

## CITY OF PALM BAY, FLORIDA

### REGULAR COUNCIL MEETING NO. 2014-06

Held on Tuesday, the 4<sup>th</sup> day of March 2014, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida. The meeting was held on Tuesday as the Mayor was scheduled to be out of town on business on the regular meeting date.

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:

<b>MAYOR:</b>	William Capote	Present
<b>DEPUTY MAYOR:</b>	Ken Greene	Present
<b>COUNCILMEMBER:</b>	Kristine Isnardi	Present
<b>COUNCILMEMBER:</b>	Michele Paccione	Present
<b>COUNCILMEMBER:</b>	Harry Santiago Jr.	Present
<b>CITY MANAGER:</b>	Sue Hann	Present
<b>CITY ATTORNEY:</b>	Andrew Lannon	Present
<b>CITY CLERK:</b>	Alice Passmore	Present

**CITY STAFF:** Present was Chad Shoultz, Deputy City Manager.

#### ANNOUNCEMENTS:

Deputy Mayor Greene announced the following vacancies and term expiring and solicited applications for same:

1. **Four (4) vacancies on the Youth Advisory Board (represents students grades 9-12).**
2. **One (1) vacancy on the Utilities Advisory Board (represents utility customer or resident).**
3. **One (1) vacancy on the Building and Construction Advisory Board (represents general contractor).**
4. **One (1) vacancy on the Recreation Advisory Board.**
5. **One (1) term expiring on the Police and Firefighters' Pension Plan (represents city resident who is not a beneficiary of the pension plan).**

#### **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 Mrs. Paccione, seconded by Mr. Santiago, that the Consent Agenda be approved as presented with the removal of the following items from consent: Procurements, Miscellaneous, Item No. 4; and New Business, Item No 6. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

#### **RECOGNITIONS AND PROCLAMATIONS:**

Individuals were recognized and proclamations read by Council.

1. **Volunteer Program (one (1) year of service as City boardmember): a) Library Advisory Board – Danny Sale.**
2. **City Manager's Award of Excellence.**
3. **Get Your Business Online Week – March 24-29, 2014.**
4. **American Red Cross Month – March 2014.**
5. **Irish American Heritage Month – March 2014.**
6. **Palm Bay Play Day – Play All Day – April 19, 2014.**

#### **PRESENTATIONS:**

1. **Yvonne McDonald, Finance Director – January 2014 financial report.** Mrs. McDonald provided Council with an overview of the financial report for January.
2. **John Denninghoff, Brevard County Public Works Director – Palm Bay Road pipe failure and replacement plan.** Mr. Denninghoff addressed the pipe failure, replacement plan, time frame to repair the damage, and the proposed alternate route to be used during the repairs.

#### **ADOPTION OF MINUTES:**

- \* 1. **Regular Council Meeting No. 2014-05; February 20, 2014.**

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. Ordinance No. 2014-03, amending the Code of Ordinances, by repealing Chapter 174, Subchapter 'Floodplain Management', in its entirety (Case No. T-18-2013, City of Palm Bay), for final reading.**

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 Mrs. Isnardi, to adopt Ordinance No. 2014-03. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**2. Ordinance No. 2014-04, amending the Code of Ordinances, by re-creating Chapter 174, Subchapter 'Floodplain Management', in its entirety (Case No. T-18-2013, City of Palm Bay), for final reading.**

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

Motion by Mrs. Isnardi, seconded by Deputy Mayor Greene, to adopt Ordinance No. 2014-04. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**3. Ordinance No. 2014-05, amending the Code of Ordinances, Chapter 170, Construction Codes and Regulations, by adopting local administrative amendments to the 2010 Florida Building Codes – building, residential and existing building (Case No. T-18-2013, City of Palm Bay), for final reading.**

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 Greene, seconded by Mr. Santiago, to adopt Ordinance No. 2014-05. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**4. Ordinance No. 2014-06, amending the City's Comprehensive Plan Future Land Use Map to change the designated use of property located at the intersection of U.S. Highway No. 1 and Ridge Road, in the vicinity south of Worth Court, from Commercial Use to Single Family Residential Use (0.34 acres)(Case No. CP-1-2014, Azzuri Property Holdings, Inc.), only one reading required.**

The Planning and Zoning Board and the Bayfront Community Redevelopment Agency 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. Isnardi, seconded by Mrs. Paccione, to adopt Ordinance No. 2014-06. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**♣5. Ordinance No. 2014-07, rezoning property located at the intersection of U.S. Highway No. 1 and Ridge Road, in the vicinity south of Worth Court, from HC (Highway Commercial District) to RS-1 (Single Family Residential District) (0.34 acres)(Case No. CPZ-1-2014, Azzuri Property Holdings, Inc.), for first reading.**

The Planning and Zoning Board and the Bayfront Community Redevelopment Agency recommended that the request be approved.

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.

Motion by Mr. Santiago, seconded by Mrs. Isnardi, to adopt Ordinance No. 2014-07. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**♣6. Request by Jermane Rugenstein 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-3-2014).**

The Planning and Zoning Board recommended that the request be approved with the condition that the converted garage was required to meet the City code requirements for living space and for the handicap.

The public hearing was opened. The applicant was ill and could not attend the meeting. The public hearing was closed as there were no public comments.

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

**♣7. Request by David Van Es for a variance to allow an air conditioning unit and proposed pool equipment to encroach the 5-foot side interior setback by a maximum of five (5) feet in PUD (Planned Unit Development District) zoning (0.23 acres)(Case No. V-4-2014).**

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 other comments.

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

**♣8. Request by Emily Saxman Mondello for a variance to allow an existing home relief from the garage door requirement in RS-2 (Single Family Residential District) zoning (0.24 acres)(Case No. V-5-2014).**

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 other comments.

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

## **PROCUREMENTS:**

### **Contract:**

**\* 1. Down payment assistance program, expenditure of HOME funds (Community Housing Initiative, Inc. – maximum of \$40,000).**

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

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

**Miscellaneous:**

**\* 1. Replacement vehicles (Florida Sheriff's Association contract) – Parks and Utilities Departments (Don Reid Ford; Alan Jay Ford; Alan Jay Nissan - \$194,648); consideration of the disposal of surplus vehicles.**

Staff Recommendation: Approve the disposal of the surplus vehicles and the purchase of replacement vehicles by piggybacking the Florida Sheriff's Association and the State Department of Management Services contracts, in a total amount of \$194,648.

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

**\* 2. Mobile radios (Brevard County Master contract) – Fire and Police Departments (Communications International - \$249,966).**

Staff Recommendation: Approve the purchase of the radios from Communications International, Vero Beach, in the amount of \$249,966.

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

**\* 3. Laptop computers (Western States Contracting Alliance contract) – Police Department (Dell Marketing, L.P. - \$27,306).**

Staff Recommendation: Approve the purchase of twenty-four (24) Dell Latitude E6430 laptops with supporting peripheral equipment, under the Western States Contracting Alliance contract, Dell Marketing, LP, Round Rock, Texas, in the amount of \$27,306.

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

**4. Purchasing actions, Fiscal Year 2013-2014 Road Program (reconstruction of Bass Pro Drive and Port Malabar Boulevard) – Public Works Department (The Miller Group, Inc. - \$899,000 (Port Malabar Boulevard); \$272,000 (Bass Pro Drive).**

Staff Recommendation: Authorize the expenditure under the City's contract with Miller Group for road reconstruction services in the amount of \$526,000 and under the county bid for asphalt concrete services in the amount of \$645,000 for Bass Pro Drive and Port Malabar Boulevard improvements.

Mrs. Isnardi stated she would not support the expenditures as she felt the specified roads could wait and the monies spent elsewhere in the City on roads in worse condition.

Motion by Mrs. Paccione, seconded by Deputy Mayor Greene, to approve the Fiscal Year 2013-2014 Road Program. Motion carried with members voting as follows: Motion carried with members voting as follows:

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

#### **UNFINISHED AND OLD BUSINESS:**

##### **1. Appointment of one (1) member to the Building and Construction Advisory Committee.**

Motion by Deputy Mayor Greene, seconded by Mrs. Paccione, to appoint Richard Whitney to the Committee. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

##### **2. Appointment of members to the Road Maintenance Ad Hoc Working Group (Mayor Capote/Deputy Mayor Greene).**

Mayor Capote appointed Fermin Archer; Deputy Mayor Greene appointed Donald Campbell to the Working Group.

#### **COUNCIL BUSINESS:**

Councilmembers addressed various subject matters.

1. Mrs. Isnardi asked that the portion of the Code pertaining to the garage door relief be revisited to determine if it needed to be removed or revised as several requests had been considered by Council for same.

2. Mrs. Isnardi was in favor of providing relief to those vendors providing wrecker service to the City to allow them to park the vehicles at their homes for quicker response. Mayor Capote and Mrs. Paccione expressed their support of same.

3. Mrs. Isnardi supported the hiring of additional personnel in the Building Division. Mayor Capote said that Council had said it would consider additional personnel when the market recovered and numbers supported same.

**NEW BUSINESS: (Ordinances were for first readings.)**

**\* 1. Resolution No. 2014-07, amending Resolution No. 2013-40, as amended by Resolution Nos. 2013-45 and 2014-03, adopting the Five-Year Community Investment Program for Fiscal Years 2013-2014 through 2017-2018.**

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

**\* 2. Ordinance No. 2014-08, amending the Fiscal Year 2013-2014 budget by appropriating and allocating certain monies (second budget amendment).**

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

**\* 3. Ordinance No. 2014-09, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Youth Advisory Board', by expanding the duties of the adult advisory members and clarifying the liaison positions.**

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

**\* 4. 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.

**\* 5. Acknowledgement of the City's monthly financial report for January 2014.**

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

**6. Consideration of request from the Florida Puerto Rican Hispanic Chamber of Commerce for the City to co-sponsor its 2014 Hispanic Business/Health Care Expo.**

Staff Recommendation: Authorize the co-sponsorship of the event with the Chamber of Commerce to include a negotiated rental fee of \$500, joint marketing of the event, and participation by City departments.



Motion by Mrs. Paccione, seconded by Mr. Santiago, to approve co-sponsoring the event with the Chamber of Commerce as recommended by City staff. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**ADMINISTRATIVE AND LEGAL REPORTS:**

1. Mrs. Hann reported on the first meeting of the Road Maintenance Ad Hoc Working Group.

**PUBLIC COMMENTS/RESPONSES:**

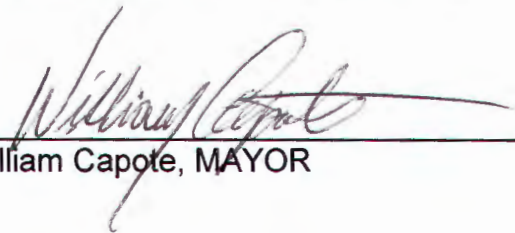
Individuals commented on various issues.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:20 P.M.

ATTEST:

  
\_\_\_\_\_  
Alice Passmore, CITY CLERK

  
\_\_\_\_\_  
William Capote, MAYOR

\* Identifies items considered under the heading of Consent Agenda.

♣ Indicates quasi-judicial proceeding.