

# CITY OF PALM BAY, FLORIDA

## REGULAR COUNCIL MEETING 2024-30

Held on Thursday, the 21<sup>st</sup> day of November 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 Ken Delgado, The House 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>	Mike Jaffe	Present
<b>COUNCILMEMBER:</b>	Kenny Johnson	Present
<b>COUNCILMEMBER:</b>	Mike Hammer	Present
<b>COUNCILMEMBER:</b>	Chandler Langevin	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; Juliet Misconi, Deputy City Manager; Angelica Collins, Assistant Finance Director; Gabriel Bowden, Utilities Director; George Barber, Chief Procurement Officer; Richard Stover, Fire Chief; Larry Wojciechowski, Finance Director.

### ANNOUNCEMENTS:

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

- 1. Three (3) vacancies on the Youth Advisory Board (represents 'at-large student member' positions).++**
- 2. One (1) vacancy on the Community Development Advisory Board to represent one (1) of the following fields relating to affordable housing: ('banking industry', 'residential home building', 'actively engaged in home building', or 'for-profit provider' positions).++**

**3. Two (2) terms expiring on the Infrastructure Advisory and Oversight Board (representing 'at-large' positions).+**

**4. One (1) vacancy on the Disaster Relief Committee Executive Board.+**

**AGENDA REVISIONS:**

Ms. Sherman announced the following:

A. Staff requested that Item 3, under Public Hearings, be considered prior to the first public hearing.

Motion by Deputy Mayor Jaffe, seconded by Mr. Johnson, to consider Item 3, under Public Hearings, prior to the first public hearing. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin.

B. Discussion of the creation of a Citizens' Budget Advisory Board was added to the agenda as Item 4, under New Business, at the request of Councilman Hammer.

**PRESENTATIONS:**

**1. Trudy McCarthy, MEDP, Executive Vice President, Economic Development Commission – unified brand for Florida Space Coast.**

Ms. McCarthy was not in attendance to make the presentation.

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

Individuals made general comments.

1. Lorraine Mayfield, resident, said that she had recently built a home in the St. John's Preserve Subdivision and was having issues with the builder. She explained the problems that were occurring in her home, both health wise and cosmetic.

Mayor Medina asked staff if any recourse could be taken with the builder. Ms. Sherman said that she would discuss the issues with the Chief Building Official and update Council accordingly.

**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 Jaffe, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 2, 4, 5, 6, 7, and 8, from consent. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**1. Adoption of Minutes: Regular Meeting 2024-26; October 3, 2024.**

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

**2. Contract: 1MGD to 2MGD Expansion Design and Permitting Services, South Regional Water Reclamation Facility – Task Order 23-13-WT, Amendment 1 – Utilities Department (Wade Trim - \$68,860).**

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

**3. Miscellaneous: Standardization of internet connectivity service provider – Information Technology Department (provider name exempt - \$146,380).**

Staff Recommendation: Approve the award of a standardization contract to an internet connectivity service provide (provider name exempt), in the amount of \$146,380.

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

**4. Miscellaneous: Disaster recovery debris removal and monitoring services (emergency procurement) – Public Works Department (Ceres Environmental Services, Inc. (Contract 23-0-2022) - \$764,100 and Thompson Consulting Services, LLC (Contract 25-0-2023) - \$138,408).**

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

**5. Consideration of accepting a grant award and authorizing an agreement with the Florida Department of Environmental Protection for the Palm Bay Indian River Lagoon Water Quality Improvement Project.**

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

**6. Consideration of an agreement with the U.S. Department of Justice for the Victims of Crime Act (VOCA) program for Fiscal Year 2024-2025 (\$56,910).**

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

**7. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund for legal costs associated with the Asset Forfeiture Program, bank fees, and annual Reindeer Run (\$15,700).**

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

**8. Consideration of utilizing General Fund Undesignated Fund Balance to start up a Community Emergency Response Team (CERT).**

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

**9. Consideration of a Memorandum of Understanding with the Brevard County Sheriff's Office for aerial support through Brevard County Fire Rescue.**

Staff Recommendation: Approve the Memorandum of Understanding with the Brevard County Sheriff's Office for aerial support through Brevard County Fire Rescue; and authorize the City Manager to sign the agreement on behalf of the City of Palm Bay.

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

**PUBLIC HEARING(S):**

Council concurred to consider Item 3, under Public Hearings, at this time.

**3. Ordinance 2024-61, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 608, Port Malabar Unit 13 (Case VE-10-2024, Michael and Marie Broccoli), 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 Mr. Johnson, seconded by Deputy Mayor Jaffe, to adopt Ordinance 2024-61. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

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

**1. Ordinance 2024-59, amending the Code of Ordinances, Chapter 55, Police and Firefighters Retirement Pension Plan, by modifying provisions related to retirement dates and benefits for firefighter members, 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 Mr. Langevin, seconded by Mr. Johnson, to table the item. Ms. Smith advised the item would need to be continued to a date certain. Mr. Johnson withdrew his second.

Motion by Mr. Langevin, seconded by Mr. Johnson, to continue the item to the December 19, 2024, Regular Council Meeting.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea
Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

**2. Ordinance 2024-60, amending the Fiscal Year 2023-2024 budget by appropriating and allocating certain monies (fifth budget amendment), final reading.**

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

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to adopt Ordinance 2024-60. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**3. Ordinance 2024-61, vacating a portion of the rear public utility and drainage easement located within Lot 10, Block 608, Port Malabar Unit 13 (Case VE-10-2024, Michael and Marie Broccoli), final reading.**

This item was considered earlier in the meeting, prior to Item 1, under Public Hearings.

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

**2. Contract: 1MGD to 2MGD Expansion Design and Permitting Services, South Regional Water Reclamation Facility – Task Order 23-13-WT, Amendment 1 – Utilities Department (Wade Trim - \$68,860).**

Staff Recommendation: Approve Task Order 23-13-WT, Amendment 1, for the 1MGD to 2MGD expansion design and permitting services at the South Regional Water Reclamation Facility with Wade Trim, in the amount of \$68,860.

Mr. Johnson questioned why the item was not considered before and if it could have been caught earlier in the planning/design phases. Mr. Bowden explained that as he was not employed with the City during the design/planning phase, he could not answer why it was not implemented earlier. He responded to questions posed by councilmembers.

Motion by Mr. Johnson to deny the amendment to Task Order 23-13-WT. Motion died for lack of a second.

Motion by Deputy Mayor Jaffe, seconded by Mayor Medina, to approve Amendment 1 to Task Order 23-13-WT. Mr. Hammer wanted to amend the motion to give direction to only approve schematics and then send back for bids for the construction of the water plant.

Mr. Barber explained that the project had not been bid out for construction yet and was still in the design phase.

Motion by Deputy Mayor Jaffe, seconded by Mayor Medina, to approve Amendment 1 to Task Order 23-13-WT, with the stipulation that the odor control elements described in the task order amendment be bid as an add alternate to the base bid construction package. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**4. Miscellaneous: Disaster recovery debris removal and monitoring services (emergency procurement) – Public Works Department (Ceres Environmental Services, Inc. (Contract 23-0-2022) - \$764,100 and Thompson Consulting Services, LLC (Contract 25-0-2023) - \$138,408).**

Staff Recommendation: Approve the emergency procurement for disaster recovery debris removal and monitoring services with Ceres Environmental Services, Inc. (Contract 23-0-2022) in the amount of \$764,100, and Thompson Consulting Services, LLC (Contract 25-0-2023) in the amount of \$138,408.

Motion by Mr. Johnson, seconded by Mr. Langevin, to approve the emergency procurement for disaster recovery debris removal and monitoring services with Ceres Environmental Services, Inc. (Contract 23-0-2022) in the amount of \$764,100, and Thompson Consulting Services, LLC (Contract 25-0-2023) in the amount of \$138,408. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**5. Consideration of accepting a grant award and authorizing an agreement with the Florida Department of Environmental Protection for the Palm Bay Indian River Lagoon Water Quality Improvement Project.**

Staff Recommendation: 1) Approve acceptance of the grant award from Florida Department of Environmental Protection; 2) authorize the Mayor and/or designated City official to execute the grant agreement; and 3) approve opening project 25SU09.

Bill Battin, resident, asked why the developers had not been responsible for funding the stormwater enhancement.

Ms. Sherman explained that the improvement projects were related to existing, older stormwater issues regarding the treatment of stormwater in the City and not specific to the newer developments in the area.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to 1) approve acceptance of the grant award from Florida Department of Environmental Protection; 2) authorize the Mayor and/or designated City official to execute the grant agreement; and 3) approve opening project 25SU09. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**6. Consideration of an agreement with the U.S. Department of Justice for the Victims of Crime Act (VOCA) program for Fiscal Year 2024-2025 (\$56,910).**

Staff Recommendation: Authorize the City Manager and Chief of Police to execute the Victims of Crime Act grant agreement, Grant No. VOCA-C-2023-City of Palm Bay Police Department-00111, for the 2024-2025 grant program year.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the City Manager and Chief of Police to execute the Victims of Crime Act grant agreement, Grant No. VOCA-C-2023-City of Palm Bay Police Department-00111, for the 2024-2025 grant program year.

Mr. Langevin left the meeting at this time.

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

**7. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund for legal costs associated with the Asset Forfeiture Program, bank fees, and annual Reindeer Run (\$15,700).**

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

Mr. Langevin rejoined the meeting at this time.

Motion by Mr. Johnson, seconded by Mr. Langevin, to approve expenditure of funds as specified in the City Manager's memorandum. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**8. Consideration of utilizing General Fund Undesignated Fund Balance to start up a Community Emergency Response Team (CERT).**

Staff Recommendation: Approve the allocation of \$20,000 from General Fund Undesignated Fund Balance for the purpose of starting up a Community Emergency Response Team.

Bill Battin, resident, asked if the City already had an Emergency Management Plan and Team. He did not feel it was necessary to draw monies from the Undesignated Fund and said the monies could be used for other purposes, such as filling potholes. He also asked if the Emergency Operations Center (EOC) was supposed to be housed in Building E.

Ms. Sherman confirmed that there was already an Emergency Management Plan and Team and that the EOC would be in Building E. Chief Stover provided further details regarding the request and responded to questions posed by councilmembers.

Motion by Mr. Johnson, seconded by Mr. Langevin, to deny request.



Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea
Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

**UNFINISHED AND OLD BUSINESS:**

**1. Appointment of one (1) member to the Melbourne-Tillman Water Control District.**

Motion by Deputy Mayor Jaffe, seconded by Mr. Langevin, to appoint Philip Weinberg to the Melbourne-Tillman Water Control District. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

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

**NEW BUSINESS:**

**1. Resolution 2024-44, granting approval of a Declaration of Covenants and Restrictions aka Land Use Restriction Agreement (LURA) for a proposed affordable rental development to be known as 'Bilda Multi-Family Residential'.**

Staff Recommendation: 1) Approve the Land Use Restriction Agreement (LURA)/Declaration of Covenants and Restrictions between the City of Palm Bay and Apartments at Palm Bay, LLC.; and 2) authorize the City Manager to execute on behalf of the City.

Cole Oliver, representing the applicant, presented the request to Council and responded to questions. There was discussion regarding the affordable housing component and the Live Local Act.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to adopt Resolution 2024-44. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**2. Discussion of workshop to promote education and awareness of public anti-corruption statutes. (Mayor Medina)**

Staff Recommendation: Council direction.

Mayor Medina presented item. He asked for Council consensus to schedule a workshop. Deputy Mayor Jaffe suggested the workshop occur every two years after the election of new councilmembers. Mayor Medina said that could be addressed in the future. Council concurred to schedule a workshop.

**3. Discussion of significant priorities for Council consideration. (Mayor Medina)**

Staff Recommendation: Council direction.

Mayor Medina presented the item to Council. He highlighted the most significant priorities: Public Safety Bond; Operational Audit; Infrastructure Needs; Economic Development; Road Bond Program and Road Maintenance Fund; and the Republic Services Contract. He advised that no action was needed at this time.

Councilmembers agreed with the priorities presented and felt that infrastructure was a major priority, along with the need to widen roadways.

Mayor Medina said that there were many issues with Republic Services and asked if Council desired a workshop. Council concurred.

Deputy Mayor Jaffe suggested reviewing the three percent (3%) cap and exceeding same. He also supported an operational audit.

Ms. Sherman asked which workshops should be held first. Mayor Medina said that debt services for public safety would be first in line. Council concurred. Mayor Medina asked that staff address the other items on the list, in order, and schedule accordingly.

**4. Discussion of the creation of a Citizens' Budget Advisory Board. (Councilman Hammer) (AGENDA REVISION)**

Staff Recommendation: Council direction.

Councilman Hammer presented item. Mayor Medina suggested the same board also serve as a Policy Advisory Board.

Deputy Mayor Jaffe supported bringing the board back but wanted the members to have specific backgrounds and be qualified to give feedback to staff and Council. He did not want to focus on a Policy Advisory Board at that time.

Mr. Johnson said that he had voted to dissolve the board previously, but if parameters and qualifications were considered, he would be open to the idea of reinstating.

Mr. Wojciechowski provided the history of the board and said that he would like for the board to be reinstated to educate the citizens in the budget process.

Mr. Johnson said he was open to a Policy Advisory Board to assist staff in updating outdated policies.

Mr. Langevin supported both the Citizens' Budget Advisory Board and the Policy Advisory Board. He suggested a Government Efficiency Board with a small amount of highly qualified individuals and provided details for same. Mayor Medina felt this was similar to a previous Council discussion for a separate Charter Officer to serve as an Attorney General or Chief Financial Officer position. Mr. Langevin preferred to have a qualified citizen with oversight capabilities to start reigning in some of the waste and inefficiency.

Mr. Hammer wanted to be sure Council received an annual report before Council made a final vote on the budget.

Mayor Medina directed staff to determine a defined scope and set qualifications to serve on the Citizens' Budget Advisory Board. He suggested seven (7) members – one (1) member appointed by each member of Council and two (2) at-large positions, and all would be City residents. Mr. Langevin said one member should be a non-resident to give opinions without being affected by the outcome. Mayor Medina agreed with one at-large member not being a resident. Mr. Hammer said each member would need to have a financial background. Mr. Johnson had concerns with someone outside of the city having influence on a resident. Deputy Mayor Jaffe agreed with Mr. Johnson. Council concurred for Councilman Hammer to work with staff to draft the ordinance.

#### **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. Langevin presented Resolution 2024-45, terminating Suzanne Sherman as City Manager. The City Attorney read the resolution in caption only.

Numerous residents spoke for and against the termination.

Motion by Mr. Langevin, seconded by Mr. Johnson, to terminate Suzanne Sherman's employment with the City of Palm Bay. Councilmembers commented on the resolution. Mr. Hammer was open to having a workshop to discuss the change in management. Mayor Medina asked Council to give Ms. Sherman an opportunity by setting goals with her and evaluating her progress.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Nay
Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

2. Mr. Johnson appointed David Karaffa to the Planning and Zoning Board.
3. Motion by Mr. Johnson, seconded by Mr. Langevin, to appoint Larry Wojciechowski as Interim City Manager. The motions were pulled to allow for public comments.

Numerous individuals spoke regarding the process and the termination of the City Manager.

Motion by Mr. Johnson, seconded by Mr. Hammer, to appoint Larry Wojciechowski as Interim City Manager. Mr. Wojciechowski declined the appointment, stating he did not have the qualifications to perform the duties of City Manager. Deputy Mayor Jaffe recommended Valentino Perez, Public Works Director. Mr. Perez declined.

Motion by Mr. Langevin, seconded by Mayor Medina, to appoint Brian Robinson, Information Technology Director, as Interim City Manager.

Motion carried with members voting as follows:

Mayor Medina	Yea
Deputy Mayor Jaffe	Nay
Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

Council concurred to schedule a special Council meeting for Monday, November 25, 2024, at 6:00 P.M., to discuss direction for appointing a new City Manager.

4. Mayor Medina suggested going back to the 7:00 P.M. start time for Council meetings and asked each councilmember to consider doing voluntary drug testing. Council agreed with the voluntary drug testing. Mr. Johnson did not support changing the Council meeting times.

**ADMINISTRATIVE AND LEGAL REPORTS:**

There were no reports.

**PUBLIC COMMENTS/RESPONSES:**

Individuals made general comments.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:21 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terri J. Lefler, DEPUTY CITY CLERK