

## CITY OF PALM BAY, FLORIDA

### REGULAR COUNCIL MEETING NO. 2010-11

Held on Thursday, the 20<sup>th</sup> day of May 2010, 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.

Pastor Shirley Groom, Fellowship United Methodist Church, Palm Bay, gave the invocation, which was followed by the Pledge of Allegiance to the Flag.

#### ROLL CALL:

<b>MAYOR:</b>	John J. Mazziotti	Present
<b>DEPUTY MAYOR:</b>	Kristine Isnardi	Present
<b>COUNCILMEMBER:</b>	Milo Zonka	Present
<b>COUNCILMEMBER:</b>	Michele Paccione	Present
<b>COUNCILMEMBER:</b>	William Capote	Present
<b>CITY MANAGER:</b>	Lee Feldman	Present
<b>CITY ATTORNEY:</b>	James Stokes	Present
<b>CITY CLERK:</b>	Alice Passmore	Present

**CITY STAFF:** Present were Sue Hann and Jon Lewis, Deputy City Managers; Jim Proce, Director of Public Works.

#### ANNOUNCEMENTS:

Deputy Mayor Isnardi 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 'electrician' positions).**
2. **One (1) vacancy on the Building and Construction Advisory Committee (represents 'design engineer' position).**
3. **Two (2) vacancies on the Community Development Advisory Board (represents the 'actively engaged as a for-profit provider' and 'essential services personnel' positions).**
4. **One (1) vacancy on the Utilities Advisory Board (resident or current utility customer).**
5. **Two (2) terms expiring on the Community Development Advisory Board (represents the 'actively engage in home building' and 'employer within the city' positions).**

## **RECOGNITIONS:**

☞ **Tyler Laprade**, a senior at Palm Bay High School, was recognized as recipient of the Presidential Scholarship, one of four so named in the State of Florida and one of 141 so named in the United States. Mr. Zonka read the proclamation and presented it to Mr. Laprade, who was accompanied by his parents.

**1. National Safe Boating Week – May 22-28, 2010.** Mayor Mazziotti read the proclamation and presented it to Gloria Costa, Flotilla Commander, Flotilla 17-2, and other representatives.

**2. American Public Works Association, Administrator of the Year Award recipient – Cindy Best, Administrative Services Manager, Public Works Department.** Mr. Proce explained the purpose of the award and what it represented. The City Council recognized Mrs. Best for her accomplishment.

## **PRESENTATION:**

**1. Sue Hann, Deputy City Manager – Palm Bay Parkway – update.** Mrs. Hann stated several parties were working together to develop the southern alignment of the Parkway. She elaborated on the project, the required Project Development and Environmental study, and the schedule for same.

## **AGENDA REVISIONS:**

The award of proposal for the Boundary Canal baffle box retrofit, had been added to the agenda as consent for consideration under Procurements, as Item No. 2.

## **CONSENT AGENDA:**

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

Motion by Mr. Zonka, seconded by Mrs. Paccione, that the Consent Agenda be approved as presented. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

## **ADOPTION OF MINUTES:**

- \* 1. **Regular Council Meeting No. 2010-09; April 22, 2010.**
- \* 2. **Regular Council Meeting No. 2010-10; May 6, 2010.**

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

## **PUBLIC HEARINGS:**

### **1. Resolution No. 2010-21, approving a Utilities Facilities Plan relating to the Florida Department of Environmental Protection State Revolving Fund Loan Program.**

The City Attorney read the resolution in caption only. The public hearing was opened and closed as there were no public comments.

Motion by Mr. Zonka, seconded by Mr. Capote, to approve Resolution No. 2010-21. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

☞ Since Item Nos. 2-6 were related and Item Nos. 7-8 were related, Mr. Feldman asked that brief presentations be allowed to be made by each representative prior to the public hearings. This would eliminate repeating the same information for each item during the public hearing phase. Council concurred.

Mr. Feldman explained the process for the Comprehensive Plan amendments and items within same being focused on by the Florida Department of Community Affairs.

Jim Hall, representative for Item Nos. 2-6, said the proposed land use, known as Micco Park Village District, promoted the new urban design. The primary intent of the land use was to provide a transition from the conservation areas to urban development. Mr. Hall stated the organizing element of the design was the streets and elaborated on same. He stated the goals of the land use were sustainable development to include a wildlife corridor, adequate public facilities and the offsite impacts, and the criteria to achieve same. He explained how the mix of commercial, residential, conservation, open space, and non residential uses were designed to achieve the goals.

Mr. Hall stated Item No. 2 was the request for the new land use designation and Item Nos. 3-6 were requests to apply the new use to the designated properties.

Mr. Zonka asked that language be added that if the phasing of the Palm Parkway interchange and development of the projects were such to provide for connection to the City's utility system, that the system would be utilized versus the package plant.

Mr. Hall stated he was amendable to establishing standards for 'dark sky lighting' which meant lighting would be shielded or directed downward within the developments.

Mr. Zonka asked that language be included to determine when the separate grade wildlife corridor should be established. He questioned the addition of language for securing rights-of-way for the Palm Bay Parkway. Questions posed by councilmembers were answered by Mr. Hall.

Rochelle Lawandales, of Lawandales Planning Affiliates, representative for Item Nos. 7 and 8, addressed Item No. 7 first, a request from Babcock LLC to create the Calumet Farms Hamlet Use designation and to apply the use to property described within the request. She stated the land use was oriented around the environment and elaborated on the goals and objectives of same. Mrs. Lawandales stated City utility lines would be extended to the development. She elaborated on the key features of the proposed development.

Mrs. Lawandales said the applicant was willing to meet all staff conditions. She asked that instead of requiring the dedication of right-of-way at this time for the connector from Fellsmere to the south and the Palm Bay Parkway to the north, that the applicant be allowed to work with staff in providing the right-of-way when the alignment was determined. Mrs. Lawandales asked that the requirement of a ratio of .6 non-residential jobs for every residential unit created be reduced to .3.

Mrs. Lawandales was agreeable to language being included addressing 'dark sky lighting'. Mr. Zonka felt language should be added that appropriately phased in the contribution of the right-of-way for Babcock Street. He felt the right-of-way for the south connector to Fellsmere needed to be pledged and a time limit not defined. Mrs. Lawandales said the applicant was committed to working on language that would provide a certainty for the right-of-way. She stated the design of the wildlife corridors would be presented with the first phase of development.

A brief recess was taken, after which the meeting reconvened.

Mrs. Lawandales addressed Item No. 8, a request by Centerlane Holdings LLC to amend the Comprehensive Plan to provide for an Urban-Rural Fringe Transition Zone Use and to apply the use to property described within the request. She elaborated on the goals and objectives of the land use. Mrs. Lawandales reviewed the proposed development of the property. She concurred with designing the connecting corridors in Phase 1 of the development. She committed to providing the right-of-way for the Parkway.

Mr. Zonka felt criteria should be established as to the utilization of septic tanks and wells versus the City's utility system; anything less than one (1) acre required City sewer per City code.

**2. Request by Jim Hall to amend the City's Comprehensive Plan Future Land Use Element to provide for a Micco Park Village District Use (Case No. CP-1-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land use Element to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, Executive Director of the Marine Resources Council, stated his comments would apply to Item Nos. 2-6, under Public Hearings. He expressed concern over the proposed developments being located between two existing wildlife preserves and provided suggestions for the wildlife corridors. He felt the design issues of the development should be locked in. Pat Clark, President of Barefoot Bay Homeowners Association, expressed concern in regards to utilization of the existing roadways, in particular Micco Road, improvements thereto, as well as funding for same. She said that water and sewer plans were a concern and the effect of water drawn down from the surrounding communities. She asked for a breakdown and analysis of the specific type of development proposed for the area next to the Sebastian River State Park (Case No. CP-3-2010). Ms. Clark felt participation from the residents of the surrounding areas should have been solicited. Mr. Feldman stated the requests had been sent to the County pursuant to the Joint Planning Agreement, who should have solicited input from the residents it represented. The City received no comments from the County.

Jan Black, President of Citizens Coalition of South Mainland, felt the developer should be required to place monies in escrow for the wildlife corridor when Micco Road was upgraded in the future. Tim Glover, President of the Friends of St. Sebastian River, stated their primary concern was the stormwater impacts in the proximity of the developments to the drainage canals in the area. He was opposed to increasing the density beyond the current zoning regulations. Mary Sphar, representing the Sierra Club Turtle Coast Group, felt the developments in the middle of public environmental lands was unsuitable. She expressed concern over the density, the lack of the demonstrated need for the project, sprawl, and felt the development should proceed only after the entire project was properly planned.

Mr. Hall responded to several of the comments. He said the wildlife corridor was committed to in the application. He was open to suggestions as to the best way to establish same. Mr. Hall concurred to a five hundred (500) foot minimum width for the corridor. He said after the amendment was reviewed by the state, there would be a series of meetings with the community to obtain input. The public hearing was closed.

Motion by Mr. Zonka, seconded by Deputy Mayor Isnardi, to approve the submission of the requested change to the Future Land Use Element to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes. Mr. Zonka stated the amendments were included as well, i.e., insertion of standards for 'dark sky lighting', planting of native vegetation in the wildlife corridor, a minimum width of five hundred (500) feet for the wildlife corridor, criteria for a separated-grade wildlife crossing for future improvements to Micco Road, more specific plan for wastewater

(extension of sewer lines versus package plant), and all of staff's comments. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**3. Request by Jeff Lee LLC to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of certain property located north of and adjacent to Micco Road, in the vicinity east of Interstate 95, from Residential 1 Use (Brevard County) to Micco Park Village District Use (353.47 acres)(Case No. CP-2-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, President of Marine Resources Council, said he understood the stormwater would be draining into the existing borrow pit on the property. He said borrow pits typically intersected the ground water because of their depths. Under normal conditions, it wouldn't present a problem, but with the stormwater draining into it, bacteria could be introduced into the ground water. He cautioned that it could be problematic with the use of potable wells and that attention should be given to same. Jan Black, Tim Glover, and Mary Sphar, confirmed that their comments made under Public Hearing, Item No. 2, also applied to this request. The public hearing was closed.

Motion by Mr. Zonka, seconded by Mr. Capote, to approve the submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, with the conditions that the balance of residential and non-residential development with a relationship to jobs be identified and that the site specific criteria address the timing of development with the proposed I-95 interchange. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**4. Request by David Lee LLC and MLCI Realty Ltd. to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of certain property located south of and adjacent to Micco Road, in the vicinity east of Interstate 95, from Residential 1 Use (Brevard County) to Micco Park Village District Use (760.50 acres)(Case No. CP-3-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and

comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, Jan Black, Tim Glover, and Mary Sphar, confirmed that their comments made under Public Hearing, Item No. 2, also applied to this request. The public hearing was closed.

Motion by Mr. Capote, seconded by Deputy Mayor Isnardi, to approve the submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff comments being addressed prior to submittal. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**5. Request by MLCI Investments Ltd., Jeffrey Lee LLC, and Brevard 270, LLC to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of certain property located south of and adjacent to Micco Road, in the vicinity east of Interstate 95, from Residential 1 Use (Brevard County) to Micco Park Village District Use (275.30 acres)(Case No. CP-4-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, Jan Black, Tim Glover, and Mary Sphar, confirmed that their comments made under Public Hearing, Item No. 2, also applied to this request. The public hearing was closed.

Motion by Mr. Zonka, seconded by Mrs. Paccione, to approve the submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff's comment being addressed prior to submittal. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**6. Request by David Lee LLC, William H. Lee Revocable Trust, and Keely Elise Bennett to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of certain property located south of and adjacent to Micco Road, in the vicinity east of Interstate 95, from Residential 1 Use (Brevard County) to Micco Park Village District Use (100.30 acres)(Case No. CP-5-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, Jan Black, Tim Glover, and Mary Sphar, confirmed that their comments made under Public Hearing, Item No. 2, also applied to this request. The public hearing was closed.

Motion by Mr. Zonka, seconded by Mr. Capote, to approve the submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff's comments being addressed prior to submittal. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**7. Request by Babcock LLC to amend the City's Comprehensive Plan Future Land Use Map to provide for a Calumet Farms Hamlet Use and to change the designated use of certain property located at the northwest corner of Babcock Street and Centerline Road, from Residential 1:2.5 Use (Brevard County) to Calumet Farms Hamlet Use (2,123.32 acres)(Case No. CP-6-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, Executive Director of the Marine Resources Council, stated that with the 2007 submittal, Brevard County had commented that all the land was within the 100 year flood plain with two thirds of it lying below the 25 five year flood plain elevation. One half of the property was wetlands and within the proximity of the Deer Run development where there were numerous flooding problems. He said when property was elevated for development, the water that would have been naturally stored on it was displaced to another property. Mr. Egan said the County was trying to address the problem with the requirement of compensatory storage. This meant that when fill was placed on property, dirt had to be removed from somewhere else on the property so the water was not displaced onto adjacent properties. He said the property was a high hazard area and felt that density should be restricted. Mr. Egan said that even with the levies west of the property, the property being in a low elevation area next to a major water body subject to tremendous rainfall events, rendered it a high hazard area.

Mary Sphar, of the Sierra Club, stated the proposed land use would have serious consequences for nearby residents and negatively impact valuable natural resources. She

felt the property was unsuitable for the proposed density and intensity. She repeated the information presented by Mr. Egan regarding the flood plain elevation. Ms. Sphar expressed concern over the impact to the wetlands, the consequences of flooding, the loss of habitat and degradation of water quality, problems encountered with sprawl, and the lack of demonstrated need. She urged the Council to deny transmittal of the request to the state.

Tim Glover, President of the Friends of St. Sebastian River, stated concerns were the stormwater issues and proximity to drainage canals that drained into the St. Sebastian River, and opposed increasing densities beyond what was currently allowed.

Mrs. Lawandales stated the development was driven by the environment. The applicant's sensitivity to the environment had been demonstrated by the preparation of its own studies. She said the environmental study indicated only one species on the property, that of an eagle. The public hearing was closed.

Motion by Mr. Zonka, seconded by Deputy Mayor Isnardi, to approve the submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, to include the amendments as stated, i.e., insertion of standards for 'dark sky lighting', the corridor design for the Fellsmere extension be submitted with Phase 1 of the development, commitment of the right-of-way for the south Fellsmere extension, and all of staff's comments. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**8. Request by Centerlane Holdings LLC to amend the City's Comprehensive Plan Future Land Use Map to provide for an Urban-Rural Fringe Transition Zone Use and to change the designated use of certain property located at the west end of Centerlane Road, in the vicinity west of Babcock Street, from Residential 1:2.5 Use and Agricultural Use (Brevard County) to Urban-Rural Fringe Transition Zone Use (3,179.411 acres)(Case No. CP-7-2010).**

The Planning and Zoning Board recommended submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, subject to staff conditions being addressed prior to submittal of the amendment.

The public hearing was opened. Jim Egan, Executive Director of Marine Resources Council, stated that according to Brevard County all the acreage was located within the 25 year flood plain. He said the application addressed utilizing the banks of the C-54 Canal for the wildlife corridor. Mr. Egan said the banks were completely mowed down and the

applicant may not have jurisdiction to improve them. He felt there should be language to ensure the corridors were functional, as well as the requirement that native vegetation be planted therein.

Mary Sphar, of the Sierra Club, expressed concern over the location of the development and the vulnerability to flooding. She shared the same concerns regarding the wildlife corridor as expressed by Mr. Egan. Ms. Sphar questioned the property being suitable for the proposed density due to its location in the 25 year flood plain. She said the application addressed a regional storage diversion project and a water reservoir appeared to be the only possible way to partially mitigate the flood plain vulnerability. Ms. Sphar said the two were not mentioned in the policy of the Comprehensive Plan amendment and felt it crucial to be included and elaborated on as to why and how they were integral to the land use. She said without these provisions the amendment was problematic and recommended denial of the transmission of the request to the state.

Mrs. Lawandales stated the applicant had set aside a stormwater mitigation area and would continue discussion with Deer Run to integrate some solutions for the subdivision into the stormwater mitigation bank. She said using native vegetation in the wildlife corridor would not be an issue but without knowing what the design was she would rather it be considered at that time. She stated there was discussion among the pertinent parties in regards to assisting Deer Run in alleviating the flooding problem in the area. The public hearing was closed.

Motion by Mr. Zonka, seconded by Deputy Mayor Isnardi, to approve the submission of the requested change to the Future Land Use Map to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes, to include the amendments as stated, i.e., insertion of standards for 'dark sky', the corridor design for the Fellsmere extension be submitted with Phase 1 of the development, commitment of the right-of-way for the south Fellsmere extension, and all of staff's comments. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

#### **9. Consideration of the City's first submittal of amendments to Palm Bay's Comprehensive Plan to the Florida Department of Community Affairs.**

The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Isnardi, seconded by Mr. Zonka, to approve submission of Case Nos. CP-1-2010, CP-2-2010, CP-3-2010, CP-4-2010, CP-5-2010, CP-6-2010, and CP-7-2010, to the Florida Department of Community Affairs for review and comment pursuant to Chapter 163, Florida Statutes. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**10. Request by the City of Palm Bay to amend the Code of Ordinances, Chapter 185, Zoning Code, by including provisions for accessory merchandise outside commercial establishments (Case No. T-1-2010)(WITHDRAWN).**

**BOARD AND COMMITTEE REPORTS:**

1. Palm Bay Community Charter Schools – David Calvo, Principal, provided an update to Council on the schools' operations and activities.

**PROCUREMENTS:**

**Award of Bid:**

**\* 1. "Other Agency" contracts utilized for the purchase of operating materials and supplies - City Departments (approximately \$75,000 annually).**

Staff Recommendation: Approve the list of 'other agency' contracts being utilized by the City which exceeded or had the potential to exceed the City's formal bid/proposal threshold amount of \$25,000 per year, for day to day operating materials and supplies utilized by City departments, in the estimated annual amount of \$75,000; effective date would be retroactive to the actual date of agency award for each contract.

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

**Award of Proposal:**

**\* 1. Basin 9 drainage improvements - RFP No. 27-0-2010 - Public Works Department (Chad Lane, Inc. - \$41,000).**

Staff Recommendation: Award the proposal for Basin 9 drainage improvements consisting of the fabrication and construction of an aluminum box culvert, toe walls and head walls, to Chad Lane, Inc., Winter Springs, in the amount of \$40,702.39.

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

**\* 2. Boundary Canal baffle box retrofit - RFP No. 30-0-2010 - Public Works Department (Johnson-Davis, Inc. - \$51,400).**

Staff Recommendation: Award the proposal for the baffle box retrofit to Johnson-Davis, Inc., in the amount of \$51,400.

The item was added to the agenda as a consent item and approved.

**Contracts:**

**\* 1. Utility billing services, renewal - Advanced Xerographics Imaging Systems - \$30,120.**

Staff Recommendation: Approve the six (6) month extension to the City's current agreement with Advanced Xerographics Imaging Systems, Inc. for utility billing services, in the amount of \$30,120.

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

**\* 2. Continuing testing services agreement, renewal - Utilities and Public Works Departments (Universal Engineering Services).**

Staff Recommendation: Approve the annual renewal of the existing continuing testing services agreement with Universal Engineering Sciences, Rockledge, on an 'as needed' basis; estimated annual expenditures for Public Works was \$5,000 and for Utilities \$50,000.

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

**Change Order:**

**\* 1. Port Malabar Units 12 and 16, main line extension infrastructure improvements - Utilities Department (Tri-Sure Corporation, Inc., \$76,582).**

Staff Recommendation: Authorize the City Manager to execute the change order to Tri-Sure Corporation, Auburndale, in the amount of \$76,581.75 for additional work for the MLE infrastructure improvements for Port Malabar Units 12 and 16 projects.

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

**COUNCIL BUSINESS:**

Due to the late hour, Council concurred to forego Council Business.

**NEW BUSINESS: (Ordinances were for first readings.)**

- \* 1. Resolution No. 2010-22, authorizing entering into an agreement with the Florida Department of Transportation for utility design work for the utility relocation at the intersection of Babcock Street and Malabar Road.**

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

- \* 2. Ordinance No. 2010-13, amending the Fiscal Year 2009-2010 budget by appropriating and allocating certain monies (fourth budget amendment).**

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

- \* 3. Acknowledgement of the 2009 Ad Valorem Tax Exemption Annual Report.**

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

- \* 4. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended March 31, 2010.**

Receipt of the item, considered under Consent Agenda, was acknowledged by the City Council.

- 5. Consideration of proceeding with the establishment of a standardized container (CART) system of residential sanitation service.**

Staff Recommendation: Approve the establishment of the CART program and authorize the City Manager to conclude negotiations with Waste Management for the implementation of the CART program and amended franchise agreement.

A representative of Waste Pro, a waste collection company, stated the company had secured two contracts with municipalities in Brevard. He asked that bids be requested by the City for the waste collection service.

Motion by Mrs. Paccione, seconded by Deputy Mayor Isnardi, to approve proceeding with the establishment of the standardized container system with Waste Management. Mr. Capote felt that all avenues should be explored to determine if there were additional savings that could be realized. Deputy Mayor Isnardi felt the CART system and the terms of the contract would save money. Mr. Zonka said he had researched bids received by other communities for the waste collection service and did not feel there would be a benefit

to seek bids for the service. Mr. Feldman said the rate being offered was competitive compared to recent bids received by municipalities in Florida. He said most franchise agreements were for five (5) years, but Waste Management had agreed to a ten (10) year term, establishing a rate which would be adjusted by both the CPI and Fuel Index. Motion carried with members voting as follows:

Mayor Mazziotti	Yea
Deputy Mayor Isnardi	Yea
Councilman Zonka	Yea
Councilwoman Paccione	Yea
Councilman Capote	Nay

**ADMINISTRATIVE AND LEGAL REPORTS:**

**\* 1. Consideration of travel and training for specified City employees.**

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

**PUBLIC COMMENTS/RESPONSES:**


An individual commented on the International Association of Firefighters' issue.

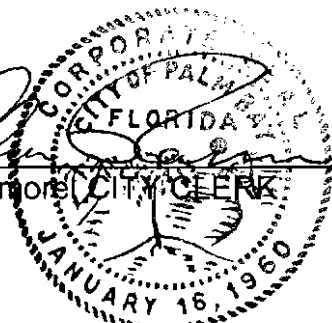
**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 11:53 P.M.

  
\_\_\_\_\_  
John J. Mazziotti, MAYOR

ATTEST:

  
\_\_\_\_\_  
Alice Passmore, CITY CLERK



\* Identifies items considered under the heading of Consent Agenda.

☞ Indicates item was considered out of sequence or added to the agenda.