

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2024-04

Held on Thursday, the 15<sup>th</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 6:03 P.M.

Joseph One, Trinity Haitian Baptist 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>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Frank Watanabe, City Engineer; George Barber, Chief Procurement Officer; Mariano Augello, Chief of Police; Valentino Perez, Public Works Director.

### ANNOUNCEMENTS:

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

- 1. Two (2) terms expiring on the Police and Firefighters' Retirement Pension Plan, Board of Trustees (represents 'City resident' positions).+**
- 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).++**
- 4. Four (4) vacancies on the Disaster Relief Committee Executive Board.++**

**AGENDA REVISIONS:**

1. Ms. Sherman announced that Items 3 and 4, under Public Hearings, related to Timbers at Everlands Phases 3 and 4, were revised to include updated Final Plats and Technical Review Comments.

2. Ms. Smith advised the applicant had requested that the Final Order for the denial of Ordinance 2024-04, related to Bramblewood Townhomes, be continued to the March 7, 2024, regular Council meeting due to a potential modification to the Final Development Plan.

Motion by Mr. Foster, seconded by Mr. Johnson, to continue Item 2, under Public Hearings, to the March 7, 2024, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**PROCLAMATIONS AND RECOGNITIONS:**

As the recipient was unavailable at this time, the proclamation was read later in the meeting after Public Comments.

**1. Proclamation: Bleeding Disorders Awareness Month – March 2024.**

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

Individuals made general comments.

1. Ken Mauro, resident, asked when the residents concern regarding the Pineapple Cove Academies traffic situation would be addressed. He felt that their concerns and comments were not being addressed efficiently and the City should be doing more to help in alleviating the situation.

2. Thomas Reese, resident, commented on the ongoing traffic issues at Pineapple Cove Academy in Lockmar. He cited a section from the Palm Bay Code of Ordinances (Code) regarding access to commercial and industrial land.

Mayor Medina reiterated that he, along with staff, have been working with Pineapple Cove Academy to achieve a resolution for the traffic issues. Ms. Sherman clarified that the Code section cited by Mr. Reese did not apply to this location as the site was zoned as Institutional Use. She said that staff would be scheduling a meeting with Pineapple Cove Academy in the upcoming weeks and an update would be provided after that meeting.

3. John Magee, resident, commented on the continuance of the case related to Bramblewood Townhomes. He felt a meeting should be coordinated with city staff, the applicant and the residents of Bayside Lakes so that the residents could fully understand the intent of the builder.

Ms. Smith explained that the applicant had submitted an application that was in conformance with the ninety-two (92) homes, but the Growth Management Director had not reviewed it yet. She said that if the applicant was within the guidelines as originally approved, the request to increasing the number of homes that could be built would be rendered moot.

Council concurred to consider Proclamations and Recognitions at this time.

#### **PROCLAMATIONS AND RECOGNITIONS:**

The proclamation was read.

##### **1. Proclamation: Bleeding Disorders Awareness Month – March 2024.**

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

#### **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 Item 4, 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 2024-02; January 18, 2024.**

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

##### **2. Contract: Rehabilitation Project Engineering Services During Construction, North Regional Water Treatment Plant – Task Order 19-09-WT, Amendment 1 – Utilities Department (Wade Trim - \$51,939.56).**

Staff Recommendation: Approve Task Order 19-09-WT, Amendment 1, for the North Regional Water Treatment Plant Rehabilitation Project Engineering Services During Construction, against Master Agreement 28-0-2005, with Wade Trim, in the amount of \$51,939.56 (amended total \$150,786.56).

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

**3. Miscellaneous: Caterpillar heavy equipment, parts, services, and repairs – Public Works Department (Ring Power Corporation - \$150,000 (estimated annually, ‘as needed’ basis) (sole source)).**

Staff Recommendation: Approve the sole source annual purchases of parts, services, and new Caterpillar related heavy equipment with Ring Power Corporation (Palm Bay), in an estimated annual amount of \$150,000, on an ‘as needed’ basis.

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

**4. Consideration of City Council Flag Program nominees, Mary Thibert-Greene and Kenneth Greene. (Councilman Foster)**

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

**5. 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.

**6. Acknowledgment of the January 2024 GO Road Bond Paving report update.**

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

**7. Acknowledgment of the City’s monthly financial report for October 2023 (Unaudited).**

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

**8. Acknowledgment of the City’s monthly financial report for November 2023 (Unaudited).**

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

**PUBLIC HEARING(S):**

- 1. Ordinance 2024-06, vacating a portion of the side public utility and drainage easement located within Lot 13, Block 745, Port Malabar Unit 16 (Case VE-18-2023, K. Hovnanian Aspire at Palm Bay LLC), first reading.**

The City Attorney read the ordinance in caption only. 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 Ordinance 2024-06. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

- 2. Consideration of a Final Order for the denial of Ordinance 2024-04, requesting 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).**

The item, considered under Agenda Revisions, was continued to the March 7, 2024, regular Council meeting.

- 3. Request by DRP FL 6, LLC, for final subdivision plat approval to allow for a proposed 210-lot single-family residential subdivision to be known as ‘Timbers at Everlands Phase 3’, which property is located north of and adjacent to Pace Drive, in the vicinity east of St. Johns Heritage Parkway, in PUD (Planned Unit Development) zoning (63.48 acres) (Case FS23-00013). (Quasi-Judicial Proceeding) (AGENDA REVISION)**

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

Mayor Medina asked about the Fair Share Agreement. Ms. Saunders explained that Proportionate Fair Share Agreement was underway and that turn lanes and widening projects were to be completed with each phase of the project(s).

Butch Orend, resident, asked if any future land or road development project were in process that might ease the traffic at Malabar Road and St. John’s Heritage Parkway. Ms. Saunders detailed those areas in which turn lanes, traffic signalization and road widening would be implemented soon. Mr. Watanabe confirmed same and provided a timeline for

the signalization at the intersection of Malabar Road and St. John's Heritage Parkway in addition to lighting to said area.

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.

**4. Request by DRP FL 6, LLC, for final subdivision plat approval to allow for a proposed residential subdivision with 96 duplex units and 154 townhome units to be known as 'Timbers at Everlands Phase 4', which property is located east of and adjacent to St. Johns Heritage Parkway, in the vicinity south of Emerson Drive, in PUD (Planned Unit Development) zoning (58.91 acres) (Case FS23-00014). (Quasi-Judicial Proceeding) (AGENDA REVISION)**

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

Motion by 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.

**5. Ordinance 2024-07, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'Supplementary District Regulations', by modifying provisions related to uses, setbacks and metal buildings (Case T24-00001, City of Palm Bay), first reading.**

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-07. 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:**

**4. Consideration of City Council Flag Program nominees, Mary Thibert-Greene and Kenneth Greene. (Councilman Foster)**

Staff Recommendation: Approve Mary Thibert-Greene and Kenneth Greene as nominees for the City Council Flag Program.

Councilmembers expressed their support for the request.

Motion by Deputy Mayor Felix, seconded by Mr. Foster, to approve City Flag Program nominees, Mary Thibert-Greene and Kenneth Greene. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

#### **PROCUREMENT:**

**1. Miscellaneous: ‘Piggyback Purchase’, Speed Detection Camera System (City of Alpharetta, GA, contract) – Police Department (RedSpeed Florida LLC); and approve the five-year agreement, including optional one-year renewals, for a speed detection program associated with Ordinance 2023-114.**

Staff Recommendation: Approve the award for a speed detection camera system with RedSpeed Florida LLC, through the City of Alpharetta, GA, contract, to include amendments, renewals, re-solicitations, and replacement contract if it were to expire; and approve the five-year agreement, including optional one-year renewals, for the implementation and operation of a school zone speed detection program.

Ms. Sherman presented the request to Council.

Bill Battin, resident, asked the timeframes in which the traffic devices would be issuing citations and the breakdown of the \$100 fine. He said that \$12.00 was supposed to go to the schools and suggested that those funds be allocated for sidewalks and lighting for children. Ms. Sherman explained that the \$12.00 from each citation was statutorily required and designated to the Brevard County School Board. How those funds were spent was at the discretion of the State.

Mr. Johnson agreed with Mr. Battin and suggested that the City encourage the Brevard County School Board to assign the funding for sidewalks and streetlights.

Mr. Johnson asked staff to comment on the purpose of a piggyback agreement. Mr. Barber explained the purpose and the benefits of a piggyback agreement. He said that a piggyback agreement was typically utilized when a product or service had been competitively solicited by another government agency.

Mr. Foster asked how many other municipalities had used Redspeed’s product. Mr. Barber responded that Miami-Dade County was the largest but there were quite a few agencies that had used this contract.

Deputy Mayor Felix felt the item should have been placed out for bid.

Chief Augello explained that Redspeed Florida LLC brought what was needed as far as an established business that had started with success in 2006. He stated that the number one focus was public safety for the schools and students, and he felt strongly that Redspeed could deliver.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve the ‘piggyback purchase’ and five-year agreement with RedSpeed Florida LLC.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Nay
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. Mr. Foster wanted to improve the quality of life for Palm Bay residents and asked Council to focus on public works and the needs for infrastructure, stormwater and code enforcement over the next three (3) years. He suggested a master plan or workshop in the future. Council concurred.
2. Deputy Mayor Felix provided an update regarding his trip with the Deputy City Manager and City’s lobbyists to Washington, D.C. to meet with the legislators to discuss the needs and wants for the City of Palm Bay. Mrs. Junkala-Brown summarized several of the discussions, grant opportunities and meetings that they attended.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman made the following reports:
  - a. Requested Council representation with staff during the manufacturing tour at Shapes Precision Manufacturing on Tuesday, February 27, 2024. Mayor Medina would attend.



b. Received a request from Mike Timmons for a letter of support to Florida Fish and Wildlife Conservation Commission regarding the marina project. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

Mr. Johnson made the following appointments:

- a. Zoey Valentino to the Youth Advisory Board
- b. Michael Jaffe to the Planning and Zoning Board.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 8:06 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK