

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2024-17

Held on Thursday, the 1st day of August 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 David Trexler, Peace Lutheran 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
DEPUTY CITY ATTORNEY:	Rodney Edwards	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; George Barber, Chief Procurement Officer; Steve Whidden, Assistant Parks and Facilities Director; Ibis Berardi, Assistant Community and Economic Development Director; Richard Stover, Fire Chief; 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. One (1) vacancy on the Youth Advisory Board (represents 'adult member' position).++**
- 3. Two (2) vacancies on the Community Development Advisory Board (represents 'banking industry' or 'not-for-profit provider' positions).++**
- 4. One (1) vacancy on the Palm Bay City Council (represents 'Seat 3' position).++**

AGENDA REVISIONS:

Ms. Sherman announced the following revisions:

A. The financial statements for the Bayfront Community Redevelopment Agency (BCRA) were provided for Item 7, under Consent Agenda.

B. A revised Staff Report and a Final Development Plan were provided for Item 4, under Public Hearings (Case PS24-00001).

C. The applicant for Items 4 and 5, under Public Hearings (Cases PS24-00001 and FS23-00016), requested a continuance to the August 13, 2024, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Items 4 and 5, under Public Hearings, to the August 13, 2024, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

D. The applicant for Item 6, under Public Hearings (VE-6-2024), requested a continuance to the August 13, 2024, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to continue Item 6, under Public Hearings, to the August 13, 2024, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

E. Consideration of Change Order 5 to the Babcock Street and St. Johns Heritage Parkway intersection improvements and appropriation of Transportation Impact Fees was added to the agenda as Item 1, under Procurements.

F. Consideration of utilizing Fire Impact Fees for the purchase of fire emergency vehicles was added to the agenda as Item 2, under New Business.

Mayor Medina requested that Item 1, under New Business, relating to the Charter referendums, be considered prior to first Public Comments section.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to consider Item 1, under New Business, prior to Public Comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

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

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. (CONTINUED FROM 07/18/24 RCM)

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

The Deputy City Attorney read the ordinance in caption only.

Mayor Medina suggested that the proposed ballot language concerning the dedicated public safety millage be removed and to move forward with the proposed ballot language relating to the hiring of Assistant City Attorneys. Councilman Johnson agreed. Deputy Mayor Felix felt it should be placed on the ballot to let the voters decide.

Numerous people commented on the dedicated millage.

John Magee, resident, said he fully supported Police and Fire but with the growth of the City, Council and staff were having a harder time keeping up with the demands of the citizens. He asked Council to consider a moratorium on new project developments for up to three (3) years. Mr. Magee also asked about the audit that had been approved by Council but not funded.

Bill Battin, resident, commended Mayor Medina and Mr. Johnson for not supporting the dedicated millage referendum item but recommended the City Attorney's item. He felt there should be a change to how impact fees were calculated and that the \$1,300 Recreation Impact Fees should go towards Police and Fire.

Michael Bruyette, resident, asked about builder impact fees and felt developers should be contributing more.

David Kearns, resident, asked about the annexation of multiple properties that still sat empty and inquired if they could be de-annexed. He felt that it would help with actual response times in the more populated areas of the City for Police and Fire. Mr. Kearns was pleased about the removal of the dedicated millage, especially with homeowners' insurance being so high.

Mr. Edwards explained that for the de-annexation, the property owner would have to be agree to same, but if they did not want to de-annex, they would remain part of the City.

Mike Hammer, resident, asked Council to consider a workshop to address the funding that was needed for Police and Fire and to make cuts, if necessary.

Lauren Broom, resident, expressed her displeasure with the additional tax rate even being considered.

Motion by Mr. Johnson, seconded by Mayor Medina, to approve Ordinance 2024-31, with the removal of the proposed ballot language concerning the dedicated public safety millage and to move forward with the proposed ballot language relating to the hiring of assistant city attorneys.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Felix	Nay
Councilman Johnson	Yea

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

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

Individuals made general comments.

1. Gloria Cliff, resident, said that there were many homes in her neighborhood that were not finished and have been sitting without work being done for over a year. She mentioned that the dumpsters and trash at these sites, as well as other developments, was overwhelming.

Ms. Sherman advised that staff was aware of the issues throughout the City. There had been an increase in builders pulling permits, starting the work and not finishing and then not paying their dumpster fees so then the dumpsters overflow. Staff was aggressively going after the developers and was looking into possibly placing liens on the properties or demolishing the structures that had not been finished or were abandoned.

2. Robert Stise, resident, asked that Council and staff help with coordinating funding for Meals on Wheels as their current funding was running out. He said the City should help support the seniors that were in need of the service.

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 1, 2, 3, 4, 5, 6, and 8, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

1. Award of Bid: Pipe replacement, Unit 45 - IFB 20-0-2024 - Public Works Department (Timothy Rose Contracting, Inc, - \$1,493,250).

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

2. Award of Bid: Construction of Fire Station 7 - IFB 30-0-2024 - Fire Rescue Department (W & J Construction Corp. - \$8,072,640).

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

3. Award of Proposal: Playground replacement, Fred Poppe Regional Park - RFP 40-0-2024 - Recreation Department (Advanced Recreational Concepts, LLC - \$480,000).

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

4. Miscellaneous: Engineering design services, St. John's Heritage Parkway widening project - RFQ 25-0-2024 - Public Works Department (Scalar Consulting Group - \$3,236,000); authorization to enter negotiations and execute agreement.

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

5. Consideration of authorizing a Request of Information (RFI) seeking input on the use of facilities at the Evans Center to provide services that benefit youth in Palm Bay.

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

6. Consideration of donating six (6) City-owned surplus lots and award HOME Investment Partnership Program funds to Macedonia Community Development Corporation of South Brevard for affordable housing development (\$370,000); authorize execution of related agreements.

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

7. Consideration of reimbursing the Bayfront Community Redevelopment Agency's unexpended funds for Fiscal Year 2023 to the Road Maintenance Fund (\$1,863,783) and Brevard County (\$799,983).

Staff Recommendation: Authorize reimbursing the Bayfront Community Redevelopment Agency's unexpended funds for Fiscal Year 2023 to the Road Maintenance Fund in the amount of \$1,863,783, and Brevard County in the amount of \$799,983.

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

8. Consideration of purchasing a John Deere CAT Loader (\$196,763) and 2024 Toyota Corolla pool vehicle (\$23,394) for the Public Works Department utilizing various funding sources.

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

9. Consideration of appropriating funds from Utilities Operating Fund Undesignated Fund Balance for meter services through the end of Fiscal Year 2024 (\$250,000).

Staff Recommendation: Approve the appropriation of funds from Utilities Operating Fund Undesignated Fund Balance, on the next scheduled budget amendment, for meter services through the end of Fiscal Year 2024, in the amount of \$250,000.

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

10. Consideration of appropriating funds from Utilities Operating Fund Undesignated Fund Balance towards two (2) vehicle purchases within the Utilities Department (\$24,070).

Staff Recommendation: Approve the appropriation of funds from Utilities Operating Fund Undesignated Fund Balance, on the next scheduled budget amendment, towards two (2) vehicle purchases within the Utilities Department, in the amount of \$24,070.

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

11. Consideration of travel and training for specified City employees (Building Department).

Staff Recommendation: Approve the travel and training as specified.

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

12. 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 2024-28, amending the Fiscal Year 2023-2024 budget by appropriating and allocating certain monies (third budget amendment), final reading.

The Deputy 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 2024-28. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

2. 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.

The Deputy 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 Deputy Mayor Felix, seconded by Mr. Johnson, to adopt Ordinance 2024-29. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

3. 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.

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

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Ordinance 2024-29. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

4. Request by Chaparral Properties, LLC, for preliminary subdivision plan approval for a proposed 521-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) (CONTINUED FROM 07/18/24 RCM)

This item, considered under Agenda Revisions, was continued to the August 13, 2024, regular Council meeting.

5. 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) (CONTINUED FROM 07/18/24 RCM)

This item, considered under Agenda Revisions, was continued to the August 13, 2024, regular Council meeting.

6. Ordinance 2024-34, vacating a portion of the rear public utility and drainage easement located within Lot 18, Block 1488, Port Malabar Unit 31 (Case VE-6-2024, Charles and Mary Burton), first reading.

This item, considered under Agenda Revisions, was continued to the August 13, 2024, regular Council meeting.

7. Resolution 2024-25, granting of a revocable license to allow for the installation and maintenance of a drainage pipe with clean-out tee within a public drainage right-of-way (Case LA-1-2024, Phillip L. Silver).

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

Bill Battin, resident, asked how the reduction in water flow would affect the surrounding homes and if the neighbors were notified of this request. He was concerned that filling in swales could become the normal process due to this request.

Mr. Silver said his neighbors were aware of the request and supported it. Ms. Sherman explained that this was a ditch and not a swale, and the engineers reviewed the size of the pipe to make sure there was enough capacity.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to adopt Resolution 2024-25. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

1. Award of Bid: Pipe replacement, Unit 45 - IFB 20-0-2024 - Public Works Department (Timothy Rose Contracting, Inc, - \$1,493,250).

Staff Recommendation: Approve the award for Unit 45 pipe replacement with Timothy Rose Contracting, Inc. (Vero Beach), in the amount of \$1,493,249.50.

Mr. Johnson commented that the bids were being awarded to the lowest bidder, but when there were multiple change orders, it could end up costing the City quite a bit of money and the lowest bidder could potentially cost as much as the highest bidder for the project. He asked what could be done to improve the process. Mr. Barber explained that staff would watch for patterns with change orders for each project.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to award the bid. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

2. Award of Bid: Construction of Fire Station 7 - IFB 30-0-2024 - Fire Rescue Department (W & J Construction Corp. - \$8,072,640).

Staff Recommendation: Approve the award for the construction of Fire Station 7 with W & J Construction Corp. (Rockledge), in the amount of \$8,072,640.

Bill Battin, resident, asked if an emergency traffic light would be installed on Palm Bay Road and inquired if the contract would have a clause that costs would not exceed \$8 million.

Ms. Sherman confirmed that a traffic light would be installed on the existing mast arm at Palm Bay Road and the normal contract process included a ten percent (10%) contingency for the project. Mr. Barber confirmed there was no clause in the contract regarding not exceeding the \$8 million. Mr. Edwards stated a clause could be included, if desired. Mr. Barber explained that in order to be as competitive as possible, staff preferred not to include the provision. Mr. Johnson asked that improvements to the process with future contracts be considered. Mayor Medina asked that Mr. Johnson work with staff and bring back ideas for Council's consideration.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the award to W & J Construction Corp. for construction of Fire Station 7 as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

3. Award of Proposal: Playground replacement, Fred Poppe Regional Park - RFP 40-0-2024 - Recreation Department (Advanced Recreational Concepts, LLC - \$480,000).

Staff Recommendation: Approve the award for Fred Poppe Regional Park playground replacement with Advanced Recreation Concepts, LLC (Melbourne), in the amount of \$480,000.

Bill Battin, resident, asked what the City was receiving for \$480,000 and why monies were taken from Nexus 32908 to build a bridge if Nexus 32907 had the funding. Ms. Sherman advised that the project would be funded by the General Fund and could not be purchased with impact fees. Mr. Whidden explained that the existing equipment had reached its end of life, and the replacement equipment was one hundred percent (100%) Americans with Disabilities Act (ADA) accessible.

Alan Miles, resident, asked if the old equipment could be reused elsewhere. Mr. Whidden explained that for liability reasons and pursuant to the regulations of the Consumer Product Safety Commission, it could not be donated.

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to award the proposal. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

4. Miscellaneous: Engineering design services, St. John's Heritage Parkway widening project - RFQ 25-0-2024 - Public Works Department (Scalar Consulting Group - \$3,236,000); authorization to enter negotiations and execute agreement.

Staff Recommendation: Approve the award for engineering design services for the St. Johns Heritage Parkway widening project with Scalar Consulting Group (Melbourne), in the amount of \$3,236,000.

Bill Battin, resident, was concerned with the amount of money being spent on consulting firms for numerous infrastructure projects without seeing any accomplishments on same. Mr. Barber explained that the amount reflected on the agenda was the budgeted amount, but the final figure could be lower after negotiations were completed.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the contract for engineering design services for the St. John's Heritage Parkway widening project with Scalar Consulting Group and authorize entering negotiations and executing the agreement. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

5. Consideration of authorizing a Request of Information (RFI) seeking input on the use of facilities at the Evans Center to provide services that benefit youth in Palm Bay.

Staff Recommendation: Authorize the City to issue a Request for Information (RFI) related to the use of facilities at Evans Center for the purpose of providing services to benefit Palm Bay youth and at-risk youth.

Eddie Macaya, resident, asked if it was possible to sell the property and use the profit for programs in other parts of the City. Ms. Sherman explained that the Evans Center site was previously owned by the City as vacant land, purchased by some non-profits and developed, and the City was acquiring it again. Mr. Macaya felt that more programs were needed in the southeast sector of the City and suggested a youth boxing program.

Mayor Medina said that in previous Council discussions, the site could be used for opportunities for at-risk youth or for vocational industry for chef training. Deputy Mayor Felix explained the history of the Evans Center and why it was placed in that neighborhood. Unfortunately, it was not sustainable but Council agreed to keep it in that community and a scope was created for any not-for-profit organizations that fit the scope.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to authorize an RFI seeking input on the use of facilities at the Evans Center to provide services that benefit youth in Palm Bay. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

6. Consideration of donating six (6) City-owned surplus lots and award HOME Investment Partnership Program funds to Macedonia Community Development Corporation of South Brevard for affordable housing development (\$370,000); authorize execution of related agreements.

Staff Recommendation: 1) Approve the donation of six (6) City-owned surplus lots and award \$370,000 in HOME program funds for affordable rental housing to Macedonia Community Development Corporation of South Brevard (Macedonia), to include the additional staff conditions; and 2) authorize the City Manager to execute a Subrecipient Agreement and a Land Use Restriction Agreement with Macedonia and record a deed restriction with the Brevard County Clerk of Courts.

Judy Trandel, resident, did not agree with Macedonia receiving another donation because the City had donated to them for many projects in the past and the projects were left unfinished.

Ms. Berardi explained the Request for Proposals (RFP) process that was sent out to the community for agencies to receive funding through the HOME Investment Partnerships Program (HOME) funds. Two (2) proposals were received, Macedonia was one and the other withdrew their proposal. Macedonia was providing over \$100,000 towards the project and they were also working on the other project from last year. The HOME funds were being used to rehabilitate two (2) structures on the lots.

Deputy Mayor Felix did not feel that the funding was being utilized properly or efficiently. He said that Macedonia received funding to rehabilitate a triplex which he felt should have been demolished and a new structure built. Mrs. Junkala-Brown noted that part of discussion with Macedonia was to establish a deed restriction on the property that allowed it to be affordable in perpetuity with a reversion clause that if it were not to be used for

that purpose, it would revert to the City. Deputy Mayor Felix was comfortable with that provision but added that better projects needed to be presented by Macedonia in the future.

Ms. Berardi answered questions posed by councilmembers. Council discussed reissuing the RFP. Ms. Junkala-Brown advised that an RFP could be reissued on August 2, 2024, to close on August 23, 2024, and staff would bring the item to Council at the September 5, 2024, regular Council meeting.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to table the item to a future Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

Mayor Medina commented on Item 7, under Approval of Consent Agenda. He noted that the reimbursement was going to the Road Maintenance Fund, but still wanted to consider the incentives for the economic development portion.

8. Consideration of purchasing a John Deere CAT Loader (\$196,763) and 2024 Toyota Corolla pool vehicle (\$23,394) for the Public Works Department utilizing various funding sources.

Staff Recommendation: Approve the purchase of a John Deere 544G CAT Loader in the amount of \$196,763 and a 2024 Toyota Corolla pool vehicle in the amount of \$23,394, for Public Works.

Bill Battin, resident, suggested purchasing a truck instead of a car as it could be used for multiple purposes.

Motion by Mr. Johnson, seconded by Mayor Medina, to purchase a John Deere CAT Loader in the amount of \$196,763 and 2024 Toyota Corolla pool vehicle in the amount of \$23,394 for the Public Works Department.

Deputy Mayor Felix left the meeting at this time.

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

Note: As there was no quorum during the vote, this request was reconsidered by City Council at its regular meeting held on August 13, 2024.

PROCUREMENTS:

1. Contract: Babcock Street and St. Johns Heritage Parkway intersection improvements – IFB 45-0-2022, Change Order 5 – Public Works Department (Timothy Rose Contracting, Inc. - \$1,194,138); and appropriation of Transportation Impact Fees (\$1,195,000). (AGENDA REVISION)

Staff Recommendation: Approve Change Order 5 for Babcock Street and St. Johns Heritage Parkway intersection improvements with Timothy Rose Contracting, Inc., in the amount of \$1,194,137.81 and authorize the use of Transportation Impact Fees in the amount of \$1,195,000.

Deputy Mayor Felix rejoined the meeting at this time.

Ms. Sherman presented the item to Council. She advised that this intersection had been the topic of discussion with staff, affected property owners and a recent Executive Session. The option being presented was to change the scope of how the road was being built. Ms. Sherman said it was the mistake of the City's engineering design professionals that occurred three (3) years ago and should have been addressed back then. Mayor Medina commented that it was a costly mistake.

Bill Battin, resident, stated that the initial project was budgeted at \$5.5 million and was now up to \$7.7 million, but the residents had to pay a \$9 million bond for the St. John's Heritage Parkway from Babcock Street to Interstate 95. He asked if the \$17 million available in Nexus 32909 could be used to pay off the bond. Ms. Sherman explained that the \$9 million bond was paid with Transportation Impact Fees, not General Fund dollars. She would research if impact fees could be used for this purpose.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve Change Order 5 in the amount of \$1,194,137.81 and the appropriation of Transportation Impact Fees in the amount of \$1,195,000. Mr. Johnson asked that all the projects overseen by the engineer be reviewed for any other issues. Council concurred. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

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. (CONTINUED FROM 07/18/24 RCM)

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

2. Consideration of utilizing Fire Impact Fees for the purchase of fire emergency vehicles (\$6,074,066). (AGENDA REVISION)

Staff Recommendation: Approve the 'Cooperative Purchase' for Fire/EMS Specialty Vehicles for Fire Rescue utilizing the Fire/EMS/Law Enforcement Specialty Vehicle Procurement Program of the North Carolina Sheriff's Association Contract 25-05-0521, NPPGov National Buying Cooperative Contract PS20225 for Fire/EMS/Law Enforcement Specialty Vehicle Procurement Program, and the Georgia Department of Administrative Services Contract 99999-SPD-ES40199373-005; and approve utilizing Fire Impact Fees in the amount of \$6,074,066 for the purchase of High-Water/Mod Units, Tender, Squad Vehicles, training vehicles, and to fund the Training Division/Phase 1.

Ms. Sherman presented the item to Council and advised that additional purchases would be presented at the next meeting as staff provides funding solutions for public safety needs. Mayor Medina asked if the vehicles would be outfitted with the LUCAS chest compression system. Chief Stover confirmed that the vehicle would be outfitted with a life pack and a LUCAS.

Bill Battin, resident, asked if the \$6.3 million for this request was budgeted and the difference between a training vehicle and a regular vehicle. He suggested cutting back on the growth of the City until there were mechanisms in place for the safety of the community. Chief Stover responded that it was not budgeted but would be funded by Fire Impact Fees. He provided a description of the training vehicle.

Mr. Johnson was concerned with the cost of the training center and felt that Fire Rescue could utilize an existing training center. Even if there was a cost to use another agency's facility, it would still be much less expensive.

Motion by Deputy Mayor Felix, seconded by Mayor Medina, to approve the 'Cooperative Purchase' for Fire/EMS Specialty Vehicles for Fire Rescue utilizing the Fire/EMS/Law Enforcement Specialty Vehicle Procurement Program of the North Carolina Sheriff's Association Contract 25-05-0521, NPPGov National Buying Cooperative Contract PS20225 for Fire/EMS/Law Enforcement Specialty Vehicle Procurement Program, and the Georgia Department of Administrative Services Contract 99999-SPD-ES40199373-005; and approve utilizing Fire Impact Fees in the amount of \$6,074,066 for the purchase of High-Water/Mod Units, Tender, Squad Vehicles, training vehicles, and to fund the Training Division/Phase 1.. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Deputy Mayor Felix wanted to add the appointment of City Council Seat 3 to the Special Council Meeting on August 8, 2024. He said it would allow the individual to participate in the discussion of the Land Development Code. He also asked that the person take the Oath of Office. Mayor Medina agreed with the Oath of Office but did not want to rush the process. He felt making the appointment at the August 13, 2024, regular Council meeting was sufficient. Mr. Johnson agreed with Deputy Mayor Felix’s request.

2. Mayor Medina requested an update on the canals, especially as it was hurricane season. Mr. Perez advised that, last year, there were 800 open tickets for trenching. The number was now down to 140. Staff was in constant communication with Melbourne Tillman Water Control District for the monitoring of water flow and levels and, at this point, he did not foresee any issues.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Junkala-Brown provided an update regarding the donation of six (6) City-owned surplus lots and award of HOME Investment Partnership Program funds to Macedonia Community Development Corporation of South Brevard for an affordable housing development. Staff discovered that there was not enough time to reissue the RFP and the item would have to be considered by Council on August 13th. Deputy Mayor Felix asked that the representatives from Macedonia be present.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:34 P.M.

Rob Medina, MAYOR

ATTEST:

Terri Lefler, DEPUTY CITY CLERK