

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2008-20

Held on Thursday, the 17th day of July 2008, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

The meeting was called to order at the hour of 7:00 P.M.

Dr. Errol Leslie, Palm Bay United Methodist, gave the invocation, which was followed by the Pledge of Allegiance to the Flag.

MAYOR:	John J. Mazziotti	Present
DEPUTY MAYOR:	Ed Geier	Present
COUNCILMEMBER:	Patrick Woodard	Present
COUNCILMEMBER:	Milo Zonka	Present
COUNCILMEMBER:	Kristine Isnardi	Present
CITY MANAGER:	Lee Feldman	Present
ACTING CITY ATTORNEY:	James Stokes	Present
CITY CLERK:	Alice Passmore	Present

CITY STAFF: Present was Jon Lewis, Deputy City Manager; William Berger, Chief of Police; Jason Yarborough, Utilities Director; Glenn Morris, Administrator, Housing and Neighborhood Development Services.

ANNOUNCEMENTS:

Mayor Mazziotti announced the following vacancies and terms expiring and solicited applications for same:

- 1. Two (2) vacancies on the Board of Adjustments and Appeals (represents 'architect' and 'fire safety' positions).**
- 2. Two (2) vacancies on the Building and Construction Advisory Committee (represents 'general contractor' and 'residential contractor' positions).**
- 3. Four (4) terms expiring on the Planning and Zoning Board.**
- 4. One (1) term expiring on the Palm Bay Police and Fire Pension Plan, Board of Trustees.**
- 5. One (1) term expiring on the Bayfront Community Redevelopment Agency (represents 'at-large' position).**

RECOGNITIONS AND PROCLAMATION:

1. Florida Water Professionals Week – August 4-8, 2008. Mayor Mazziotti read the proclamation and presented it to Mr. Yarborough.

2. Palm Bay Police Department – ceremony to administer police officer's oath. Chief Berger administered the oath of office to (3) officers who received promotions: Hilda Benedith, Nichole Carofinno, and Tabitha Haver.

3. Utilities Department – recognizing promotions within department. Mr. Yarborough recognized two (2) employees who received promotions: Katie Fought and Chris Klasek.

4. Parks and Recreation Department – Palm Bay Idol/Pee Wee Idol – competition winners. Rick Scott, Senior Recreation Leader, announced and recognized Daniel Grest as the winner of the Pee Wee Idol contest; and Majenta Turner as winner of the Palm Bay Idol contest.

PRESENTATIONS:

1. St. Johns River Water Management District (SJRWMD) – Hector Herrera, Senior Project Manager – update on C-1 rediversion project. Mr. Herrera stated the District had encountered a few challenges with the C-1 rediversion project and continued to work with the engineers to solve same. In the interim, the District decided to implement a plan that used part of the components of the C-1 project in order to realize some benefits to the Lagoon without completing the entire fully developed C-1 rediversion plan. He elaborated on Phase 1 and stated it would cost approximately \$8 million.

2. Housing and Neighborhood Development Services – Glenn Morris, Administrator – update on fire victims. Mr. Morris reported on the residents affected by the Mother's Day fires and the assistance provided to them through the City, Salvation Army, United Way, and other agencies, as well as the public.

AGENDA REVISIONS:

Mr. Feldman asked that Item No. 10, under New Business, be removed from the agenda. Council concurred.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, that the Consent Agenda be approved as presented with the removal of Item Nos. 3 and 5, under New Business, from consent, and Item No. 10, under New Business from the agenda. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

ADOPTION OF MINUTES:

*** 1. Regular Council Meeting No. 2008-18; July 3, 2008.**

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

BOARD AND COMMITTEE REPORTS:

1. Greater Palm Bay Chamber of Commerce – Tom Guame, President, updated Council on the status of the marketing project to encourage the public's patronage of the businesses on Palm Bay Road in the construction areas.

2. Metropolitan Planning Organization (MPO) – Mr. Woodard said the organization was proceeding with the separation of the MPO and changing its name to the Transportation Planning Organization (TPO).

3. Space Coast League of Cities – Mr. Zonka reported information on the tourism signage program to co-op with municipalities would be forthcoming; League asked municipalities to promote annual \$2,000 scholarship program.

PROCUREMENTS:

Award of Proposals:

*** 1. Replacement automotive parts - Fleet Services Division (Murphy Cadillac - annual estimated cost - \$35,000).**

Staff Recommendation: Award the proposal for OEM (GM) replacement automotive parts to Murphy Cadillac, Melbourne, at an estimated annual expenditure of \$35,000.

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

*** 2. Towing, storage, recovery service (non-revenue) - (Frank's Towing).**

Staff Recommendation: Approve the final ranking for non-revenue towing services to Frank's Towing; authorize City Manager to enter into an agreement with Frank's Towing.

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

*** 3. Water Drive and Hessey Avenue improvements - Bayfront Community Redevelopment District (Brewer Paving and Development, Inc. - \$111,860).**

Staff Recommendation: Award the proposal for Water Drive and Hessey Avenue improvements to Brewer Paving and Development, Inc., Cocoa, in the amount of \$111,859.70

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

Contracts:

*** 1. Continuing engineering consultant, renewal - Utilities Department (Wade Trim, Inc. - annual estimated cost - \$400,000).**

Staff Recommendation: Approve the renewal of the existing agreement for the Palm Bay Utilities Department's continuing engineering consultant services with Wade Trim, Inc.

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

*** 2. Bar code inventory system – Parks and Recreation and Utilities Departments (Sungard Public Sector (H.T.E.); Qautred, LLC - \$34,323).**

Staff Recommendation: Approve the purchase of a bar code inventory system from SunGard Public Sector (HTE), Lake Mary, and Qautred, LLC, Pembroke, New Hampshire, in the amount of \$34,323.39; authorize City Manager to negotiate and execute contracts.

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

UNFINISHED AND OLD BUSINESS:

There was no old business.

PUBLIC COMMENTS: (Non-agenda Items Only)

1. John Studor, President, Lockmar Estates Homeowners Association – thanked the SJRWMD, Council, and City staff for efforts in eliminating the problematic dam on the C-1 and Minton Road.

COUNCIL BUSINESS:

MRS. ISNARDI:

1. Palm Bay Community Hospital – thanked hospital staff for welcoming her on board.

MR. WOODARD:

1. Announced public hearing for PM Unit 31 equalization would be held on Thursday, July 24th, at 7:00 P.M., City Hall Council Chambers.

DEPUTY MAYOR GEIER:

1. Thanked Mrs. Isnardi for purchasing food during the counting of the ballots for PM 16 and 31 special assessment projects.

NEW BUSINESS: (Ordinances were for first readings.)

*** 1. Resolution No. 2008-65, canvassing the results of the balloting of affected property owners within a portion of Port Malabar Unit 16 to levy special assessments for water service improvements.**

The Acting City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

*** 2. Resolution No. 2008-66, canvassing the results of the balloting of affected property owners within a portion of Port Malabar Unit 31 to levy special assessments for water service improvements.**

The Acting City Attorney read the resolution in caption only. The resolution was approved under Consent Agenda.

3. Ordinance No. 2008-46, amending Ordinance No. 2008-31, Utilities Code, by including a definition for 'prevailing interest rate'.

The Acting City Attorney read the ordinance in caption only.

Mr. Zonka said the ordinance and intent were good as it reflected what the Council had been trying to do as far as extending the financing period to a maximum of twenty (20) years. His concern was that no matter how long the loan period was the individual would

pay the City's highest cost of financing plus one percent. In order to provide an incentive for shorter loan periods, he suggested tiering the interest rates as follows: a) sixty (60) months or less, the highest cost of capital; b) between sixty (60) months and ten (10) years, the highest cost of capital plus 1/2 point; and c) ten (10) years and beyond the highest cost plus one percent (1%).

Mr. Woodard said the administrative costs needed to be addressed for the short term financing periods. Mr. Zonka stated that a cushion was usually built in for short term financing. Mayor Mazziotti said he understood the individual would be subject to the City's cost plus a small percentage for administrative costs. Councilmembers concurred that by making it as affordable as possible would encourage the public to connect to the system.

Mr. Feldman stated that by extending the time period beyond five (5) years eliminated some capital that the utilities would have and could use to reinvest in the system. The longer term would need to capture the loss and ability to use the dollars as well as the City being made whole from the administrative costs to administer the program. He suggested approving the ordinance for first reading and in the interim staff would make the tier modifications for consideration at the second reading of the ordinance.

Mr. Feldman stated the utilities would be financing the loans. He said the question was the amount of the interest rate to be charged at the time of the loan. He stated the suggestion was to tie the rate to the past cost of capital and charge a basis point difference the longer the term of the loan in order to recoup the lost use of funds.

Mayor Mazziotti reiterated that he understood the rate would be the City's rate plus a small administrative fee. Mr. Woodard said the rate had to be determined. Mr. Zonka said he felt the rates should be tiered as an incentive to use the short term financing. It would be to the utilities benefit to do so as well.

Motion by Mr. Zonka, seconded by Mr. Woodard, to approve Ordinance No. 2008-46 with the expectation of staff coming back with modifications for tiered interest rates. Motion failed with members voting as follows:

Mayor Mazziotti	Nay
Deputy Mayor Geier	Nay
Councilman Woodard	Yea
Councilman Zonka	Yea
Councilwoman Isnardi	Nay

Motion by Deputy Mayor Geier, seconded by Mrs. Isnardi, to table the item and have staff expeditiously provide information on the administrative costs and percentage for same. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

*** 4. Consideration of interlocal agreement with Brevard County for traffic signal maintenance.**

Staff Recommendation: Enter into an agreement with Brevard County for traffic signal maintenance subject to review by the City Attorney's office.

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

5. Consideration of 2008 Certification of Taxable Value; proposed millage; scheduling dates for budget workshop and public hearings.

Staff Recommendation: a) Authorize the City Manager to advertise a Fiscal Year 2008-2009 proposed operating millage of up to 5.3013; b) schedule the first public hearing for the budget for Wednesday, September 10, 2008, at 6:30 P.M., and the second public hearing for Thursday, September 25, 2008, at 6:30 P.M.; and c) schedule the City Council budget workshop for Monday, August 18, 2008, at 7:00 P.M.

Deputy Mayor Geier wanted the public to know the actual millage rate would be set in September during the adoption of the budget. Mr. Feldman explained that the City was required to adopt a maximum millage rate by August 4th for the purposes of advertising; the rate could be reduced, but not increased. Deputy Mayor Geier stated he would vote in favor of the rate at this time, but if the proposed budget eliminated any jobs, he would not support the millage rate.

Motion by Deputy Mayor Geier, seconded by Mr. Zonka, to approve the maximum millage rate at 5.3013 and schedule the meeting dates as recommended. Mayor Mazziotti stated he would not increase the millage rate in order to give raises. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Geier, Yea; Councilman Woodard, Yea; Councilman Zonka, Yea; Councilwoman Isnardi, Yea.

*** 6. Consideration of certification of the non-ad valorem assessment roll for calendar year 2008 for USA 1 (PM Units 38 and 40).**

Staff Recommendation: Approve the certification of the Non-Ad Valorem Assessment Roll for Port Malabar Units 38 and 40 and have Form DR-408A executed by the Mayor.

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

*** 7. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$130,456).**

Staff Recommendation: Approve the expenditures in the amount of \$130,456.

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

*** 8. Consideration of agreement with St. Johns River Water Management District to replace the culvert at Hurley Boulevard.**

Staff Recommendation: Authorize the City Manager to execute the contract.

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

*** 9. Consideration of amendment to extend the contract with the State Division of Emergency Management for culvert replacements and related improvements for the Sandusky Street, Melbourne Tillman Canal No. 41 and Wyoming Drive project.**

Staff Recommendation: Authorize the Mayor to execute the contract amendment.

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

***10. Consideration of adoption of the Master Plan for Wake Forest Neighborhood Park.**

The item was withdrawn from the agenda per the City Manager's request under Agenda Revisions.

***11. Consideration of no further action on acquisition of Florida City Gas natural gas system assets located within the City.**

Staff Recommendation: Approve the feasibility study to purchase the Florida City Gas system assets located within Palm Bay, as prepared by Heath and Associates, Inc., and abandon efforts at this time to acquire the natural gas system owned by Florida City Gas.

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

ADMINISTRATIVE AND LEGAL REPORTS:

1. Special counsel fees (Mr. Stokes).

Mr. Stokes stated he had provided Council with an update on the fees as requested. Councilmembers concurred the information could be provided to them through copies or e-mail versus the Council agenda.

2. Mr. Stokes said Mr. Tsamoutales would be attending the August 7th regular Council meeting.

PUBLIC COMMENTS/RESPONSES:

There were no public comments.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 8:20 P.M.

John J. Mazziotti, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

* Identifies items considered under the heading of Consent Agenda.