

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2024-26

Held on Thursday, the 3<sup>rd</sup> day of October 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.

Deacon Patricia Masterman, Church of the Blessed Redeemer, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

### ROLL CALL:

<b>MAYOR:</b>	Rob Medina	Present
<b>DEPUTY MAYOR:</b>	Donny Felix	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Philip Weinberg	Present
<b>COUNCILMEMBER</b>	Vacant	
<b>CITY MANAGER:</b>	Suzanne Sherman	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>DEPUTY CITY CLERK:</b>	Terri Lefler	Present

**CITY STAFF:** Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Gabriel Bowden, Utilities Director; John McCall, Senior Project Manager; Mariano Augello, Police Chief.

### ANNOUNCEMENTS:

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

- 1. Three (3) vacancies on the Youth Advisory Board (represents 'adult member' positions).++**
- 2. One (1) vacancy on the Community Development Advisory Board (represents 'banking Industry' position).++**
- 3. One (1) term expiring on the Melbourne-Tillman Control District Board.++**

### AGENDA REVISIONS:

1. Ms. Sherman announced the following revisions:

A. Recognition of Billy LeBlanc for his life-saving efforts to an accident victim was added as Item 5, under Proclamations and Recognitions.

B. Requested that Item 1, under Public Hearings, be considered prior to Presentations, and Item 1, under New Business, be considered prior to Public Comments.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to consider Item 1, under Public Hearings, prior to Presentations, and 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; Councilman Weinberg, Yea.

### **PROCLAMATIONS AND RECOGNITIONS:**

The proclamations were read, and the certificate was presented.

- 1. Proclamation: Hispanic Heritage Month - September 15 - October 15, 2024; Puerto Rican Day – October 6, 2024.**
- 2. Proclamation: Domestic Violence Awareness Month – October 2024.**
- 3. Proclamation: National Manufacturing Day – October 6, 2024.**
- 4. Proclamation: National Federation of the Blind White Cane Month – October 2024; White Cane Awareness Day – October 15, 2024.**
- 5. Recognition: Billy LeBlanc for his bravery and life-saving assistance to a victim of a hit-and-run driver. (Mayor Medina) (AGENDA REVISION)**

Council concurred to consider Item 1, under Public Hearings, at this time.

### **PUBLIC HEARING(S):**

- 1. Ordinance 2024-53, vacating a portion of the side and rear public utility and drainage easements located within Lot 4, Block 2408, Port Malabar Unit 45 (Case VE-9-2024, Eric and Cynthia Marrero), final reading.**

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

Motion by Deputy Mayor Felix, seconded by Mr. Weinberg, to adopt Ordinance 2024-53. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

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

**PRESENTATIONS:**

**1. Nancy Peltonen, President and CEO, Greater Palm Bay Chamber of Commerce - semi-annual update.**

Ms. Peltonen provided an update on the Chamber's activities.

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

**NEW BUSINESS:**

**1. Consideration of the Water and Wastewater Master Plans as prepared by Infrastructure Solution Services, LLC.**

Staff Recommendation: Approve the Water Master Plan dated June 2024 and the Wastewater Master Plan dated July 2024 as prepared by Infrastructure Solution Services, LLC.

Clayton McCormack, Professional Engineer with Infrastructure Solution Services, LLC, provided an overview of the master planning goals and objectives, process, population and water/wastewater demand projections, and water/wastewater system capital improvements. He responded to questions posed by councilmembers.

Bill Battin, resident, expressed concern about the scattered lots that had developments with utility services nearby and giving them the opportunity to connect to the system. Mr. Bowden advised that staff was actively pursuing some areas that did not have wastewater service and acquiring funding for same.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve the Water Master Plan dated June 2024 and the Wastewater Master Plan dated July 2024 as prepared by Infrastructure Solution Services, LLC. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, 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. Anton Evans, resident, expressed his thanks to Deputy Mayor Felix for trying to assist with the issues along Wichita Boulevard as far as the children having to stand in the street while waiting for the school bus.

Deputy Mayor Felix asked the timeline for installation of the sidewalks. Ms. Sherman said funding was budgeted for this fiscal year and staff was waiting on final approval from the U.S. Department of Housing and Urban Development (HUD) to utilize Community Development Block Grant (CDBG) funds. Mayor Medina questioned if the bus stop would be placed on the same side as the proposed sidewalk. Mr. McCall responded that the sidewalk location was on the north side of the street, but the bus stop was located on the south side. Mayor Medina asked staff to coordinate with the Brevard County School Board to have the bus stop coincide with the sidewalk. Council concurred.

Deputy Mayor Felix commented about a similar situation at the entrance of the Stonebriar Subdivision which also served as a bus stop. He said the Brevard County Service Complex was located across the street and asked if a request could be made to Brevard County to allow the buses to utilize their parking lot in the mornings as a bus stop instead of it being along Cogan Drive. It would be safer for the students and would alleviate a lot of the traffic. 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 8 and 9, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

#### **1. Adoption of Minutes: Special Meeting 2024-18; August 8, 2024.**

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

#### **2. Adoption of Minutes: Regular Meeting 2024-19; August 13, 2024.**

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

#### **3. Contract: Superion Public Administration and Public Safety Software Maintenance and Support, renewal - Information Technology Department (Central Square (dba Superion, LLC) - \$258,192).**

Staff Recommendation: Approve the renewal contract for Superior public administration and public safety software maintenance and support with Central Square (dba Superior, LLC), in the estimated annual amount of \$258,192.06.

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

**4. Miscellaneous: 'Piggyback Purchase', prefabricated concrete buildings, Turkey Creek restroom building (Sourcewell contract) - Parks and Facilities Department (CXT, Inc. - \$190,968). (CONTINUED FROM 09/19/24 RCM)**

Staff Recommendation: Approve the award for prefabricated concrete buildings for the Fiscal Year 2024 Turkey Creek restroom project with CTX, Inc., through the Sourcewell contract, in the amount of \$190,968.45.

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

**5. Miscellaneous: 'Other Agency' term contracts utilized for Fiscal Year 2024-2025 'as needed' purchases of equipment, services, materials, and supplies – multiple city departments.**

Staff Recommendation: Approve the award for the Fiscal Year 2024-2025 annual purchases of equipment, services, materials, and supplies through utilization of other agency term contracts as identified in the City Manager's Legislative Memorandum.

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

**6. Consideration of an Interlocal Agreement relating to automatic aid between the Town of Malabar and the City of Palm Bay.**

Staff Recommendation: Approve the Interlocal Agreement relating to automatic aid between the Town of Malabar and the City of Palm Bay; and authorize the Mayor to sign on behalf of the City.

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

**7. Consideration of submitting a grant application to the Walmart Foundation Spark Good program for community engagement and public education supplies**

**and products.**

Staff Recommendation: Approve the submittal of a grant application to the Walmart Foundation Spark Good program; and allow the City Manager to approve the agreement by delegating authority to a staff point-of-contact to apply for grants funds through the online portal.

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

**8. Consideration of utilizing Police Impact Fees (32909 Nexus) for capital vehicles for approved new personnel in Fiscal Year 2024-2025 (\$956,500)**

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

**9. Consideration of utilizing Transportation Impact Fees, 32907 Undesignated Fund Balance, for the required City match to the Safe Streets and Roads for All (SS4A) Grant related to sidewalk and lighting improvements for a segment of Emerson Drive NE (Project 25PW02 – \$600,000).**

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

**10. Consideration of utilizing Stormwater Utility Funds for the removal, disposal, and replacement of three (3) grates at Haverhill Road NE in Shire Mobile Park (Project 25SU01 – \$150,000).**

Staff Recommendation: Approve the utilization of Stormwater Utility Funds for the removal, disposal, and replacement of three (3) grates at Haverhill Road NE in Shire Mobile Park, in the amount of \$150,000 (Project 25SU01).

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

**11. Consideration of utilizing Stormwater Utility Funds for the Florin Pond drainage rejuvenation (Project 25SU02 - \$600,000).**

Staff Recommendation: Approve the utilization of Stormwater Utility Funds for the Florin Pond drainage rejuvenation, in the amount of \$600,000 (Project 25SU02).

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

**12. Consideration of revised travel and training for specified City employees (Utilities Department).**

Staff Recommendation: Approve the travel and training as specified.

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

**13. 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 2024-53, vacating a portion of the side and rear public utility and drainage easements located within Lot 4, Block 2408, Port Malabar Unit 45 (Case VE-9-2024, Eric and Cynthia Marrero), final reading.**

This item was considered earlier in the meeting, prior to Proclamations and Recognitions.

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

**8. Consideration of utilizing Police Impact Fees (32909 Nexus) for capital vehicles for approved new personnel in Fiscal Year 2024-2025 (\$956,500).**

Staff Recommendation: Approve the appropriation of Police Impact Fees from 32909 Nexus on the next budget amendment for capital vehicles for approved new personnel in Fiscal Year 2024-2025, in the amount of \$956,500.

Bill Battin, resident, asked if the existing and new substations could be added to the map so that citizens knew where they could go for safety purposes.

Chief Augello explained that there was a substation on Main Street but there were no others throughout the City. He explained that the plans were to create three (3) additional substations, but they would not be fully operational Police Departments. The substations

would allow for citizens to contact a Police Officer and the Communications Center to request assistance. Chief Augello clarified that another squad was being created within the divisions of the Police Department.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the use of Police Impact Fees (32909 Nexus) for capital vehicles for approved new personnel in Fiscal Year 2024-2025 in the amount of \$956,500. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

**9. Consideration of utilizing Transportation Impact Fees, 32907 Undesignated Fund Balance, for the required City match to the Safe Streets and Roads for All (SS4A) Grant related to sidewalk and lighting improvements for a segment of Emerson Drive NE (Project 25PW02 – \$600,000).**

Staff Recommendation: Approve and authorize the utilization of Transportation Impact Fee, 32907 Undesignated Fund Balance, for the required City match to the Safe Streets and Roads for All (SS4A) Grant related to sidewalk and lighting improvements for a segment of Emerson Drive NE, in the amount of \$600,000 (Project 25PW02).

Bill Battin, resident, suggested that the City provide lighting and sidewalks to coincide with the bus stop locations throughout the City, not just along Emerson Drive where a sidewalk was already in place on one side.

Ms. Sherman agreed with Mr. Battin but noted that the funds had already been allocated for Emerson Drive for the purpose of an additional sidewalk pursuant to the grant process. The street had qualified because it was identified as a trouble spot in the Vision Zero Report.

Motion by Mr. Johnson, seconded by Mr. Weinberg, to approve the use of Transportation Impact Fees, 32907 Undesignated Fund Balance, for the required City match to the Safe Streets and Roads for All (SS4A) Grant related to sidewalk and lighting improvements for a segment of Emerson Drive NE (Project 25PW02) in the amount of \$600,000. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of one (1) member to the Sustainability Advisory Board.**

Motion by Deputy Mayor Felix, seconded by Mr. Johnson, to appoint Jessica Lovell to the



Sustainability Advisory Board representing the 'at-large' position. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Felix, Yea; Councilman Johnson, Yea; Councilman Weinberg, Yea.

**NEW BUSINESS:**

**1. Consideration of the Water and Wastewater Master Plans as prepared by Infrastructure Solution Services, LLC.**

This item was considered earlier in the meeting, prior to Proclamations and Recognitions.

**2. Consideration of a co-sponsorship request from West Indian Caribbean Culture and Sports, Inc., for the Family Fun Days event to be held on the first Sundays of every month in Fiscal Year 2025.**

Staff Recommendation: Approve the City's co-sponsorship with the West Indian Caribbean Culture and Sports, Inc., for the Family Fun Days event to be held on the first Sundays of every month in Fiscal Year 2025 (12 occurrences) at the PAL pavilion, approving for \$2,745 in rental and fee waivers.

Bill Battin, resident, did not support co-sponsorships as he felt it was preferential treatment but was pleased that no staff was needed, only the outbuildings.

Motion by Mr. Johnson, seconded by Deputy Mayor Felix, to approve the co-sponsorship request.

Mr. Johnson wanted to confirm that no alcoholic drinks would be provided. Mr. Weinberg asked if the serving of alcohol would be a liability for the City. Ms. Smith advised the City would not be responsible if the event organizer over-served any individual(s). Mrs. Misconi said that, per the policy, a fee could not be charged for public participation, which included admission, tickets, etc.

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

**COUNCIL REPORTS:**

Councilmembers addressed various subject matters.

1. Mr. Johnson made the following reports:

- A. Asked that Recreation Department be reverted back to Parks and Recreation.

B. Requested a workshop to address House Bill 1365 regarding homelessness. He said the Bill would take effect in January 2025. He asked that non-profits and churches be invited to attend.

Mayor Medina advised that staff had been working with the Brevard Homeless Coalition (BHC) and he did not want to duplicate efforts. Ms. Sherman said staff had a meeting with the BHC and there was not enough information from the BHC to hold a workshop at this time.

Mr. Johnson expressed concern that the City was already behind in the process. Mayor Medina did not support a workshop at this time. Deputy Mayor Felix and Councilman Weinburg supported Councilman Johnson's concerns and request. Mr. Johnson said he would like the workshop to be held sometime in November. Mr. Weinberg said the workshop should be scheduled after the election. Council concurred to schedule in early December.

2. Mayor Medina proposed that the City fly the Israeli flag with the American flag on October 7<sup>th</sup> so that the City could make a statement that it stood with Israel. Mr. Weinberg and Deputy Mayor Felix supported the request. Mr. Johnson said he was conflicted because there were faults on both sides, and he wanted to be respectful to all residents within the City. Council concurred to fly the flag as requested.

#### **ADMINISTRATIVE AND LEGAL REPORTS:**

1. Ms. Sherman requested that Deborah Flynn, Senior Planner in the Growth Management Department, be appointed to Transportation Planning Organization's Technical Advisory Committee. Council concurred.

#### **PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

1. Butch Orend, resident, asked the status on the pedestrian crossing light on Minton Road at the entrance to DeGroodt Library.

Ms. Sherman advised that the study had been sent out to an outside engineer for review. A timeline had not been set.

2. Robert Stise, resident, asked when the ponds would be treated at the former Major's Golf Course. He had filed a complaint with Code Compliance but had not heard anything to date.

City of Palm Bay, Florida  
Regular Council Meeting 2024-26  
Minutes – October 3, 2024  
Page 11 of 11

Ms. Sherman advised that she would check with staff and notify Mr. Stise.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:05 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK