

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2013-09

Held on Thursday, the 18th day of April 2013, 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.

Councilwoman Paccione gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kristine Isnardi	Present
COUNCILMEMBER:	Michele Paccione	Present
COUNCILMEMBER:	Ken Greene	Present
COUNCILMEMBER:	Harry Santiago Jr.	Present
CITY MANAGER:	Sue Hann	Present
DEPUTY CITY ATTORNEY:	Peter Sweeney	Present
CITY CLERK:	Alice Passmore	Present

CITY STAFF: Present was Chad Shultz, Deputy City Manager.

ANNOUNCEMENTS:

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

1. One (1) vacancy on the Community Development Advisory Board (represents 'for-profit provider' position).
2. One (1) vacancy on the Youth Advisory Board (represents students in grades 9-12).
3. One (1) vacancy on the Planning and Zoning Board.
4. Eight (8) terms expiring on the Youth Advisory Board (represents 'three (3) adult members 30 years and over' and 'five (5) students in grades 9-12').
5. Two (2) terms expiring on the Utilities Advisory Board (represents individual who has special talents, credentials, or experience which will be useful in the review and recommendation of utilities; resident and/or current customer of the City's utility system).

AGENDA REVISIONS:

The Council had received the following in regards to items on the agenda: a) memorandum from the City Manager revising the change order amount to \$41,184.69 for Item No. 1, under Procurements, Miscellaneous; b) memorandum from the City Manager advising of the union's favorable vote on Item No. 12, under New Business; c) a memorandum from the City Attorney requesting approval of training and travel to be added to Administrative and Legal Reports, Item No. 1; and d) a recommendation from the Community Development Advisory Board to adopt the Fiscal Year 2013-2014 CDBG/HOME Action Plan which was Item No. 9, under New Business.

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 Mrs. Paccione, that the Consent Agenda be approved as presented with the removal of the following items from consent: a) Adoption of Minutes, Item No. 1; b) Procurements, Miscellaneous, Item No. 1; c) New Business, Item Nos. 2, 5, 6, 7, 9, 11, and 12. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

RECOGNITIONS AND PROCLAMATIONS:

Individuals were recognized and proclamations read.

1. **Recognizing City Employee of the Quarter – Adam Beard, GIS Technician II, Utilities Department.**
2. **Volunteer Program (one (1) year of service as City boardmember): a)Community Development Advisory Board – Santa (Isabel) Wright (to be recognized at May 2nd meeting); b) Youth Advisory Board – Megan Grace; Kimberly Winarski; Whitney Sylliac; Tiffany Buchanan; Andrew Overbey; Amanda Elliot; Kristin Medley (to be recognized at May 2nd meeting).**
3. **National Public Safety Telecommunications Week – April 14-20, 2013.**
4. **National Volunteer Week – April 21-27, 2013.**

ADOPTION OF MINUTES:

1. **Regular Council Meeting No. 2013-07; April 4, 2013.**

Motion by Deputy Mayor Isnardi, seconded by Mr. Greene, to adopt the minutes of Regular Council Meeting No. 2013-07 with the following correction: Public Hearings, Item No. 11 – Deputy Mayor Isnardi voted 'Yea'. Motion carried with members voting as follows: Mayor

Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

PUBLIC COMMENTS/RESPONSES: (Non-agenda Items Only)

Individuals commented on various issues.

PUBLIC HEARINGS:

1. Ordinance No. 2013-28, amending the Code of Ordinances, by repealing Chapter 117, Alarm Systems, in its entirety, for final reading.

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

Motion by Mrs. Paccione, seconded by Mr. Greene, to adopt Ordinance No. 2013-28. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

2. Ordinance No. 2013-29, amending the Code of Ordinances, by re-creating Chapter 117, Alarm Systems, for final reading.

The Deputy 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. 2013-29. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

3. Ordinance No. 2013-32, amending the Fiscal Year 2012-2013 budget by appropriating and allocating certain monies (fourth budget amendment), for final reading.

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

Motion by Mr. Santiago, seconded by Deputy Mayor Isnardi, to adopt Ordinance No. 2013-32. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

BOARD AND COMMITTEE REPORTS:

Ray Grady, Chairman of the Building and Construction Advisory Board, presented Council with the Board's recommendation to research ways to partner with the local educational community to promote training and re-training of the workforce, with an emphasis on training for industries present and likely to be present in the City. Discussion ensued on same.

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

PROCUREMENTS:

Award of Proposals:

*** 1. Transmission repairs, light vehicle – RFP No. 17-0-2013 – Public Works Department (Transmasters; Bob's Transmissions (secondary) - \$30,000).**

Staff Recommendation: Award the proposal to Transmasters, with a secondary award to Bob's Transmissions, with a total annual expenditure up to \$30,000 in aggregate.

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

*** 2. Tire services, truck and heavy equipment – RFP No. 20-0-2013 – Public Works Department (Boulevard Tire Center of Cocoa; Glenn's Tire Service of Melbourne (secondary) - \$25,000).**

Staff Recommendation: Award the proposal to Boulevard Tire Center of Cocoa, with a secondary award to Glenn's Tire Service of Melbourne, with a total annual expenditure of up to \$25,000 in aggregate.

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

*** 3. Brass fittings – RFP No. 22-0-2013 – Utilities Department (Ferguson Waterworks - \$100,000).**

Staff Recommendation: Award the proposal for brass fittings (Ford brand only) to Ferguson Waterworks, Melbourne, in the estimated amount of \$100,000 annually.

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

*** 4. HVAC Maintenance, City Municipal Complex – Parks and Recreation Department (Hill York Services Corporation - \$49,082).**

Staff Recommendation: Award the proposal for heating, ventilation, and air conditioning (HVAC) maintenance for the City Municipal Complex to Hill York Services Corporation, Melbourne, in the amount of \$49,082.

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

Contract:

***1. Traffic signal design services, Sleepy Hollow Drive and Clearmont Street – Infrastructure Engineers - \$49,483.**

Staff Recommendation: Authorize the City Manager to execute the additional services proposal with Infrastructure Engineers for traffic signal design services at Sleepy Hollow Drive and Clearmont Street.

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

Miscellaneous:

1. U.S. Highway No. 1 beautification project (Phase 1), change order – Bayfront Community Redevelopment Agency (Foundation Services - \$43,244).

Staff Recommendation: Authorize the City Manager to execute the change order up to the amount of \$43,243.93. The change order was revised to \$41,184.69.

Motion by Mrs. Paccione, seconded by Mr. Santiago, to authorize the City Manager to execute the change order up to the amount of \$41,184.69. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

COUNCIL BUSINESS:

Councilmembers addressed various subject matters.

NEW BUSINESS:

1. Resolution No. 2013-12, establishing fees, rates, and charges pursuant to Ordinance No. 2013-29, Alarm Systems.

The Deputy City Attorney read the resolution in caption only.

Motion by Mr. Greene, seconded by Mrs. Paccione, to adopt Resolution No. 2013-12. Deputy Mayor Isnardi did not agree with the \$100.00 fine for an alarm company employee setting off an alarm by accident or the reinstatement fee of \$40.00. Mrs. Hann asked that staff be allowed to review the resolution again and bring it back at a later date. Council concurred.

Mr. Greene withdrew his motion.

2. Resolution No. 2013-13, authorizing a Local Agency Program Agreement with the Florida Department of Transportation regarding the installation of lighting along State Road No. 5/U.S. Highway No. 1.

The Deputy City Attorney read the resolution in caption only.

Motion by Mr. Santiago, seconded by Mr. Greene, to adopt Resolution No. 2013-13. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

*** 3. Resolution No. 2013-14, authorizing a Local Agency Program Agreement with the Florida Department of Transportation regarding the construction of the Indian River Lagoon Scenic Trail, Phase 2.**

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

*** 4. Resolution No. 2013-15, authorizing an assignment and amendment agreement with the Florida Department of Transportation regarding the construction of the Troutman/Clearmont project.**

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

5. Resolution No. 2013-16, authorizing an assignment and amendment agreement with the Florida Department of Transportation regarding the construction of the Palm Bay Parkway NW.

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Isnardi, seconded by Mrs. Paccione, to adopt Resolution No. 2013-16. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

6. Resolution No. 2013-17, authorizing a Memorandum of Agreement with the Florida Department of Transportation regarding the right-of-way acquisition for and the construction of access roads to the proposed South Parkway Interchange.

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Isnardi, seconded by Mr. Santiago, to adopt Resolution No. 2013-17. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

7. Consideration of an amendment to the interlocal agreement with Brevard County for fire rescue auto aid services.

Staff Recommendation: Approve Amendment No. 1 to the Fire Rescue Automatic Aid Interlocal Agreement between the City and Brevard County, subject to any minor amendments required by legal counsel.

Motion by Mrs. Paccione, seconded by Mr. Greene, to approve Amendment No. 1. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

*** 8. Consideration of an agreement with the Brevard County Board of County Commissioners for Emergency Medical Services Assessment to assist Primary First Responders with emergency medical care.**

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

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

9. Consideration of the Community Development Block Grant/HOME Action Plan for Fiscal Year 2013-2014.

Staff Recommendation: Adopt the Fiscal Year 2013-2014 CDBG/HOME Action Plan and authorize the City Manager to execute all documents pertaining to same.

Motion by Mr. Greene, seconded by Mrs. Paccione, to adopt the Fiscal Year 2013-2014 CDBG/HOME Action Plan. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

***10. Consideration of an agreement to redesignate the administration of the Housing Opportunities for People with HIV/AIDS (HOPWA) Program to the Florida Department of Health.**

Staff Recommendation: Approve the proposed agreement.

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

11. Consideration of letter of support for City Manager's nomination for President-Elect of the American Public Works Association.

Staff Recommendation: Authorize the Mayor to execute the letter of support.

Motion by Mr. Greene, seconded by Mrs. Paccione, to approve the letter. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

12. Consideration of the National Association of Government Employees, Local R-5-197 (White) collective bargaining agreement.

Staff Recommendation: Motion to approve the agreement between the City and NAGE White Local.

Motion by Mrs. Paccione, seconded by Mr. Santiago, to approve the agreement between the City and NAGE White Local. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

13. Consideration of councilmember attending Mayor's Innovation Summit, Philadelphia, Pennsylvania, May 22-24, 2013; adjusting Council's travel budget.

Mayor Capote stated he could not attend the summit. Council concurred that no action was required.

ADMINISTRATIVE AND LEGAL REPORTS:

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

Staff Recommendation: Approve the travel and training as specified.

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

2. Mrs. Hann commented on the new program in connection with the Holmes Regional Trauma Center known as the TAC-TEL Telemedicine program.

3. Mr. Sweeney asked for an executive session for Tuesday, April 23, 2013, at 6:30 P.M., to seek advice and discuss strategy for the following litigation: a) John Yoest versus City of Palm Bay; b) Frank Gentile versus City of Palm Bay; and c) William D. Young versus City of Palm Bay.

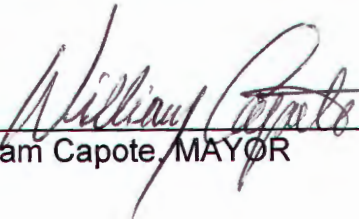
Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals commented on various issues.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:14 P.M.



William Capote, MAYOR

ATTEST:



Alice Passmore, CITY CLERK



* Identifies items considered under the heading of Consent Agenda.