CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2013-20

Held on Thursday, the 5th day of September 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.

Bishop Merton Clark, Truth Revealed Ministries, Palm Bay, 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:	Pete Sweeney	Present
DEPUTY CITY CLERK:	Terese Jones	Present

CITY STAFF: Present was Chad Shoultz, Deputy City Manager; Heidi Lapin, Parks and Recreation Director.

ANNOUNCEMENTS:

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

1. **Two (2) vacancies on the Youth Advisory Board (represents students grades 9-12).**
2. **Three (3) terms expiring on the Recreation Advisory Board.**
3. **One (1) term expiring on the Melbourne-Tillman Water Control District Board.**

AGENDA REVISIONS:

Mrs. Hann asked that a travel request be added as Item No. 12, 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 Mr. Santiago, that the Consent Agenda be approved as presented with the removal of Item No. 1, under Miscellaneous, and Item Nos. 3 and 4, 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.

PROCLAMATIONS:

The proclamations were read.

1. **Local Works Day – September 6, 2013.**
2. **National Day of Action – September 19, 2013.**

PRESENTATION:

1. **Yvonne McDonald, Finance Director – July 2013 financial report.** Mrs. McDonald provided Council with an overview of the financial report for July.

ADOPTION OF MINUTES:

*** 1. Regular Council Meeting No. 2013-19; August 13, 2013.**

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

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

Individuals commented on various issues.

PUBLIC HEARINGS:

♣ 1. Request by Dario Nunez for a variance to allow an existing home relief from the garage door requirement in RS-2 (Single Family Residential District) zoning (0.23 acres)(Case No. V-12-2013)(CONTINUED FROM RCM 08-13-13).

The Planning and Zoning Board recommended that the request be approved, with the condition that no further work on the garage structure was to occur until permits were issued and that renovations were to be completed by a licensed contractor.

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Mrs. Paccione, seconded by Mr. Greene, to approve the request. Deputy Mayor Isnardi asked that approval also be contingent upon the Planning and Zoning Board's condition that no further work on the garage structure occur until permits were issued and

that renovations were to be completed by a licensed contractor. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

♣ 2. Request by William Kirst for a variance to allow a proposed home to encroach the 25-foot front setback and to encroach the 25-foot rear setback in RS-2 (Single Family Residential District) zoning (0.33 acres)(Case No. V-13-2013).

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

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Isnardi, seconded by Mrs. Paccione, 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.

♣ 3. Request by Kamla Persaud for a variance to allow a proposed five-foot fence to encroach the 25-foot front setback in RS-1 (Single Family Residential District) zoning (0.58 acres)(Case No. V-14-2013).

The Planning and Zoning Board recommended that the request be approved, with the condition that should the fence ever be removed or destroyed, the variance would cease.

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Isnardi, 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.

♣ 4. Request by Redus Florida Housing, LLC for a variance to grant relief from the 8-foot high masonry wall requirement in RC (Restricted Commercial District) zoning (3.19 acres)(Case No. V-16-2013).

The Planning and Zoning Board recommended that the request be denied, based on the need for the required wall due to the commercial property.

The public hearing was opened. The applicant presented the request to Council. He stated it was a financial hardship to construct the masonry wall and was seeking relief from same. Residents spoke against the request stating that the masonry wall requirement was created to isolate residential properties from abutting commercial sites. The existing PVC fence sat low, was flimsy, and could not protect the residential community from a vehicular crash. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mrs. Paccione, to approve the request. Mayor Capote did not feel the burden of proof had been met. Motion failed with members voting as follows:

Mayor Capote	Nay
Deputy Mayor Isnardi	Yea
Councilwoman Paccione	Nay
Councilman Greene	Nay
Councilman Santiago	Nay

5. Request by Gail Palmer for a variance to allow an existing six-foot high fence to encroach 25 feet into the 25-foot side corner setback in RS-2 (Single Family Residential District) zoning (0.73 acres)(Case No. V-15-2013)(RESCHEDULED TO P&Z – 09/04/13).

PROCUREMENTS:

Contracts:

*** 1. Federal lobbying services, renewal - RFP No. 47-0-2005 - (The Ferguson Group - $110,000).**

Staff Recommendation: Renew the agreement for Federal lobbying services with The Ferguson Group, Washington, D.C., in the amount of $110,000.

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

*** 2. Surface aeration replacement design, Troutman Wastewater Treatment Plant – TO 13-04 – Utilities Department (Wade Trim Inc. - $77,248).**

Staff Recommendation: Award the task order for the Troutman Wastewater Treatment Plant surface aeration design and permitting, and the Florida Department of Environmental Protection Contingency Plan to Wade Trim, Inc., Palm Bay, in the amount of $77,248.

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

*** 3. Polymer, purchase and delivery, renewal – Utilities Department (Hercules Inc. – up to $55,000).**

Staff Recommendation: Approve purchasing authority up to $50,000 for Fiscal Year 2013-2014 for the purchase of polymer from Hercules, Inc., Wilmington, Delaware.

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

Miscellaneous:

1. Equipment and services, DNA program – Police Department (IntegenX - $100,000 (Fiscal Year 2013-2014)).

Staff Recommendation: Authorize the City Manager to enter into an agreement through the end of Fiscal Year 2017-2018 for the sole source purchase of IntegenX equipment and services based on the specified pricing schedule, including a contract clause that guarantees lower pricing if offered to any other agency purchasing similar quantities; authorize expenditure amount during Fiscal Year 2013-2014 not to exceed $100,000.

Motion by Mr. Santiago, seconded by Mr. Greene, to approve entering into the agreement and purchasing equipment and services as requested. 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. Deputy Mayor Isnardi requested the consideration of a proclamation for Childhood Cancer Awareness month at the next regular Council meeting. Council concurred.

NEW BUSINESS:

1. Resolution No. 2013-25, providing for the issuance of taxable Special Obligation Refunding Bonds, Series 2013, for the purpose of refunding the City's outstanding taxable Special Obligation Bonds (Pension Funding Project), Series 2008.

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Isnardi, seconded by Mr. Santiago, to adopt Resolution No. 2013-25. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

*** 2. Resolution No. 2013-32, authorizing the filing of a Complaint for Validation as it relates to the City's proposed First Mortgage Revenue Bonds, Series 2013 (Riverview Senior Resort project).**

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

3. Resolution No. 2013-33, naming the football field located at Veteran's Memorial Park as 'Tanner Field'.

The Deputy City Attorney read the resolution in caption only.

Motion by Deputy Mayor Isnardi, seconded by Mr. Greene, to approve Resolution No. 2013-33, including the erection of the signage as recommended by the Palm Bay Athletic League. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

4. Ordinance No. 2013-46, amending the Code of Ordinances, Chapter 118, Liens, to provide for the establishment of service charges for lien searches by resolution.

The Deputy City Attorney read the ordinance in caption only.

Motion by Mr. Greene, seconded by Mr. Santiago, to approve Ordinance No. 2013-46. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

*** 5. Consideration of granting an easement, located within West Oaks Park, to Bellsouth Telecommunications, Inc. d/b/a AT&T Florida.**

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

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

*** 6. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund ($500).**

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.

*** 7. Acknowledgement of the City's monthly financial report for July 2013.**

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

*** 8. Acknowledgment of Investment Performance Review Report, prepared by PFM Asset Management LLC, for the quarter ended June 30, 2013.**

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

*** 9. Consideration of revisions to the Council's Policies and Procedures to comply with new state legislation regarding public comments.**

Staff Recommendation: Approve the revisions to Council's Policies and Procedures.

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

***10. Consideration of revisions to the Bayfront Community Redevelopment Agency's by-laws to comply with new state legislation regarding public comments.**

Staff Recommendation: Approve the amendments to the Bayfront Community Redevelopment Agency's by-laws.

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

11. Consideration of travel expenditure from Council's Travel and Per Diem account.

Council concurred that expenditures outside the normal process would be considered on a case by case basis.

Motion by Mrs. Paccione, seconded by Mr. Greene, to approve Mayor Capote's travel as requested. 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 councilmember attending the Puerto Rican/Hispanic Business Convention Center in Fort Lauderdale on September 6, 2013.

There was discussion among councilmembers in regards to travel and selecting travel that would benefit the City.

Motion by Mr. Greene, 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.

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 advised that Troutman Boulevard, from the Palm Bay Utilities driveway to Franklin Drive, would be closed to through traffic from September 11th to October 1st. Notices would be sent to those affected in the area.

PUBLIC COMMENTS/RESPONSES:

Individuals commented on various issues.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:38 P.M.

William Capote, MAYOR

ATTEST:

CORPORATE SEAL CITY OF PALM BAY FLORIDA JANUARY 16, 1960

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.