CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2013-22

Held on Thursday, the 19th 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.

Father Robert Hoeffner, St. Joseph Catholic Community of 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
CITY ATTORNEY:	Andrew Lannon	Present
CITY CLERK:	Alice Passmore	Present

CITY STAFF: Present was Chad Shoultz, Deputy City Manager; Elia Twigg, Public Works 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.
- 4. One (1) vacancy on the Recreation Advisory Board.

AGENDA REVISIONS:

Mrs. Hann stated that a variance request had been inadvertently left off the agenda and was being added as Item No. 6, under Public Hearings and that a contract for the local hearing officer was being added as Item No. 5, under New Business, as consent.

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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 Item No. 2, under Adoption of Minutes, and Item No. 1, under New Business, from consent; and the addition of the contract for the local hearing officer as Item No. 5, under New Business, as consent. 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 the retirement of Wade Sweeney, Wastewater Collection Superintendent, Utilities Department.
- 2. National Childhood Cancer Awareness Month September 2013.
- 3. National Estuaries Day September 28, 2013.
- 4. Palm Bay Night Viva Brevard Festival October 12, 2013.

DEPARTMENTAL REPORT:

1. Public Works Department - update. Mrs. Twigg provided an update on the department's activities, projects, and staff.

ADOPTION OF MINUTES:

* 1. Regular Council Meeting No. 2013-20; September 5, 2013.

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

2. Special Council Meeting No. 2013-21; September 9, 2013.

Motion by Deputy Mayor Isnardi, seconded by Mr. Santiago, to adopt the minutes. 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

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PUBLIC HEARINGS:

1. 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, for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed.

Motion by Mr. Santiago, seconded by Mrs. Paccione, to adopt 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.

2. Ordinance No. 2013-51, amending the Code of Ordinances, Chapter 171, Fair Share Impact Fees, Subchapter 'Water and Wastewater Impact Fees', by adjusting the water and wastewater impact fees (Case No. T-10-2013, City of Palm Bay), 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 Mrs. Paccione, seconded by Mr. Santiago, to adopt Ordinance No. 2013-51. Motion carried with members voting as follows:

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

3. Ordinance No. 2013-52, amending the Code of Ordinances, Chapter 171, Fair Share Impact Fees, Subchapter 'Transportation Facilities Impact Fee', by providing for the establishment of fees by resolution (Case No. T-11-2013, City of Palm Bay), 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.

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Motion by Deputy Mayor Isnardi, seconded by Mrs. Paccione, to adopt Ordinance No. 2013-52. 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. 2013-53, amending the Code of Ordinances, Chapter 171, Fair Share Impact Fees, Subchapter 'Park, Police and Fire Impact Fees', by providing for the establishment of fees by resolution (Case No. T-12-2013, City of Palm Bay), 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. Santiago, seconded by Deputy Mayor Isnardi, to adopt Ordinance No. 2013-53. Motion carried with members voting as follows: Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

5. Ordinance No. 2013-54, amending the Code of Ordinances, Chapter 172, Environmental Regulations, Subchapter 'Environmental Fees', by providing for the establishment of fees by resolution (Case No. T-13-2013, City of Palm Bay), 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. Santiago, to adopt Ordinance No. 2013-54. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

- The following item was properly noticed and advertised, but inadvertently left off the agenda and added under Agenda Revisions.
- 6. Request by Linda Stavola for a variance to allow a proposed six-foot high fence with eight-foot ornamental gates to encroach the twenty-five foot front setback in RS-2 (Residential Single Family) zoning (0.90 acres)(Case No. V-15-2013).

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

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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.

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. General Motors replacement auto parts and service – RFP No. 38-0-2012 – Public Works Department (Gary Yeomans Ford (primary); Murphy Cadillac, Inc. (secondary) - \$95,000).

Recommendation: Award the proposal to Gary Yeomans Ford as primary vendor and Murphy Cadillac, Inc. as secondary vendor in the estimated amount of \$95,000; authorize the City manager to negotiate and enter into agreements with both vendors for the procurement of General Motors OEM replacement automotive parts and service on an "as needed" basis.

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

* 2. Water main line extension, PM 46 – RFP No. 42-0-2013 – Utilities Department (Tri-Sure Corporation - \$1,269,832).

Recommendation: Award the proposal for the water main line extension in Port Malabar Unit 46 to Tri-Sure Corporation, Auburndale, in the amount of \$1,269,832.

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

Contracts:

* 1. Statutory life insurance, Police and Fire – Human Resources Department (National Union Fire Insurance Company/Florida League of Cities – \$7,168).

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Recommendation: Approve binding coverage for one (1) year with National Union Fire Insurance Company through the Florida League of Cities in the amount of \$7,168.

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

* 2. Ford automotive replacement parts and services, renewal – Public Works (Kelly Ford, Inc. - \$35,000).

Recommendation: Approve the renewal with Kelly Ford, Inc. for an additional one (1) year and authorize procurement of Ford OEM replacement automotive parts and service on an "as needed" basis up to \$35,000.

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

Miscellaneous:

* 1. Palm Bay Parkway, change order – Public Works Department (Community Asphalt Corporation - \$332,357).

Recommendation: Authorize the City Manager to execute the change order in the amount of \$332,357.22.

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

* 2. Caterpillar parts and service – Public works Department (Ring Power Corporation – \$70,000 (sole source)).

Recommendation: Authorize the procurement of Caterpillar parts and services on an "as needed" basis with Ring Power Corporation, Palm Bay, as sole source (total estimated expenditure - \$70,000).

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

* 3. John Deere parts and service – Public Works Department (Everglades Farm Equipment, Inc. - \$95,000 (sole source)).

Recommendation: Authorize the procurement of John Deere parts and services on an "as needed" basis with Everglades Farm Equipment, Inc., Fort Pierce, as sole source (total estimated expenditure - \$95,000).

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

* 4. Transmission repairs, light vehicles – Public Works Department (Transmasters, Inc. (primary); Bob's Transmissions (secondary) – up to \$40,000).

Recommendation: Authorize the procurement of vehicle transmission repairs and services on an "as needed" basis with Transmasters Inc. and Bob's Transmissions for a total expenditure of up to \$40,000.

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

COUNCIL BUSINESS:

Councilmembers addressed various subject matters.

NEW BUSINESS:

1. Ordinance No. 2013-55, amending the Fiscal Year 2012-2013 budget by appropriating and allocating certain monies (seventh budget amendment).

The City Attorney read the ordinance in caption only.

Motion by Deputy Mayor Isnardi, seconded by Mr. Santiago, to adopt Ordinance No. 2013-55. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

* 2. Consideration of an interlocal agreement with Brevard County as it relates to the Clearmont Street/Palm Bay Road intersection improvements.

Recommendation: Authorize the Mayor to execute the interlocal agreement with Brevard County subject to minor modifications and final legal review by the City Attorney.

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

* 3. Consideration of an interlocal agreement with Brevard County as it relates to the Palm Bay Parkway/Malabar Road intersection improvements.

Recommendation: Authorize the Mayor to execute the interlocal agreement with Brevard County subject to minor modifications and final legal review by the City Attorney.

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

* 4. Consideration of a Memorandum of Understanding between the Space Coast League of Cities and the Brazil Florida Chamber of Commerce in support of promoting international business opportunities.

Recommendation: Authorize the Mayor to execute the Memorandum of Understanding subject to review by the City Attorney and confirmation of the City's interest in working with these agencies regarding international business opportunities.

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

© 5. Consideration of entering into a contract with C. Morris Richardson to be the City's local hearing officer for red light camera hearings.

Recommendation: Authorize the Mayor to execute the contract.

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.

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Council concurred to hold one meeting and to schedule it after the holidays.

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 9:25 P.M.

ATTEST: William Capote, MAYOR

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.