# CITY OF PALM BAY, FLORIDA

## **REGULAR COUNCIL MEETING NO. 2013-12**

Held on Thursday, the 16<sup>th</sup> day of May 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.

Councilman Greene 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 |
| CITY ATTORNEY: | Andrew Lannon      | Present |
| CITY CLERK:    | Alice Passmore     | Present |

**CITY STAFF:** Present was Chad Shoultz, Deputy City Manager; David Watkins, Growth Management Director.

### ANNOUNCEMENTS:

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

- 1. One (1) vacancy 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).
- 2. Three (3) terms expiring on the Youth Advisory Board (represents adult members 'thirty (30) years and older').
- 3. One (1) term expiring on the Community Development Advisory Board (represents 'resident of the city' position).
- 4. One (1) vacancy on the Building and Construction Advisory Committee (represents 'general contractor' position).

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#### AGENDA REVISIONS:

Due to an oversight, a request by D.R. Horton, Inc. had not been included on the agenda and was consequently added. At the request of the applicant, Council concurred to consider the request after CONSENT AGENDA.

Mrs. Hann asked that the reinstatement of the utilities connection payment agreement program be added as Item No. 13, under New Business, as consent.

Mr. Lannon asked that the authorization to foreclose on 251 Mayport Avenue, NW, be added as Item No. 2, under Administrative and Legal Reports, as consent.

The City Council concurred with the addition of the items as requested.

#### CONSENT AGENDA:

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

Motion by Mrs. Paccione, seconded by Mr. Greene, that the Consent Agenda be approved as presented with the addition of Item No. 13, under New Business, and Item No. 2, under Administrative and Legal Reports, as consent, and the removal of Item No. 2, under New Business from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

## **PUBLIC HEARING:**

■ 1. Request by DR Horton, Inc. for variances to allow a proposed parking lot to encroach 20 feet in the 25 foot rear parking setback; allow a proposed office building to encroach 6 feet in the 10 foot side interior building setback in CC (Community Commercial District) zoning (1.53 acres)(Case No. V-11-2013).

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

The public hearing was opened. Jake Wise, representative, presented the request to the City Council. The public hearing was closed.

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

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## RECOGNITIONS AND PROCLAMATIONS:

Individuals were recognized and proclamations read.

- 1. City Manager's Award of Excellence Julie Lemons, Marketing and Outreach Coordinator, Utilities Department.
- 2. National Public Works Week May 19-25, 2013.
- 3. Management Week June 2-8, 2013.
- 4. Palm Bay Hospital Women's Auxiliary.
- 5. National Day of Prayer May 2, 2013
- 6. Parks and Recreation Department Food Truck Wars 2013.

## PRESENTATION:

1. Lance Decuir, Senior Transportation Engineer, ATKINS – Malabar Road (SR 514) (Babcock Street to US 1) Project Development and Environment Study. Mr. Decuir gave a brief report on the process of the project and answered questions posed by councilmembers.

## DEPARTMENTAL REPORT:

1. Growth Management Department - update. Mr. Watkins provided an update on the department's activities, projects, and initiatives.

## ADOPTION OF MINUTES:

\* 1. Regular Council Meeting No. 2013-11; May 2, 2013.

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

Council concurred to consider Item No. 1, under Unfinished and Old Business, at this time.

## **FUNFINISHED AND OLD BUSINESS:**

1. Consideration of a request by Acacia Woodley (Tiny Girl, Big Dreams, Inc.) for placement of a Friendship Bench at City facilities.

Motion by Mr. Santiago, seconded by Mrs. Paccione, to approve the placement of the Friendship Bench at City facilities. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

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The Council resumed the consideration of items in the order as shown on the agenda.

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

1. Sam Lopez, Puerto Rican Day Parade coordinator – asked Council to repeal the ordinance prohibiting the sale of alcoholic beverages on the municipal complex site.

Councilmembers discussed the request. Concern was expressed over the City's liability should something happen. Mr. Lannon stated the best way to address the matter was through the special events ordinance which was currently being revamped. He said the City could identify the events at which alcohol could be allowed, specify the insurance coverage required, and include an indemnification clause making the applicant responsible for defense costs should any litigation occur. Council concurred to schedule a workshop to review the special events ordinance.

## **BOARD AND COMMITTEE REPORTS:**

The Greater Palm Bay Chamber of Commerce provided an update; councilmembers provided updates on activities of various agencies and boards on which they served as members.

## PROCUREMENTS:

## Award of Proposals:

\* 1. Access control and CCTV systems – RFP No. 08-0-2012 – Police and Utilities Departments (SecurPoint Corporation - \$70,000) (should read \$47,000).

Staff Recommendation: Authorize purchasing authority up to \$37,000 in Fiscal Year 2012-2013 and up to \$10,000 in Fiscal Year 2013-2014 under the agreement with SecurPoint Corporation, for access control and CCTV systems, equipment, maintenance, and repair.

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

\* 2. Instrumentation calibration, installation and repair – RFP No. 10-0-2013 – Utilities Department (Paralee Company, Inc. - \$85,000).

Staff Recommendation: Award the proposal for the utilities instrumentation calibrations, installation and repair, to Paralee Company, Inc., Orlando, for a one (1) year term, renewable for four (4) additional one (1) year terms in an annual amount not to exceed \$85,000.

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

\* 3. Lot mowing, Code Compliance – RFP No. 27-0-2013 – Police Department (JD Sunny Isles, Inc. (improved lot mowing) - \$49,400; Santa Cruz Construction (unimproved lot mowing) - \$80,600).

Staff Recommendation: Award the proposal for improved lot mowing for the Code Compliance Division to JD Sunny Isles, Inc. in the amount of \$49,400, and to Santa Cruz Construction, Merritt Island, for unimproved lot mowing in the amount of \$80,600.

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

#### Contracts:

\* 1. Consultant services, unidirectional flushing pilot program – TO 13-02 – Utilities Department (Wade Trim - \$30,638).

Staff Recommendation: Authorize the City Manager to execute the Wade Trim task order for the unidirectional flushing pilot program.

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

\* 2. Local DNA indexing system, contract extension – Police Department (DNA:SI Labs).

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

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

#### Miscellaneous:

\* 1. Palm Bay Road landscaping, change order – Public Works Department (Santa Cruz Construction - \$16,169).

Staff Recommendation: Authorize the City Manager to execute the change order with Santa Cruz Construction in the amount of \$16,168.57.

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

\* 2. Professional services, communication strategy – Communications and Information Technology Department (Brandt & Ronat – \$50,000).

Staff Recommendation: Authorize the City Manager to execute the proposal with Brandt & Ronat in the amount of \$50,000.

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

\* 3. Telemetry installation, Troutman Lime Softening Plant – Utilities Department (Santis Engineering - \$17,826).

Staff Recommendation: Approve the expenditure of \$17,826.06, under the agreement with Santis Engineering, Cape Canaveral, for telemetry installation at the Troutman lime softening plant.

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

\* 4. Well level sensor installation, Troutman Lime Softening Plant – Utilities Department (Santis Engineering - \$49,980).

Staff Recommendation: Approve the expenditure of \$49,980, under the agreement with Santis Engineering, Cape Canaveral, for level sensor installations at the raw water wells supplying the Troutman lime softening plant.

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

## **UNFINISHED AND OLD BUSINESS:**

1. Consideration of a request by Acacia Woodley (Tiny Girl, Big Dreams, Inc.) for placement of a Friendship Bench at City facilities.

This item was considered earlier in the meeting.

2. One (1) appointment to the Planning and Zoning Board.

Motion by Deputy Mayor Isnardi, seconded by Mrs. Paccione, to appoint Conroy Jacobs to the Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy

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

# 3. One (1) appointment to the Utilities Advisory Board.

Motion by Deputy Mayor Isnardi, seconded by Mrs. Paccione, to reappoint Frances Wales to the Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

# 4. Six (6) student appointments to the Youth Advisory Board.

Motion by Deputy Mayor Isnardi, seconded by Mr. Greene, to reappoint Andrew Overbey and Chad White, and appoint Autumnbrooke Cenkner to the Board. 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.

1. Mr. Greene suggested that the City purchase a Friendship Bench each year and donate it to a school.

NEW BUSINESS: (Ordinances were for first readings.)

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

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

2. Resolution No. 2013-20, authorizing the issuance by the City of its first mortgage revenue bonds, Series 2013A and Taxable Series 2013B (Riverview Senior Resort project).

The City Attorney read the resolution in caption only.

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

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\* 3. Resolution No. 2013-21, authorizing a Concurrent Enforcement Zone Interlocal/Mutual Aid Agreement with the City of Melbourne to provide law enforcement services within the boundaries of the adjoining municipalities.

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

\* 4. Ordinance No. 2013-33, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Youth Advisory Board, Section 52.282, Composition, Meetings, By-Laws, by establishing terms for the adult advisory members.

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

5. Ordinance No. 2013-34, amending Ordinance No. 2012-25, which amended the Code of Ordinances, Chapter 200, Utilities Code, by adjusting the main line extension charges.

The City Attorney read the ordinance in caption only.

Motion by Mr. Santiago, seconded by Mr. Greene, to approve the ordinance. Deputy Mayor Isnardi asked that the enactment date be retroactive to May 16, 2013.

Motion restated by Deputy Mayor Isnardi, seconded by Mr. Greene, to approve the ordinance with an enactment date of May 16, 2013. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

\* 6. Consideration of a water distribution and transmission main expansion project within Port Malabar Unit 46.

Staff Recommendation: Approve the water distribution and transmission main expansion project to Unit 46.

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

\* 7. Consideration of a Closeout Audit Report for specified utility loans and forwarding the report to the Department of Environmental Protection, Division of Water Resource Management.

Staff Recommendation: Approve the Closeout Audit Report and forward the report to the Department of Environmental Protection, Division of Water Resource Management.

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

\* 8. Consideration of ratifying the refunding of the Series 2008 Pension Obligation Bonds and restructuring, terminating the Interest Rate Swap, and approving a bond issue team.

Staff Recommendation: Approve refunding the Series 2008 Pension Obligation Bonds and restructuring; the termination of the Interest Rate Swap; and the recommended bond issue team.

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

\* 9. Consideration of submitting a grant application to the U.S. Department of Justice for the hiring of four (4) school resource officers through the COPS 2013 Hiring Program.

Staff Recommendation: Authorize the City Manager to submit the grant application for four (4) school resource officers and execute any necessary documents as may be required by the US Department of Justice.

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

\*10. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$5,000).

Staff Recommendation: Approve the expenditure of funds as described within the City Manager's memorandum.

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

\*11. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended March 31, 2013.

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

\*12. Consideration of project priorities to be submitted to the Space Coast Transportation Planning Organization.

Staff Recommendation: Approve the project priority list.

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

\*\*13. Consideration of reinstating the utilities connection payment agreement program.

Staff Recommendation: Approve the establishment of the Connection Payment Agreement program.

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.

Staff Recommendation: Approve the travel and training as specified.

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

\*\* 2. Consideration of authorizing foreclosure on property located at 251 Mayport Avenue, NW.

Staff Recommendation: Authorize the City Attorney to foreclose on 251 Mayport Avenue, NW.

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

3. The City Attorney requested an executive session to discuss the litigation of the City of Palm Bay versus Ranger Construction Industries, Inc. for Tuesday, May 28, 2013, at 6:30 P.M. Council concurred.

## PUBLIC COMMENTS/RESPONSES:

Individuals commented on various issues.

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## ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:45 P.M.

William Capote, 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.
- Indicates quasi-judicial proceeding.