

## CITY OF PALM BAY, FLORIDA

### REGULAR COUNCIL MEETING NO. 2014-16

Held on Thursday, the 17<sup>th</sup> day of July 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 7:10 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	Absent
<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; Shante Akafia, Human Resources Director.

#### ANNOUNCEMENTS:

Deputy Mayor Greene 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. **One (1) vacancy on the Building and Construction Advisory Board (represents 'general contractor').**
3. **One (1) term expiring on the Police and Firefighter's Pension Plan, Board of Trustees.**
4. **Four (4) terms expiring on the Planning and Zoning Board.**
5. **One (1) term expiring on the Bayfront Community Redevelopment Agency (represents 'at-large' position).**
6. **One (1) vacancy on the Youth Advisory Board (represents adult member thirty (30) years and older).**

**AGENDA REVISIONS:**

Mrs. Hann stated that Item No. 1, under New Business, was being removed from the agenda as language had been incorporated into Ordinance No. 2014-25 (Public Hearing, Item No. 4) to reflect that the fees adopted by Brevard County would be utilized by the City.

**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 Greene, seconded by Mrs. Paccione, that the Consent Agenda be approved as presented with the removal of Item Nos. 2 and 3, under New Business, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**RECOGNITIONS:**

Individuals and employees were recognized:

1. **Volunteer Program (one (1) year of service as City boardmember): a) Utilities Advisory Board – Robert Grassman.**
2. **Palm Bay Police Department: a) recognizing employee promotions; b) recognizing Officer Frank Tobar, Explorer Advisor of the Year.**

**DEPARTMENTAL REPORT:**

1. **Human Resources Department – update.** Mrs. Akafia provided Council with an update on the department's activities.

**ADOPTION OF MINUTES:**

- \* 1. **Regular Council Meeting No. 2014-14; July 3, 2014;**
- \* 2. **Special Council Meeting No. 2014-15; July 8, 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. 2014-22, vacating a portion of the rear public utility and drainage easement located within Lot 4, Block 1316, Port Malabar Unit 25 (Case No. VE-2-2014, Curtis Settles), 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 Mrs. Paccione, to adopt Ordinance No. 2014-22. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

♣ **2. Ordinance No. 2014-23, vacating a portion of the rear public utility and drainage easement located within Lot 1, Block 2439, Port Malabar Unit 45 (Case No. VE-3-2014, Jason VanSciver), 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. Paccione, to adopt Ordinance No. 2014-23. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**3. Ordinance No. 2014-24, amending the Code of Ordinances, by repealing Chapter 116, Wrecker Service, in its entirety, 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 Mr. Santiago, to adopt Ordinance No. 2014-24. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**4. Ordinance No. 2014-25, amending the Code of Ordinances, by re-creating Chapter 116, Wrecker Service, in its entirety, 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 Mrs. Paccione, to adopt Ordinance No. 2014-25. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**5. Ordinance No. 2014-27, amending the Code of Ordinances, Chapter 150, Solid Waste Management, Subchapter 'General Terms and Conditions', by modifying provisions for customer deposits, 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 Deputy Mayor Greene, to adopt Ordinance No. 2014-27. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**6. Ordinance No. 2014-28, amending the Code of Ordinances, Chapter 200, Utilities Code, by modifying provisions for customer deposits, 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 Mr. Santiago, to adopt Ordinance No. 2014-28. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**7. Ordinance No. 2014-29, establishing a Local Road Advisory Board, for final reading.**

The City Attorney read the ordinance in caption only. The public hearing was opened. A resident felt the roads were the highest priority and hoped the board would seek the maximum millage it could. The public hearing was closed.

Motion by Deputy Mayor Greene, seconded by Mrs. Paccione, to adopt Ordinance No. 2014-29. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**8. Ordinance No. 2014-30, vacating the road right-of-way known as Judy Court and portions of the road rights-of-way known as Gran Avenue and Victor Court located within the Gran's Subdivision of Cape Malabar (0.23 acres)(Case No. VRW-1-2014, The Cape LLC), for first reading.**

The Planning and Zoning Board recommended that the request be approved with the following conditions: 1) applicant shall provide adequate drainage area, drainage easement, and maintenance of drainage area to adequately maintain roadway and adjacent property drainage conveyance, treatment, and discharge equal or better than existing conditions; 2) applicant shall provide adequate public access for citizens and emergency vehicles to turn around at the end of Gran Avenue and Victor Court. The

access area shall be open at all times and be maintained by the development entity. A public access easement must be provided thru the property; and 3) applicant shall provide a public access pier and execute the public pier agreement between the City and the developer.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. A resident asked if there would be parking for the public pier that was addressed in the request. The applicant stated there would be parking available. The public hearing was closed.

Motion by Mr. Santiago, seconded by Deputy Mayor Greene, to adopt Ordinance No. 2014-30. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**9. Ordinance No. 2014-31, amending the Code of Ordinances, Chapter 185, Zoning Code, Subchapter 'District Regulations', by including medical and dental manufacturing labs as a permitted use in CC (Community Commercial District) zoning (Case No. T-9-2014, Bruce Henry Properties, LLC), 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. The applicants presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Greene, seconded by Mrs. Paccione, to adopt Ordinance No. 2014-31. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**10. Ordinance No. 2014-32, amending the Code of Ordinances, Chapter 185, Zoning Code, by revising the requirements for arcade amusement centers and removing provisions for electronic gaming establishments (Case No. T-10-2014, 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 Deputy Mayor Greene, to adopt Ordinance No. 2014-32. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**11. Request by Twistee Treat U.S.A. for an Architectural Style Exception to permit a corporate brand style on property located in the vicinity southwest of the intersection of Malabar Road and San Filippo Drive (10.19 acres)(Case No. AE-1-2014).**

The City staff recommended that the request be approved.

The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

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

**12. Ordinance No. 2014-15, rezoning property located at the northeast corner of Antiquera Street and Battersea Avenue from RS-2 (Single Family Residential District) to IU (Institutional Use District) (0.97 acres)(Case No. Z-4-2014, John Noonan)(RESCHEDULED TO RCM 08-07-14).**

#### **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 Proposal:**

**\* 1. Professional auditing services – RFP No. 24-0-2014 – Finance Department (Carr, Riggs & Ingram - \$69,800).**

Staff Recommendation: Authorize the City Manager to negotiate and finalize the Letter of Engagement (contract) with the top-ranked firm, Carr, Riggs, & Ingram (CRI) and, if unsuccessful, terminate negotiations with CRI and open negotiations with Nowlen, Holt & Miner, PA.

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

**Contracts:**

**\* 1. Down payment assistance program, expenditure of HOME funds, amendment (Community Housing Initiative, Inc.).**

Staff Recommendation: Authorize the City Manager to execute Amendment No. 2 of the Down Payment Assistance agreement.

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

**\* 2. Continuing consultant engineering, renewal – Utilities Department (Wade Trim - \$485,000).**

Staff Recommendation: Approve the annual renewal, through August 1, 2015, of the existing Continuing Engineering Consultant Services with Wade Trim, Palm Bay, Florida.

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

**\* 3. Construction engineering and inspection services, U.S. Highway No. 1 lighting project – RFQ No. 30-0-2013 – Public Works Department (Target Engineering Group - \$217,735.21).**

Staff Recommendation: Authorize the City Manager to enter into an agreement with Target Engineering Group for the CEI services for the US Highway No. 1 Lighting Project subject to final review by the City Attorney.

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

**COUNCIL BUSINESS:**

Councilmembers addressed various subject matters.

1. Mr. Santiago asked that a workshop be considered to address the Council meeting agenda format, in particular the Proclamations and Recognitions. Council concurred to have the City Clerk poll the members to establish a date.

2. Mrs. Paccione asked that an executive session be scheduled to discuss the open contracts with the police and firefighters. Council concurred; the City Clerk's Office would poll councilmembers to establish a date.

2. Deputy Mayor Greene commented on the action taken by Council at the last meeting regarding the City Attorney's contract. He stated that Council's Policies and Procedures were not properly followed when it was brought up under Council Business and acted upon. He also stated public comments should have been solicited. He asked that the proper procedures be followed to consider the contract.

Motion by Deputy Mayor Greene, seconded by Mrs. Paccione, to place the matter on the August 7<sup>th</sup> Council meeting. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

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

**1. Resolution No. 2014-19, amending Resolution Nos. 2013-38, 2013-52, and 2014-01, establishing fees, rates, and charges pursuant to the Code of Ordinances, for specified chapters and sections therein.**

This item was removed from the agenda under Agenda Revisions.

**2. Ordinance No. 2014-26, amending the Code of Ordinances, Chapter 185, Zoning Code, in order to permit wreckers to park in residential areas (Case No. T-7-2014, City of Palm Bay).**

The City Attorney read the ordinance in caption only.

Motion by Mr. Santiago, seconded by Deputy Mayor Greene, to approve Ordinance No. 2014-26. Motion carried with members voting as follows:

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

**3. Ordinance No. 2014-33, granting an economic development ad valorem tax exemption to Bonadent Dental Laboratories.**

The City Attorney read the ordinance in caption only.

Motion by Mr. Santiago, seconded by Deputy Mayor Greene, to approve Ordinance No. 2014-33. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.



**\* 4. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (LETF) (\$720,000).**

Staff Recommendation: Approve the expenditure of LETF as described within the memorandum from the City Manager, including authorization to increase the purchase order issued to Frese Hansen by up to \$15,000.

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

**\* 5. 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.

**\* 6. Acknowledgement of the School Resource Officer Report for the period January 2014, through May 2014.**

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

**7. Consideration of 2014 Certification of Taxable Value; proposed millage; scheduling dates for public hearings.**

Staff Recommendation: Authorize the City Manager to advertise the Fiscal Year 2014 proposed operating millage up to 8.6326 mills (the current rate); schedule the first Public Hearing for Thursday, September 11, 2014, at 6:30 P.M., and the second Public Hearing for Thursday, September 25, 2014, at 6:30 P.M.

Discussion ensued among councilmembers in regards to approving the millage rate at 9.0 mills in order to allow flexibility during the budget process to select services and projects that needed to be addressed with the intent of reducing the rate accordingly. Roads were the top priority. Deputy Mayor Greene expressed his concern that by going to 9.0 mills, Council may end up selecting projects that add up to 9.0 mills with no reduction in the final millage rate. Council expressed that its intent was that the final millage rate would be less than 9.0 mills.

Motion by Mrs. Paccione, seconded by Deputy Mayor Greene, to approve up to 9.0 mills and schedule the public hearings for September 11<sup>th</sup> and 25<sup>th</sup>. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Greene, Yea; Councilwoman Paccione, Yea; Councilman Santiago, Yea.

**ADMINISTRATIVE AND LEGAL REPORTS:**

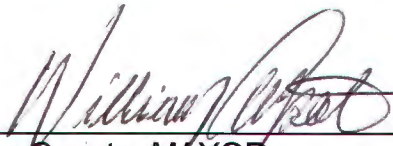
There were no reports.

**PUBLIC COMMENTS/RESPONSES:**

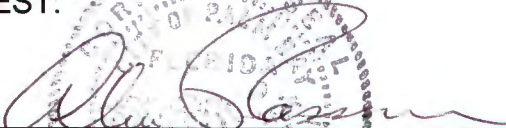
Individuals commented on various issues.

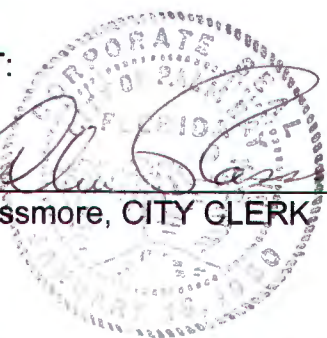
**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 9:56 P.M.

  
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William Capote, MAYOR

ATTEST:

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



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