

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2024-08

Held on Thursday, the 18<sup>th</sup> day of April 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.

Robert Stise, resident, 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; Juliet Misconi, Deputy City Manager; Mariano Augello, Police Chief; George Barber, Chief Procurement Officer; Richard Stover, Fire Chief; Ibis Berardi, Acting Community and Economic Development Director; Valentino Perez, Public Works Director.

### ANNOUNCEMENTS:

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

- 1. Four (4) vacancies on the Youth Advisory Board (represents ‘student member’ positions).++**
- 2. Three (3) vacancies on the Youth Advisory Board (represents ‘adult member’ positions).++**

### AGENDA REVISIONS:

Ms. Sherman made the following announcements:

- A. A PowerPoint presentation was added to Item 2, under Presentations.**

B. The traffic study staff review comments were added to Items 3 and 4, under Public Hearings.

C. Consideration of a contract with the awarded software provider, Workday, Inc., for Enterprise Resource Planning (ERP) implementation and advisory services in accordance with RFP 37-0-2023 was added to the agenda as Item 1, under Procurements.

D. Request to consider Item 1, under Procurement, and Item 2, under New Business, Item 2, after Presentations.

Motion by Mr. Johnson, seconded by Councilman Foster, to consider Item 1, under Procurement, and Item 2, under New Business, after Presentations. Motion carried with members voting as follows: Mayor Medina. Yea, Deputy Mayor Felix, Yea, Councilman Johnson, Yea, Councilman Foster, Yea.

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

The proclamations were read, the check was presented, and the individual was recognized.

- 1. Proclamation: National Small Business Week – April 28-May 4, 2024.**
- 2. Proclamation: Economic Development Week – May 6-10, 2024.**
- 3. Recognition: Presentation of check to Serene Harbor for proceeds from Mayor's Ball.**
- 4. Recognition: One (1) year of service as a City Board Member on the Planning and Zoning Board – Jeffrey McLeod.**

#### **PRESENTATIONS:**

- 1. Tim Bobanic, Brevard County Supervisor of Elections – How to be Election Ready for 2024.**

Mr. Bobanic provided information and resources for the 2024 election cycle. He said the Primary Election would be held on Tuesday, August 20, 2024, and the voter registration deadline was July 22, 2024. Early voting for the Primary Election would take place Saturday, August 10, 2024, through Saturday, August 17, 2024. Mr. Bobanic asked to advertise early voting via digital signage. The General Election would be held on

Tuesday, November 5, 2024, with early voting running from October 21, 2024, through November 2, 2024.

Mr. Bobanic encouraged voters to review the sample ballot and do their research to be prepared to vote during the elections. He said there were three (3) methods to submit a ballot: mail ballot (voters must register online), in-person during early voting, or in-person on election day. Mr. Bobanic said there were fourteen (14) voting precincts in the City of Palm Bay. He encouraged residents to review and update their voter registrations and signatures at [www.votebrevard.gov](http://www.votebrevard.gov). Mr. Bobanic responded to questions posed by councilmembers.

Council concurred to permit the digital signage for early voting.

## **2. Javier Molinares, President, Brevard Hispanic Chamber of Commerce – potential membership options.**

Mr. Molinares provided history on the Brevard Hispanic Chamber of Commerce (BHCC) and explained the different types of membership options that were available, as well as their mission to serve as a communication bridge, connecting Hispanic speaking individuals with businesses and organizations that could provide resources to the Hispanic community. Mr. Molinares said that BHCC organized a multitude of events throughout the year, including network mixers, educational workshops and business expos.

Mayor Medina asked if BHCC would be able to host luncheons similar to the Greater Palm Bay Chamber of Commerce at the Palm Bay Senior Center. Mr. Molinares said that the Senior Center would be the perfect place for luncheons and other events. He responded to other questions posed by councilmembers.

Mr. Johnson asked Mr. Molinares to provide statistics on the number of businesses, jobs and home ownership in Palm Bay for which Hispanics had received assistance through BHCC. He asked that the information be provided at an upcoming Chamber luncheon.

Mayor Medina welcomed a partnership with the BHCC under the Trustee Plan membership level of \$5,500. Council concurred.

Item 1, under Procurements, was considered at this time.

## **1. Contract: Consideration of contract with awarded software provider, Workday, Inc., for Enterprise Resource Planning (ERP) implementation and advisory services in accordance with RFP 37-0-2023. (REVISION)**

Staff Recommendation: Approve a contract with the awarded software provider, Workday, Inc., for Enterprise Resource Planning (ERP) implementation and advisory services in accordance with RFP 37-0-2023.

Ms. Misconi and Ryan Strange (representative with Workday, Inc.) presented the item to Council.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve a contract with the awarded software provider, Workday, Inc., for Enterprise Resource Planning (ERP) implementation and advisory services in accordance with RFP 37-0-2023. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Item 2, under New Business, were considered at this time.

## **2. Consideration of negotiating a Contingency Fee Agreement with Frantz Law Group relating to the Public Entities Social Media lawsuit.**

Staff Recommendation: Authorize the City Attorney to negotiate a contingency fee agreement with the Frantz Law Group.

Ms. Smith and Attorney William Shinoff of Frantz Law Group presented the item to Council.

Mayor Medina asked about the associated fees and which social media platforms were included in the lawsuit. Mr. Shinoff said the firm worked on a contingency fee basis so if there was no financial recovery, there was no cost to the City. The social media companies included Facebook, Instagram, TikTok, Snapchat and YouTube.

Bill Battin, resident, inquired as to how much money was awarded to the City regarding the opioid litigation, and the amount paid to Frantz Law Group for its representation. Ms. Smith stated that the amount paid to Frantz Law Group would be twenty-five percent (25%) plus fees. Mr. Battin asked if the City could potentially face counter lawsuits from the corporations for this litigation.

Ms. Sherman explained that the amount received from the opioid litigation overall was from multiple companies and allocations awarded were spread over multiple years. The payments would eventually stop at different times depending how the lawsuits were settled. Ms. Sherman stated that \$86,000 was received for Fiscal Year 2023, and \$189,000 for Fiscal Year 2024. She said payments would continue to be awarded through 2036.

Ms. Smith stated that the chance of counter lawsuits would be slim and she did not expect counter lawsuits.

Motion by Mr. Johnson, seconded by Mr. Foster, to authorize the City Attorney to negotiate a contingency fee agreement with the Frantz Law Group. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Council resumed the order of business as shown on the agenda.

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

Individuals made general comments.

1. Cynthia Blanton, resident, explained there were numerous issues in her mother's condominium complex, including drug dealings, sex trafficking and possible human trafficking. She said the residents often call the Police Department, but nothing was being done. Another resident that resided within the complex made similar comments.

Chief Augello confirmed that the Police Department was aware of the offenses occurring in the complex and general area. He said there were several ongoing investigations happening at the local and federal level and arrests had been made and more would be forthcoming. Chief Augello stated that this area was one of their top priorities.

2. Anne Davis, resident, voiced her concerns and displeasure regarding the recent Citizen Participation Plan (CPP) meeting held for the Majors Golf Course. She felt the meeting did not meet the requirements of the Code of Ordinances (Code). Ms. Davis said there was limited seating, and the public was unable to ask questions of the applicant. She asked Council to consider requiring the applicant to hold another CPP.

Mr. Johnson agreed with Ms. Davis and felt more should be done to hold applicants accountable to follow through with what was expected for the CPP meetings. He said it should be mandated if necessary.

Mrs. Junkala-Brown advised that the applicant had met the requirements of the Code for the CPP and explained the process. Mayor Medina requested a better definition for the community regarding the CPP meetings to include a full explanation of the process. Council concurred.

**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 6, 9, 11, and 17, 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 2024-06; March 21, 2024.**

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

**2. Award of Bid: General Contractor services – IFB 11-0-2024 – Parks and Facilities Department (multiple awarded vendors - \$250,000 annually).**

Staff recommendation: Approve the award for general contractor services with the following three (3) contractors: Dane Contracting, Inc. (Palm Bay); De La Hoz Builders, Inc. (Sebastian); and Martinez Services East, Inc., DBA Martinez Construction Services (Merritt Island), in the estimated annual amount of \$250,000.

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

**3. Award of Bid: Mowing, City Parks – IFB 15-0-2024 – Parks and Facilities Department (Global Greenz LLC - \$193,087).**

Staff Recommendation: Approve the award for mowing city parks with Global Greenz LLC (Melbourne) for a one-year period, with the option to renew for four (4) additional one-year terms, in the amount of \$193,087.

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

**4. Award of Proposal: Disaster Debris Monitoring Services – RFP 25-0-2023 – Procurement Department (Thompsons Consulting Services, LLC (second highest ranked proposer).**

Staff Recommendation: Award the proposal for disaster debris monitoring services with Thompsons Consulting Services, LLC (second highest bidder), in accordance with RFP 25-0-2023 that would only be implemented in the event of an "emergency" situation.

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

**5. Miscellaneous: ‘Cooperative Purchase’, street sweepers and specialty sweepers, with related equipment, accessories, and supplies (Sourcewell Contract) – Public Works Department (Environmental Products Group, Inc. - \$299,953).**

Staff Recommendation: Approve the purchase of a 2024 Elgin Pelican Street Sweeper with Environmental Products Group, Inc., through the Sourcewell contract, in the amount of \$299,953.10.

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

**6. Consideration of the disposal of capital surplus property.**

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

**7. Resolution 2024-13, amending Resolutions 2023-35 and 2024-02, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (second amendment).**

The City Attorney read the resolution in caption only.

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

**8. Resolution 2024-14, amending Resolution 2023-36 and 2024-03, adopting the Five-Year Capital Improvements Program for Fiscal Years 2023-2024 through 2027-2028 (second amendment).**

The City Attorney read the resolution in caption only.

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

**9. Consideration of an amendment to the by-laws for the Planning and Zoning Board.**

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

**10. Consideration of Fiscal Year 2024 health insurance premium adjustments; recalculation of 2023 actual city-required contributions resulting in 2024 rate adjustments and increased costs.**

Staff Recommendation: Approve the transfer of funds to the Health Insurance Benefits Fund (511) due to Fiscal Year 2024 health insurance premium adjustments, as specified in the City Manager's memorandum.

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

**11. Consideration of appropriating General Fund Undesignated Fund Balance for six (6) fire safety vehicles and the addition of one (1) new full-time equivalent (FTE) Assistant Fire Chief (\$759,440).**

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

**12. Consideration of one (1) new full-time equivalent (FTE) position for a Police Wellness Coordinator within the Police Department (\$48,769 for the remainder of Fiscal Year 2023-2024).**

Staff Recommendation: Approve the appropriation of General Fund Undesignated Fund Balance for addition of one (1) new full-time equivalent (FTE) position for a Police Wellness Coordinator within the Police Department, in the amount of \$48,769 for the remainder of Fiscal Year 2023-2024.

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

**13. Consideration of appropriating General Fund Undesignated Fund Balance for five (5) new full-time equivalent (FTE) positions within the Information Technology Department (\$191,755 for remainder of Fiscal Year 2024).**

Staff Recommendation: Approve the appropriation of General Fund Undesignated Fund Balance for five (5) new full-time positions (Network Administrator, Information Security Analyst, Mobile Device Support Specialist, and two (2) IT Support Specialists) within the Information Technology Department, in the amount of \$191,755 for the remainder of Fiscal Year 2024.

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



**14. Consideration of submitting a grant application with the Florida Digital Service, a part of the Florida Department of Management Services, for funding to maintain previously awarded cybersecurity capabilities.**

Staff Recommendation: 1) Authorize the City to submit a grant application for year two (2) funding and 2) authorize the City Manager to execute the grant agreement with the Florida Digital Service, a part of the Florida Department of Management Services (FLDS) related to the Local Government Cybersecurity Grant Program.

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

**15. Consideration of submitting an application to Florida Division of Emergency Management (FDEM) for Phase Five of the Florida Severe Weather Mesonet Project, operated by WeatherSTEM, Inc., for three (3) weather monitoring stations, installation costs, and a three-year equipment maintenance contract for data storage and software development; and consideration of executing a Memorandum of Agreement with FDEM for use of WeatherSTEM stations.**

Staff Recommendation: Approve the submittal of an application to Florida Division of Emergency Management (FDEM) for Phase Five of the Florida Severe Weather Mesonet Project, operated by WeatherSTEM, Inc., for three (3) weather monitoring stations, installation costs, and a three-year equipment maintenance contract for data storage and software development; and consideration of executing a Memorandum of Agreement with FDEM for use of WeatherSTEM stations.

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

**16. Consideration of utilizing General Fund Undesignated Fund Balance for office furniture within the Code Compliance Division (\$28,856).**

Staff Recommendation: Approve the use of General Fund Undesignated Fund Balance for office furniture within the Code Compliance Division, in the amount of \$28,856.

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

**17. Consideration of allocating HOME Funds for the Development of Northview Properties (\$370,000).**

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

**18. Consideration of utilizing Transportation Impact Fee Funds for design of intersection improvements at the following locations: San Filippo Boulevard at Jupiter Boulevard; San Filippo Boulevard at Wyoming Street; San Filippo Boulevard at Cogan Drive; and Port Malabar Boulevard at Riviera Drive.**

Staff Recommendation: Approve the use of Transportation Impact Fee Funds to open projects 24PW05-San Filippo at Jupiter, 24PW06-San Filippo Boulevard at Wyoming Street, 24PW07-San Filippo Boulevard at Cogan Drive, and 24PW08-Port Malabar Boulevard at Riviera Drive intersection improvements.

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

**19. Acknowledgment of the March 2024 GO Road Bond Paving report update.**

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

**20. Acknowledgement of the City's monthly financial report for January 2024 (Unaudited).**

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

**21. Consideration of travel and training for specified City employees (Fire Rescue 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 2024-18, amending the Fiscal Year 2023-2024 budget by appropriating and allocating certain monies (second 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 2024-18. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea; Councilman Foster, Yea.

**2. Ordinance 2024-19, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located south of and adjacent to Malabar Road, in the vicinity of the southwest corner of Malabar Road and Allison Drive, from Commercial Use (COM) to Neighborhood Center Use (NC) (32.8 acres) (Case CP23-00016, Vacation Finance, LLC), only one reading required.**

The Planning and Zoning Board recommended denial of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Mathew Scott, representative for the applicant, presented the request to Council.

Mayor Medina said this project would reduce the Commercial Use from 32.8 acres to 11 acres. He felt the City already had too many beds and was considered a bedroom community. He wanted to increase the commercial base.

Mr. Johnson asked if the applicant had spoken to staff regarding Council’s vision for the future of the City. Mr. Scott responded that they had spoken with previous staff and were encouraged to create mixed-use projects. Mr. Johnson asked if the applicant had spoken to any councilmembers about this project. Mr. Scott responded that they had spoken with two (2) councilmembers. Mr. Johnson wanted to keep the commercial property and did not support the request.

Mr. Foster expressed his support for the project. He preferred a mixed-use plan and did not want a large commercial center at that location.

Deputy Mayor Felix agreed that the City needed more commercial businesses, but he was in favor of the project. He felt it made sense being mixed use and thought the project could generate a substantial amount of tax revenue.

Mr. Scott responded to questions posed by councilmembers.

Numerous residents spoke against the project.

Mr. Scott asked that the item be tabled to allow the applicant to meet with staff, rework the plan based on comments from the residents and City Council, and to reduce the residential portion to gain more commercial.

The public hearing was closed.

Deputy Mayor Felix asked if the item should be continued. Ms. Smith advised that Council could table the item to a date certain but could accomplish the same outcome by denying the request. The applicant could then come back with a new, substantially different plan, if desired.

Motion by Mr. Johnson, seconded by Mayor Medina, to deny Ordinance 2024-19.

Mr. Johnson said he was not comfortable with approving the plan as is and did not want to table the item.

Mayor Medina reiterated his comments regarding the need to keep commercial property. He agreed with the process currently in place and that the applicant could resubmit a different plan in the future.

Mr. Foster did not want to see a shopping center at the proposed location but would like to see more commercial opportunities along Malabar Road.

Mr. Johnson agreed with Mayor Medina and did not support the request. He asked Council to reconsider speaking with applicants prior to their submitting applications to staff so that time was not wasted.

Deputy Mayor Felix felt that the request for the land use consideration made sense and would support it. He was encouraged by the commercial aspect of the project beginning prior to construction of the apartments.

Motion failed with members voting as follows:

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

**3. Resolution 2024-15, granting approval of a Preliminary Development Plan for a mixed-use development to be known as 'Malabar Village' in CC (Community Commercial District) zoning, which property is located south of and adjacent to Malabar Road, in the vicinity of the southwest corner of Malabar Road and Allision Drive (32.8 acres) (Case PD23-00006, Vacation Finance, LLC). (Quasi-Judicial Proceeding)**

Due to the failed motion of Ordinance 2024-19, this item was rendered moot.

**4. Ordinance 2024-20, granting approval of a Final Development Plan for a mixed-use subdivision to be known as ‘Malabar Village’ on property located south of and adjacent to Malabar Road, in the vicinity of the southwest corner of Malabar Road and Allison Drive (32.8 acres) (Case FD23-00009, Vacation Finance, LLC), first reading. (Quasi-Judicial Proceeding)**

Due to the failed motion of Ordinance 2024-19, this item was rendered moot.

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

**6. Consideration of the disposal of capital surplus property.**

Staff Recommendation: Approve the disposal of the capital surplus property as specified in the City Manager’s memorandum.

Mr. Johnson asked how much the vehicles listed for surplus property had been sold for in the past and if it was comparable to what was estimated. He wanted to be sure that the current estimated value was a good expectation of what could be generated.

Mr. Barber stated that staff did their best in estimating the asset value and the depreciation for each vehicle and equipment. Staff tried to remain competitive with other items that were up for auction but there was no way to know exactly what the items would be sold for until the auction was held.

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

**9. Consideration of an amendment to the by-laws for the Planning and Zoning Board.**

Staff Recommendation: Approve the amendment to the Planning and Zoning by-laws to modify agenda titles of regular business meetings and adopt the speaker time limits currently practiced by City Council.

Bill Battin, resident, questioned who made the determination as to how much time an aggrieved person was able to speak according to the by-laws.

Ms. Smith explained that the aggrieved or affected party must meet the requirements for same pursuant to the Code and was given additional rights if the request was a quasi-judicial proceeding.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve amendment to the by-laws for the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**11. Consideration of appropriating General Fund Undesignated Fund Balance for six (6) fire safety vehicles and the addition of one (1) new full-time equivalent (FTE) Assistant Fire Chief (\$759,440).**

Staff Recommendation: Approve the appropriation of General Fund Undesignated Fund Balance for six (6) fire safety vehicles and the addition of one (1) new full-time equivalent (FTE) Assistant Fire Chief, in the amount of \$759,440.

Mr. Johnson asked about the extended amount of time it took to obtain certain apparatus. He asked if it would be more feasible to set aside funding for future purchases when equipment and vehicles became more readily available.

Chief Stover explained that it had been difficult to acquire certain apparatus and it could take three (3) to four (4) years to receive it. He felt this was the best use of the funding because apparatus could possibly be received in two (2) to three (3) years. Chief Stover said that the two (2) Battalion Chief vehicles were not fully equipped with what was needed to ensure safety and this would help fund those items.

Motion by Mr. Foster, seconded by Mayor Medina, to approve the appropriation of General Fund Undesignated Fund Balance as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

**17. Consideration of allocating HOME Funds for the Development of Northview Properties (\$370,000).**

Staff Recommendation: Approve the allocation of HOME Funds for the Development of Northview Properties, in the amount of \$370,000.

Mr. Johnson preferred to have First Responders considered for HOME assistance in addition to veterans and seniors. He felt First Responders added value to the area and assisted the community's concerns regarding safety.

Ms. Berardi explained that if Council wanted to add the First Responder component for consideration, the applicant(s) must be below the eighty percent (80%) Area Median Income (AMI) threshold and would qualify for rental assistance. However, staff did not recommend including First Responders because if the individual(s) received an increase in salary, they may no longer qualify for assistance.

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

### **PROCUREMENTS:**

**1. Contract: Consideration of contract with awarded software provider, Workday, Inc., for Enterprise Resource Planning (ERP) implementation and advisory services in accordance with RFP 37-0-2023. (REVISION)**

The item was considered earlier in the meeting after Presentations.

A brief recess was taken after which time the meeting resumed.

Item 3, under New Business, was considered at this time.

**3. Consideration of scheduling a workshop meeting in August 2024.**

Council concurred to schedule a workshop meeting for Thursday, August 22, 2024, at 6:00 p.m., for an economic development update.

Mr. Johnson asked that community stakeholders – L3 Harris, all Chambers of Commerce, Economic Development Commission, etc. – be invited to the workshop. Council concurred.

Council resumed the order of business as shown on the agenda.

### **NEW BUSINESS:**

**1. Discussion of Citywide Stormwater System Management.**

Staff Recommendation: Direction from Council regarding options as presented that could be brought back for Council consideration at an upcoming regular meeting.

Mr. Perez provided a presentation explaining the purpose, types and challenges of a stormwater system. He said that the stormwater system was creating healthier

sustainable communities all while supporting Turkey Creek and the Indian River Lagoon. The challenge was that there were 64,500 single-family residences and residential lots scattered throughout the city, and approximately 1,500 miles of swales and 118 miles of ditches and city canals that made it difficult to maintain.

Mr. Perez gave an update on pipe replacements in the City's rights-of-way and how it impacted neighborhood drainage elevations. He said that homes built more than thirty (30) years ago may be affected by current drainage standards and elevations. The life expectancy of pipes was twenty (20) to thirty (30) years and there was currently sixty (60) years of pipe still being used in the city and was most likely corroded. The plan was to install cross drains made of more efficient material but could affect some older drainage systems upstream and downstream.

Mr. Perez explained the driveway conflict on neighborhood drainage as it related to elevation conflicts, failed driveway culverts, missing culverts, blocked driveway culverts and paved swale driveways. He stated that these issues caused problems with the City's drainage system and needed to be addressed, but in a responsible way. Staff had determined that there were 341 homes in all four (4) quadrants that were in driveway conflict and the estimated cost to repair was \$2,186,500.

Mr. Perez said that staff was addressing the current pipe and culvert replacements with Stormwater Capital Improvement funds that had already been allocated to the Public Works Department and were expecting \$10,397,513 to be awarded in 2024 to continue the needed improvements. Mr. Perez said that the planned stormwater projects for years 2024-2028 were close to being funded as Capital Improvement Projects (CIP). He noted the various funding and revenue sources that could be used for stormwater improvements and advised of strategies to recover uncollected stormwater fees. Mr. Perez further explained how deficiencies in stormwater services arise, the cost for improving the stormwater system using stormwater funding and adding two (2) trenching crews (\$1,119,483), and the cost for equipment and adding two (2) canal maintenance crew (\$1,751,928). Mr. Perez responded to questions posed by councilmembers.

Due to the meeting curfew being met, motion by Mr. Johnson, seconded by Mayor Medina, to extend the meeting by thirty (30) minutes (first extension), which would expire at 11:30 P.M. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Foster, Yea.

Mayor Medina asked the revenue received from the Stormwater Fee. Ms. Sherman responded that it was approximately \$9 million per year. Mayor Medina asked the recommended bonds so that the improvements could begin as soon as possible. Ms.



Sherman said that figures had not been calculated as yet, but she preferred to do a rate study before taking on a bond.

Cynthia Freeman, resident, said that there was an issue with flooding in her neighborhood (Lockmar Estates) and that the ditches and canals were not being maintained. She said that the City of Port St. Lucie had had an effective strategy when flooding issues occurred. Port St. Lucie would purchase empty lots and land and dig ponds to mitigate flooding. Mayor Medina asked staff to research Port St. Lucie's model as a possible solution for Palm Bay.

Staff would bring back a plan in the future for Council's consideration to address stormwater infrastructure needs.

**2. Consideration of negotiating a Contingency Fee Agreement with Frantz Law Group relating to the Public Entities Social Media lawsuit.**

The item was considered earlier in the meeting prior to Public Comments.

**3. Consideration of scheduling a workshop meeting in August 2024.**

The item was considered earlier in the meeting prior to Item 1, under New Business.

**COMMITTEE AND COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

1. Mr. Foster requested a workshop prior to the onset of the next budget cycle on the topic of infrastructure, to include Public Works, Fire, Police and Utility Departments. Discussion would include lighting, sidewalks, traffic signals, stormwater, safety, etc. Council concurred. Ms. Sherman confirmed that a workshop had been scheduled for Thursday, May 23, 2024, at 6:00 P.M., regarding Public Works infrastructure.

2. Mayor Medina requested Council consensus to send another letter to Florida Highway Patrol regarding the traffic dangers at the exit ramps of Interstate 95 and Malabar Road. Council concurred.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman appointed Althea Jefferson, Assistant Growth Management Director, to the Capital Facilities Outlay Committee and the Educational Impact Benefit District Committee. Council concurred.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 11:29 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK