

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2010-12

Held on Thursday, the 3rd day of June 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 7:05 P.M.

Pastor Kenneth Delgado, House of Prayer, Palm Bay, gave the invocation, which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	John J. Mazziotti	Present
DEPUTY MAYOR:	Kristine Isnardi	Present
COUNCILMEMBER:	Milo Zonka	Present
COUNCILMEMBER:	Michele Paccione	Present
COUNCILMEMBER:	William Capote	Present
CITY MANAGER:	Lee Feldman	Present
CITY ATTORNEY:	James Stokes	Present
DEPUTY CITY CLERK:	Terese Jones	Present

CITY STAFF: Present were Sue Hann, Deputy City Manager; William Berger, Chief of Police.

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 'actively engaged in home building' positions).**
4. **One (1) vacancy on the Utilities Advisory Board.**

RECOGNITIONS AND PROCLAMATIONS:

1. **Palm Bay Police Department – recognizing the promotion of John Resh to Lieutenant.** Chief Berger recognized the promotions of Lieutenant John Resh and Sergeant Cynthia Williams.

☞ Chief Berger recognized Rubin Torres, trained security agent, for his involvement in the interception of an attempted bank robbery at Space Coast Credit Union. He was presented with a Certificate of Appreciation.

2. Palm Bay Community Charter School – Employees of the Year. David Calvo, Principal, recognized the winners of each category.

3. Palm Bay BMX – recognizing riders for accomplished wins throughout the State. Deputy Mayor Isnardi read the proclamation and presented it to Jason Jones, President of Action Youth Mentoring. Mr. Jones recognized the riders.

4. Alpizar Law, LLC – presentation of check to the City for the Epic Outdoor Cinema System for the Parks and Recreation Department. Mayor Mazziotti read the proclamation and presented it to O. John Alpizar. Mr. Alpizar presented the City with a check in the amount of \$12,500.

5. Management Week – June 6-12, 2010. Mr. Zonka read the proclamation and presented it to Ray Polniak, Awards Chairman, Florida Space Coast Council.

6. Juneteenth Celebration – June 19, 2010. Mayor Mazziotti read the proclamation and presented it to Richard Scott, Senior Recreation Leader, Parks and Recreation Department.

7. Motorcycle Safety Awareness Month – June 2010. Mayor Mazziotti read the proclamation and presented it to Robert Young, Safety Trustee, ABATE of Florida, Inc.

DEPARTMENTAL REPORT:

1. Police Department – update. Police Chief Berger provided an overview of the Police Department's accomplishments and activities from 2009 to the present.

AGENDA REVISIONS:

Mr. Feldman asked that Item No. 2, Award of Bids, under Procurements, be withdrawn. 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 Mr. Zonka, seconded by Mrs. Paccione, that the Consent Agenda be approved as presented with the removal of Item No. 2, Award of Bids, under Procurements, from the agenda and removal of Item No. 1, under New Business, from consent. Motion carried

with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

PUBLIC HEARINGS:

1. Ordinance No. 2010-13, amending the Fiscal Year 2009-2010 budget by appropriating and allocating certain monies (fourth budget amendment), for 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 Deputy Mayor Isnardi, seconded by Mrs. Paccione, to adopt Ordinance No. 2010-13. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

2. Ordinance No. 2010-14, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of certain property located north and south of the Emerson Drive extension, in the vicinity of the proposed Palm Bay Parkway, from Public/Semi-Public Use to Commercial Use (5.21 acres)(Palm Vista Preserve, LLC, Case No. CP-9-2010), for first reading.

The Planning and Zoning Board recommended that the request be approved.

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

Motion by Mr. Zonka, seconded by Mr. Capote, to adopt Ordinance No. 2010-14. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

3. Ordinance No. 2010-15, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of certain property located west of and adjacent to U.S. Highway No. 1, between Indian River and Deer Run Drives, from Mobile Home Residential Use to Commercial Use (1.09 acres)(Theo Realty Investments, Case No. CP-12-2010), for first reading.

The Planning and Zoning Board recommended that the request be approved.

The City Attorney read the ordinance in caption only. The public hearing was opened. The representative for the applicant was present to answer questions. The public hearing was closed.

Motion by Mr. Zonka, seconded by Mrs. Paccione, to adopt Ordinance No. 2010-15. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

***4. Ordinance No. 2010-16, rezoning property located west of and adjacent to U.S. Highway No. 1, between Indian River and Deer Run Drives, from RMH (Residential Mobile Home District) to HC (Highway Commercial District)(1.09 acres)(Theo Realty Investments, Case No. CPZ-12-2010), for first reading.**

The Planning and Zoning Board recommended that the request be approved.

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

Motion by Deputy Mayor Isnardi, seconded by Mr. Zonka, to adopt Ordinance No. 2010-16. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

PROCUREMENTS:

Award of Bids:

*** 1. "Other Agency" contracts utilized for the purchase of operating materials and supplies - City Departments (approximately \$25,000 annually).**

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

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

*** 2. Dewatered biosolids, removal and disposal (Brevard County contract) – Utilities Department (T. Wayne Hill Trucking, Inc. – approximately \$242,000 annually).**

The item was removed from the agenda under Agenda Revisions.

Award of Proposal:

*** 1. Professional auditing services – RFP No. 29-0-2010 (Moore Stevens Lovelace).**

Staff Recommendation: Award the proposal to Moore Stevens Lovelace, PA, Winter Park, in the amount of \$60,000, for one (1) year with the option to renew on an annual basis for three (3) additional one-year terms.

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

Waive of Bid Process and Award:

*** 1. Web-based open enrollment – Human Resources Department (BenTek - \$34,992).**

Staff Recommendation: Waive the formal request for proposal process and negotiate an agreement with BenTek, Palm Beach Gardens, in the amount of \$34,992, for the continued use of BenTek's web-based open enrollment services for one (1) year with the option to renew.

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

Change Order:

*** 1. Installation, construction of sludge dewatering facility – Utilities Department (Derrico Construction Corp. – \$5,163).**

Staff Recommendation: Approve Change Order No. 2 with Derrico Construction Corporation in the amount of \$5,163.17 for design modification costs and project extension of twenty-eight (28) days for the installation and construction of the sludge dewatering facility.

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

Contract:

*** 1. Survey and demographic profile, City potable water service expansion – Utilities Department (Wade Trim, Inc. - \$80,734).**

Staff Recommendation: Approve the Task Order with Wade Trim, Inc., in the amount of \$80,734 to update the Water Demand Study, previously completed in December 2007, to reflect the market demand for potable water.

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

UNFINISHED AND OLD BUSINESS:

1. Appointment of two (2) members to the Community Development Advisory Board.

Motion by Deputy Mayor Isnardi, seconded by Mr. Zonka, to reappoint Carolina Mallon and appoint Jane Williams to the Board. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

2. Appointment of one (1) councilmember to the Disaster Relief Committee Executive Board.

Due to Item No. 1, under New Business, being tabled to the next meeting, this item was not acted upon.

COUNCIL BUSINESS:

Council concurred to forego Council Business and proceed with the agenda items.

NEW BUSINESS:

1. Resolution No. 2010-23, establishing a Disaster Relief Committee Executive Board.

The City Attorney read the resolution in caption only.

Mr. Zonka stated the City had recently dissolved and merged some boards in an effort to minimize staff involvement in same. He felt the Council could act as the executive board to act on the Committee's recommendation of the disbursement of monies.

Mr. Stokes stated his issue was with the decision making process of the disbursement of funds with no formal record of it.

Mr. Capote stated the Committee members wanted to participate in deciding how the money was disbursed. He felt it defeated the purpose if Council was the executive board.

Council concurred to table the item to the next meeting.

*** 2. Consideration of submitting an application for Edward Byrne Memorial Justice Assistance Grant funds for LODIS DNA contract services.**

Staff Recommendation: Authorize the City Manager and Police Chief to apply for funding under the Justice Assistance Grant.

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

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

3. Consideration of amending the franchise agreement with Waste Management, Inc. (Harris Sanitation) for solid waste collection services.

Staff Recommendation: Authorize the City Manager to execute the amended and restated franchise agreement with Harris Sanitation, subject to non-substantive modification by the City Attorney to address legal matters.

George Geletko, Government Affairs Director of Waste Management, stated that the rate would be reduced, service upgraded, and revenues to the City increased. He elaborated on same. Council listened to comments from the audience, which included other waste collection vendors.

Motion by Mrs. Paccione, seconded by Deputy Mayor Isnardi, to approve the franchise agreement with Waste Management. Motion carried with members voting as follows:

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

CHARTER SCHOOLS:

*** 1. Consideration of the first, second, and third quarter financial reports for the Palm Bay Community Charter Schools – Patriot Campus and Charter High School.**

Staff Recommendation: Approve the quarterly financial reports.

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

*** 2. Consideration of entering into an agreement with Berman, Hopkins, Wright & LaHam CPA's and Associates, LLP, for professional auditing services for the Palm Bay Community Charter Schools – Patriot Campus and Charter High School.**

Staff Recommendation: Approve Academica's recommendation for professional auditing services; authorize the City Manager to negotiate and enter into an agreement.

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

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:

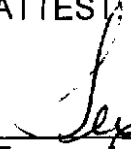
There were no public comments.

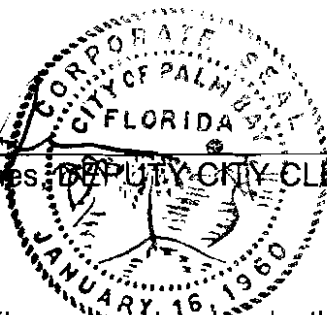
ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 11:12 P.M.


John J. Mazziotti, MAYOR

ATTEST


Terese Jones, DEPUTY CITY CLERK



- * Identifies items considered under the heading of Consent Agenda.
- ♣ Indicates quasi-judicial proceeding.
- ⌚ Indicates item was considered out of sequence or added to the agenda.