendation: Approve the travel and training as specified.

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

**PUBLIC HEARING(S):**

**1. 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), final reading. (Quasi-Judicial Proceeding) (REHEARING)**

The City Attorney read the ordinance in caption only. The public hearing was opened.

Ms. Smith presented the request to Council. She explained that at the January 4, 2024, regular meeting, Council voted to approve this request by a vote 2 to 1. After the vote, an issue was raised as to whether a vote to approve based upon two (2) votes was binding. It was later determined that the vote was sufficient and there was no need for another vote thereby rendering the rehearing moot. Ms. Smith asked that Council acknowledge the approved vote. The approval of Ordinance 2023-107 was acknowledged by City Council. The public hearing was closed.

**2. Ordinance 2024-02, amending the Code of Ordinances, Chapter 33, Fire Department, Subchapter 'Fire Prevention; General Provisions', by including provisions for new construction requirements, 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 Mr. Foster, to adopt Ordinance 2024-02. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Foster, Yea.

**3. 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), 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 2024-03. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**4. 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), 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 2024-05. 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:**

**3. Award of Bid: Lift Station 1 replacement, rebid – IFB 08-0-2024 – Utilities Department (AMCON Development Group, LLC - \$1,643,682); approve appropriation of funds on the next budget amendment (\$688,421).**

Staff recommendation: 1) Approve appropriation of funds on the next scheduled budget amendment, in the amount of \$688,421; and 2) approve the award for Lift Station 1 replacement with AMCON Development Group, LLC (Winter Springs), in the amount of \$1,643,681.96.

Bill Battin, resident, questioned the need for a rebid. Mr. Barber advised that no bids were received for the original solicitation.

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

**7. Consideration of a budget amendment for the purchase of portable pumps and the temporary emergency rental of portable pumps (Xylem Dewatering Solutions - \$356,380).**

Staff Recommendation: 1) Approve appropriation of funds on the next scheduled budget amendment for the purchase and rental of Godwin pumps from Xylem Dewatering Solutions, in the amount of \$356,380; 2) approve the standardization of Godwin portable pumps; 3) approve the emergency procurement for the rental of Godwin pumps; and 4) approve the use of Florida Sheriff’s Contract FSA20-EQU18.0 for the purchase of the Godwin pumps.

Bill Battin, resident, said lift stations in the Bayside Lakes area was an ongoing problem, and although the City was failing to meet the criteria necessary to operate within the current infrastructure, the City continued to increase the population in that area. He asked why the developers were not responsible for funding it.

Ms. Sherman explained that the issues would be resolved when the new Wastewater Plant was online but due to delays on that project, these extra steps were needed to address the lift stations.

Motion by Mr. Johnson, seconded by Mr. Foster, to: a) approve appropriation of funds on the next scheduled budget amendment for the purchase and rental of Godwin pumps from Xylem Dewatering Solutions, in the amount of \$356,380; b) approve the standardization of Godwin portable pumps; c) approve the emergency procurement for the rental of Godwin pumps; and d) approve the use of Florida Sheriff's Contract FSA20-EQU18.0 for the purchase of the Godwin pumps. 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 Leadership Inaugural Class in Kissimmee, February 9, 2024 (Councilman Foster).**

Mayor Medina and Councilman Foster would attend the conference. Council concurred.

**2. Consideration of waiving the procurement process for the purchase of one (1) 12-passenger van for the Recreation Department (\$55,803). (AGENDA REVISION)**

Staff Recommendation: Approve the waiver of procurement process for the purchase of one (1) 12-passenger recreation/passenger van from Kisselback Ford D.B.A CVL, LLC (St. Cloud).

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the waiver of procurement process for the purchase of one (1) 12-passenger recreation/passenger van from Kisselback Ford D.B.A CVL, LLC of (St. Cloud). Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**3. Consideration of additional funding related to mental health services for Police Department personnel (\$60,000). (AGENDA REVISION)**



Staff Recommendation: Approve additional funding in the amount of \$60,000 for mental health counseling services for Police Department personnel.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve additional funding in the amount of \$60,000 for mental health counseling services for Police Department personnel. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

### **COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

1. Mr. Johnson asked to give staff direction to work with Brevard County (County) regarding referendum dollars that should be provided for Fred Poppe Regional Park.

Ms. Sherman explained there was a Parks referendum that was initiated by the County years ago to fund the development of different park sites throughout the County, including some that were within the cities. At that time, the County had ownership of Fred Poppe Regional Park, the Palm Bay Aquatic Center and the Palm Bay Senior Center and those sites were maintained by the County through the referendum dollars. Once the City took over those properties, the agreement included a provision that the County would give the City certain funding for several years which ended a few years ago. However, the County was still collecting the referendum dollars that had funded some of the projects for these properties. Council concurred for staff to communicate with the County on same.

2. Mayor Medina said he was unaware that there were halfway house in the community. He asked if there was a way to oversee what type of crime they were bringing into the community and if it was possible to form a task force to include the Growth Management, Police, Fire and Building Department Departments, and the Code Compliance Division to identify what halfway homes could be a danger to the community.

Mr. Foster suggested a workshop to discuss the issue and thought that individuals that had been identified as predators had to stay a certain distance from schools and register accordingly. Chief Augello advised that individuals convicted of certain crimes against minors had to report and maintain the required distance from schools and daycares.

Ms. Smith said that the City had little authority as to where halfway houses could be located and did not have the authority to be more restrictive or to add additional requirements. Mayor Medina wanted a task force to identify where these facilities were

located and to ensure they were in compliance. He also wanted residents to know where these facilities were located. Ms. Sherman asked to investigate further and bring back further information. Council concurred.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman requested Council consensus for a letter of support to United Third Bridge, Inc. for a grant funding opportunity via the “Inflation Reduction Act: NOAA Climate Resilience Regional Challenge”. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:07 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK