

## **CITY OF PALM BAY, FLORIDA**

### **REGULAR COUNCIL MEETING 2022-08**

Held on Thursday, the 7<sup>th</sup> day of April 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 6:00 P.M.

Associate Pastor Tim Ritchey, Eastwind Pentecostal Church, 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>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Randy Foster	Absent
<b>COUNCILMEMBER:</b>	Donny Felix	Present
<b>COUNCILMEMBER</b>	Peter Filiberto	Present
<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; Larry Wojciechowski, Finance Director; Richard Acevedo, Assistant Fire Chief; Mario Augello, Police Chief; Frank Watanabe, City Engineer; Chris Little, Utilities Director; Juliet Misconi, Chief Procurement Officer.

#### **ANNOUNCEMENT(S):**

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

- 1. Two (2) vacancies on the Community Development Advisory Board (represents one of the following positions: 'advocate for low-income'; 'essential services personnel'; 'for-profit provider'; 'actively engaged in home building'; or 'not-for-profit provider').++**
- 2. Two (2) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++**

**3. One (1) vacancy on the Bayfront Community Redevelopment Agency (represents 'at-large' position).+**

**AGENDA REVISION(S):**

1. Ms. Sherman announced that the hearings regarding the Majors Golf Course would be considered by the Planning and Zoning Board on Wednesday, May 18<sup>th</sup>, and by City Council on June 9<sup>th</sup>. Both meetings would be held at Bayside High School at 6:00 P.M.

Mayor Medina made a public statement regarding the land use and rezoning requests related to the Majors Golf Course. He said that Council had received numerous emails and residents had addressed Council under Public Comments at the meetings, and there were legal issues of fairness that dictated how responses were given on those matters. In the interest of fairness, Mayor Medina said he would not comment specifically on those requests prior to the public hearings.

2. Ms. Sherman advised that the applicant for Items 10 and 11, under Public Hearings (Cases CP-10-2022 and CPZ-10-2022), had requested a continuance of the hearings. As a specific continuance date was not provided by the applicant, the cases would be continued to the April 21, 2022, regular Council meeting.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue Items 10 and 11, Public Hearings, to the April 21, 2022, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

3. Mrs. Lefler announced that Item 2, under Unfinished and Old Business, had been withdrawn as the item had to be considered by the Palm Bay Municipal Foundation.

**PROCLAMATIONS AND RECOGNITIONS:**

The proclamations were read.

**1. Proclamation: Mayor's Business Spotlight recipient – Skeebo's Rib Shack. (Mayor Medina)**

**2. Proclamation: Water Conservation Month - April 2022.**

**PRESENTATIONS:**

**1. Departmental Update: Finance Department.**

Mr. Wojciechowski provided an overview of the department's mission and responsibilities of each division. He highlighted accomplishments within the department, as well as future plans and projects. Mr. Wojciechowski answered questions posed by councilmembers.

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

Individuals made general comments. Numerous residents spoke regarding the proposed rezoning of the Majors Golf Course.

1. Steve Shapiro, Bermuda Walk Homeowners Association, commented on the stormwater system that went through the community and if the city maintained same. He found through the Property Appraiser that the stormwater tract was owned by the city, and should, therefore, be maintained by the city. He was also advised of the same information from the St. Johns River Water Management District.

2. Representatives from Covid on the Go (COTG 2021) requested use of the City's mobile stage for their Community Health Fair for the upcoming weekend at Riverview Park in Melbourne.

Ms. Sherman explained the Co-Sponsorship Policy and although the organization would qualify as a non-profit entity, use of the stage was only for events held within the city.

**PUBLIC HEARING(S):**

**1. Ordinance 2022-26, providing for the annexation of certain real property located in the vicinity east of St. Johns Heritage Parkway and north of Melbourne-Tillman Water Control District Canal C-1, into the City (0.21 acres) (Case A-3-2022, Pace Drive Holdings, LLC), final reading. (CONTINUED FROM 03/17/22 RCM)**

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-26. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**2. Ordinance 2022-37, rezoning property located in the vicinity east of St. Johns Heritage Parkway and north of Melbourne-Tillman Water Control District Canal C-**

**1, from General Use (Brevard County) to PUD (Planned Unit Development) (0.21 acres) (Case CPZ-8-2022, Pace Drive Holdings, LLC), final reading. (Quasi-Judicial Proceeding) (CONTINUED FROM 03/17/22 RCM)**

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-37. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**3. Ordinance 2022-39, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Building and Construction Advisory Committee', by repealing the subchapter in its entirety, thereby dissolving the Building and Construction Advisory Board, final reading.**

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

Bill Battin, resident, spoke in support of this request, as well as Item 4, under Public Hearings.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to adopt Ordinance 2022-39. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**4. Ordinance 2022-40, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Library Advisory Board', by repealing the subchapter in its entirety, thereby dissolving the Library Advisory Board, final reading.**

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

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-40. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**5. Request by Joel and Abnay Sanchez for a variance to allow for a 6-foot-high privacy fence within the required 15-foot side yard setback for corner lots, as established by Section 170.114(A), Palm Bay Code of Ordinances (0.26 acres) (V-8-2022). (Quasi-Judicial Proceeding)**

The Planning and Zoning Board recommended approval of the request.

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 approve the variance as requested. Deputy Mayor Johnson said that staff would be preparing an ordinance that would address variances being handled administratively. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**6. Consideration of a development agreement with Forestar (USA) Real Estate Group, Inc. pertaining to a development project known as 'Cypress Bay West', first hearing.**

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

Mr. Filiberto questioned the concurrency elements, specifically, public safety and utilities. He said the closest fire station would be over six (6) miles away. He asked if the Fire Department had any objections to the request and if the station could handle an additional 1,219 single family homes and 124 townhomes. Ms. Sherman said staff was working with other developers for the location of a fire station/police substation. Mr. Acevedo said Fire Rescue already responded to that area and assisted Brevard County when it responded to that area. Mr. Filiberto asked the same question of the Police Department. Chief Augello responded that it would be challenging, but staff had been strategizing with proper placement of officers throughout the city. He said future staffing would be needed once the developments were fully built out.

Mr. Filiberto asked if the new utilities plant would be able to meet the demands of the development. Ms. Sherman confirmed same. Mr. Filiberto asked if there was an impact to the school system. Ms. Sherman said that as part of the Staff Report when the project request was submitted to Council, it was confirmed that the school concurrency requirements had been met.

Mr. Filiberto questioned why the city was relieving the developer of \$4.2 million in impact fees for road improvements that were required for the development to be in compliance with the Comprehensive Plan. Mr. Watanabe explained the proportionate fair share and use of impact fee credits. Mr. Filiberto felt the developer was being given too much. Mr. Watanabe said this was pursuant to Section 171.31 of the Palm Bay Code of Ordinances.

Roger Vanauker, Forestar Real Estate Group, provided further clarification on impact fees, other agreements and investments made by Forestar Real Estate Group for the project. He answered questions posed by councilmembers.

Bill Battin, resident, questioned if the impact fee credit was just for this phase and/or if it was only for road improvements. Mr. Watanabe clarified that the impact fee credits were only for transportation improvements.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the first hearing of the development agreement as requested, with the second and final hearing to occur at the April 21, 2022, regular Council meeting.

Mr. Filiberto asked that more information be included with the Staff Reports, such as school and traffic concurrency data, utilities capacity, etc. He asked that the item be tabled until all appropriate data was received. Ms. Smith advised that the information was not included with the development agreement but would be provided during the site plan review process. The data may not be available if a project was not set to start for a few years. Ms. Smith advised that Council should not table this item.

Ms. Sherman said that Cypress Bay West had already received Final Development Plan approval for Phase 1, and Phases 2 and 3 were currently under review. She said if more information was needed in future Staff Reports, staff would address same, but this project had already received approval. Mr. Vanauker detailed the approvals of the phases for the project.

Former Mayor Frank Filiberto called a Point of Order, stating that Council should either vote on the motion or Deputy Mayor Johnson should withdraw his motion and then Council should consider the request to table. Deputy Mayor Johnson said he would not withdraw his motion.

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

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

**7. Resolution 2022-16, granting a conditional use to allow a proposed self-storage facility in CC (Community Commercial District) zoning on property located west of and adjacent to Minton Road, in the vicinity south of Chandler Road (6.09 acres) (Case CU-10-2022, Richard and Marguerite Love). (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 resolution in caption only. The public hearing was opened. Mark Sherman, Legacy Developers and representative for the applicant, presented the request to Council.

Mr. Filiberto questioned how stormwater would be addressed. Mr. Sherman responded that there would be a retention pond on the site. Mr. Filiberto asked if there would be outside storage. Mr. Sherman responded in the negative. He answered questions posed by councilmembers.

Nathan White, resident, questioned the location as another storage facility was recently approved by Council that was in the vicinity of this project. He felt it would be more advantageous for the city to have a different kind of commercial development at the site.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Resolution 2022-16. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**8. Ordinance 2022-41, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located west of and adjacent to Dixie Highway, in the vicinity south of Vignoles Avenue, from Commercial Use and Multiple-Family Residential Use to Bayfront Mixed Use (12.4 acres) (Case CP-6-2022, Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda), only one reading required. (CONTINUED FROM 03/03/22 RCM)**

The Planning and Zoning Board recommended approval of the request.

The City Attorney read the ordinance in caption only. The public hearing was opened. Lindsay Libes, WGI and representative for the applicant, presented the request to Council. She said that the presentation would address the land use and rezoning requests.

Ms. Libes answered questions posed by councilmembers. Mr. Filiberto asked if sidewalks and lighting could be added along U.S. Highway 1. Ms. Libes would make note of it for the applicant.

Ms. Sherman said the ordinance required the installation of sidewalks in front of new developments. Mr. Felix asked if the ordinance included lighting. Ms. Sherman said it was not included, but staff always worked with applicants to address same, especially from a safety standpoint. Mayor Medina asked if lighting should be included in the ordinance. Ms. Sherman said lighting was difficult to address based on location of the projects, but staff always looked at the lighting aspects during the site plan review.

The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to adopt Ordinance 2022-41. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**9. Ordinance 2022-42, rezoning property located west of and adjacent to Dixie Highway, in the vicinity south of Vignoles Avenue, from HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District) to BMU (Bayfront Mixed Use District) (12.4 acres) (Case CPZ-6-2022, Robert Kittleson, Kit Investment of Florida / Carlos Gonzalez, Riverview Holdings Group, LLC / Eric Henry, Engineer Realty, LLC / Patrick and Kathleen Svoboda), first reading. (CONTINUED FROM 03/03/22 RCM) (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 and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-42. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.



**10. Ordinance 2022-43, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located adjacent to and between Wabun Street and Dixie Highway, in the vicinity north of Nokomis Avenue, from Commercial Use and Single-Family Residential Use to Multiple-Family Residential Use (1.33 acres) (Case CP-10-2022, Scott Wotherspoon, Hiawatha Bay, LLC), only one reading required.**

The item, addressed under Agenda Revisions, was continued to the April 21, 2022, regular Council meeting.

**11. Ordinance 2022-44, rezoning property located adjacent to and between Wabun Street and Dixie Highway, in the vicinity north of Nokomis Avenue, from HC (Highway Commercial District) to RM-20 (Multiple-Family Residential District) (1.33 acres) (Case CPZ-10-2022, Scott Wotherspoon, Hiawatha Bay, LLC), first reading. (Quasi-Judicial Proceeding)**

The item, addressed under Agenda Revisions, was continued to the April 21, 2022, regular Council meeting.

**12. Ordinance 2022-45, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located north of and adjacent to Emerson Drive, in the vicinity east of St. Johns Heritage Parkway, from Commercial Use to Multiple-Family Residential Use (13.96 acres) (Case CP-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC), 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. Ana Saunders, BSE Consultants and representative for the applicant, presented the request to Council. She advised that the presentation addressed both the land use and rezoning requests.

Mayor Medina felt it would do well to keep the commercial component as it was needed in the city. Deputy Mayor Johnson agreed. Ms. Saunders referenced the commercial properties in that area, including a 15-acre commercial parcel south of this project site, and a 10-acre commercial site to the west that would house a storage facility. She answered questions posed by councilmembers.

Individuals commented on the request. Susan Connolly, resident, said that if Council continued to approve multi-family, then there had to be a plan to attract more commercial.

She added that while high-end rentals were being considered, low-income accessible housing had to be included as well.

Nathan White, resident, did not feel this was compatible with the area.

Bill Battin, resident, said that these were major commercial sites to be changed to residential. He said that the Comprehensive Plan was currently being updated, but these were significant changes being made prior to the Comprehensive Plan being completed. He questioned where Council wanted to have commercial sites throughout the city.

The public hearing was closed.

Mayor Medina was not in support of the request as he wanted the property to remain commercial.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to deny Ordinance 2022-45. Mr. Filiberto and Mr. Felix agreed with Mayor Medina and did not support the request. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**13. Ordinance 2022-46, rezoning property located north and south of and adjacent to Emerson Drive, in the vicinity east and west of and adjacent to St. Johns Heritage Parkway, from AU, Agricultural (Brevard County) to CC (Community Commercial District) and RM-20 (Multiple Family Residential District) (61.79 acres) (Case CPZ-11-2022, Gary Smigiel, Ascot Palm Bay Holdings, LLC), first reading. (Quasi-Judicial Proceeding)**

Due to denial of Ordinance 2022-45, Ms. Smith advised that the applicant could request to table this item and modify to rezone the 47.83 acres as it already had the land use. It would have to be properly noticed but did not require a rehearing with the Planning and Zoning Board. Ms. Saunders agreed with modifying the request accordingly and requested that the item be continued.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to continue to Ordinance 2022-46 to the May 19, 2022, regular Council meeting. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**14. Request by Summit Shah, Sunshine Petro, Inc. for a conditional use to allow retail automotive gasoline/fuel sales for a proposed fuel station, convenience store, and drive-through in CC (Community Commercial District) zoning on property located at the northeast corner of Babcock Street and Valkaria Road (1.5 acres) (CU-9-2022). (CONTINUED TO P&Z – 04/06/22)**

**15. Request by Anthony Scotto, Whybrew Court LLC, for a Preliminary Development Plan to allow a proposed Planned Unit Development (PUD) for a residential subdivision to be known as ‘Cricket Drive Subdivision’, which property is located in the vicinity between Nolan Street and Nogales Avenue (20.36 acres) (Case PD-11-2022). (WITHDRAWN)**

**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. Felix, that the Consent Agenda be approved as presented with the removal of Items 4, 7, 12, 19, and 20, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**1. Adoption of Minutes: Regular Council Meeting 2022-04; February 17, 2022.**

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

**2. Adoption of Minutes: Special Council Meeting 2022-07; March 17, 2022.**

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

**3. Award of Bid: Turkey Creek channel marker replacements – IFB 25-0-2022 – Public Works Department (Underwater Engineering Services - \$99,360).**

Staff Recommendation: Approve the award for channel marker replacements in Turkey Creek with Underwater Engineering Services (Fort Pierce) in the amount of \$99,360.

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

**4. Contract: Amendment to the consultant engineering services agreement (RFQ 23-0-2019), Malabar westerly extension study – Public Works Department (Kittelson & Associates - \$107,625).**

Staff Recommendation: Authorize the City Manager to execute the Kittelson & Associates amendment dated February 24, 2022, for the Malabar Westerly Extension Study in the amount of \$170,624.72.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to authorize the City Manager to execute the amendment to the agreement as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**5. Miscellaneous: Continuing consultant services, stormwater utility review – RFQ 20-0-2022 – Public Works Department (Stantec Consulting Services, Inc.).**

Staff Recommendation: Enter into negotiations for the award of RFQ 20-0-2022, Stormwater Utility Review Continuing Consultant Services, to Stantec Consulting Services, Inc. (Tampa), for a one-year term contract, renewable annually based upon contract year by the Procurement Department for four (4) additional one-year terms.

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

**6. Ordinance 2022-47, amending the Fiscal Year 2021-2022 budget by appropriating and allocating certain monies (second budget amendment), first reading.**

The City Attorney read the ordinance in caption only.

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

**7. Ordinance 2022-48, amending the Code of Ordinances, Chapter 114, Garage Sales, by modifying the number of garage sale events per residence, first reading.**

The City Attorney read the ordinance in caption only.

Bill Battin, resident, commented on the way the ordinance was written. He said someone could interpret it that they could have a garage sale that would last thirty (30) days.

Mayor Medina did not agree with twelve (12) garage sale events per year. He felt four (4) was more appropriate.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-48, with no more than to 2-4 garage sale events per residence.

Mayor Medina said there was still an issue that someone could have their event for thirty (30) days long. Deputy Mayor Johnson said the motion could be revised to limit the events to 3-4 days.

Mr. Filiberto agreed that twelve (12) was too many. He was fine with four (4) per year and that the language should remain that it shall not exceed three (3) consecutive days. Mr. Felix felt that once per quarter was sufficient and should be limited to Saturdays and Sundays, with hours limited to 8 a.m. to 6 p.m. Mayor Medina agreed with limiting to one per quarter but suggested three (3) consecutive days.

Deputy Mayor Johnson withdrew his motion.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve Ordinance 2022-48, with the amendment of one event per quarter, not to exceed three (3) consecutive days, and shall be conducted during daylight hours only. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**8. Consideration of an agreement with the City of Melbourne for use of the City's mobile stage for a park renaming event.**

Staff Recommendation: Approve the Mobile Stage Agreement and waiver of rental fees with the City of Melbourne and authorize the City Manager to execute the agreement.

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

**9. Consideration of an amendment to the Contracts for Sale of Real Estate for right-of-way acquisition with Cypress Bay Farms, LLC, and Waterstone Holdings, LLC.**

Staff Recommendation: Approve the amendments and authorize the City Manager to execute.

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

**10. Consideration of the 2022 Interlocal Agreement for Law Enforcement Services with the City of Melbourne for Florida Avenue, Palm Bay Road, and Babcock Street.**

Staff Recommendation: Approve and authorize the City Manager to execute the 2022 Interlocal Agreement for Law Enforcement Services with the City of Melbourne for Florida Avenue, Palm Bay Road, and Babcock Street.

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

**11. Consideration of reallocating previously approved funding from the purchase of a brush truck to the purchase of a fire engine for Fire Station 2 (\$38,000).**

Staff Recommendation: Authorize the reallocation of \$38,000 in previously approved funding from the purchase of a brush truck to the purchase of a fire engine for Fire Station 2. Funding in the amount of \$140,000 for the brush truck would be appropriated with the approval of Budget Amendment 2.

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

**12. Miscellaneous: Cleaning, dewatering and hauling services, North Regional Wastewater Treatment Plant, change order (emergency purchase) – Utilities Department (Synagro South LLC - \$89,775).**

Staff Recommendation: 1) approve appropriation of funds on the next scheduled budget amendment in the amount of \$89,775, and 2) approve the change order to the emergency procurement from Synagro South LLC, in the amount of \$89,775, for a revised total of \$208,015.

Bill Battin, resident, said it was not a resolution to the problem to haul the dewatered biosolids to the landfill versus pumping the water down into the deep injection well.

Mr. Little explained that the issue was the failure of a piece of equipment and whenever solids would build up in the system, staff would divert it to the holding ponds. The holding ponds contained water so when the solids collected at the bottom, there was water above it, so the solids were not dried out onsite. The solids were held in the emergency holding ponds and they were monitored to ensure there was no contamination of the groundwater.

Mr. Felix asked if this item was currently budgeted and if it was coming from the General Fund. Mr. Little said it was budgeted and would be funded from the Enterprise Fund out of the Fund Balance.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to approve the appropriation of funds and change order as requested. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**13. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$22,189).**

Staff Recommendation: Approve the expenditure of funds as specified in the City Manager's memorandum.

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

**14. Acknowledgement of the City's monthly financial report for January 2022 (Unaudited).**

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

**15. Acknowledgement of the City's monthly financial report for February 2022 (Unaudited).**

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

**16. Acknowledgement of the Semi-Annual Report of Formal Solicitations awarded by the Procurement Department from September 18, 2021, through March 17, 2022.**

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

**17. 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.

**18. Consideration of travel and training for specified employees (Office of the City Manager).**

Staff Recommendation: Approve the travel and training as specified.

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

**19. Consideration of travel and training for specified City employees (Finance Department).**

Staff Recommendation: Approve the travel and training as specified.

Bill Battin, resident, asked if employees would be playing golf with taxpayer dollars. Ms. Sherman answered in the negative and said such events were at the expense of the employee.

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

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

Staff Recommendation: Approve the travel and training as specified.

Bill Battin, resident, asked that the team be recognized should they win the competition.

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

**21. Consideration of travel and training for specified City employees (Procurement 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. Resolution 2022-13, adopting the goal of Vision Zero - that no loss of life is acceptable on our city streets. (CONTINUED FROM 03/17/22 RCM)**

The City Attorney read the resolution in caption only.

Mayor Medina said the Space Coast Transportation Planning Organization (TPO) had forwarded a resolution received from the state. He asked Council to consider including some of the language from the TPO version into the resolution.

Laurie Lefevbre, resident, read language that she had created which was a combination of the proposed resolution and the resolution from the TPO. Deputy Mayor Johnson and Mayor Medina supported the revised resolution as presented by Ms. Lefevbre.

Mr. Filiberto suggested tabling the item as so many versions had been presented tonight and he wanted to review in full prior to voting. Deputy Mayor Johnson wanted to move forward. Mr. Filiberto read the resolution in its entirety.

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to adopt Resolution 2022-13, as revised and read by Mr. Filiberto. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

**2. Appointment of one (1) member to the Disaster Relief Committee.**

The item, announced under Agenda Revisions, was withdrawn from the agenda.

**3. Appointment of two (2) members to the Auditor Selection Committee.**

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to select Councilman Filiberto to serve on the Auditor Selection Committee.

Mr. Filiberto asked if the application solicitation period could be extended for the two (2) non-employee members. Mayor Medina asked that a vote be taken on the current motion.

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

Motion by Deputy Mayor Johnson, seconded by Mayor Medina, to approve Procurement and Finance staff as non-voting advisors on the Auditor Selection Committee. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

Mayor Medina asked if tabling the final appointments would affect the process. Mrs. Misconi explained that she had created the timeline and there were tasks awaiting to be handled. Mr. Filiberto said he would keep with staff's timeline.

Motion by Deputy Mayor Johnson, seconded by Mr. Felix, to appoint Rebecca Thibert and Brian Germain to the Auditor Selection Committee. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Johnson, Yea; Councilman Felix, Yea; Councilman Filiberto, Yea.

#### **COUNCIL REPORTS:**

Councilmembers addressed various subjects.

1. Mr. Filiberto appointed Robert Good to the Planning and Zoning Board, and Nathan White to the Citizens' Budget Advisory Board.
2. Mayor Medina announced that \$30,000 had been raised from the Mayor's Ball.

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

1. Ms. Sherman said staff was coordinating a Brightline tour for Council and key staff members. There would be multiple tours as only one councilmember could attend the tour at a time. Council advised that they would attend the tour.

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

Individuals made general comments.

1. Butch Orend, resident, asked if yard sales included estate sales. Ms. Smith advised there was no difference in a garage sale, yard sale or estate sale.

#### **ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:22 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK