

# **CITY OF PALM BAY, FLORIDA**

## **REGULAR COUNCIL MEETING 2025-03**

Held on Thursday, the 16<sup>th</sup> day of January 2025, 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 Jerry Klemm, Covenant 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>INTERIM CITY MANAGER:</b>	Scott Morgan	Present
<b>CITY ATTORNEY:</b>	Patricia Smith	Present
<b>CITY CLERK:</b>	Terese Jones	Present

**CITY STAFF:** Juliet Misconi, Deputy City Manager; Valentino Perez, Public Works Director; Lisa Frazier, Growth Management Director.

### **ANNOUNCEMENTS:**

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

- 1. 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).++**
- 2. One (1) vacancy on the Disaster Relief Committee Executive Board.++**
- 3. Two (2) terms expiring on the Planning and Zoning Board (represents 'at-large' positions).+**
- 4. Two (2) terms expiring on the Recreation Advisory Board (represents 'at-large' positions).+**

**AGENDA REVISIONS:**

1. Mr. Morgan advised that Resolution 2025-04, conveying property to Diaz Treasures, LLC, was added to the agenda as Item 8, under New Business.
2. Mayor Medina asked to consider Item 1, under New Business, prior to Public Comments.

Motion by Mr. Johnson, seconded by Mr. Langevin, to consider Item 1, 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 proclamations were read.

1. **Proclamation: Mayor's Business Spotlight recipient – Gary Yeomans Ford Palm Bay.**
2. **Proclamation: Human Trafficking Awareness Month - January 2025; National Human Trafficking Awareness Day - January 11, 2025.**

**PRESENTATIONS:**

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

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

Item 1, under New Business, was considered at this time.

1. **Resolution 2025-02, renaming Fred Poppe Regional Park to Palm Bay Regional Park.**

Staff Recommendation: Consideration of renaming Fred Poppe Regional Park to Palm Bay Regional Park.

The City Attorney read the resolution in caption only.

Numerous individuals spoke on the item, both for and against the renaming of the park.

Motion by Mr. Langevin, seconded by Mayor Medina, to deny Resolution 2025-02. 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 order as shown on the agenda.

**PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Issues and Items Listed Under ‘Approval of Consent Agenda’ Only)**

Individuals made general comments.

1. Mark Miller, resident, asked about an accelerated infrastructure plan so that the City could catch up with the development that had been approved.

Mr. Morgan advised that there was an engineering design in the works for the widening of the St. John’s Heritage Parkway there were agreements for the future extension of St. John’s Heritage Parkway that would be paid for by private parties at no expense to the City. Mr. Morgan said that the Malabar Road widening project would require federal funding as it would be a large high dollar project.

Mayor Medina advised that there was going to be some improvements made through the Florida Department of Transportation (FDOT) at the Malabar Road and I-95 Corridor Interchange as well.

2. Forlette Trail, resident, suggested having more streetlights added in the City to illuminate the darker areas and neighborhoods for overall road safety. Ms. Trail asked for clarification as to which agency was responsible for same.

Mr. Morgan explained that installing streetlights was not just a one-time cost but a recurring annual cost that should be considered as well. He would gather more information and provide an update.

3. Dawn Bittar, resident, requested a sign in the medians for the Rotary Club.

Mayor Medina asked staff to contact Ms. Bittar.

4. Butch Orend, resident, asked about the five-year Go Roads Paving Program and why there was no progress being made.

Mr. Perez provided an update on the program. Mr. Morgan indicated that several roadways were out for bid and would be considered accordingly. He would provide an update at a later date.

Mayor Medina suggested a workshop to receive an update on the Go Roads Paving Program.

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

#### **1. Resolution 2025-01, delegating authority to the City Manager to act as the Certifying Official for federal programs of the U.S. Department of Housing and Urban Development.**

The City Attorney read the resolution in caption only.

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

#### **2. Consideration of submitting an application for the St. Johns River Water Management District Cost-Share Program Funding for alternate water sources for Fiscal Year 2026.**

Staff Recommendation: Authorize the submittal of an application for the St. Johns River Water Management District Cost-Share Program funding for alternate water sources for Fiscal Year 2026; and authorize the City Manager to execute the grant agreement, if awarded.

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

#### **3. Consideration of allocating General Fund Undesignated Fund Balance for the purchase of surplus vehicles from the Building Department (\$44,924).**

Staff Recommendation: Approve the use of \$44,924.28 of General Fund Undesignated Fund Balance to reimburse the Building Department for the value of four (4) vehicles.

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

**PUBLIC HEARINGS:**

**1. Ordinance 2025-01, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Youth Advisory Board', by repealing the subchapter in its entirety, 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 Mr. Langevin, seconded by Mr. Johnson, to adopt Ordinance 2025-01. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**2. Ordinance 2025-02, vacating a portion of the road rights-of-way known as Valdes Avenue and Talisman Avenue, lying between Underhill Avenue and Babcock Street, and South of Foundation Park Boulevard (Platted - Jaslo Street), as recorded in Port Malabar Unit 15, Plat Book 15, Pages 72-79; and Unnamed 25' ½ right-of-way lying between Underhill Avenue and Babcock Street, as recorded in Port Malabar Unit 56, Plat Book 30, Pages 60-67, both of the Public Records of Brevard County, Florida (0.30 acres, more or less) (Case VRW-4-2024, Foundation Park Future Investments, LLC), first reading.**

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. Johnson, seconded by Mr. Langevin, to approve Ordinance 2025-02. 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 2025-03, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property, located at the northeast corner of Clearmont Street and Franklin Drive, from Commercial Use (COM) to Industrial Use (IND) (2.14 acres) (Case CP24-00012, EYP Holdings, Inc.), 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. Kelly Delmonico, representative for the applicant, presented the request to Council. The public hearing was closed.

Motion by Mr. Langevin, seconded by Mr. Johnson, to adopt Ordinance 2025-03. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**4. Ordinance 2025-04, rezoning property, located at the northeast corner of Clearmont Street and Franklin Drive, from CC (Community Commercial District) to LI (Light Industrial and Warehousing District) (2.14 acres) (Case CPZ24-00008, EYP Holdings, Inc.), 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. Kelly Delmonico, representative for the applicant, presented the request to Council.

Bill Battin, resident, asked that Council keep in mind that if they voted to change the zoning it was almost impossible to deny any development that was in that zoning classification.

Mr. Johnson asked a self-storage facility could be constructed if the property were rezoned. Ms. Frazier confirmed that self-storage facilities would be requested as a conditional use within CC zoning but was a permitted use in LI zoning. Ms. Smith advised that Council could approve the rezoning and specifically exclude storage facilities.

The public hearing was closed.

Motion by Mr. Johnson, seconded by Mr. Hammer, to approve Ordinance 2025-04, with the exclusion of a storage facility. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**5. Ordinance 2025-05, amending Ordinance 2024-33, which created Title XVII, 'Land Development Code', by modifying provisions within Chapter 172, Development Review Procedures, and Chapter 173, Zoning (Case T24-00005, City of Palm Bay), first reading.**

The Planning and Zoning Board recommended approval of the request.

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

Motion by Mr. Johnson, seconded by Mr. Langevin, to approve Ordinance 2025-05. 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:**

No items were removed from Consent Agenda.

#### **PROCUREMENTS:**

**1. Contract: Continuing consultant services, master planning services for Fred Poppe Regional Park – Consultant Services Library Agreement Contract 12-0-2024 – Parks and Facilities Department (Kimley Horn - \$62,304); and approve the utilization of impact fees.**

Staff Recommendation: Approve the use of impact fees for the master plan of Fred Poppe Regional Park.

Ms. Misconi presented the item to Council.

Mayor Medina stated that the area behind Ted Whitlock Community Center would be an ideal space for an amphitheater as it could accommodate large crowds. Ms. Misconi explained that what was being considered was what improvements would need to be made at the existing event space or the possibility of completely relocating the event space.

Matthew Gillespie and John Griffin of Kimley-Horn provided an overview of what was being considered and answered questions posed by Council.

Mr. Hammer suggested some type of parking area along the entrance road as so many vehicles parked on the rights-of-way during tournaments.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to approve the use of impact fees for the master plan of Fred Poppe Regional Park. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

#### **NEW BUSINESS:**

**1. Resolution 2025-02, renaming Fred Poppe Regional Park to Palm Bay Regional Park.**

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

**2. Resolution 2025-03, supporting Brevard County as a permanent location for the Command of United States Space Force, NASA, or any government agency headquarters focused on space technology, military technology, and similar applications. (Councilman Langevin)**

Staff Recommendation: Adopt the resolution.

The City Attorney read the resolution in caption only.

Motion by Mr. Langevin, seconded by Mayor Medina, to adopt Resolution 2025-03. 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 2025-06, amending the Fiscal Year 2024-2025 budget by appropriating and allocating certain monies (first budget amendment), first reading.**

Staff Recommendation: Approve the ordinance.

The City Attorney read the ordinance in caption only. Mr. Morgan presented the item to Council.

Motion by Mr. Johnson, seconded by Mr. Langevin, to approve Ordinance 2025-06. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

**4. Consideration of a Development Agreement with Diaz Treasures, LLC. related to property generally located at the southwest corner of Malabar Road and the St. Johns Heritage Parkway.**

Staff Recommendation: Approve the development agreement between the City of Palm Bay and Diaz Treasures, LLC.

Mr. Morgan presented the item to Council.

Motion by Mr. Johnson, seconded by Mr. Hammer, to approve the development agreement with Diaz Treasures, LLC, as requested. 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 a one-year extension to the Lease Agreement with the Greater Palm Bay Chamber of Commerce.**

Staff Recommendation: Authorize the City Manager to execute a one-year lease agreement extension with the Palm Bay Chamber of Commerce for the City-owned property at 4100 Dixie Highway NE.

Ms. Peltonen asked Council to consider a three (3) year extension.

Motion by Mr. Johnson, seconded by Mr. Langevin, to approve a one-year extension to the Lease Agreement with the Greater Palm Bay Chamber of Commerce (Chamber).

Mr. Johnson felt that lease agreements should include maintenance by the organization leasing the property.

Mr. Langevin wanted to keep the lease as one year and enable the City Manager to negotiate a contract that was fair for the City. He suggested either spreading the membership fee as rent over a one-year period or the Chamber could continue to pay \$10 per year but forgo the City's membership fee.

Mr. Hammer agreed with a three-year extension but suggested a stipulation stating that if there was any development in the area, the Chamber would have to vacate the building within six-months of notice from the City.

Deputy Mayor Jaffe was okay with a three-year term but with a condition that if the property was sold, the \$10 per year lease would cease.

Mayor Medina supported a three-year contract.

Ms. Smith recommended one-year automatic renewals up to three (3) years with a six-month notice to cancel.

Mr. Langevin withdrew his second to the motion.

Motion by Mr. Johnson, seconded by Mr. Langevin, to amend the motion to approve the lease agreement with one-year automatic renewals of the lease, up to three (3) years, with a six-month cancellation notice. Motion carried with members voting as follows: Mayor Medina, Yea; Deputy Mayor Jaffe, Yea; Councilman Johnson, Yea; Councilman Hammer, Yea; Councilman Langevin, Yea.

## **6. Discussion of establishing the Citizen Budget Advisory Board. (Councilman Hammer)**

Staff Recommendation: Councilman Hammer recommended that the City Council approve the formation of a Citizen Budget Advisory Board as outlined in the Legislative Memorandum and to direct the City Manager to prepare an Ordinance for City Council approval at the next regular City Council meeting formally establishing the Citizen Budget Advisory Board.

Mr. Hammer presented the item to Council. He wanted the board to be active during the budget process and the board would submit a report to City Council and the City Manager. He preferred that the board consist of five (5) members which were residents of the City and appointed by each member of Council, then one at-large, non-voting position which was not required to be a resident. Members could only be removed by a majority vote of City Council.

Mayor Medina asked if budget experience would be a requirement for the non-voting position. Mr. Hammer confirmed same. Mayor Medina did not agree with citizens giving their opinions on the individuals being appointed by each councilmember.

Motion by Mr. Langevin, seconded by Mr. Hammer, to bring forth a resolution to establish the Citizen's Budget Advisory Board. Mrs. Jones clarified that the request should be for an ordinance, not a resolution. Mr. Langevin rescinded his motion.

Motion by Mr. Langevin, seconded by Mr. Hammer, to bring forth an ordinance at the next meeting to establish the Citizen's Budget Advisory Board.

Mayor Medina said that if there was going to be an at-large position, that individual should have financial experience. He reiterated that his appointment should be his own and should not potentially be chastised by residents. Mr. Hammer said that the members should have backgrounds in finance, accounting, business, public administration or related fields with a commitment to public service and fiscal responsibility.

Deputy Mayor Jaffe felt the board was not needed and did not support the request.

Motion carried with members voting as follows:

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

**7. Discussion of establishing the Charter Review Commission. (Deputy Mayor Jaffe)**

Staff Recommendation: Direction by Council.

Deputy Mayor Jaffe presented the item to Council. Items he wanted considered by the Charter Review Commission: vacancy appointment process, requirements to run for office, voting districts, supermajority requirement to terminate Charter Officers, and removing the three percent (3%) cap. Mayor Medina mentioned the proposal from Councilman Johnson for an auditor general position as a Charter Officer.

Council concurred to establish the Charter Review Commission in May 2025.

**8. Resolution 2025-04, conveying certain property to Diaz Treasures, LLC (Parcel ID 29- 36-05-00-3) (2.77 acres). (AGENDA REVISION)**

Staff Recommendation: Adopt the resolution.

The City Attorney read the resolution in caption only.

Motion by Mr. Johnson, seconded by Deputy Mayor Jaffe, to adopt Resolution 2025-04. 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 requested a report of the future planning for the roads, so the public was informed.
2. Mr. Hammer said he did not agree with the dissolution of the Youth Advisory Board and wanted to create a program called the Palm Bay Youth Initiative. He would work with each high school and the Brevard County School Board. Council concurred.
3. Mr. Johnson made the following reports:
  - A. Asked the status of Rogue Valley that was opening in Palm Bay.
  - B. Asked if Citizen Participation Plan (CPP) meetings were required if there was a change in property ownership. Ms. Smith explained that the zoning went with the land,

so the new owner was still entitled to whatever the zoning allowed. A CPP would only be required if the new owner was seeking to change the uses.

C. Requested an update on City-initiated rezonings for City-owned properties.

D. Asked if priorities had been submitted to Representative Monique Miller for the Legislative Session.

E. Suggested that teleworking for employees be discontinued. He felt employees should be accessible to the public in the offices. Mayor Medina agreed but said there should be some flexibility given to the City Manager to allow it when needed.

4. Mayor Medina requested an update on the GO Roads Paving Program.

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

1. Mr. Morgan informed Council that staff would be seeking a construction contract for the emergency need for the Norwood Street washout that occurred due to Hurricane Milton. Additional information would be presented at the next meeting.

2. Ms. Smith said that Attorney Travis Walker had made a presentation to City Council regarding filing lawsuits on behalf of the City to address human trafficking. The lawsuits were designed to hold businesses and entities accountable for knowingly facilitating human trafficking. Attorney Walker would seek injunctive relief to shut down or regulate the establishments, recover financial damages, and attempt to establish deterrence for future violations. Attorney Walker's firm was ready to move forward with complaints, but staff was seeking direction as to who would be reviewing and given authority to move forward with the complaints. Council concurred that Attorney Travis Walker and Chief Augello would be the decision-makers.

#### **ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 10:33 P.M.

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Rob Medina, MAYOR

ATTEST:

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Terese M. Jones, CITY CLERK