

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2024-06

Held on Thursday, the 21st day of March 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 Clarence Reed, Community Bible Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

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

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Frank Watanabe, City Engineer; Ibis Berardi, Acting Community and Economic Development Director; Christopher Little, Utilities Director.

ANNOUNCEMENTS:

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

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

AGENDA REVISIONS:

Ms. Sherman announced the following revisions:

- A. Midwest Dental requested Council's consideration to move Item 1, under New Business, prior to Public Hearings; and**

B. Staff requested to withdraw Item 12, under Consent Agenda.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to move Item 1, under New Business, to be heard prior to Public Hearings, and withdraw Item 12, under Consent Agenda. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read.

1. Proclamation: Mayor's Business Spotlight recipient – Amazing Glaze.

PRESENTATIONS:

1. Chris Evers, Pavement Technology, Inc. - Photocatalytic Rejuvenation, Environmental Protection Agency (EPA) Climate Pollution Reduction Grant (CPRG).

Mr. Evers explained and outlined the details of Photocatalytic Rejuvenation and the source of the problems to the solutions in lowering greenhouse gases, air pollution and microplastic pollution. He stated that the grant opportunity was county-based and included certain municipalities with a recommendation for implementation. Palm Bay was one of the cities that could receive funding. Mr. Evers stated that the grant did not require payback and would help with smog control and could also improve roadway conditions where the treatment was used.

Mayor Medina asked if the product used would make the roads last longer. Mr. Evers confirmed same. Mayor Medina asked if the project was a no match grant funding up to one hundred percent (100%) to increase the life of the City's roads and corridors and if it incorporated all the roads or just certain sections. Mr. Evers explained that it was highly recommended through the JUSTICE40 initiative that at least forty percent (40%) met the disadvantaged community guideline. Mr. Evers stated that between the City and Brevard County, there could be over 1,000 miles of pavement treated through the program.

Mr. Foster asked if there were any hazards to the community when the product was being applied to the pavement. Mr. Evers explained the rigorous safety standards that had to be approved for use. Mr. Foster inquired as to whether the product would help cool the roads therefore cooling the environment. Mr. Evers said it was considered a cool pavement application with a focus on overnight hours and an advantage would be lower

energy demand during the evening hours. Mr. Foster asked if there would be a hazard to the Indian River Lagoon from stormwater runoff from the roadways. Mr. Evers said it would actually be a positive and explained the benefits.

Deputy Mayor Felix was in support of the project.

2. Claudia Miro, Director of Business Development and Government Affairs - Freebee Rideshare.

Ms. Miro explained that Freebee was a free, on-demand, door-to-door public transportation which was one hundred percent (100%) electric. The service was fully customizable, aimed at meeting the goals and objectives that municipalities were looking to achieve. The City would not have to invest in purchasing a fleet and the company would handle the customer service. Funding would be through a line item out of the City's budget. Main funding sources included grants and offsetting the budget through advertising and the fifty percent (50%) of the revenue would come back to the City.

Mr. Foster asked if the rideshare drivers were required to work with law enforcement to report criminal activity. Ms. Miro confirmed same.

Mayor Medina stated that he would like seniors to be considered as a priority, followed by individuals needing assistance to and from work.

Deputy Mayor Felix approved of the program and asked the needs of staff to explore the possibility of the rideshare program. Ms. Sherman questioned how Council wanted to use the program, and whether it was to be economically driven or community driven.

Mr. Johnson was impressed by the program and asked staff how it would be funded. Ms. Sherman said it would be funded from Undesignated Fund Balance. Mr. Johnson said that with the projects that were forthcoming, widening of Malabar Road and other issues, it was not a good time to consider the program. Mayor Medina agreed.

Mr. Johnson asked staff to provide updates on the following items: paving of Minton Road, Majors Golf Course, and Pineapple Cove.

- *Minton Road* – The procurement process had been completed for hiring a contractor for the paving of Minton Road between Jupiter Boulevard and Malabar Road. The item would be presented at the April 4, 2024, regular Council meeting, in addition to the repaving of Waco Boulevard. Paving was expected to commence in late May.

- *Majors Golf Course* – The owner had submitted development plans and the required Citizen Participation Plan meeting was scheduled for Thursday, March 28, 2024 at 5:00 pm. Staff would be in attendance.
- *Pineapple Cove Classical Academy* – Ms. Sherman noted that this was still a work in progress. She advised that the school had been working on an agreement with the adjacent church as a staging area for traffic and she understood that some progress had been made. Staff was actively working on scheduling a meeting with residents and the school which should be held in the upcoming weeks.

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

Individuals made general comments. Numerous residents expressed concern about the traffic at Pineapple Cove Classical Academy (PCCA).

1. Laura Revels, resident, provided a flyer from PCCA indicating that they were in contact with the City regarding their plans to expand in the area. Ms. Sherman confirmed that staff had been approached by representatives of the school, but no application had been received to date.

2. Earl Simmons, resident, asked if the swales throughout his neighborhood, including in front of his home, could be cleaned. He said they had been cleaned since he moved there five (5) years ago. Mr. Simmons also asked that seniors receive assistance from the City for safeguarding when completing contracts with solar panel companies. Mayor Medina directed Mr. Simmons to speak with staff regarding his swale and recommended that he contact Elderly Affairs with the State for the contract issue.

Ms. Sherman asked Mr. Watanabe to give an update on the actions taken regarding PCCA's traffic concerns. Mr. Watanabe explained that there had been three (3) community meetings and he, along with the Police Department, had been monitoring the area. He stated that the church site was an option to assist with parking in the afternoons due to the most queuing issues occurring on the school compound. Mr. Watanabe said alternatives included separate parking on the opposite side, but there were some challenges, and rerouting the traffic. Enforcement signs were also added, such as no right turn onto Hurst Road at Neptune Drive.

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, 5, 6, 7, 8, 10, 20, 22, 24, and 25, 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 2024-04; February 15, 2024.

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

2. Award of Bid: South pier replacement and repairs, Castaways Point Park – IFB 18-0-2024 – Parks and Facilities Department (Underwater Engineering Services, Inc. - \$146,165).

Staff Recommendation: Approve the award for Castaways Point Park south pier replacement and repairs with Underwater Engineering Services, Inc. (Fort Pierce), in the amount of \$146,165.

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

3. Award of Bid: Pier replacement and repairs, Goode Park – IFB 26-0-2024 – Parks and Facilities Department (Shoreline Marine Contractors, LLC - \$121,012).

Staff Recommendation: Approve the award for Goode Park pier replacement and repairs with Shoreline Marine Contractors, LLC (Melbourne), in the amount of \$121,012.

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

4. Contract: Engineering and design services, bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, Amendment 1 - Public Works Department (Kimley-Horn and Associates - \$21,155); and consideration of utilizing 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.

5. Contract: Sulfuric Acid, purchasing authority - Utilities Department (Sulfuric Acid Trading Company - \$150,000).

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

6. Contract: Conversion to submersible wet well, Lift Stations 12 and 13, final design and permitting - Task Order 24-04-IS – Utilities Department (Infrastructure Solution Services, \$129,200); and consideration of appropriating funds on the next scheduled Budget Amendment (\$53,200).

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

7. Contract: Malabar Road Water Main Extension Phase 2 design, permitting, land acquisition support and bidding services – Task Order 24-05-IS – Utilities Department (Infrastructure Solution Services - \$345,160).

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

8. Miscellaneous: ‘Cooperative Purchase’, sewer cleaner (Sourcewell Contract) - Utilities Department (Environmental Products Group - \$521,989).

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

9. Miscellaneous: ‘Piggyback Purchase’, Pavement Management (Preservation and Surfacing) Continuing Services (City of Gainesville contract) – Public Works Department (Asphalt Paving Systems - \$999,374).

Staff Recommendation: Approve the award of pavement management (preservation and surfacing) continuing services with multiple vendors, to include Asphalt Paving Systems (Zephyrhills), through the City of Gainesville contract, in the amount of \$999,374.43; and approve additional funding for Project 21GO11, in the amount of \$90,000.

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

10. Resolution 2024-08, supporting House Bill 3 (HB3), protecting children from online exploitation. (Councilman Johnson)

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

11. Resolution 2024-09, rescinding Resolution 2021-09, which authorized the closure of Osmosis Drive SE.

The City Attorney read the resolution in caption only.

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

12. Resolution 2024-10, amending Resolution 2015-55, adopting the City of Palm Bay's Public Works Manual.

This item, addressed under Agenda Revisions, was withdrawn by staff.

13. Ordinance 2024-12, amending the Code of Ordinances, Chapter 110, Business Taxes, Subchapter 'Business Taxes; Tax Receipts; Receipts', by including a zoning compliance requirement prior to the issuance of a Business Tax Receipt, first reading.

The City Attorney read the ordinance in caption only.

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

14. Ordinance 2024-13, amending the Code of Ordinances, Chapter 39, Community and Economic Development, by revising provisions contained therein, first reading.

The City Attorney read the ordinance in caption only.

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

15. Ordinance 2024-14, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Bayfront Community Redevelopment Agency', by repealing the subchapter in its entirety, first reading.

The City Attorney read the ordinance in caption only.

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

16. Consideration of the Bayfront Community Redevelopment Agency 2023 Annual Report.

Staff Recommendation: Approve the 2023 Annual Report of the Bayfront Community Redevelopment Agency.

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

17. Consideration of transferring all property owned by the Bayfront Community Redevelopment Agency to the City at the time of sunset (May 4th, 2024).

Staff Recommendation: Approve the transfer of all property owned by the Bayfront Community Redevelopment Agency to the City of Palm Bay at the time of sunset (May 4, 2024).

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

18. Consideration of accepting the 2023 Annual Reports from L3Harris Technologies Inc., Project LEO, Project SAMT, and Rogue Valley Microdevices, Inc. for the City's Ad Valorem Tax Abatement Program.

Staff Recommendation: Accept the 2023 Annual Reports from L3Harris Technologies Inc., Project LEO, Project SAMT, and Rogue Valley Microdevices, Inc. as certified by the Brevard County Property Appraiser, for the City's Ad Valorem Tax Abatement Program.

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

19. Consideration of an amendment to the American Rescue Plan Act (ARPA) Subrecipients Agreements.

Staff Recommendation: Approve the amendments to the American Rescue Plan Act (ARPA) subrecipients agreements.

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

20. Consideration of utilizing Undesignated Fund Balance to include the Social Media eXstream Plus Package to the Swag-IT/Granicus Contract (\$4,360).

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

21. Consideration of utilizing Undesignated Fund Balance to reimburse costs for the emergency replacement of the pool heater at the Palm Bay Aquatic Center (\$43,740).

Staff Recommendation: Approve the use of Undesignated Fund Balance to reimburse costs associated with the emergency replacement of the pool heater at the Aquatic Center, in the amount of \$43,740.39.

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

22. Consideration of an agreement with Grace Bible Church of Palm Bay, Florida, Inc. relating to applicability of impact fees for construction of an additional building to the existing church.

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

23. Consideration of allocating Transportation Impact Fee funds for the construction of a span wire traffic signal at the intersection of St. Johns Heritage Parkway and Malabar Road.

Staff Recommendation: Approve the use of Transportation Impact Fee (TIF) funds for the construction of a span wire traffic signal at the intersection of St. Johns Heritage Parkway and Malabar Road, in the additional funding amount of \$300,000 (\$600,000 total TIF allocation).

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

24. Consideration of pursuing funding for photocatalytic rejuvenation through the East Central Florida Regional Planning Council's Environmental Protection Agency Climate Pollution Reduction Grant.

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

25. Consideration of appropriating funds for two (2) additional Line Locator Technicians within the Utilities Department (\$260,678).

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

26. Consideration of travel and training for specified City employees (Procurement Department).

Staff Recommendation: Approve the travel and training as specified.

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

27. Acknowledgment of the February 2024 GO Road Bond Paving report update.

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

Council concurred, under Agenda Revisions, to consider Item 1, under New Business, at this time.

NEW BUSINESS:

1. Ordinance 2024-17, repealing Ordinance 2019-40, which granted an Economic Development Ad Valorem Tax Abatement to Midwest Dental Arts, Inc., 1490 Treeland Boulevard SE, first reading.

Staff Recommendation: Approve the ordinance revoking the Economic Development Ad Valorem Tax Abatement for Midwest Dental Arts, Inc., for property located at 1490 Treeland Boulevard SE 32909; and seek to recover any City taxes waived during the exemption period.

The City Attorney read the ordinance in caption only.

A representative from Midwest Dental Arts, Inc. explained that the company was having a hard time securing employees. Mayor Medina questioned how many people had been interviewed and hired. The response was thirty-seven (37) had been interviewed and fifteen (15) were hired. Deputy Mayor Felix asked why it was so hard to fill the positions and why they were bringing in candidates from Brazil or elsewhere out of the country. The representative explained that there was a dental lab school in Brazil that taught a specific skillset needed for the dental practice. Mayor Medina felt that citizens should have an opportunity to fill the open positions.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2024-17 and recover taxes within a ninety (90) day period.

Motion failed with members voting as follows:

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

Motion by Mr. Foster, seconded by Deputy Mayor Felix, to approve Ordinance 2024-17.

Motion failed with members voting as follows:

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

Ms. Smith suggested voting on the ordinance only and have staff work with Midwest Dental to bring back options regarding repayment of the taxes.

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2024-17 and have staff work with Midwest Dental to bring back options regarding repayment of taxes. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

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

PUBLIC HEARING(S):

1. Ordinance 2024-10, granting approval of a Final Development Plan for a proposed mixed-use development to be known as ‘Palm Bay Pointe West’ on property 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, Kimaya, LLC), final reading. (Quasi-Judicial Proceeding)

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

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2024-10. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

2. Ordinance 2024-11, granting approval of a Final Development Plan for a proposed commercial subdivision to be known as ‘Palm Bay Pointe East’ on property 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, Kimaya, LLC), final reading. (Quasi-Judicial Proceeding)

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

Motion by Mr. Johnson, seconded by Mayor Medina, to adopt Ordinance 2024-11. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

3. Ordinance 2024-15, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 2396, Port Malabar Unit 45 (Case VE-14-2023, Michael Lagratta Jr. and Gladys Hidalgo Lagratta), 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 2024-15. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

4. Request by John and Colleen Pechulis for a variance to allow an existing shed to encroach 5.3 feet into the 10-foot rear setback for an accessory structure, as established by Section 185.118, Palm Bay Code of Ordinances (0.22 acres) (V23-00001). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Foster, 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. Request by DRP FL 6, LLC, for final subdivision plat approval to allow for a proposed 114-lot residential subdivision to be known as ‘Riverwood at Everlands Phase 2’, 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 (33.42 acres) (Case FS23-00015). (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Ana Saunders, B.S.E. Consultants, Inc., 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.

6. Ordinance 2024-16, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by removing restrictions on permitted uses within the Bayfront Community Redevelopment District (Case T24-00002, 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. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Ordinance 2024-16. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

7. Consideration of the Program Year 2024 Annual Action Plan and recommendations of programs and activities to be funded by Community Development Block Grant (CDBG), first hearing.

The Community Development Advisory Board recommended approval of Community Development Block Grant (CDBG) funding for the following entities:

- City of Palm Bay's Community & Economic Development (CED) Department - Space Coast Area Transit (SCAT) Bus Voucher Program (\$6,300)
- Greater Melbourne Police Athletic League (PAL) (\$22,950)
- Catholic Charities of Central Florida (\$33,250)
- Brevard Alzheimer's Foundation (\$25,080)
- Conklin Davis Center for the Visually Impaired (\$23,737)

- City of Palm Bay's Parks & Facilities Department - Liberty Park (\$83,840)
- City of Palm Bay's Parks & Facilities Department - Aquatic Center (\$50,710)
- City of Palm Bay's Parks & Facilities Department - Riviera Park (\$100,361)
- City of Palm Bay's Public Works Department - Streetlights and Sidewalks Project (\$247,828)

This distribution would provide a maximum of fifteen percent (15%), \$111,317 for public services, \$482,379 for public facility improvements, with the remaining \$148,423 (twenty percent (20%) percent of the CDBG allocation) for Planning and Administration for activities related to administering the CDBG program.

The public hearing was opened. Ms. Sherman presented the request to Council.

Representatives from Esther Theological Seminary stated the school was not considered for funding and they wanted to repeal the recommendation of the Community Development Advisory Board (CDAB). It was felt that the scoring sheets were done incorrectly and not thoroughly reviewed by the CDAB. The representatives wanted to know how the evaluations were done, when the CDAB had the opportunity to review all the proposals and why the scoring criteria was circumvented.

Deputy Mayor Felix (current Council representative on the CDAB) asked staff to speak on the process. He inquired if funding and recommendations had been challenged in the past. Ms. Berardi explained the process and said it was not uncommon for agencies to contest the results when they did not receive funding. The CDAB received their agenda packets a week prior to the meeting date and had the opportunity to meet with staff, if desired, and no questions were received. Ms. Berardi responded to questions posed by councilmembers.

Mr. Johnson (prior Council representative on the CDAB) provided additional information. He felt that improvements should be made to the scoring sheets. Scoring was from 0-10 in certain areas and if a new agency was requesting funding, they were not getting a fair shot in the process. He said that CDAB members also had to do their due diligence and communicate with staff. Additionally, he felt there should be no presentations from the agencies unless there were questions for the applicant. The CDAB should focus on the material and not solely on what was presented at the CDAB meeting. There was further discussion regarding the process and scoring.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the Program Year 2024 Annual Action Plan; and approve the recommendations of programs and activities to be funded by Community Development Block Grant (CDBG).

Motion carried with members voting as follows:

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

8. Request by Kimaya, LLC, for preliminary subdivision approval of a proposed 14-lot 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 PS23-00009). (CONTINUED TO 05/01/24 P&Z AND 05/16/24 RCM)

9. Request by Kimaya, LLC, for preliminary subdivision approval of a mixed-use subdivision, consisting of 668 multiple-family residential units and 16 commercial parcels, 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 PS23-00011). (CONTINUED TO 05/01/24 P&Z AND 05/16/24 RCM)

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

4. Contract: Engineering and design services, bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway, Amendment 1 - Public Works Department (Kimley-Horn and Associates - \$21,155); and consideration of utilizing Parks Impact Fees (32907 and 32908 Nexus)

Staff Recommendation: Approve Amendment 1 to Master Agreement 28-0-2022 for the bridge and roadway entrance to Fred Poppe Regional Park from St. Johns Heritage Parkway with Kimley-Horn and Associates, in the amount of \$21,155; and approve the use of Parks Impact Fees (32907 and 32908 Nexus).

Bill Battin, resident, did not agree with using impact fee money from 32908 for services for 32907. Ms. Sherman explained that the benefit would be for both areas due to proximity of the park.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Amendment 1 as recommended by staff. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

5. Contract: Sulfuric Acid, purchasing authority - Utilities Department (Sulfuric Acid Trading Company - \$150,000).

Staff Recommendation: Approve an increase in annual purchasing authority to \$150,000 (revised total annual expenditure) for the purchase of sulfuric acid with Sulfuric Acid Trading Company.

Bill Battin, resident, questioned the number of gallons being purchased and if it would be used in potable water treatment or wastewater treatment. Ms. Sherman advised that it was not related to wastewater or the deep injection well, only potable water.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to increase the annual purchasing authority to \$150,000. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

6. Contract: Conversion to submersible wet well, Lift Stations 12 and 13, final design and permitting - Task Order 24-04-IS – Utilities Department (Infrastructure Solution Services, \$129,200); and consideration of appropriating funds on the next scheduled Budget Amendment (\$53,200).

Staff Recommendation: Approve Task Order 24-04-IS for Lift Stations 12 and 13 conversions to submersible wet well final design and permitting against Master Agreement 36-0-2020 with Infrastructure Solution Services, in the amount of \$129,200; and approve the appropriation of funds on the next scheduled budget amendment, in the amount of \$53,200.

Bill Battin, resident, was concerned with human waste being expelled into the air around the tank due to the aeration process. He asked if the wet well pumping would increase the capacity of the sewage being pumped to the water treatment plant. Mr. Little explained that a wet well meant that the pumping equipment was submerged in fluid. For these particular lift stations, the sewage was in the wet well would be transferred into the dry pit through the pumps and then brought out into the collection system so there was no aeration. He did not expect to have capacity issues as these lift stations were already in well-established neighborhoods.

Deputy Mayor Felix left the meeting at this time.

Motion by Mr. Johnson, seconded by Mr. Foster, to approve Task Order 24-04-IS. Motion carried with members voting as follows: Mayor Medina, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Deputy Mayor Felix returned to the meeting at this time.

7. Contract: Malabar Road Water Main Extension Phase 2 design, permitting, land acquisition support and bidding services – Task Order 24-05-IS – Utilities Department (Infrastructure Solution Services - \$345,160).

Staff Recommendation: Approve Task Order 24-05-IS for the Malabar Road Water Main Extension Phase 2 design, permitting, land acquisition support, and Bidding Services, against Master Agreement 36-0-2020, with Infrastructure Solution Services, in the amount of \$345,160.

Bill Battin, resident, asked if the Town of Malabar was paying any of the expenses for the extension. Mr. Little responded that Palm Bay Utilities owned the rights to provide water and sewer service to the Town of Malabar. He said the project was to loop the system up and around U.S. Highway 1. If there was desire by the Town of Malabar to continue developing their town, they could extend off the main line.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve Task Order 24-05-IS. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

8. Miscellaneous: ‘Cooperative Purchase’, sewer cleaner (Sourcewell Contract) - Utilities Department (Environmental Products Group - \$521,989).

Staff Recommendation: Approve the award of the Vactor sewer cleaner with Environmental Products Group, through the Sourcewell Cooperative Contract, in the amount of \$521,988.74.

Bill Battin, resident, asked if it was the same Vactor truck that was being considered at a previous meeting. Ms. Sherman explained that it was a different truck and provided different types of equipment and technology.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the ‘Cooperative Purchase’ with Environmental Products Group. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

10. Resolution 2024-08, supporting House Bill 3 (HB3), protecting children from online exploitation. (Councilman Johnson)

The City Attorney read the resolution in caption only.

Bill Battin, resident, cited excerpts from the U.S. Constitution, which noted that Congress shall not make laws regarding religion, freedom of speech, peacefully assemble and petition the government for redress and grievance. He said the City should be careful with this request as it could violate certain freedoms.

Mr. Johnson stated that from a global level down to the local level, social media and video games have hindered our future population, especially related to educational attainment. Mr. Johnson explained the purpose of the bill and felt it was a great opportunity for youth to reach their full potential without distractions.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-08. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

20. Consideration of utilizing Undesignated Fund Balance to include the Social Media eXstream Plus Package to the Swag-IT/Granicus Contract (\$4,360).

Staff Recommendation: Approve a Budget Amendment to transfer monies from General Fund Undesignated Fund Balance, in the amount of \$4,360; approve the purchase of an upgraded streaming package; and approve an amendment to the current Swag-IT contract to include Social Media eXstream Plus.

Bill Battin, resident, asked that each item in the agenda be timestamped for easy searching. Mayor Medina suggested that option for the City's website, YouTube, etc. Ms. Sherman would research same.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve the utilization of Undesignated Fund Balance to include the Social Media eXstream Plus Package to the Swag-IT/Granicus Contract, in the amount of \$4,360. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

22. Consideration of an agreement with Grace Bible Church of Palm Bay, Florida, Inc. relating to applicability of impact fees for construction of an additional building to the existing church.

Staff Recommendation: Approve an agreement with Grace Bible Church (Palm Bay) relating to applicability of impact fees for the construction of an additional building to the existing church.

Bill Battin, resident, said he did not agree with giving a tax abatement for this item and felt it was preferential treatment.

Ms. Sherman explained that staff reviewed it from a Transportation Impact Fee perspective. A structure of this size would pay approximately \$22,000 in impact fees. The assessment based on the current proposed use by the church was for the existing membership of the church. The review of that scenario led to the agreement, which was a deferral of impact fees. However, if there was a sale or transfer change to the property, any deferred impact fees would be due to be paid.

Pastor David Cannon explained that they were not expanding the parking lot or the chapel. They were planning on building a hall that could benefit the youth, bringing them in from the elements, and the children's bible club would be a gathering place to play while learning.

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

24. Consideration of pursuing funding for photocatalytic rejuvenation through the East Central Florida Regional Planning Council's Environmental Protection Agency Climate Pollution Reduction Grant.

Staff Recommendation: Approve for staff to pursue funding for photocatalytic rejuvenation through the East Central Florida Regional Planning Council's Environmental Protection Agency Climate Pollution Reduction Grant.

Bill Battin, resident, requested that Council continue the program that they already had in place if they get the \$2 million grant.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve for staff to pursue funding for photocatalytic rejuvenation through the East Central Florida Regional Planning Council's Environmental Protection Agency Climate Pollution Reduction Grant. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

25. Consideration of appropriating funds for two (2) additional Line Locator Technicians within the Utilities Department (\$260,678).

Staff Recommendation: Approve the addition of two (2) Line Locator Technicians within the Utilities Department; and approve the appropriation of funds on the next scheduled budget amendment in the amount of \$260,678 for the positions and equipment.

Bill Battin, resident, felt the amount requested was too much. He said the median salary for a Line Locator Technician was \$48,000 per year. Ms. Sherman explained that the amount included the vehicles and equipment for the two (2) new technicians and that the salary for each position was a little over \$61,000 per year.

Motion by Deputy Mayor Felix, seconded by Mr. Foster, to approve the addition of two (2) Line Locator Technicians within the Utilities Department; and approve the appropriation of funds on the next scheduled budget amendment in the amount of \$260,678 for the positions and equipment. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

UNFINISHED AND OLD BUSINESS:

1. Appointment of two (2) members to the Police and Firefighters' Pension Plan, Board of Trustees.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to re-appoint Benjamin Kiszkiel to the Police and Firefighters' Pension Plan, Board of Trustees. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to re-appoint James Brock to the Police and Firefighters' Pension Plan, Board of Trustees. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

NEW BUSINESS:

1. Ordinance 2024-17, repealing Ordinance 2019-40, which granted an Economic Development Ad Valorem Tax Abatement to Midwest Dental Arts, Inc., 1490 Treeland Boulevard SE, first reading.

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

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 felt Council should act quickly on the Freebee Rideshare.

2. Councilman Johnson made the following reports:

A. Requested support for councilmembers to meet with applicants and disclose ex-parte communications at the regular Council meetings. Mayor Medina preferred not to meet with applicants at this time.

B. Asked Council to consider a moratorium on residential and planned unit developments and new projects until the Comprehensive Plan was in place. This would not include projects already in the process.

Mr. Foster felt the need to slow down on development due to traffic and infrastructure concerns but was unsure if the City would lose developers.

Mayor Medina said there were numerous projects that had been approved by Council, but he had not seen any progress on those projects. He said the Planned Unit Developments were the only developments he had seen being completed. He said there had to be a balance and he did not want to send the wrong message and risk losing developers investing in the city. He did not want to stifle the commercial base.

Deputy Mayor Felix felt a moratorium could send the wrong message but supported meeting with staff to explore other options. He asked staff to schedule meetings with councilmembers and Growth Management staff.

3. Deputy Mayor Felix commented on the lack of public transportation. He said there was 50/50 Florida Department of Transportation grant and requested staff to research as an option for next year. Council concurred. Ms. Sherman stated that she would bring back costs and ideas for next year.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman announced the Annual Turkey Creek Spring Art Show and 3rd Annual Multicultural Festival for the upcoming weekend.

PUBLIC COMMENTS/RESPONSES:

An individual made a general comment.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:21 P.M.

Rob Medina, MAYOR

ATTEST:

Terri Lefler, DEPUTY CITY CLERK