

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2022-04

Held on Thursday, the 17th day of February 2022, 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 7:00 P.M.

Bishop Merton Clark, Truth Revealed International Ministries, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

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

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Nancy Bunt, Community and Economic Development Director; Frank Watanabe, City Engineer.

ANNOUNCEMENTS:

Deputy Mayor Johnson announced the following vacancy and terms expiring, and solicited applications for same:

- 1. Two (2) vacancies on the Community Development Advisory Board (represents 'low-income' and 'essential services personnel' positions).++**
- 2. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).++**
- 3. Three (3) vacancies on the Youth Advisory Board (represents 'adult member, 30 years and older' positions).++**
- 4. One (1) vacancy on the Sustainability Advisory Board (represents 'at-large' position).++**
- 5. One (1) vacancy on the Disaster Relief Committee.++**

6. Three (3) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++

7. Two (2) terms expiring on the Police and Firefighters' Pension, Board of Trustees (represents 'City resident' positions).+

AGENDA REVISION(S):

1. The applicant for Item 7, under Public Hearings, requested Case CPZ-5-2022 be continued to the May 5, 2022, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue Case CPZ-5-2022 (Ordinance 2022-25) to the May 5, 2022 regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. The applicant for Items 8 and 9, under Public Hearings, requested Cases CP-20-2021 and CPZ-20-2021 be continued to the March 3, 2022, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue Cases CP-20-2021 and CPZ-20-2021 (Ordinances 2022-07 and 2022-08) to the March 3, 2022, regular Council meeting. Staff advised that the case had been tabled once before and the applicant was unable to attend tonight's meeting.

Deputy Mayor Johnson said this was the last time he would agree to a continuance. Mr. Foster did not want to continue the cases but wanted to afford due process to the applicant. Council questioned how to move forward without the applicant. Ms. Smith advised that the applicant had the burden of proof. It would be difficult for the applicant to meet that burden, especially under the quasi-judicial proceeding, as Council would only have the application and any documentation that was already in the record to consider. She cautioned Council on concluding the hearings without having the applicant make a presentation and suggested that if Council wanted to move forward with the hearings, it could begin tonight, but should be continued to the next meeting for the applicant to make their presentation and conclude the hearing process.

Mr. Felix felt Council should move forward with the continuance. He felt the applicant should be given the opportunity to present their case.

Deputy Mayor Johnson withdrew his motion.

Motion by Mr. Foster, seconded by Mr. Felix, to continue Cases CP-20-2021 and CPZ-20-2021 (Ordinances 2022-07 and 2022-08) to the March 3, 2022, regular Council meeting.

Motion failed with members voting as follows:

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

3. Ms. Sherman announced that executed contracts for the right-of-way acquisition with Cypress Bay Farms and Waterstone Holdings were provided for Item 10, under Consent. In addition, there was a correction to the account number under the Fiscal Impact; the funds should have been appropriated to Account 199-7050-541-6101, Project 21PW06.

PROCLAMATIONS AND RECOGNITIONS:

The proclamation was read, and individuals were recognized.

- 1. Proclamation: Black History Month - February 2022; honoring Augusta Williams Jr., Writer and Poet. (Deputy Mayor Johnson)**
- 2. Recognition: One (1) year of service as a City board member on the Citizens' Budget Advisory Board - Alberta Clinkscales; Peter Filiberto.**
- 3. Recognition: One (1) year of service as a City board member on the Disaster Relief Committee - Keith Miller.**
- 4. Recognition: One (1) year of service as a City board member on the Infrastructure Advisory and Oversight Board - Paul Edwards; Terry Muller; Ann-Marie Fraser.**
- 5. Recognition: One (1) year of service as a City board member on the Sustainability Advisory Board - Susan Connolly; Phillip Snyder.**

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

Individuals made general comments.

1. Robert Stise, resident, commented on the dangerous curve on Bayside Lakes Boulevard at the intersection of the Summerfield Subdivision. He said there had been accident-related deaths, as well as numerous vehicles hitting the light poles.

PUBLIC HEARING(S):

1. Ordinance 2022-17, rezoning property located east of and adjacent to Dixie Highway, and west of and adjacent to Ridge Road, from HC (Highway Commercial District) to BMUV (Bayfront Mixed Use Village District) (0.34 acres) (Case Z-54-2021, Alfred and Murine Agarie), final reading. (Quasi-Judicial Proceeding)

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-17. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Ordinance 2022-18, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including Contractors' Offices as a permitted use in HC (Highway Commercial District) zoning (Case T-2-2022, Cody Lafferty), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-18. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Ordinance 2022-19, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including canine training and similar uses as a permitted use in NC (Neighborhood Commercial District) zoning (Case T-3-2022, Kimberly Mayes), 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 Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-19. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Ordinance 2022-01, providing for the annexation of certain real property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, into the City (27.91 acres) (Case A-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Jack Kirschenbaum, of GrayRobinson, P.A. and representative for the applicant, presented the request to Council.

Bill Battin, resident, asked if the applicant would be donating any of their land towards the Malabar Road widening project and hoped that the widening would extend east past the intersection of the St. Johns Heritage Parkway (Parkway). Ms. Sherman said that as new developments came into the city, it was required that they hold their right-of-way for future roadway widenings. She added that the study funded through the Space Coast Transportation Planning Organization (TPO) program had the preliminary design to widen from the Parkway to Minton Road. She said staff would be proposing to the TPO to extend the widening to the west end of Malabar Road.

Mr. Foster agreed that the widening should extend to at least the high school.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-01. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

5. Ordinance 2022-21, rezoning property located south of and adjacent to Malabar Road, and east of and adjacent to Melbourne-Tillman Water Control District Canal 7, from AU, Agricultural Residential (Brevard County) to RM-10 (Single-, Two-, Multiple-Family District) (27.91 acres) (Case CPZ-2-2022, The William F Slentz Trust / Bart and Amy Ferguson), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-21. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

6. Ordinance 2022-23, rezoning property located at the southwest corner of Pospisil Avenue and Dixie Highway, from BMUV (Bayfront Mixed Use Village

District) to BMU (Bayfront Mixed Use District) (7.56 acres) (Case CPZ-4-2022, Space Coast Marina LLC), final reading. (Quasi-Judicial Proceeding)

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to adopt Ordinance 2022-23. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

7. Ordinance 2022-25, rezoning property located south of and adjacent to Orange Blossom Trail, in the vicinity west of Dixie Highway, from BMUV (Bayfront Mixed Use Village District) to BMU (Bayfront Mixed Use District) (5.05 acres) (Case CPZ-5-2022, Marvin and Donatina Miller / Steve and Marisela Berman), final reading. (Quasi-Judicial Proceeding)

This item, addressed under Agenda Revisions, was continued to the May 5, 2022, regular Council meeting.

8. Ordinance 2022-07, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Krassner Drive, in the vicinity north of Hayworth Circle, from Commercial Use to Multiple Family Residential Use (6.52 acres) (Case CP-20-2021, Bibi and Gurudeo Chand), only one reading required. (CONTINUED FROM 01/06/22 RCM)

The Planning and Zoning Board denied the request. Staff recommended approval of the request, subject to the following condition: the maximum density shall be capped at fifteen (15) units per acre.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant was not present.

Numerous individuals spoke against the request stating the amendment was not compatible with the surrounding area and had too much density.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to deny Ordinance 2022-07. Deputy Mayor Johnson did not feel multiple family use was conducive for the area. Mayor Medina said he did not support the request due to safety and traffic issues.

Mr. Felix said density was a concern, but not traffic. He said a commercial business or retail business would generate a lot more traffic than residential. He felt RM-10 (Single-, Two-, Multiple-Family Residential District) would be a better fit which would reduce the density; however, he supported the denial just because of the density.

Mr. Foster said that anything other than developing single family homes similar to the existing homes would not add to the neighborhood and he did not support the request.

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

9. Ordinance 2022-08, rezoning property located east of and adjacent to Krassner Drive, in the vicinity north of Hayworth Circle, from NC (Neighborhood Commercial District) to RM-15 (Single-, Two-, and Multiple-Family Residential District) (6.52 acres) (Case CPZ-20-2021, Bibi and Gurudeo Chand), first reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 01/06/22 RCM)

Due to the denial of Ordinance 2022-07, this item was rendered moot.

10. Ordinance 2022-14, establishing the 'Cypress Bay West Community Development District' (Forestar (USA) Real Estate Group, Inc.), first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. Attorney Jere Earlywine, KE Law Group and representative for the applicant, presented the request to Council.

Bill Battin, resident, asked if the establishment of the Community Development District (CDD) would eliminate the applicant's responsibility to their share of Transportation Impact Fees (TIF) for the Parkway, and if staff saw any negatives to having a CDD in that area.

Ms. Smith said that a positive for CDDs was that it provided a means for them to raise money for the infrastructure. If there were any issues with the project, it would typically be addressed in the Development Agreement which was a protection for the city.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-14. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

11. Ordinance 2022-27, amending the City’s Comprehensive Plan Future Land Use Map to change the designated use of property located east of and adjacent to Martin Road, and west of and adjacent to Thor Avenue, from Multiple-Family Residential Use to Commercial Use (1.02 acres) (Case CP-3-2022, M. David Moallem/Emiland Corporation), only one reading required.

The Planning and Zoning Board recommended approval of the request.

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

Mr. Foster asked the type of commercial use at the property. Mr. Moallem said it was proposed to be a parking area with other improvements, such as parking for trucks and boats.

Individuals spoke in favor of the request.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to adopt Ordinance 2022-27. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

12. Ordinance 2022-28, rezoning property located east of and adjacent to Martin Road, and west of and adjacent to Thor Avenue, from RM-20 (Multiple-Family Residential District) to GC (General Commercial District) (1.02 acres) (Case CPZ-3-2022, M. David Moallem/Emiland Corporation), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request.

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 Johnson, seconded by Mayor Medina, to approve Ordinance 2022-28. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

13. Ordinance 2022-29, granting approval of a Final Development Plan for a PUD (Planned Unit Development) zoning residential subdivision to be known as ‘Richmond Cove PUD’ on property located west of and adjacent to Gaynor Drive,

in the vicinity north of Ocean Spray Street (29.15 acres) (Case FD-4-2022, RKF Residential Development Properties, LLC), first reading. (Quasi-Judicial Proceeding)

The Planning and Zoning Board recommended approval of the request, subject to staff comments contained in the Staff Report.

The City Attorney read the ordinance in caption only. The public hearing was opened. Bruce Moia, MBV Engineering and representative for the applicant, presented the request to Council.

Bill Battin, resident, stated that all of the surrounding properties were zoned RR (Rural Residential District). He said the property to the north of the subject site had rezoned to PUD but since their contract fell through, it should automatically go back to its original zoning of RR. He questioned how utility services would get to the development when the city did not own any right-of-way at the intersection of Falls Church Street and Gaynor Drive.

Mr. Moia responded to Mr. Battin's comments and said that utility services would be provided to the development.

The public hearing was closed.

Mayor Medina said there were properties in the area that had livestock and agriculture and he wanted to keep the RR zoning.

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, to approve Ordinance 2022-29. Motion carried with members voting as follows:

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

14. Consideration of a CARES Act Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan and Recommendations of Programs and Activities to be funded by CDBG-CV3.

The public hearing was opened. Mrs. Bunt presented the request to Council.

Mr. Felix asked if the entities receiving the donations served the residents of Palm Bay. Mrs. Bunt responded that in order to receive funding through the CDBG-CV, the organizations had to serve Palm Bay residents and it also had to be tied to the Coronavirus. Council asked further questions of staff and some of the agencies to receive funding.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the CARES Act Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan, and recommendations of programs and activities to be funded by CDBG-CVD. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

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

15. Consideration of the Fiscal Year 2022-2023 Annual Action Plan and Recommendations of Programs and Activities to be funded by CDBG, first hearing.

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

Representatives from some of the organizations that received funding thanked Council for its support.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to approve recommendations on Fiscal Year 2022-2023 CDBG program funding; and provide notice to solicit public comment and notice of final public hearing scheduled for May 19, 2022. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

CONSENT AGENDA:

All items of business under the 'Consent Agenda' heading were enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Foster, that the Consent Agenda be approved as presented with the removal of Items 8, 9, 10 and 11, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

1. Award of Proposal: Special Magistrate for Code Compliance - RFP 13-0-2022 - Growth Management Department (Julie Harrison, J.D. - \$19,200 annually).

Staff Recommendation: Approve appropriation of funds from General Fund Contingency account 001-9010-519-5601 to General Fund Professional Services/Special Magistrate 001-3330-529.31-03 on the next scheduled budget amendment; and approve award for Special Magistrate Services for Code Compliance to Julie Harrison, J.D., and allow the City Attorney to negotiate the subsequent agreement. Council approval is requested to establish a two-year term contract, renewable by the Procurement Department for three (3) additional one-year terms.

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

2. Miscellaneous: Cleaning, dewatering and hauling services, North Regional Wastewater Treatment Plant (emergency purchase) - Utilities Department (Synagro South LLC - \$118,240).

Staff Recommendation: Approve appropriation of funds on the next scheduled budget amendment amount \$118,240; and approve the emergency procurement from Synagro South LLC (Baltimore, Maryland), in the amount of \$118,240.

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

3. Ordinance 2022-30, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Unsightly and Unsanitary Conditions', by modifying provisions contained therein, first reading.

The City Attorney read the ordinance in caption only.

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

4. Ordinance 2022-31, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, Subchapter 'Chronic Nuisances', by repealing the subchapter in its entirety, first reading.

The City Attorney read the ordinance in caption only.

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

5. Ordinance 2022-32, amending the Code of Ordinances, Chapter 93, Real Property Nuisances, by creating a subchapter to be known as 'Chronic Nuisances', first reading.

The City Attorney read the ordinance in caption only.

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

6. Consideration of a purchase offer for City-owned surplus real estate located at 146 Holiday Park Boulevard NE from buyers Scott and Evelyn Goff (\$17,790).

Staff Recommendation: Authorize the City Manager to execute the purchase contract for City-owned surplus real estate located at 146 Holiday Park Boulevard NE with buyers Scott and Evelyn Goff and bring forth a resolution at a future Council meeting.

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

7. Consideration of an amendment to the agreement with the Florida Department of Emergency Management for the Hazard Mitigation Grant Program for a new roof and hurricane shutters at Police Headquarters.

Staff Recommendation: Approve HMGP Project 4337-141-R (Contract H0225) grant modification and authorize the City Manager to execute this agreement.

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

8. Consideration of the Byrne Memorial Justice Assistance Grant (JAG) award for the purchase of rifles and associated hardware for the Police Department.

Staff Recommendation: Approve the Byrne Memorial Justice Assistance Grant (JAG) award and authorize the City Manager to execute the grant agreement.

Bill Battin, resident, asked if any of the rifles would be available under the government surplus. Ms. Sherman responded in the negative.

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

9. Consideration of utilizing Traffic Impact Fee funds for the design phase of the Malabar Road widening project (\$7,000,000); authorization to submit to the Space Coast Transportation Planning Organization's Call for Projects.

Staff Recommendation: Approve the allocation of \$7 million from the Traffic Impact Fee (TIF) to fund the design phase of the Malabar Road widening from Minton Road west toward the St. Johns Heritage Parkway, and to authorize the City to submit to the FY 2022 TPO call for project for the design of the Malabar Road widening.

Bill Battin, resident, asked if the paving could be extended to the end of Malabar Road. Ms. Sherman said the request would be modified with the TPO to go beyond the intersection of Malabar Road and the Parkway.

Mr. Watanabe advised that the current study was already set in stone. It would be difficult to approach Florida Department of Transportation (FDOT) with changes as the Project Development and Environment (PD&E) study was ninety percent (90%) complete. He said the consultant suggested that the modification be done through a separate study and then combine it all as part of the design.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the allocation of \$7 million from the TIF to fund the design phase of the Malabar Road widening from Minton Road west toward the St. Johns Heritage Parkway, and to authorize the City to submit to the FY 2022 TPO call for project for the design of the Malabar Road widening, to include additional ideas and funding for widening west of the Parkway. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

10. Consideration of utilizing Transportation Impact Fee funds for the acquisition of right-of-way from Cypress Bay Farms, LLC, for the widening of Babcock Street at the intersection of the St. Johns Heritage Parkway per the Interlocal Agreement between the City of Palm Bay and Brevard County (\$568,000).

Staff Recommendation: Authorize the allocation of \$568,000 in Transportation Impact Fee funds from Nexus/zip code 32909 for the acquisition of necessary right-of-way along Babcock Street.

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

11. Consideration of allocating available General Fund contingency dollars for review of Community Asphalt's contract for the design/build of the St. Johns Heritage Parkway (\$60,000).

Staff Recommendation: Authorize the allocation of available General Fund contingency dollars in the amount of \$60,000 to the City Attorney's Office budget.

Nathan White, resident, asked if this issue would have been covered in the forensic audit that was previously denied by Council.

Mr. Foster said he did not agree with spending \$60,000 and felt the developers should pay the monies, but the city had to move forward and correct an error.

Ms. Smith said that part of the dispute between the city and Community Asphalt was related to a cost-plus fee arrangement, and if there was a savings, the savings would go back to the city. There were certain delays that the city believed were entirely the fault of Community Asphalt and, therefore, the city would be entitled to liquidated damages. There was a provision in the contract that allowed for the city to audit the books of Community Asphalt to determine what had been paid and any potential savings.

Ms. Sherman responded to Mr. White's comment regarding the forensic audit. She said this would not have been included in that audit as it was a closeout to a construction project. It was more of a disagreement with the contractor over what should or should not have been paid.

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

12. Consideration of allocating available General Fund contingency dollars for the purchase of an air compressor for the Public Works Department (\$17,500).

Staff Recommendation: Authorize the allocation of available General Fund contingency dollars in the amount of \$17,500 to procure a new air compressor for Fleet.

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

13. Consideration of allocating available General Fund contingency dollars for the purchase of a Diesel Laptop Diagnostic Kit for the Public Works Department (\$12,854).

Staff Recommendation: Authorize the allocation of available General Fund contingency dollars in the amount of \$12,854 to procure a Diesel Laptop Diagnostic Kit.

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

14. Acknowledgement of the City's quarterly Budget Monitoring Report for Fiscal Year 2022 (Unaudited).

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

15. Acknowledgement of the City's monthly financial report for September 2021 (Unaudited).

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

16. Acknowledgement of the City's monthly financial report for October 2021 (Unaudited).

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

17. Acknowledgement of the City's monthly financial report for November 2021 (Unaudited).

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

18. Acknowledgement of the City's monthly financial report for December 2021 (Unaudited).

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

19. 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.

20. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

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

21. Consideration of 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.

UNFINISHED AND OLD BUSINESS:

1. Appointment of two (2) at-large members to the Planning and Zoning Board.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. Number 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appoint Randall Olszewski and Kay Maragh to the 'at-large' positions on the Planning and Zoning Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

2. Appointment of one (1) at-large member to the Sustainability Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to re-appoint Rebecca Ziegler to the 'at-large' position on the Sustainability Advisory Board. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

3. Appointment of one (1) student member to the Youth Advisory Board.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to re-appoint Denise Amador to the 'student member' position on the Youth Advisory Board. Motion carried with

members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

4. Appointment of one (1) at-large member to the Charter Review Commission.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. Number 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appoint Randall Olszewski to the 'at-large' position on the Charter Review Commission. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Foster, Yea; Councilman Felix, Yea.

NEW BUSINESS:

1. Consideration of councilmembers attending the Florida League of Cities Leadership Academy 1 from March 11-12, 2022, in Kissimmee.

All members of Council would attend the conference.

COMMITTEE AND COUNCIL REPORTS:

Councilmembers addressed various subject matters and provided updates on activities of agencies and boards on which they served as members.

1. Mr. Felix reappointed Leeta Jordan to the Planning and Zoning Board and Zachary Jean to the Youth Advisory Board. He suggested that the term limits of the Youth Advisory Board members be changed from one year to two (2) years. Council concurred.
2. Mr. Foster asked that residents get involved and serve on advisory boards.
3. Deputy Mayor Johnson made the following reports:
 - a. Reappointed Phil Weinberg to the Planning and Zoning Board.
 - b. Suggested that the Charter Review Commission (CRC) discuss the position of Inspector General as an additional Charter Officer. It would provide an added layer of transparency. Council concurred. Mr. Foster felt a workshop was needed prior to going to the CRC and added that the individual should have some investigative experience. He did not think the CRC was the right venue to figure out the details.

4. Mayor Medina made the following reports:
 - a. Reappointed Rainer Warner to the Planning and Zoning Board.
 - b. Requested a proclamation at the March 3rd meeting to honor retired firefighters for the design of the mural and patches at former Fire Station No. 1 on Palm Bay Road. Council concurred.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman requested authorization to send letters on behalf of Council as needed to address federal priorities. Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:45 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK