

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2024-16

Held on Thursday, the 18th day of July 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 Chris Adams, Christian Life 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:	Vacant	
COUNCILMEMBER:	Vacant	
CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Frank Watanabe, Traffic Engineer; Mariano Augello, Police Chief; Richard Stover, Fire Chief; Fred Poppe, Recreation Director.

ANNOUNCEMENTS:

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

- 1. One (1) term expiring on the Police and Firefighters' Retirement Pension Plan, Board of Trustees.++**
- 2. Four (4) vacancies on the Youth Advisory Board (represents 'student member' positions).++**
- 3. One (1) vacancy on the Youth Advisory Board (represents 'adult member' positions).++**
- 4. Two (2) vacancies on the Community Development Advisory Board (represents 'banking industry' and 'not-for-profit' positions).++**

5. One vacancy on the Palm Bay City Council (represents ‘seat 3’ position).+ (AGENDA REVISION)

Bill Battin, resident, asked the process of appointing an individual.

Mr. Johnson did not want to appoint any candidates currently running for office. He preferred to have an individual that was not campaigning and was focused on City business without outside distractions and agendas.

Deputy Mayor Felix said that the process in place, which had been agreed upon by Council, should be followed.

Mayor Medina felt the appointment process was flawed but understood Councilman Johnson’s suggestion. He commented that anyone should apply.

AGENDA REVISIONS:

Ms. Sherman announced the following:

A. The Legislative Memoranda for Items 2, 3, 4, and 5, under Public Hearings, were modified to include additional/revised documentation, as well as the recommendation from the Planning and Zoning Board.

B. The applicant for Items 2 and 3, under Public Hearings, requested that the cases be continued to the August 1, 2024, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 2 and 3, under Public Hearings, to the August 1, 2024, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

C. The following items were added to the agenda, under New Business:

1. Item 4, consideration of submitting an application for the Fiscal Year 2024 Regional Catastrophic Preparedness Grant Program.

2. Item 5, consideration of utilizing General Fund Undesignated Fund Balance and authorization of a special procurement waiver to lease/purchase portable traffic signals from Horizon Signal Southeast.

3. Item 6, discussion of a process to utilize Opioid settlement funds.

D. The public safety millage taxation impact attachment for Item 1, under New Business, was revised.

PROCLAMATIONS AND RECOGNITIONS:

The individual was recognized.

1. Recognition: Five (5) years of service as a City board member on the Planning and Zoning Board – Donald Boerema.

PRESENTATIONS:

1. Andrew Kalel, Sunrise Consulting Group – State Lobbyist Update

Mr. Kale provided an update on the Legislative Session that ended March 8, 2024. He said that out of 2,000 bills that were filed, seventeen percent (17%) passed. He highlighted various bills that were approved and denied and how it would affect the City financially and regulatory. Mr. Kalel responded to questions posed by councilmembers.

Bill Battin, resident, asked the following: why the government agency overseeing the septic tank systems project had changed, the impact that change would have on building elevations and the hardship to the residents; and how the City budget would handle the homestead exemption if it increased from \$50,000 to \$75,000. Ms. Sherman stated that the septic to sewer conversation was still in process and the budget would be adjusted as needed with regard to the homestead exemption.

2. Nilgün Kamp, Benesch – Transportation Impact Fee Study Update

Ms. Kamp provided an overview of the recent Transportation Impact Fee Study. She explained the background/purpose of impact fees, legal requirements, how impact fees were calculated, rate comparisons to other municipalities, revenue projections and next steps. The last update to the impact fees was in 2012. It was suggested to increase the fees through a phase approach over four (4) years. Ms. Kamp responded to questions posed by councilmembers. Council concurred to move forward with implementing the fees over four (4) years. Ms. Sherman would present police, fire and transportation impact fees at the next Council meeting for discussion.

Bill Battin, resident, asked the following: how electric vehicles would be calculated due to the penny tax being charged for gas vehicles; and why single-family residences paid more than multifamily residences. He felt that if the higher fees were implemented, it could slow down the growth in the City.

Ms. Kamp responded that there was data showing that single family residences had more trips on the roadways compared to multifamily residences.

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

Individuals made general comments.

1. Barb Benoit, resident, suggested the City add more Pickleball courts to the recreation areas throughout the City. She explained the benefits to individuals and the community. Other residents commented on the need for more courts and how it would bring money to the city through tournaments.

2. Charles Otto, resident, said that the Majors Golf Course required mowing and the Code of Ordinances clearly stated that any property that had electric, water/sewer, etc. was considered improved property. He said there were many animals now living on the golf course and the property needed to be managed.

Ms. Smith said that improved real property was defined as any lot, track or parcel of land upon which a structure of any kind or type had either been placed or constructed. The owner had divided the property and there was only one lot that had a structure. The other lot was vacant.

3. Kathryn Rudloff, weVENTURE Women’s Business Center in the Florida Tech Bisk College of Business, asked Council to consider a partnership. The organization provided free business coaching, and low and no-cost business education, mentorship training and networking opportunities. The partnership would include the development of an Economic Development Plan for the City.

Council supported the request and asked Ms. Rudloff to communicate with staff. Mr. Johnson asked that staff consider Community Development Block Grant monies as another funding source.

APPROVAL OF CONSENT AGENDA:

All items of business under the ‘Approval of Consent Agenda’ heading were enacted by the following motion:

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 3, 4, 5, 6, 7, 8, 9, 14, 15, 17, and 18, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

1. Award of Bid: Culvert pipe replacement, Rockabye Avenue at C-41-R – IFB 22-0-2024 – Public Works Department (Universal Contracting & Construction, Inc. - \$482,888); consideration of additional funding (\$100,000).

Staff Recommendation: Approve the award for culvert pipe replacement (Rockabye Avenue at C-41-R) with Universal Contracting & Construction, Inc. (Melbourne), in the amount of \$482,888.40; and approve the additional \$100,000 in funding.

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

2. Contract: Nash Street Repump Station rehabilitation, Task Order 19-10, Amendment 4 – Utilities Department (Wade Trim - \$16,200).

Staff Recommendation: Approve Task Order 19-10, Amendment 4, for the Nash Street repump station rehabilitation with Wade Trim, in the amount of \$16,200, against Master Agreement 36-0-2020.

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

3. Resolution 2024-23, providing for the acceptance of the purchase and transfer of four (4) parcels located at 1361 Florida Avenue NE from Evans Center, Inc. (0.79 acres) (\$475,000).

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

4. Resolution 2024-24, as amended, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (third amendment).

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

5. Consideration of the School Resource Officer Program agreement with Brevard County School Board for the 2024-2025 school year.

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

6. Consideration of the School Resource Officer Program agreement with Pineapple Cove Classical Academy (Palm Bay) for the 2024-2025 school year.

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

7. Consideration of the School Resource Officer Program agreement with Pineapple Cove Classical Academy (Lockmar) for the 2024-2025 school year.

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

8. Consideration of the School Resource Officer Program agreement with Odyssey Charter Junior/Senior High School for the 2024-2025 school year.

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

9. Consideration of submitting an application for Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant funds for the acquisition and installation of publicly accessible electric vehicle charging stations.

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

10. Consideration of a Commercial Property Enhancement Program (CPEP) grant for R&S Soft Water Service Inc. for eligible improvements to the roof for commercial property located at 4520 Babcock Street NE (Tax Account 2858135 – \$10,000).

Staff Recommendation: Approve a Commercial Property Enhancement Program (CPEP) grant award in the amount of \$10,000 to R&S Soft Water Service Inc. for eligible improvements to the roof for commercial property located at 4520 Babcock Street NE, Palm Bay, FL 32905 (tax account 2858135); and authorize the City Manager to execute the grant agreement.

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

11. Consideration of an extension addendum for participating in the Florida Department of Law Enforcement’s State Assistance for Fentanyl Eradication (SAFE) Program in Fiscal Year 2023-2024.

Staff Recommendation: Approve an extension addendum to the current Florida Department of Law Enforcement’s State Assistance for Fentanyl Eradication (SAFE) grant agreement.

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

12. Consideration of a second amendment to the Subrecipient Agreement to the Federally Funded Community Development Block Grant Mitigation Program (CDBG-MIT).

Staff Recommendation: Approve a second amendment to the Subrecipient Agreement to the Federally Funded Community Development Block Grant Mitigation Program (CDBG-MIT).

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

13. Consideration of filing a Notice of Intent with the Federal Rail Administration to establish a railroad Quiet Zone.

Staff Recommendation: Approve filing a Notice of Intent with the Federal Rail Administration to establish a Quiet Zone for the three (3) railroad crossings within the City of Palm Bay.

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

14. Consideration of appropriating Undesignated Fund Balance funds to Professional Services Operating budget for the Fire Rescue Department (\$202,400).

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

15. Consideration of appropriating Undesignated Fund Balance funds to purchase equipment to outfit Engine 9 (\$457,692).

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

16. Consideration of funding for Finance Department renovations (\$41,204).

Staff Recommendation: Approve funding in the amount of \$41,204 for office renovations to accommodate additional staff in the Finance department.

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

17. Consideration of a budget amendment for annual membership fees with Brevard Hispanic Chamber of Commerce (\$5,500).

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

18. Consideration of utilizing GO Road funds to provide a budget for the paving of Emerson Drive, from Malabar Road to Waco Boulevard (Project 24GO12 – \$4,000,000).

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

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

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

PUBLIC HEARING(S):

1. Consideration of Program Year 2024 Community Development Block Grant (CDBG) and HOME Action Plan, final hearing.

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 the Program Year 2024 Community Development Block Grant (CDBG) and HOME Action Plan. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

2. Request by Chaparral Properties, LLC, for preliminary subdivision plan approval for a proposed 522-lot residential subdivision to be known as ‘Chaparral P.U.D. Phase Four A-B and Five A-B, which property is located in the vicinities south of Malabar Road and west of Searle Avenue, in PUD (Planned Unit Development) zoning (160.51 acres) (Case PS24-00001). (Quasi-Judicial Proceeding)

The item, considered under Agenda Revisions, was continued to the August 1, 2024, Regular Council Meeting.

3. Request by Chaparral Properties, LLC, for final subdivision plan/final plat approval for a proposed 167-lot residential subdivision to be known as ‘Chaparral P.U.D. Phase Four A, which property is located in the vicinities south of Malabar Road and west of Searle Avenue, in PUD (Planned Unit Development) zoning (160.51 acres) (Case FS23-00016). (Quasi-Judicial Proceeding)

The item, considered under Agenda Revisions, was continued to the August 1, 2024, Regular Council Meeting.

4. Request by Grapefruit League Land Group LLC for a variance to allow a proposed parking area to encroach 9.5 feet into the 25-foot rear parking setback, as established by Section 185.042(F)(7)(d), Palm Bay Code of Ordinances (9.18 acres) (V24-00003). (QUASI-JUDICIAL PROCEEDING) (CONTINUED FROM 06/25/24 SCM)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened. Joseph Nagy, CEG Engineering, presented the request to Council.

Mayor Medina asked about stacking of vehicles. Mr. Watanabe explained that Emerson Drive was an arterial roadway which was to become four (4) lanes from St. Johns Heritage Parkway to Jupiter Boulevard to mirror the current section of Emerson Drive from Jupiter Boulevard to Minton Road. He said that a traffic study was required, and he had also requested that the applicant submit a parking and stacking analysis, which would be verified and approved by staff prior to Council’s consideration. Mr. Watanabe said he was impressed with the proposed traffic loop and calculated that it could hold approximately 156 cars internally. However, the school was projected to hold an estimated 800 students and they would have bussing.

Dan Hogan, Project Manager, explained that with other Charter Schools, fifty percent (50%) of the students would be bussed which allowed for adequate stacking. The variance would allow the school to accommodate the stacking as well as the ball field.

Bill Battin, resident, asked why the school would not use the field as a practice field versus a sanctioned field, and use Fred Poppe Regional Park for sanctioned games.

Mr. Hogan responded that the school was purchasing the land and if they were subject to a third party having to approve their programming, it could limit their ability to be part of various leagues and activities.

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.

5. Request by Grapefruit League Land Group LLC for a variance to allow a proposed 30-foot-high structure to exceed the 25-foot maximum height requirement by five (5) feet, as established by Section 185.042(F)(6), Palm Bay Code of Ordinances (9.18 acres) (V24-00004). (QUASI-JUDICIAL PROCEEDING) (CONTINUED FROM 06/25/24 SCM)

The Planning and Zoning Board recommended approval of the request.

The public hearing was opened.

Bill Battin, resident, commented that if the field was smaller, it would provide room for a larger building and there would be no need for variance requests to construct a taller building. He appreciated that the school was addressing potential stacking issues.

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.

6. Request by Kasika Heritage Corp./3085 Jupiter, LLC, for a conditional use to allow alcohol service at a proposed dining establishment in accordance with Section 185.042(D)(6) of the Palm Bay Code of Ordinances, on property located northwest of and adjacent to the intersection of Jupiter and Eldron Boulevards (2.44 acres) (CU24-00001). (CONTINUED TO 09/04/24 P&Z AND 09/19/24 RCM)

- 7. Ordinance 2024-29, vacating a portion of the rear public utility and drainage easement located within Lot 26, Block 1709, Port Malabar Unit 36 (Case VE-3-2024, Stefani Jo Tennyson), final reading. (RESCHEDULED TO 08/01/24 RCM)**
- 8. Ordinance 2024-30, vacating a portion of the rear public utility and drainage easement located within Lot 21, Block 310, Port Malabar Unit 10 (Case VE-5-2024, Jose Taveras Ortiz and Olga M. Gomez Sanchez), final reading. (RESCHEDULED TO 08/01/24 RCM)**
- 9. 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 09/04/24 P&Z AND 09/19/24 RCM)**
- 10. 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 09/04/24 P&Z AND 09/19/24 RCM)**

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

- 3. Resolution 2024-23, providing for the acceptance of the purchase and transfer of four (4) parcels located at 1361 Florida Avenue NE from Evans Center, Inc. (0.79 acres) (\$475,000).**

Staff Recommendation: Adopt the resolution accepting the purchase and transfer of four (4) parcels and identified assets from Evans Center, Inc. to the City of Palm Bay; and authorize the City to issue a notice to Evans Center, Inc. satisfying the mortgage from Bayfront Community Redevelopment Agency.

The City Attorney read the resolution in caption only.

Mr. Johnson shared a vision that he had for the Evans Center to help empower youth and to help make a difference in their lives and the community, such as the program in Miami called VIBE 305 Café. Council concurred to give staff direction to start working towards bringing something similar to the Evans Center. Ms. Sherman said that staff would research different ideas and bring them back to Council at a future meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-23. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

4. Resolution 2024-24, as amended, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay (third amendment).

Staff Recommendation: Adopt the amended resolution reclassifying the Pay Plans and Position Control Plan for employees of the City of Palm Bay.

The City Attorney read the resolution in caption only.

Mr. Johnson asked the total dollar amount for the salaries. Ms. Sherman advised that she did not have the information on-hand but would provide once received from staff.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-24. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

5. Consideration of the School Resource Officer Program agreement with Brevard County School Board for the 2024-2025 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the MOU with the Brevard County School Board (School Board) for the School Resource Officer (SRO) program for the 2024-2025 school year.

Mr. Johnson felt the School Board and the schools shown under Items 6, 7, and 8, should be paying for all or at least the majority of the cost of the officers. For this item, which included three (3) positions at Bayside and Heritage High Schools and Southwest Middle School, the total cost was \$312,840 and the School Board paid \$216,000. Mayor Medina felt there should be more negotiation with the amount contributed from the School Board.

Chief Augello explained the process for covering the salaries and benefits for the SROs and the difference between having assigned SROs to Brevard County Schools and off-duty details for the Charter Schools. He added that the Brevard County Sheriff's Office negotiated with the School Board and then brought the amounts back to the municipalities.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve and have the City Manager execute the MOU for the School Resource Officer Program Agreement in conjunction with the Brevard County School Board for the 2024-2025 school year. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

6. Consideration of the School Resource Officer Program agreement with Pineapple Cove Classical Academy (Palm Bay) for the 2024-2025 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the agreement with Pineapple Cove Classical Academy (Palm Bay) for the School Resource Officer program for the 2024-2025 school year.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve and have the City Manager execute the agreement with Pineapple Cove Classical Academy (Palm Bay) for the School Resource Officer Program for the 2024-2025 school year. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

7. Consideration of the School Resource Officer Program agreement with Pineapple Cove Classical Academy (Lockmar) for the 2024-2025 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the agreement with Pineapple Cove Classical Academy (Lockmar) for the School Resource Officer program for the 2024-2025 school year.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve and have the City Manager execute the agreement with Pineapple Cove Classical Academy (Lockmar) for the School Resource Officer Program for the 2024-2025 school year. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

8. Consideration of the School Resource Officer Program agreement with Odyssey Charter Junior/Senior High School for the 2024-2025 school year.

Staff Recommendation: Approve and authorize the City Manager to execute the agreement with Odyssey Charter Junior/Senior High School for the School Resource Officer program for the 2024-2025 school year.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve and have the City Manager execute the agreement with Odyssey Charter Junior/Senior High School for

the School Resource Officer Program for the 2024-2025 school year. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

9. Consideration of submitting an application for Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant funds for the acquisition and installation of publicly accessible electric vehicle charging stations.

Staff Recommendation: Apply for the U.S. Department of Transportation, Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant (Round 2) to acquire and install publicly accessible electric vehicle charging infrastructure to reduce greenhouse gas emissions and to expand or fill gaps in access to charging and/or to support buildout of charging infrastructure along designated alternative fuel corridors; and to authorize the City Manager to execute the grant agreement, if awarded

Bill Battin, resident, asked where the charging stations would be located on City property and if they would generate any revenue back to the City.

Ms. Sherman explained that it was a grant opportunity and the locations had not been determined. It was a competitive grant and the City had not applied for the grant yet. She added that the charging stations would not be something that the City would take on as a cost or subsidize in any way.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve submitting an application for the U.S. Department of Transportation, Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant to acquire and install publicly accessible electric vehicle charging infrastructure to reduce greenhouse gas emissions and to expand or fill gaps in access and to have the City Manager execute the agreement, if awarded. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

14. Consideration of appropriating Undesignated Fund Balance funds to Professional Services Operating budget for the Fire Rescue Department (\$202,400).

Staff Recommendation: Approve a budget appropriation of \$202,400 from the General Fund Undesignated Fund Balance to Fire Rescue Professional Services Operating Budget.

Mr. Johnson was concerned that the City was supposed to be saving money but was now asking for additional funding from the Undesignated Fund Balance.

Chief Stover detailed the need for the appropriation. He said there had been some inefficiencies in the way that the Fire Prevention Division was operating, and staff had identified ways to progress but still needed the funding to make the necessary improvements for the future, which included the two (2) contract employees. He stated there was the potential for more revenue coming from 100% (percent) of inspections which would benefit the City. Staff would work on getting those figures for next year.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve a budget appropriation of \$202,400 from the General Fund Undesignated Fund Balance to the Fire Rescue Professional Services Operating Budget. Mr. Johnson would not support the request without more information.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Yea
Councilman Johnson	Nay

15. Consideration of appropriating Undesignated Fund Balance funds to purchase equipment to outfit Engine 9 (\$457,692).

Staff Recommendation: Approve a budget appropriation of \$457,692 from the General Fund Undesignated Fund Balance to purchase equipment to outfit Engine 9.

Mr. Johnson asked the status and timeline of the groundbreaking and projected completion for Fire Stations 7 and 9.

Chief Stover said the Engine for Station 9 should be received by October 2024 and then the equipment for the Engine would need to be installed. He added that temporary station locations may be considered until permanent locations were fully operational.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve a budget appropriation of \$457,692 from the General Fund Undesignated Balance to purchase equipment to outfit Engine 9. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

17. Consideration of a budget amendment for annual membership fees with Brevard Hispanic Chamber of Commerce (\$5,500).

Staff Recommendation: Approve a budget amendment in the amount of \$5,500 for the Brevard Hispanic Chamber of Commerce (BHCC) annual membership cost.

Bill Battin, resident, asked what the two (2) free events were as noted in the Legislative Memorandum and if the membership would have a budget impact on future co-sponsorships for this organization. He also asked if the organization was tax exempt and if the residents tax dollars would be funding the membership.

Ms. Sherman explained that the two (2) free events had not been determined and the co-sponsorship budget was not related to the partnership with the organization. She confirmed that BHCC was a tax-exempt organization and the membership provided benefits to the City equivalent to the Greater Palm Bay Chamber of Commerce.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to approve a budget amendment in the amount of \$5,500 for the Brevard Hispanic Chamber of Commerce annual membership cost. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

18. Consideration of utilizing GO Road funds to provide a budget for the paving of Emerson Drive, from Malabar Road to Waco Boulevard (Project 24GO12 – \$4,000,000).

Staff Recommendation: Approve utilizing GO Road funds in the amount of \$4,000,000 to provide a budget for the paving of Emerson Drive, from Malabar Road to Waco Boulevard (Project 24GO12).

Bill Battin, resident, asked if this request would affect Phase 4 of the project and what type of resurfacing would be included in the project.

Ms. Sherman explained that staff moved this project from Phase 5 to Phase 4 due to its deterioration and it was a main roadway. She said that it would change the timing as to when other road bond projects were completed and there was still a deficit of approximately \$60 million that needed to be resolved. Whatever the figure for the end deficit, staff would be looking at funding strategies that would be outside of the road bond which would be a General Fund funded debt service.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve utilizing GO Road funds in the amount of \$4,000,000 to provide a budget for the paving of Emerson Drive, from Malabar Road to Waco Boulevard (Project 24GO12).

Mr. Johnson asked that Council receive information regarding inflation and how it had escalated over the years. Council concurred.

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

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

NEW BUSINESS:

1. Ordinance 2024-31, providing for a referendum election to be held on November 5, 2024, for the purpose of determining whether the City Charter should be amended, first reading.

Staff Recommendation: Approve the proposed referendum language changing Section 6.01(b) and Section 3.11 of the City Charter.

The City Attorney read the ordinance in caption only.

Ms. Sherman presented Referendum 2 and said that due to the growth of the City, there had been discussion about creating a dedicated public safety millage. This referendum would authorize the City to annually levy an ad valorem tax at a millage rate not to exceed two (2) mills for funding of Police, Fire and Emergency Medical Services, including capital, operating and personnel expenses. Ms. Sherman said that this dedicated millage would not be subject to the three percent (3%) cap and could only be used for public safety purposes. If approved by the voters, the rate would be set annually by City Council. Ms. Sherman provided further details as to how the dedicated millage would address the numerous challenges due to the growth of the City and the potential impact to the residents.

Mr. Johnson asked about the referendum language being added for an Inspector General position as agreed upon by Council. Mrs. Jones confirmed that there was time for the language to be included as an additional referendum item.

Mayor Medina wanted to modify the Charter regarding special elections running concurrently with the regularly scheduled elections for filling a vacancy on Council. He felt special elections should be held as soon as possible, if an appointment was not made within the sixty (60) day timeframe. Deputy Mayor Felix stated that the purpose of changing the Charter initially was to save money and he did not see the need to change it. He said the voters approved the language and it should remain. Mayor Medina said he would not pursue the request as there was no support from Council.

Ms. Smith presented Referendum 1 related to the hiring of Deputy City Attorneys.

Edith Rivera, resident, expressed her disappointment in the proposed referendum item adding the Ad Valorem Tax and felt that the monies to fund Police and Fire salaries should come from the General Fund.

Bill Battin, resident, felt that staff and Council were manipulating the system by proposing the additional millage rate. He supported the City Attorney being able to hire her own staff.

Mike Hammer, resident, said that the City should be focusing on impact fees from developers rather than considering taxing the residents. He stated that with the growth happening in the City, there could be more money coming in with fees.

Susan Connolly, resident, asked that Council consider the reason that the City needed to add the proposed Ad Valorem Tax and said that alternative ways should be considered instead of taxing the citizens.

Thomas Gaume, resident, did not agree with including the additional Ad Valorem Tax and that the three percent (3%) cap should remain in place as approved by the voters in the 2020.

Mr. Johnson suggested that Referendum 2 should be tabled and schedule a workshop to discuss or do away with it completely.

Deputy Mayor Felix felt that Referendum 2 should go to the voters and let their voices be heard.

Mayor Medina agreed with Deputy Mayor Felix and felt that the item should be placed before the citizens to vote on the item.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve Ordinance 2024-31.

Mrs. Jones asked if the ordinance was going to be continued so that the referendum for the Inspector General position could be added. Ms. Smith confirmed that Council would need to continue the item to add the language or the ordinance would have to come back for first reading.

Mayor Medina withdrew his second to the motion and the motion died due to lack of a second.

Motion by Mr. Johnson, seconded by Mayor Medina, to continue Ordinance 2024-31 to the August 1, 2024, regular Council meeting to include language for an Inspector General.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Nay
Councilman Johnson	Yea

2. Consideration of 2024 Certification of Taxable Value; Fiscal Year 2025 proposed Operating Millage Rate; Fiscal Year 2025 proposed Debt Millage Rate; and scheduling dates for the budget public hearings.

Staff Recommendation: Authorize the City Manager to advertise a Fiscal Year 2025 proposed operating millage rate of up to 7.0171; authorize the City Manager to advertise a Fiscal Year 2025 proposed voted debt millage rate of 1.1210; and to schedule the first public hearing date for Thursday, September 12, 2024, at 6:00 p.m. and the second public hearing date for Thursday, September 26, 2024, at 6:00 p.m.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the advertisement, proposed operating millage rate, proposed debt millage rate, and budget public hearing dates as recommended by staff. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

3. Consideration of salary increases for the Chief Deputy City Attorney and two (2) Deputy City Attorneys.

Staff Recommendation: Approve salary increases for the Chief Deputy City Attorney and the Deputy City Attorneys.

Ms. Smith presented the request to Council. She requested salary increases as follows: Michael Rodriguez, Chief Deputy City Attorney - \$166,073; Erich Messenger, Deputy City Attorney - \$133,339; and Rodney Edwards, Deputy City Attorney - \$131,639.

Bill Battin, resident, asked why the recently performed salary study did not include Charter Officers and how much the budget had increased overall due to the salary study. Ms. Sherman did not have the exact data on the budget impact, but the study included all positions citywide, and all positions received an average increase of fifteen percent (15%).

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve pay increases for the Chief Deputy City Attorney and Deputy City Attorneys as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

4. Consideration of submitting an application for the Fiscal Year 2024 Regional Catastrophic Preparedness Grant Program. (AGENDA REVISION)

Staff Recommendation: Approve the submittal of an application for the Fiscal Year 2024 Regional Catastrophic Preparedness Grant Program.

Ms. Sherman presented the request to Council.

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

5. Consideration of utilizing General Fund Undesignated Fund Balance and authorization of a special procurement waiver to lease/purchase portable traffic signals from Horizon Signal Southeast (\$291,950). (AGENDA REVISION)

Staff Recommendation: Approve utilizing General Fund Undesignated Fund Balance and authorization of a special procurement waiver to lease/purchase portable traffic signals from Horizon Signal Southeast, in the amount of \$291,950.

Mr. Johnson asked about insurance for the signals and if the permanent signals could be a piggyback purchase. Ms. Sherman responded that the signals would be self-insured, and staff would be seeking cooperative or piggyback purchases for the permanent signals.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve utilizing General Fund Undesignated Fund Balance and authorization of a special procurement waiver to lease/purchase portable traffic signals from Horizon Signal Southeast, in the amount of \$291,950. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

6. Discussion of process to utilize Opioid settlement funds. (AGENDA REVISION)

Staff Recommendation: Direct staff to conduct a Request for Information process to engage agencies and non-profits on proposed uses of Opioid settlement funds.

Ms. Sherman explained that since the last fiscal year and through 2040, the City would be receiving opioid settlement funds, and the amounts would vary each year due to multiple companies being involved and the settlement details varied each year. She provided an overview of the core strategies and approved uses of the settlement funds.

Mayor Medina felt that Item A(6), under the approve uses list -- treatment of trauma for individuals with Opioid Use Disorder (OUD) -- was critical. Deputy Mayor Felix agreed.

Council concurred and gave direction for staff to bring forward an RFI related to Item A(6) on the approved uses list.

COMMITTEE AND COUNCIL REPORTS:

Recreation Advisory Board – Thomas Gaume, Chairman, provided a presentation about Pickleball and its benefits to the community. He suggested eight (8) courts Veterans, Fred Lee and Lynne Manion Nungesser Parks, all to be paid with Recreation Impact Fees; and sixteen (16) courts at Fred Poppe Regional Park. After the courts were up and running, he wanted to request another sixteen (16) courts through the Tourist Development Council and hold tournaments. Mr. Gaume added that there was \$8 million in Nexus 32909 and there were no parks within that zip code. He said the City needed to build a park in that area and utilize those impact fees.

Numerous individuals spoke in favor of Mr. Gaume's suggestions.

Mr. Poppe explained that more planning would be needed for facilities at Fred Poppe Regional Park to house sixteen (16) pickleball courts but courts at the other locations could be implemented in a shorter timeframe. Mayor Medina asked that staff research same.

Councilmembers addressed various subject matters.

1. Mr. Johnson mentioned that he had spoken to a representative with Midwest Dental, and they were still having trouble obtaining employees.
2. Deputy Mayor Felix said that a couple recently moved to Palm Bay and contracted with Maronda Homes to purchase a new home. Within forty-eight (48) hours of moving into the home, there was a flooding issue. Deputy Mayor Felix explained that Maronda Homes was not accepting responsibility and he wanted to put them on notice.

Due to the meeting curfew being met, motion by Deputy Mayor Felix, seconded by Councilman Johnson, 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.

Deputy Mayor Felix asked if there was any recourse for the homeowners. Ms. Sherman said staff had investigated it and the work was performed by private contractors which, pursuant to law, had very little oversight. She felt this could be a priority topic for the City's lobbyists during the Legislative Session. Mayor Medina said it was a civil matter but agreed with lobbying at the state level. Ms. Sherman said staff would attempt to reach a representative at Maronda Homes.

ADMINISTRATIVE AND LEGAL REPORTS:

There were no reports.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Bill Battin, resident, suggested sunseting the three percent (3%) cap as a Charter amendment.

Council concurred to direct staff to draft referendum language for the next Council meeting to sunset the three percent (3%) cap.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:15 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK