

## CITY OF PALM BAY, FLORIDA

### REGULAR COUNCIL MEETING NO. 2010-13

Held on Thursday, the 17<sup>th</sup> 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 7:00 P.M.

Mike Bouvier, resident of 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.

#### ANNOUNCEMENTS:

Deputy Mayor Isnardi announced the following vacancies 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:

1. Volunteer Program (one (1) year of service as City boardmember): Community Development Advisory Board – Frank Pollard. Mr. Pollard was not in attendance.

\* Amateur Radio Week - June 21-28, 2010. Mayor Mazziotti read the proclamation and presented it to Thomas Henderson and other members of the Platinum Coast Amateur Radio Society.

#### **PRESENTATION:**

##### **1. McGladrey and Pullen - Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2009; consideration of forwarding report to the Auditor General.**

Brett Friedman, Director, stated the Comprehensive Annual Financial Report had been prepared by the City's Finance Department. A report had been provided to the Council containing required communications from the auditors which Mr. Friedman reviewed. Questions posed by councilmembers were addressed by Mr. Friedman and Jill Reyes, Manager.

Motion by Mr. Zonka, seconded by Deputy Mayor Isnardi, to approve the Fiscal Year 2008-2009 Audit Report and to forward the report to the Auditor General. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

#### **AGENDA REVISIONS:**

Mr. Feldman stated that Item No. 2, under Award of Bids, had been withdrawn and asked that the amendment to Item No. 1, under Administrative and Legal Reports, be noted.

#### **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 Isnardi, seconded by Mr. Zonka, that the Consent Agenda be approved as presented with the travel item added to Item No. 1, under Administrative and Legal Reports, and the removal of the following items from consent: Item No. 3, under Award of Bids; Item No. 1, under Lease/Purchase; Item Nos. 1-7 and 11, under New Business. Item No. 2, under Award of Bids, had been withdrawn from the agenda. 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. 2010-11; May 20, 2010;
- \* 2. Regular Council Meeting No. 2010-12; June 3, 2010.

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

**PUBLIC HEARINGS:**

**1. 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 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 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.

**2. 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 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. Capote, seconded by Deputy Mayor Isnardi, 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.

**3. 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 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 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.

## **BOARD AND COMMITTEE REPORTS:**

1. Greater Palm Bay Chamber of Commerce – Vicki Northrup, CEO/President, provided an update on the Chamber's job fair.

2. American Red Cross – Mr. Capote stated he had bulletins with information on preparing for a hurricane for distribution. There were training programs for teens that the organization would like to extend to the south end of the County. He would like to see the Parks and Recreation Department participate in same.

3. Space Coast League of Cities – Mr. Zonka reported that Senator Thad Altman, Representatives Rich Workman and Steve Crisafulli, recapped the bills from the last session. Mr. Zonka commented on the 'pill mills, cash only' pharmaceutical dispensers. A packet of information was provided to the City Attorney for review.

## **PROCUREMENTS:**

### **Award of Bids:**

**\* 1. Mowing equipment (Florida Sheriff's contract) – Public Works Department (Ring Power Corporation - \$102,532).**

Staff Recommendation: Approve the purchase of one (1) Caterpillar 299C multi-terrain loader and one (1) HM315 heavy duty Skidsteer mulcher, from Ring Power Corporation, Riverview, in the amount of \$102,532; and to authorize the Mayor to request an increase in the City's Master Lease Agreement with SunTrust Bank.

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

**2. Domestic biosolids, hauling services (City of Melbourne contract) – Utilities Department (Shelley's Environmental Systems – approximately \$75,000 annually).**

The item had been withdrawn from the agenda.

**3. Solid waste containers (State of Massachusetts contract) (Cascade Engineering, Inc. - \$2,622,000).**

Staff Recommendation: Approve utilizing the State of Massachusetts contract for the purchase of 64-gallon wheeled solid waste carts from Cascade Engineering, Inc., Grand Rapids, Michigan, in the amount of \$2,622,000. *The amount had been revised to \$2,546,000.*

Representatives of two vendors, Otto Waste Systems, LLC and Cascade Engineering, Inc. addressed Council in regards to the quality of their carts.

Motion by Mr. Zonka to approve the purchase of the containers from Cascade Engineering in the color of gray. Motion died for lack of a second.

Motion by Mayor Mazziotti, seconded by Deputy Mayor Isnardi, to approve the purchase of carts from Cascade Engineering in the color of black with teal and yellow. Motion carried with members voting as follows:

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

**Lease/Purchase:**

**1. Standardized containers for residential solid waste collection - Bank of America - \$2,600,000.**

Staff Recommendation: Authorize the City Manager to accept Bank of America's proposal to provide lease/purchase financing for ten (10) years at the rate of 3.465%, subject to credit approval by the bank, and execute the necessary documents to enter into a lease/purchase agreement with Bank of America.

Motion by Mr. Zonka, seconded by Mrs. Paccione, to approve the proposal from the Bank of America for cart financing. Motion carried with members voting as follows:

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

**COUNCIL BUSINESS:**

Council business was not considered at the meeting.

**NEW BUSINESS:**

Item Nos. 1-7 were removed from consent to allow residents to address the Council in regards to the special assessments.

**1. Resolution No. 2010-24, proceeding with a special assessment project within Road and Drainage Improvement District A and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Mrs. Paccione, to adopt Resolution No. 2010-24. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**2. Resolution No. 2010-25, proceeding with a special assessment project for Road and Drainage Improvement District B and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Mrs. Paccione, to adopt Resolution No. 2010-25. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**3. Resolution No. 2010-26, proceeding with a special assessment project for Road and Drainage Improvement District C and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Mr. Capote, to adopt Resolution No. 2010-26. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**4. Resolution No. 2010-27, proceeding with a special assessment project for Road and Drainage Improvement District D and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Deputy Mayor Isnardi, seconded by Mr. Zonka, to adopt Resolution No. 2010-27. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**5. Resolution No. 2010-28, proceeding with a special assessment project for Road and Drainage Improvement District E and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Deputy Mayor Isnardi, to adopt Resolution No. 2010-28. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**6. Resolution No. 2010-29, proceeding with a special assessment project for Road and Drainage Improvement District F and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Mrs. Paccione, to adopt Resolution No. 2010-29. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**7. Resolution No. 2010-30, proceeding with a special assessment project for Road and Drainage Improvement District G and the balloting of property owners therein.**

The City Attorney read the resolution in caption only.

Motion by Mr. Zonka, seconded by Deputy Mayor Isnardi, to adopt Resolution No. 2010-30. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**\* 8. Consideration of exceeding the Local Housing Assistance Plan maximum award limit for various programs.**

Staff Recommendation: Approve exceeding the maximum award limit for the sixteen (16) State Housing Initiatives Partnership, Local Housing Assistance Plan, projects.

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

**\* 9. Consideration of submitting applications for Transportation Investment Generating Economy Recovery (TIGER) grant funds for various roadway projects and the creation of alternative non-motorized off-road connections.**

Staff Recommendation: Authorize the City Manager to submit the TIGER II pre-applications and applications, if appropriate, for the referenced projects.

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

**\*10. Consideration of submitting a joint application with the City of Fellsmere for Sustainable Communities Grant Program funds for development of coordinated land use and zoning along the municipal borders.**

Staff Recommendations: Approve the joint development of a Sustainable Communities Grant Program application with the City of Fellsmere, approve the submission of the application, and authorize the Mayor and City Manager to execute all documents necessary for submittal.

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

**11. Consideration of entering into an agreement with the School Board of Brevard County for school resource officers at Southwest Middle School, Bayside and Heritage High Schools.**

Staff Recommendation: Authorize the City Manager to execute the agreement only for Fiscal Year 2010-2011 in the flat rate amount of \$88,500.

Deputy Mayor Isnardi stated that Patriot Charter School had been turned down in the past for a school resource officer and asked Council if it was agreeable to pursue same. Mr. Feldman commented that the School Board personnel had stated that charter schools were not eligible to receive funding for resource officers. He recommended amending the agreement to include the charter school. Mayor Mazziotti felt the agreement and the request for the resource officer for the charter school should be separate actions.

Motion by Deputy Mayor Isnardi, seconded by Mr. Zonka, to approve the agreement for school resource officers with an amendment to include Patriot Charter. Mayor Mazziotti expressed concern over amending the agreement and felt it should be considered separately. Motion carried with members voting as follows: Mayor Mazziotti, Yea; Deputy Mayor Isnardi, Yea; Councilman Zonka, Yea; Councilwoman Paccione, Yea; Councilman Capote, Yea.

**\*12. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$133,465).**

Staff Recommendation: Approve the funding needed for the listed items.

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

**13. Consideration of councilmembers attending the Florida League of Cities Annual Conference, August 19-21, 2010.**

The following councilmembers would be attending the conference: Mayor Mazziotti, Mrs. Paccione; Deputy Mayor Isnardi and Mr. Zonka would attend a portion of it.

Mr. Zonka said he would be the voting delegate unless another councilmember was staying to Saturday.

**14. Consideration of rescheduling the second regular Council meeting in August 2010.**

Due to the majority of Council attending the Florida League of Cities Annual Conference, Council concurred to reschedule the second regular Council meeting in August from Thursday the 19<sup>th</sup> to Tuesday the 17<sup>th</sup>.

**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.

2. Mr. Zonka asked the City Attorney for the City Law report.

**PUBLIC COMMENTS/RESPONSES:**

Individuals commented on various issues.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:33 P.M.

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

ATTEST:

  
\_\_\_\_\_  
Alice Passmore, 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.