CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING NO. 2013-26

Held on Thursday, the 7th day of November 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.

Richard Spellman, resident 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.

ANNOUNCEMENTS:

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

1. **Three (3) vacancies on the Youth Advisory Board (represents students grades 9-12).**
2. **One (1) vacancy on the Recreation Advisory Board.**
3. **Two (2) vacancies on the Youth Advisory Board (represents adult members thirty (30) years and older).**
4. **Two (2) terms expiring on the Code Enforcement Board.**
5. **Three (3) terms expiring on the Library Advisory Board.**
6. **One (1) vacancy on the Planning and Zoning Board.**
7. **One (1) vacancy on the Utilities Advisory Board (represents utility customer or resident).**

AGENDA REVISIONS:

There were no agenda revisions.

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 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.

RECOGNITIONS AND PROCLAMATIONS:

Employees were recognized; proclamations read and presented.

1. **Employee of the Quarter – Tim Angier, Senior Systems Analyst, Communications and Information Technology Department.**
2. **Police Department – recognizing the retirement of Sandy Birmer, Reserve Officer.**
3. **Finance Department – recognizing Susan Blair, Contract Administrator, as 'Buyer of the Year' through the Central Florida Chapter of the National Institute of Governmental Purchasing.**
4. **National Geographic Information System Day – November 20, 2013.**
5. **Pancreatic Cancer Awareness Month – November 2013.**
6. **Small Business Saturday – November 30, 2013.**

PRESENTATIONS:

1. **Bill Nichols, South Chapter President – Keep Brevard Beautiful – "We Noticed" award for the beautification project at Goode Park**. The Chairperson for the South Chapter "We Noticed" Award, presented the award to the City.

2. **Rusty Roberts, Florida East Coast Industries – All Aboard Florida Interstate – an intercity passenger rail option to travel between Central and South Florida.** Mr. Roberts provided an overview of the project.

ADOPTION OF MINUTES:

*** 1. Regular Council Meeting No. 2013-25; October 17, 2013.**
The minutes, considered under Consent Agenda, were approved as presented.

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

An individual commented on an issue.

PUBLIC HEARINGS:

♣1. Ordinance No. 2013-61, vacating a portion of the rear public utility and drainage easement located within Lot 34, Block 580, Port Malabar Unit 14 (Case No. VE-3-2013, Scott Carmody), for first reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to the City Council. The public hearing was closed as there were no comments.

Motion by Deputy Mayor Isnardi, seconded by Mr. Santiago, to adopt Ordinance No. 2013-61. 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 John Jones for a variance to allow an existing rear porch to encroach the 25-foot rear setback by a maximum of six (6) inches in RS-2 (Single Family Residential District) zoning (Case No. V-20-2-13).

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

The public hearing was opened. The applicant presented the request to the City Council. The public hearing was closed as there were no comments.

Motion by Mrs. Paccione, seconded by Mr. Greene, 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 Willard Palmer to amend the City's Comprehensive Plan Future Land Use Element to provide for the Parkway Flex Use land use category (Case No. CP-3-2013).

The Planning and Zoning Board recommended that the request be approved for submission to the Florida Department of Economic Opportunity for review and comment pursuant to Chapter 163, Florida Statutes.

The public hearing was opened. The representative of the applicant presented the request to the City Council. A couple of residents expressed some concern over the request. 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 Willard Palmer to amend the City's Comprehensive Plan Future Land Use Map to change the designated use of property located between Malabar Road and Melbourne Tillman Drainage District Canal No. 1, in the vicinity west of Palm Bay Regional Park, from Single Family Residential Use to Parkway Flex Use (202.9 acres)(Case No. CP-4-2013).

The Planning and Zoning Board recommended that the request be approved for submission to the Florida Department of Economic Opportunity for review and comment pursuant to Chapter 163, Florida Statutes, based on the analysis in the Staff Report and on the condition that the following staff recommendations were addressed: 1) a traffic impact analysis shall be submitted at the time of proposed development of the site; 2) the project shall pay a Proportionate Fair Share of all necessary traffic improvements; 3) the development shall be consistent with the maximum densities established by the Concept Plan; 4) a Phase One Environmental Assessment shall be performed; and 5) an emergency access easement shall be provided for Heritage High School, through the project.

The public hearing was opened. The representative of the applicant presented the request to the City Council. A resident expressed concern over the request. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mrs. Paccione, to approve the request subject to staff recommendations. 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 the City's submittal of amendments to Palm Bay's Comprehensive Plan to the Florida Department of Economic Opportunity.

The public hearing was opened. A resident commented on the action to be taken. The public hearing was closed.

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

PROCUREMENTS:

Award of Bids:

*** 1. Biosolids transportation and disposal (City of Cocoa contract) – Utilities Department (H & H Liquid Sludge Disposal - $100,000).**

Staff Recommendation: Approve the utilization of the City of Cocoa contract for biosolids transportation and disposal services from H&H Liquid Sludge Disposal, in Branford, in the estimated annual amount of $100,000.

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

*** 2. Liquid sodium hypochlorite (City of Cocoa contract) – Utilities Department (Odyssey Manufacturing - $200,000).**

Staff Recommendation: Approve the utilization of the City of Cocoa contract for the purchase of liquid sodium hypochlorite from Odyssey Manufacturing, Tampa, in the estimated amount of $200,000.

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

Award of Proposals:

*** 1. Traffic signal repair for emergency work – RFP No. 08-0-2013 – Public Works Department (Traffic Control Devices Inc. (primary); The Signal Group (secondary)).**

Staff Recommendation: Award the proposal to Traffic Control Devices, Inc. as the primary vendor and to The Signal Group, Inc. as the secondary vendor; authorize the City Manager to enter into agreements with the contractors for emergency traffic signal repairs.

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

*** 2. Videotaping services – RFP No. 44-0-2013 – Legislative Department (Communications Concepts, Inc. - $26,000).**

Staff Recommendation: Award the proposal to Communication Concepts, Inc., Cape Canaveral, in the amount of $26,000.

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

Waive of Proposal and Award:

*** 1. Concrete and related items – Public Works Department (estimated $89,000 annually).**

Staff Recommendation: Waive the formal 'request for proposal' process for concrete and related materials and authorize City staff to obtain price quotations for concrete on a biannual basis.

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

Contracts:

*** 1. Continuing consultant engineering agreement, renewal – Bayfront Community Redevelopment Agency (Wade Trim, Inc. - $70,000).**

Staff Recommendation: Approve the annual renewal of the continuing engineering consultant services agreement with Wade Trim, Inc. through December 10, 2014, in the amount of $70,000.

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

*** 2. "Other Agency" contracts utilized for the purchase of operating materials and supplies (vehicle maintenance) – Fleet Services Division (approximately $190,000 annually).**

Staff Recommendation: Approve the annual purchase of vehicle and equipment tires on an 'as needed' basis through piggy-back of the other agency contracts identified: Gatto's Tire and Auto Service, Melbourne - $130,000; Boulevard Tire, Cocoa - $60,000.

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

*** 3. "Other Agency" contracts utilized for the purchase of operating materials and supplies (telephone equipment and services) – Communications and Information Technology Department (AT&T Communications Systems Southeast – $20,008).**

Staff Recommendation: Authorize utilization of the Department of Management Services contract for a renewal period of twelve (12) months for annual support and equipment maintenance of the City's Avaya telephone system with AT&T Communication Systems Southeast, Tallahassee, in the amount of $20,008.36.

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

Miscellaneous:

*** 1. Well, pump and motor rehabilitation services – Utilities Department (Aquifer Maintenance and Performance Systems, Inc. - $80,000).**

Staff Recommendation: Authorize the procurement for well, pump, and motor rehabilitation from Aquifer Maintenance & Performance Systems, Inc., West Palm Beach, in the estimated amount of $80,000 for Fiscal Year 2013-2014.

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

COUNCIL BUSINESS:

Councilmembers addressed various subject matters.

1. Mr. Santiago stated he did not see the City mentioned in the East Central section of the Florida Trend magazine. He asked for consideration of a letter from the City Council asking that the City be recognized in the publication. Council concurred.

2. Deputy Mayor Isnardi, in consideration of this past Halloween, addressed the sexual predators' issue. She asked that extra steps be taken to remind and notice the public of same and suggested a reverse 9-1-1 call.

3. Deputy Mayor Isnardi said she wanted to do something for the veterans. Mayor Capote stated there used to be a Veterans Parade, but the people who were instrumental in same had passed away. Council concurred to have a 'recognition' on November 11th, Veterans Day, starting next year. During the year, Council would decide how to implement same.

4. The Council concurred to reschedule the executive session for collective bargaining to Tuesday, November 26th, at 6:30 P.M.

NEW BUSINESS: (Ordinances were for first readings.)

*** 1. Resolution No. 2013-47, supporting efforts to find solutions for restoring the health of the Indian River Lagoon.**

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

*** 2. Resolution No. 2013-48, naming a park site located at between Sidney Street and Osmosis Drive "Cyclocross Rotary Park".**

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

3. Ordinance No. 2013-62, amending the Fiscal Year 2012-2013 budget by appropriating and allocating certain monies (eighth budget amendment).

The City Attorney read the ordinance in caption only.

Motion by Mr. Greene, seconded by Mr. Santiago, to approve Ordinance No. 2013-62. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Greene, Yea; Councilman Santiago, Yea.

4. Consideration of amending the City's Personnel Rules and Regulations:

a) Rule II, Classification Pay Plan (Legislative Department);

Staff Recommendation: Approve the recommended change to the Personnel Rules and Regulations to include the position of Deputy City Clerk in Group 1 classification.

b) Rule III, Pay Plan (Fire Department).

Staff Recommendation: Approve the recommended changes to the Personnel Rules and Regulations by changing the method by which Fire Department non-bargaining unit employees are compensated for their Emergency Medical Technician and Paramedic certifications from paid in a lump sum at the end of each fiscal year to paid in a bi-weekly remuneration.

Motion by Deputy Mayor Isnardi, seconded by Mr. Greene, to approve the revisions to the Personnel Rules and Regulations as recommended by staff. 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 expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund ($25,000).**

Staff Recommendation: Approve the expenditure of funds in the amount of $25,000.

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

*** 6. Consideration of granting an easement to AT&T in order to upgrade an existing electrical box facility.**

Staff Recommendation: Authorize the Mayor to execute the easement.

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

*** 7. Consideration of projects for the City's state legislative agenda.**

Staff Recommendation: Authorize the City staff and the City's lobbyist to pursue the City's state legislative agenda.

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.

PUBLIC COMMENTS/RESPONSES:

Individuals commented on various issues.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:11 P.M.

William Capote, MAYOR

ATTEST:

Alice Passmore, CITY CLERK

* Identifies items considered under the heading of Consent Agenda.
♣Indicates quasi-judicial proceeding.