## CITY OF PALM BAY, FLORIDA

# **REGULAR COUNCIL MEETING NO. 2014-09**

Held on Thursday, the 17<sup>th</sup> day of April 2014, 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:	Ken Greene	Present
COUNCILMEMBER:	Kristine Isnardi	Present
COUNCILMEMBER:	Michele Paccione	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 Greene announced the following vacancies and terms expiring and solicited applications for same:

- 1. One (1) vacancy 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) vacancy on the Library Advisory Board.
- 6. One (1) term expiring on the Utilities Advisory Board (represents customer).
- 7. Four (4) terms expiring on the Youth Advisory Board (represents one (1) adult member 'thirty (30) years and older and three (3) students grades 9-12).

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#### **AGENDA REVISIONS:**

Mrs. Hann asked that Resolution No. 2014-13 be added as Item No. 12, under New Business, as consent.

#### 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, Item Nos. 1 and 2; New Business, Item Nos. 3, 4a, and 4b; and the addition of Item No. 12, Resolution No. 2014-13, as consent. 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 and presented.

- 1. Recognizing Ellen Little, President/CEO of Business Resolutions volunteer work with "Get Your Business Online" courses.
- 2. Rob Rains, President, United Way of Brevard County recognizing City employees for their assistance with the 2013 United Way Campaign.
- 3. Police Department recognizing employee efforts with the FBI Uniform Crime Report.
- 4. Utilities Department recognizing the Florida Water Resources Conference award recipients.
- 5. The Greater Palm Bay Chamber of Commerce Anniversary.
- 6. International Jazz Day April 30, 2014; Jazz Appreciation Month April 2014.
- 7. National Day of Prayer May 1, 2014.
- 8. Poppy Days May 9-10, 2014.

#### PRESENTATION:

1. Lance Decuir, Senior Transportation Engineer, ATKINS – PD&E Study for Malabar Road. Mr. Decuir presented an overview of the various alternatives for improvements to and widening of Malabar Road from Babcock Street to US Highway No. 1.

#### ADOPTION OF MINUTES:

\* 1. Regular Council Meeting No. 2014-08; April 3, 2014.

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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. 2014-10, amending the Code of Ordinances, Chapter 185, Zoning Code, by establishing standards for the keeping of pigeons in single family residential zoning districts (Case No. T-1-2014, Space Coast Racers), 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 Deputy Mayor Greene, to adopt Ordinance No. 2014-10. 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. 2014-11, amending the Code of Ordinances, Chapter 185, Zoning Code, by creating and providing criteria for a new zoning district entitled PMU (Parkway Mixed Use District) (Case No. T-2-2014, Willard Palmer), 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. Paccione, seconded by Mrs. Isnardi, to adopt Ordinance No. 2014-11. 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. 2014-12, rezoning property located in the vicinity northwest of the intersection of Malabar Road and the Palm Bay Parkway from GU (General Use Holding District to PMU (Parkway Mixed Use District) (202.9 acres)(Case No. Z-3-2014, Willard Palmer), for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant's representative was present to answer questions. The public hearing was closed.

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Motion by Mrs. Isnardi, seconded by Mr. Santiago, to adopt Ordinance No. 2014-12. 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. 2014-13, amending the Code of Ordinances, by repealing Chapter 75, Dangerous Intersection Safety Act, in its entirety, for final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. A resident expressed his support of the ordinance. The public hearing was closed.

Motion by Mr. Santiago, seconded by Mrs. Isnardi, to adopt Ordinance No. 2014-13. Deputy Mayor Greene stated he was against the ordinance and explained why he felt the cameras should remain. Mrs. Isnardi asked Deputy Mayor Greene why he voted in favor of the ordinance, which was under consent, at the last meeting. Deputy Mayor Greene stated again that he was against the ordinance. Motion carried with members voting as follows:

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

♣5. Request by Trevor Earle for a variance to allow an existing pool and proposed screen room to encroach the 10-foot rear setback and 8-foot side interior setback in RS-1 (Single Family Residential District)(0.23 acres) (Case No. V-6-2014).

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 adjacent neighbor expressed his concern in regards to drainage if the footprint was allowed to be modified. The footprint was not being modified. The public hearing was closed.

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.

#### **BOARD AND COMMITTEE REPORTS:**

Councilmembers provided updates on activities of various agencies and boards on which they served as members.

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#### PROCUREMENTS:

#### Contracts:

1. Stage coagulant chemical feed system installation; design, permitting and construction assistance, Troutman Lime Softening Plant – TO 14-02 – Utilities Department (Wade Trim - \$42,714).

Staff Recommendation: Approve the Task Order with Wade Trim, Inc. in the amount of \$42,714 for the Troutman Lime Softening Plant Safe Coagulant Chemical Feed System Installation -- design, permitting and construction assistance.

Motion by Mrs. Isnardi, seconded by Deputy Mayor Greene, to approve the Task Order with Wade Trim, Inc. 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.

2. Lot mowing, Code Compliance, purchasing authority increase – Police Department (Santa Cruz Construction (unimproved lot mowing) – up to \$150,000).

Staff Recommendation: Authorize increasing the purchasing authority with Santa Cruz Construction up to \$150,000 for the remainder of Fiscal Year 2013-2014 and annually thereafter for the term of the contract for unimproved lot mowing.

Motion by Mr. Santiago, seconded by Deputy Mayor Greene, to increase the purchasing authority with Santa Cruz Construction 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.

\* 3. Palm Bay Parkway, time extension and contract cost increase – Public Works Department (Community Asphalt – 80 day extension; Target Engineering – 80 day extension and \$179,889 contract cost increase).

Staff Recommendation: Approve the change order for Community Asphalt for a time extension of eighty (80) days and the change order for Target Engineering for a time extension of eighty (80) days and an increase in the contract amount of \$179,888.96.

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

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

1. Appointment of three (3) student members to the Youth Advisory Board.

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Motion by Deputy Mayor Greene, seconded by Mrs. Isnardi, to appoint Cameron Juglal, Brianna Finnk, and Raymond Barnes III to the Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

#### **COUNCIL BUSINESS:**

Councilmembers addressed various subject matters.

- 1. Mrs. Isnardi appointed Victoria Northrup to replace John Russo on the Bayfront Community Redevelopment Agency.
- 2. Motion by Deputy Mayor Greene, seconded by Mrs. Paccione, to consider the fertilizer ordinance at the May 1<sup>st</sup> regular Council meeting. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

#### **NEW BUSINESS:**

\* 1. Resolution No. 2014-11, amending Resolution No. 2013-39, as amended by Resolution Nos. 2013-53, 2014-02, and 2014-04, adopting Classification and Pay Plans and the Position Control Plan for employees of the City of Palm Bay.

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

\* 2. Resolution No. 2014-12, supporting the Emergency Medical Service First Responders Program.

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

3. Consideration of the Brevard County Blue Ribbon Advisory Board for Transportation Infrastructure, Report and Recommendations to the Brevard County Board of County Commissioners.

Staff Recommendation: Authorize City staff to provide comments to the Brevard County Board of County Commissioners at its May 1<sup>st</sup> meeting.

Motion by Mrs. Paccione, seconded by Deputy Mayor Greene, to approve consideration of the Brevard County Blue Ribbon Advisory Board for Transportation Infrastructure, Report and Recommendations to the Brevard County Board of County Commissioners.

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Mrs. Isnardi acknowledged the report, but stated she would not support an increase in the gas tax. Mr. Santiago felt the County's report highlighted new ways to tax the citizens instead of looking at and managing its own budget and current resources. Mrs. Paccione said she would vote for a one-half (1/2) cent sales tax for road improvements.

After some discussion, the City Council concurred not to send a letter to the Brevard County Board of County Commissioners.

# 4. Consideration of submitting applications to the U.S. Department of Transportation for:

## a) TIGER VI Road Solutions Planning grant;

Staff Recommendation: Authorize City staff to submit the TIGER VI grant application and solicit letters of support from other local agencies, residents, and businesses as well as from the City's Federal Legislative Delegation.

## b) TIGER VI Palm Bay Green Link Planning grant.

Staff Recommendation: Authorize City staff to submit the TIGER VI grant application and solicit letters of support from other local agencies, residents, and businesses as well as from the City's Federal Legislative Delegation.

Motion by Deputy Mayor Greene, seconded by Mrs. Paccione, to authorize City staff to submit the TIGER VI grant applications for Road Solutions Planning and Palm Bay Green Link Planning. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Isnardi, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

# \* 5. Consideration of an agreement to redesignate the administration of the Housing Opportunities for People with HIV/AIDS (HOPWA) Program to the Florida Department of Health.

Staff Recommendation: Approve the proposed agreement.

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

# \* 6. Consideration of the Community Development Block Grant/HOME Action Plan for Fiscal Year 2014-2015.

Staff Recommendation: Adopt the Fiscal Year 2014-2015 CDBG/HOME Action Plan and authorize the City Manager to execute all documents pertaining to same.

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

## \* 7. 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.

# \* 8. Acknowledgement of the Ad Valorem Tax Exemption Annual Report for 2013.

Staff Recommendation: Acknowledge receipt of the 2013 Ad Valorem Tax Exemption Annual Report.

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

# \* 9. Consideration of an amendment to the agreement with Frank Cioli as it relates to the settlement of code enforcement liens.

Staff Recommendation: Authorize the City Manager to execute Amendment No. 4 to the Settlement Agreement. The amendment extended the agreement to December 31, 2014.

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

# 10. Consideration of appointment of members to the City's Audit Committee.

Staff Recommendation: Appointment of Yvonne McDonald, Finance Director; Ruth Chapman, Assistant Finance Director; Marcia Patacer, Accounting Manager; Lori Embrey, Accountant, Utilities; and a Councilmember (to be determined).

Motion by Mrs. Isnardi, seconded by Mrs. Paccione, to appoint the individuals recommended by City staff, and Councilman Santiago, 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.

# 11. Consideration of rescheduling the second regular Council meeting in June (June 19, 2014) to Tuesday, June 17, 2014.

Staff Recommendation: Reschedule the regular Council meeting from Thursday, June 19, 2014, to Tuesday, June 17, 2014.

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There was a consensus by Council to reschedule the meeting to Tuesday, June 17, 2014.

\*\*12. Resolution No. 2014-13, rescinding Resolution No. 2013-56, and approving the issuance by the Capital Trust Agency of Revenue Bonds for the purpose of financing a senior living facility on Malabar Road.

Staff Recommendation: Adopt the resolution correcting a scrivener's error in the initial resolution in order to meet IRS mandates.

The item, added under Agenda Revisions and considered under Consent Agenda, was approved.

### **ADMINISTRATIVE AND LEGAL REPORTS:**

There were no administrative or legal reports.

#### PUBLIC COMMENTS/RESPONSES:

Individuals commented on various issues.

#### ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 9:50 P.M.

William Capote, MA

ATTEST

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.