

## ORDINANCE NO. 2014-17

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2014 BUDGET BY APPROPRIATING AND ALLOCATING FUNDS AS FOLLOWS: USE OF GENERAL FUND BALANCE TO ADD SENIOR PURCHASING CONTRACTS ADMINISTRATOR, TO TEMPORARILY OVERHIRE NINE (9) FIREFIGHTERS, TO ADD FIRE DEPUTY CHIEF AND TO INCREASE CITY ATTORNEY'S OFFICE USE OF OUTSIDE COUNSEL; REALLOCATION OF GENERAL FUND PERSONNEL SERVICES TO FUND VACCINATION PROGRAM FOR PUBLIC WORKS EMPLOYEES; USE OF LAW ENFORCEMENT TRUST FUND BALANCE FOR LETF 14-06 LEGAL SERVICES, TRANSFER FROM RED LIGHT CAMERA FUND TO THE PALM BAY MUNICIPAL FOUNDATION; INCREASE NUISANCE FUND REVENUE AND EXPENSE FOR UNIMPROVED LOT MOWING; USE OF TRANSPORTATION IMPACT FEE FUND BALANCE FOR PALM BAY PARKWAY NORTH PROJECT; USE OF SAVINGS FROM PROJECTS IN UTILITIES RENEWAL AND REPLACEMENT FUND AND USE OF UTILITIES RENEWAL AND REPLACEMENT FUND BALANCE TO INCREASE FUNDING FOR THE REHABILITATION OF THE TREATMENT TANK AT THE TROUTMAN WATER RECLAMATION FACILITY AND INCREASE FUNDING FOR SLUDGE HAULING RELATING TO THE AEROBIC DIGESTER IMPROVEMENT PROJECT AT THE WASTEWATER TREATMENT PLANT ; AND USE OF BUILDING FUND BALANCE TO ADD PLANS EXAMINER, RECOGNIZING THAT SUCH APPROPRIATIONS MUST BE MADE PURSUANT TO THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, CHAPTER 35; ADOPTING, RATIFYING, CONFIRMING, AND VALIDATING THE ALLOCATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Bay recognizes that non-budgeted items must be appropriated and that such appropriation must be allocated by Ordinance, and

**WHEREAS**, transfers between funds and departments must be approved by City Council, and

**WHEREAS**, Chapter 35, Finance, Budget, Section 35.035, of the City of Palm Bay, Code of Ordinances provides for the transfer of funds and appropriation of unbudgeted funds.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:**

**SECTION 1.** The City Council, in accordance with the City of Palm Bay, Code of Ordinances, Chapter 35, Finance, Budget, Section 35.035, hereby appropriates the following funds:

	Revenues	Expenditures
<b><u>General Fund</u></b>		
PW Hepatitis Vaccination program		29,800
PW Personnel Vacancy to Vac program		(29,800)
Increase CAO Outside Counsel		125,000
Add Sr Purchasing Contract Administrator		29,473
Add Deputy Fire Chief		59,581
Add Temp 9 FF Overhires		113,900
Undesignated Fund Balance	327,954	
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<b>Fund Subtotal</b>	<b>327,954</b>	<b>327,954</b>
<b><u>Law Enforcement Trust Fund (101)</u></b>		
LETF 14-06 Legal Services		20,000
Designated Fund Balance	20,000	
	<hr/>	<hr/>
<b>Fund Subtotal</b>	<b>20,000</b>	<b>20,000</b>
<b><u>Red Light Camera Fund (102)</u></b>		
Transfer to PB Municipal Fund (103)		7,000
Undesignated Fund Balance	7,000	
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<b>Fund Subtotal</b>	<b>7,000</b>	<b>7,000</b>
<b><u>PB Municipal Foundation Fund (103)</u></b>		
Undesignated fund balance	(7000)	0
Transfer from Red Light Camera Fund (102)	7,000	
	<hr/>	<hr/>
<b>Fund Subtotal</b>	<b>0</b>	<b>0</b>
<b><u>Nuisance Special Revenue Fund (105)</u></b>		
Unimproved lot mowing revenue increase		69,400
Unimproved lot mowing revenue increase	69,400	
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<b>Fund Subtotal</b>	<b>69,400</b>	<b>69,400</b>

**Transportation Impact Fee Fund (155)**

Parkway NW 10PW18		2,100,000
Undesignated Fund Balance	2,100,000	
<b>Fund Subtotal</b>	<b>2,100,000</b>	<b>2,100,000</b>

**Utilities Operating Fund (424)**

Aerobic Digester & Walkways 12WS04		54,000
Rehab Troutman Wastewater Treatment Tank 12WS01		304,016
Northeast Collections Improvements 05WS05		(48,991)
Wastewater Treatment Plant Generator Repl 11WS03		(61,000)
Roof Replacement at Troutman 13WS03		(47,025)
Undesignated Fund Balance	201,000	
<b>Fund Subtotal</b>	<b>201,000</b>	<b>201,000</b>

**Building Fund (451)**

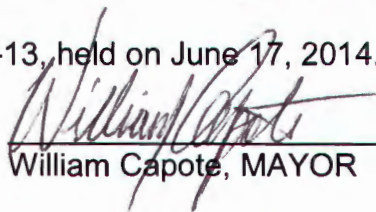
Add Plans Examiner		26,627
Undesignated Fund Balance	26,627	
<b>Fund Subtotal</b>	<b>26,627</b>	<b>26,627</b>

<b>Total</b>	<b>2,751,981</b>	<b>2,751,981</b>
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**SECTION 2.** The City Council adopts, ratifies, and approves the appropriations as listed above.

**SECTION 3.** The provisions within this Ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2014-11, held on May 15, 2014; and read in title only and duly enacted at Meeting No. 2014-13, held on June 17, 2014.

  
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 William Capote, MAYOR

ATTEST:  
  
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 Alice Passmore, CITY CLERK

Reviewed by CAO: 



# LEGISLATIVE MEMORANDUM



**TO:** Honorable Mayor and Members of the City Council

**FROM:** Susan Hann, P.E. City Manager

**REQUESTING DEPT:** Yvonne McDonald, Finance Director  
Elia Twigg, P.E., Public Works Director  
David Watkins, Growth Management Director  
Doug Muldoon, Police Chief  
Shante Akafia, Human Resources Director  
Dan Roberts, P.E., Utilities Director

**DATE:** May 15, 2014

**RE:** FY 14 Third Budget Amendment

*Yvonne McDonald*  
20130923-192639

*Dave Watkins*

*Dan Roberts*

*Shante Akafia*

*Dan Roberts*

Digitally signed by Dan Roberts  
DN: cn=Dan Roberts, o=City of Palm Bay, ou=Utilities, email=droberts@pbf.org, c=US  
Date: 2014.05.08 14:49:12 -0400

The following is a summary of the proposed budget amendment:

## General Fund

The Third Budget Amendment appropriates Fund Balance in the amount of \$327,953. This reduces the net fund balance based on FY 13 year-end balance to approximately \$10 million. This balance remains well above the minimum fund balance policy and includes \$2 million set aside for likely health insurance cost increases in FY 15.

- One time use of surplus personnel funds due to a vacancy to fund hepatitis vaccination program for \$29,800 for Public Works Department field personnel. The vaccinations will be administered by the Fire Rescue staff. The expense is to purchase the vaccines.
- Use of Fund Balance to increase City Attorney's office's outside counsel expense by \$125,000 as indicated in the attached memorandum.
- Use of GF Fund Balance to fund additional personnel expenses approved by Council April 3, 2014 as follows:

Sr. Purchasing Contract Administrator	\$29,473
Deputy Fire Chief	\$59,581
Overhire nine (9) firefighters	\$113,900

## Law Enforcement Trust Fund (LETF) (101)

- Use of LETF Fund Balance to replenish the legal services account (\$20,000 – LETF 14-06) through the end of FY 14 as approved by Council on May 1, 2014.

**Red Light Camera Fund (102)**

- Transfer current balance in fund (\$7,000) to Palm Bay Municipal Foundation Fund (103) for future allocation to youth programs.

**Palm Bay Municipal Foundation Fund (103)**

- Accept transfer from Red Light Camera Fund (102) (\$7,000) for future allocation to youth programs.

**Nuisance Special Revenue Fund (105)**

- Increase in unimproved lots mowing expense and revenue in the amount of \$69,400 based on increased contracting authority for unimproved lot mowing approved by Council on April 17, 2014.

**Transportation Impact Fee Fund (TIF) (155)**

- Appropriate Transportation Impact Fees to the Parkway NW project (Project #10PW18) in accordance with Council action on May 3, 2012 authorizing up to \$2.1 million. The budget was never established in Fund 155 for this project. *Note: From a cash perspective, the full expenditure of these funds will fully deplete the Transportation Impact Fee Fund with the exception of approximately \$700,000 reserved for FY 15 debt service. The Public Works Department does not, at this time, expect to fully expend the \$2.1 million budgeted. Any funds not used for the Parkway NW project would be returned to fund balance and set aside for debt service.*

**Utilities Renewal and Replacement Fund (424)**

The following amendments are requested to reconcile actual project costs. There is a net additional appropriation from fund balance of \$201,000.

- Three projects (Wastewater Treatment Plant Generator Replacement #11WS03, Northeast Collections Improvements #05WS05 and Roof Replacement at Troutman #13WS03) were constructed under budget resulting in a net savings of \$157,016.
- The Rehabilitation of the Treatment Tank at the Troutman Water Reclamation Facility (project #12WS01) is included in the adopted Capital Improvement Program (CIP). The construction cost included in the CIP was \$1 million based on a 2012 estimate; however, more recent estimates indicate the cost will be closer to \$1.3 million. The remaining \$304,016 is requested to be appropriated. The design is complete and the project will be advertised for RFP shortly.
- The Aerobic Digester and Walkways at the Wastewater Treatment Plant (project #12WS04) is included in the adopted Capital Improvement Program (CIP). The project cost should have included the hauling cost for the sludge while the project was under construction. Council approved the hauling contract on April 3, 2014. An additional \$54,000 is requested to be appropriated for this project.

**Building Fund (451)**

- Use of Building Fund Balance to fund additional personnel expenses (\$26,627) for the new Plans Examiner position approved by Council on April 3, 2014.

**RECOMMENDATION:**

Motion to adopt FY 14 Third Budget Amendment Ordinance.

PG/tjl

Attachments: 1) Memorandum from City Attorney  
2) Ordinance





Office of the City Attorney

## Legislative Memorandum

**TO:** Honorable Mayor & Members of the City Council

**FROM:** Andrew P. Lannon, Esq., City Attorney

**SUBJECT:** Outside Counsel – Budget Amendment

**DATE:** April 28, 2014

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For the first time in three years, the City Attorney's Office's outside counsel expenditures are expected to be larger than normal. I shall require a budget amendment increasing outside counsel expenditures by \$125,000 to adequately budget for the remainder of the year. The reasons why we are over this year is due to the following facts.

First, due to the change in leadership of the Human Resources Department and prior to the arrival of Shante Akafia, the City relied heavily upon the expertise of our labor and employment attorney, Andy Hament, during the transition. Mr. Hament is further expected to assist City Management with the negotiations of all union contracts prospectively, including the current, pending negotiations with the Fraternal Order of Police.

Second, after receipt of the demand letter from the bondholders of the now defunct municipal charter school, the City has prepared, and continues to prepare, extensively for its defense, including the copying of all documents in its possession, uploading them into Summation and the retention of Rory Ryan with Ryan Law, P.A. to serve as lead counsel.

Third, the City has had, and will continue to have, numerous arbitrations with the NAGE (Blue) union, which is represented by our former City Attorney, James D. Stokes. Those arbitrations are being handled by Cindy Ryan with Ryan Law, P.A. who, like Mr. Stokes, is an attorney whose expertise lies in labor and employment matters.

Fourth, with the City's rewrite of its special events ordinance, the City has engaged Rick Fee of Fee & Jeffries, P.A. Mr. Fee has done this work for several other municipalities throughout the State of Florida and possesses extensive knowledge of First Amendment matters.

cc: Susan Hann, City Manager  
Alice Passmore, City Clerk