

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2024-33

Held on Thursday, the 19th day of December 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 Tim Ritchey, Eastwind Pentecostal Church, Palm Bay, gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	Rob Medina	Present
DEPUTY MAYOR:	Mike Jaffe	Present
COUNCILMEMBER:	Kenny Johnson	Present
COUNCILMEMBER:	Mike Hammer	Present
COUNCILMEMBER:	Chandler Langevin	Present
INTERIM CITY MANAGER:	Scott Morgan	Present
DEPUTY CITY ATTORNEY:	Michael Rodriguez	Present
CITY CLERK:	Terese Jones	Present

CITY STAFF: Joan Junkala-Brown, Deputy City Manager; Juliet Misconi, Deputy City Manager; Althea Jefferson, Assistant Growth Management Director; Valentino Perez, Public Works Director; Gabriel Bowden, Utilities Director; Mariano Augello, Chief of Police; Steve Whidden, Assistant Parks and Facilities Director.

ANNOUNCEMENTS:

Deputy Mayor Jaffe announced the following vacancies 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. One (1) vacancy on the Disaster Relief Committee Executive Board.++**

AGENDA REVISIONS:

1. Mr. Morgan announced the following revisions:

A. Consideration of the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program was added as Item 2, under Public Hearings.

B. Item 9, under Approval of Consent Agenda (Assistance to Firefighters Grant), was withdrawn by staff.

C. An agenda revision was initially provided for Item 13, under Approval of Consent Agenda, which revised the amount to be appropriated for Public Works Department equipment (\$135,599); however, staff determined that original amount of \$122,500 was correct.

D. Item 2, under New Business (Larsen Motorsports co-sponsorship request), was withdrawn by the applicant.

E. Discussion of dissolving the Sustainability Advisory Board was added as Item 9, under New Business, by Councilman Langevin.

2. Mayor Medina advised that the applicant for Item 1, under New Business, asked that the request be considered earlier in the meeting. Mr. Johnson asked that Item 3, under New Business, be considered prior to Public Comments.

Motion by Mr. Johnson, seconded by Mr. Langevin, to consider Items 1 and 3, under New Business, prior to Public Comments. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

PROCLAMATIONS AND RECOGNITIONS:

The flag was presented.

1. Recognition: Presentation of the American Flag – honoring the service of Kenneth Brian Johnson. (Councilman Kenny Johnson)

Items 1 and 3, under New Business, were considered at this time.

NEW BUSINESS:

1. Consideration of a co-sponsorship request from CareerSource Brevard for the 6th Annual Palm Bay Veteran Job Fair to be held on February 12, 2025, at the Tony Rosa Community Center.

Staff Recommendation: Approve the City's co-sponsorship with CareerSource Brevard for the Palm Bay Veteran Job Fair authorizing \$1,665 in fee waivers.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the co-sponsorship. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

3. Consideration of a Planned Unit Development Agreement for self-storage use with Palm Bay Medical Office Corporation.

Staff Recommendation: Approve the Planned Unit Development Agreement for Palm Bay Medical Office Corporation and authorize the Mayor to execute on behalf of the City.

Ms. Jefferson presented the request to Council.

Residents spoke against the request, stating there were existing storage centers in the immediate area.

Craig Deligdish, applicant, explained that he had developed the property to the best of his ability and that the people looking to build the storage facility were interested in providing a high-quality facility to meet the needs of Bayside Lakes. Mr. Deligdish answered questions posed by Council.

Motion by Mr. Johnson, seconded by Mr. Hammer, to deny the Planned Unit Development Agreement. Councilmembers felt a different use would be better suited for that area. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

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

Individuals made general comments.

1. Laura Revels, resident, commented on the traffic due to Pineapple Cove Academy in the Lockmar area. She said the school had no interest in resolving the traffic issues and the neighborhood was no longer peaceful. Ms. Revels suggested that the school

utilize its own property for parking which would take the excess traffic from Emerson Drive or use the property they own which was located across the street from the school.

Mayor Medina provided a brief history of the site and asked staff to have more discussions with the school and to come up with other solutions to resolve the issue.

2. Nathan Farley, resident, explained that he was trying to start a group home through the Department of Children and Families but was recently denied zoning due to a Federal Statute that prohibited two (2) community group homes from being within 1,000 feet of one another. Mr. Farley was asking if the local municipality could override that determination.

Mayor Medina asked staff to investigate and provide Mr. Farley with an update. Mr. Rodriguez advised that the prohibition was from the State and Mr. Farley would need to contact the State Legislature to resolve the issue.

3. Butch Orend, resident, asked the status on the pedestrian crossing lights/crosswalk on Minton Road at the DeGroodt Library Bridge. He also asked about the speed zone cameras that were supposed to be functional before the school year began.

Mr. Perez explained that the consulting engineers determined that lights were not warranted but signage was placed along the roadway to indicate pedestrian traffic.

APPROVAL OF CONSENT AGENDA:

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

Motion by Mr. Langevin, seconded by Mr. Johnson, that the Consent Agenda be approved as presented with the removal of Items 4, 6, 7, and 11, 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 Council Meeting 2024-27; October 17, 2024.

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

2. Adoption of Minutes: Regular Council Meeting 2024-28; November 7, 2024.

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

3. Adoption of Minutes: Special Council Meeting 2024-32; December 11, 2024.

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

4. Award of Bid: Culvert replacement, Weldon Street at C-42R – IFB 21-0-2024 – Public Works Department (Universal Contracting and Construction, Inc. - \$464,178); and approve transfer of funds from Undesignated Fund Balance Stormwater (\$65,000).

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

5. Contract: Professional Auditing Services - RFP 48-0-2023 - Finance Department (Forvis Mazars, LLP).

Staff Recommendation: Approve a Professional Auditing Services contract with Forvis Mazars, LLC.

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

6. Contract: Neptune water meters, hardware, software, parts and services - Utilities Department (Ferguson Waterworks – \$1,500,000 (annual estimate, ‘as needed’ basis) (sole source)).

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

7. Resolution 2024-46, electing to not exempt certain property under Section 196.1978(3)(o), Florida Statutes (Live Local Act Property Tax Exemption).

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

8. Consideration of an Interlocal Agreement with the Brevard County School Board for office space and/or staging vehicles in the vicinity of Heritage High and Sunrise Elementary Schools while new fire facilities are being constructed.

Staff Recommendation: Approve an Interlocal Agreement with the Brevard County School Board for office space and/or staging vehicles in the vicinity of Heritage High and Sunrise Elementary Schools while new fire facilities are being constructed; and authorize the City Manager to execute the agreement on behalf of the City of Palm Bay.

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

9. Consideration of submitting an application for the Assistance to Firefighters Grant (grant period of 2024) for an air compressor for Station 7; and authorize an allocation from the General Fund Undesignated Fund Balance not to exceed \$6,574 as the City's required match, if awarded.

This item, addressed under Agenda Revisions, was withdrawn by staff.

10. Consideration of accepting the Florida Department of Transportation's "Know Your Limits" Aggressive Driving and Speed Initiative grant contract (\$48,000).

Staff Recommendation: Authorize the acceptance of a grant agreement, in the amount of \$48,000, with the Florida Department of Transportation for the "Know Your Limits" project to address speed and aggressive driving.

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

11. Consideration of utilizing General Fund Undesignated Fund Balance for an emergency procurement of temporary evidence storage containers and related supplies (\$58,456).

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

12. Consideration of utilizing General Fund Undesignated Fund Balance for a commercial grade evidence freezer and P25 compliant radios (\$163,177).

Staff Recommendation: Authorize the utilization of General Fund Undesignated Fund Balance for the purchase of twelve (12) pacset radios, twelve (12) mobile radios, and one (1) evidence lab grade freezer, in the amount of \$163,177.

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

13. Consideration of reappropriating Fiscal Year 2024 Capital Outlay Funds to procure one (1) tractor and bush hog and one (1) sidewalk grinder (\$178,099).

Staff Recommendation: Approve the utilization of Stormwater Fund Balance to procure one (1) tractor and bush hog and General Fund Balance to procure one (1) sidewalk grinder, in the amount of \$122,500.

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

14. Consideration of utilizing General Fund Undesignated Fund Balance to provide a storage area network solution at the City's disaster recovery location (\$274,701).

Staff Recommendation: Authorize the utilization of General Fund Undesignated Fund Balance to provide a storage area network solution at the City's disaster recovery location in the amount of \$274,701.

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

15. Consideration of appropriating Undesignated Fund Balance for Fiscal Year 2025 to implement UKG TeleStaff advanced scheduling software; authorize the City Manager to execute the contract (\$39,740).

Staff Recommendation: Authorize the utilization of General Fund Undesignated Fund Balance to implement UKG TeleStaff advanced scheduling software for Fiscal Year 2025, and the recurring subscription; and authorize the City Manager to execute the agreement on behalf of the City of Palm Bay.

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

16. Consideration of travel and training for a specified City employee (Fire Rescue Department).

Staff Recommendation: Approve the travel and training as specified.

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

PUBLIC HEARING(S):

1. Ordinance 2024-59, 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. (CONTINUED FROM 11-21-24 RCM)

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

Motion by Mr. Langevin, seconded by Mayor Medina, to adopt Ordinance 2024-59. Motion carried with members voting as follows:

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

2. Consideration of the City's Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program for Fiscal Year 2023-2024. (AGENDA REVISION)

The public hearing was opened. Mr. Morgan presented the request to Council. The public hearing was closed.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the City's Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program for Fiscal Year 2023-2024. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA:

4. Award of Bid: Culvert replacement, Weldon Street at C-42R – IFB 21-0-2024 – Public Works Department (Universal Contracting and Construction, Inc. - \$464,178); and approve transfer of funds from Undesignated Fund Balance Stormwater (\$65,000).

Staff Recommendation: Approve the award for culvert replacement (Weldon Street at C-42R) with Universal Contracting and Construction, Inc. (Melbourne), in the amount of \$464,178.20; and approve the transfer of funds, in the amount of \$65,000, from Undesignated Fund Balance Stormwater.

Mr. Hammer asked if the replacement of the concrete culvert could be handled by staff rather than an outside agency. Mr. Perez explained that there was no in-house staff with that area of expertise nor the equipment to fly the concrete culverts into place via crane.

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

6. Contract: Neptune water meters, hardware, software, parts and services - Utilities Department (Ferguson Waterworks – \$1,500,000 (annual estimate, ‘as needed’ basis) (sole source)).

Staff Recommendation: Approve the sole source purchase of Neptune water meters, hardware, parts, and services with Ferguson Waterworks, in the estimated annual amount of \$1,500,000.

Bill Battin, resident, felt this was a conflict of funding sources as the City was paying \$1.5 million to buy water meters, but was providing free funding for residents to convert from septic to sewer, which could have been revenue to the City.

Mr. Morgan explained that this request was for replacements to existing property owners for old meters.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the contract. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

7. Resolution 2024-46, electing to not exempt certain property under Section 196.1978(3)(o), Florida Statutes (Live Local Act Property Tax Exemption).

The City Attorney read the resolution in caption only.

Motion by Mr. Langevin, seconded by Mr. Johnson, to adopt Resolution 2024-46. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

11. Consideration of utilizing General Fund Undesignated Fund Balance for an emergency procurement of temporary evidence storage containers and related supplies (\$58,456).

Staff Recommendation: Authorize the utilization of General Fund Undesignated Fund Balance for an emergency procurement of temporary evidence storage containers and related supplies in the amount of \$58,456.

Bill Battin, resident, asked if the storage units and shelving would be used at another location and if any major case evidence was damaged due to the leaking roof.

Chief Augello explained that the Conex storage units were rentals and would not be reused, but the shelving and boxes would remain to house evidence. It was unknown if any evidence had been damaged. Mr. Barber and Mr. Whidden responded to questions from councilmembers regarding the roof repairs and accountability for the contractor.

Motion by Mr. Johnson, seconded by Mr. Hammer, to approve utilizing General Fund Undesignated Fund Balance for an emergency procurement of temporary evidence storage containers and related supplies (\$58,456). Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

UNFINISHED AND OLD BUSINESS:

1. Appointment of two (2) members to the Infrastructure Advisory and Oversight Board.

Motion by Mr. Johnson, seconded by Mr. Hammer, to appoint Jimmy Backus and Chad Story to the 'at-large' positions on the Infrastructure Advisory and Oversight Board (IAOB). Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

Councilmembers made the following personal appointments to the IAOB:

Mayor Medina reappointed Logan Luse;
Deputy Mayor Jaffe reappointed Thomas Gaume;
Mr. Johnson reappointed Anne Marie Frazier; and
Mr. Langevin appointed Les Roach.

NEW BUSINESS:

1. Consideration of a co-sponsorship request from CareerSource Brevard for the 6th Annual Palm Bay Veteran Job Fair to be held on February 12, 2025, at the Tony Rosa Community Center.

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

2. Consideration of a co-sponsorship request from Blazing Trails for the Palm Bay stop location at Larsen Motorsports for the Sick the Magazine event to be held on January 29, 2025.

The item, considered under Agenda Revisions, was withdrawn by the applicant.

3. Consideration of a Planned Unit Development Agreement for self-storage use with Palm Bay Medical Office Corporation.

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

4. Discussion and direction on the City's Commercial Property Enhancement Program.

Staff Recommendation: Council direction on the City's Commercial Property Enhancement Program.

Mayor Medina said there were eight (8) applications that had been submitted. He said Council had the option of either proceeding with the applications that had been received or end the program. He felt Council should continue with the current applications then stop the program. Deputy Mayor Jaffe agreed with Mayor Medina's suggestion but was fine if it was eliminated altogether. Mr. Johnson said the \$50,000 could be better utilized through the Community and Economic Development Department. Mr. Hammer said that if a business wanted to make money and draw in customers, they should beautify their own business. He would be more inclined to have this program as an incentive to new businesses coming to the City.

Motion by Mr. Langevin, seconded by Mr. Johnson, to dissolve the Program.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea

Councilman Johnson	Yea
Councilman Hammer	Yea
Councilman Langevin	Yea

5. Consideration of a City Manager Recruitment Plan.

Staff Recommendation: Approve the plan for recruiting the next Palm Bay City Manager.

Individuals made general comments.

Motion by Mr. Johnson, seconded by Mr. Langevin, to approve the plan for recruiting the next Palm Bay City Manager. 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 a councilmember attending the Florida League of Cities FAST Fly-In, February 4-5, 2025, in Washington, D.C.

Deputy Mayor Jaffe would attend the conference.

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

7. Consideration of revising Council Policies and Procedures relating to Agendas and Public Comments.

Staff Recommendation: Amend the City Council's adopted Policies and Procedures relating to Agendas and Public Comments.

Individuals made general comments.

Mayor Medina and Mr. Hammer did not agree with prohibiting the public from speaking on consent agenda items.

Motion by Mr. Langevin, seconded by Mr. Johnson, to approve the amendment to City Council's Policies and Procedures relating to Agendas and Public Comments.

Motion carried with members voting as follows:

Mayor Medina	Nay
Deputy Mayor Jaffe	Yea

Councilman Johnson	Yea
Councilman Hammer	Nay
Councilman Langevin	Yea

8. Discussion of dissolving the Youth Advisory Board. (Deputy Mayor Jaffe)

Deputy Mayor Jaffe presented the item to Council.

Motion by Deputy Mayor Jaffe, seconded by Mr. Johnson, to dissolve the Youth Advisory Board.

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

9. Discussion of dissolving the Sustainability Advisory Board. (Councilman Langevin) (AGENDA REVISION)

Councilman Langevin presented the item to Council.

Numerous individuals spoke against the request.

Mr. Logan Luse, Chair of the Sustainability Advisory Board (SAB), provided a background on the accomplishments of the SAB and its goals moving forward. Mr. Luse answered questions posed by councilmembers.

Mayor Medina proposed revising the responsibilities of the board rather than dissolving the board.

Motion by Mr. Johnson, seconded by Mr. Hammer, to revise the role and responsibilities of the SAB. Mr. Rodriguez noted that the role of the SAB coincided with items in the City's Comprehensive Plan and Council would need to address those shortcomings if the SAB was dissolved. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

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 made the following reports:

A. Requested to repeal the school zone camera ordinance as it was promoting a surveillance state. Chief Augello shared the reasons that the cameras were implemented and how it helped the Police Department manage issues with regard to violators. There was no consensus from Council to repeal the ordinance.

B. Requested Council review the City's Comprehensive Plan to address issues such as storage units located along major thoroughfares. He felt Council should be focusing on density as well.

C. Asked for clear direction from Council as to how the criminal element of homelessness should be addressed. Chief Augello explained that if anyone, including homeless individuals, were breaking the law, the Police Department enforced the law without exception.

2. Mr. Hammer advised that he had drafted guidelines for the proposed Citizens' Budget Advisory Board and would be presenting same at the next regular meeting.

3. Mr. Johnson made the following reports:

A. Spoke to staff a year ago about the Park Referendum and the City having to pay Brevard County approximately \$1.5 million per year for the park that the City now owned. Mr. Morgan said that staff would follow-up and provide an update.

B. Suggested exploring the possibility of having the Parks and Facilities Department reverted to the original names of Parks and Recreation Department and Facilities Department. Council concurred.

C. Asked the status of the underground lines being installed by Florida Power and Light (FPL) throughout the City. Mr. Morgan said that staff would follow-up and provide an update.

D. Suggested that staff investigate design builds as a concept to avoid the high number of change orders that come to Council. Mr. Morgan advised that staff would provide information to Council.

4. Deputy Mayor Jaffe made the following reports:

A. Appointed Henry Morin to the Space Coast Transportation Planning Organization Citizen Advisory Committee.

B. Following the City's workshop regarding homelessness, he had spoken with the Deputy Mayor of the City of Melbourne and there was interest in a collaboration to address House Bill 1365. He requested consensus from Council for staff to have those discussions with the City of Melbourne. Council concurred.

5. Mr. Johnson appointed Phil Weinberg to the Space Coast Transportation Planning Organization Citizen Advisory Committee.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Mr. Morgan advised that Joan Junkala-Brown was recently appointed to the Economic Development Commission's Executive Committee and another staff member was appointed to its Board of Directors. As only one staff member could serve on both boards, it was requested that Mrs. Junkala-Brown serve on both boards. Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:27 P.M.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK