

CITY OF MELBOURNE, FLORIDA  
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL  
MARCH 8, 2005



A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Harry Goode.

1. Joe Godson, Pastor, God's Grace Fellowship, gave the invocation.
2. Pledge of Allegiance
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Richard Contreras	Vice Mayor, District 1
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Amy W. Elliott	Assistant City Manager
	Cindy Dittmer	Planning & Economic Development Director

4. Proclamations and Presentations

Mayor Goode presented the "Melbourne High School Class of 1944 61<sup>st</sup> Anniversary" proclamation, March 12, 2005, to Mrs. Pat Poole and several members of the Mel-Hi Class of '44.

Mayor Goode presented Dennis Meehan with a plaque recognizing his 26 years of service on the Melbourne Downtown Community Redevelopment Agency Advisory Committee.

5. Approval of Minutes - February 22, 2005 Regular Meeting

Moved by Palmer/Walker for approval. Motion carried unanimously.

6. City Manager's Report

City Manager Jack Schluckebier reported that the auditors will make a brief presentation to Council at the April 26 Council meeting.

Assistant City Manager Amy Elliott reported on the upcoming resident opinion survey. She noted that staff will finalize this in the next month. She asked Council Members to contact her or the City Manager in the next seven to 10 days if they have specific questions they would like included in the survey.

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In response to Council Member Cheryl Palmer, Mrs. Elliott said that our survey will be a mail-out (as opposed to a telephone survey).

A brief discussion followed regarding the style of the survey.

7. Public Comments

None.

UNFINISHED BUSINESS

8. CONSENT AGENDA:

The Mayor referenced the memorandum from staff requesting that Item “e” be withdrawn for further review.

Moved by Hand/LaRusso for approval of the consent agenda, with the exception of Item “e.” Motion carried unanimously.

The consent agenda was approved as follows:

- a. Approval of an affiliation agreement between Brevard Community College and the City of Melbourne Fire Department for planning and implementing student instruction in the Emergency Medical Technology and Paramedic Technology programs.
- b. Approval of a CDBG award in the amount of \$2,500 to the Fair Housing Continuum, Inc. to provide fair housing and testing, and authorization for the City Manager to execute the agreement.
- c. Contract award for auctioneer services, First Coast Auction & Realty, Inc., Jacksonville, FL - fixed commission fee of 6% gross auction proceeds.
- d. Purchase of two vehicles and eight pieces of equipment from various vendors - \$467,245.40.
- e. Approval of a 60-month leasing of a Toshiba E Studio 350 Digital Copier, Toshiba Business Systems, Deerfield Beach, FL - \$379/monthly, plus maintenance/supply cost of \$0.009/copy, an estimated annual cost of \$5,268 and 60-month total cost of \$26,340.

Note: Item “e” was withdrawn by staff and not approved as part of the consent agenda.

- f. Purchase of two Thermo Mark II thermoplastic handliners, a Tomihawk trailer, and Falcon melting kettle, Advanced Striping Equipment, Douglasville, GA - \$35,158.60.

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- g. Contract award for full-time Victim Advocate services, Exchange Club/Yellow Umbrella, Inc., Melbourne, FL - \$40,000.
- h. Resolution No. 1924: A resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice for bulletproof vest partnership grant program funds in the amount of \$10,030 to purchase 40 bullet proof vests at a total cost of \$20,060.

9. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

10. RESOLUTION NO. 1925: A resolution implementing the FY 2004-2005 First Quarter Budget Review recommendations from the airport.

City Attorney Paul Gougelman read Resolution No. 1925 by title.

Moved by Contreras/LaRusso for approval of Resolution No. 1925. Motion carried unanimously.

11. COUNCIL ACTION RE: Contract award to provide 24/7 unarmed, fully uniformed security staff, vehicle(s), and communication equipment required to patrol Water Production facilities, Diamond Detective Agency, Chicago Heights, IL - \$12.43/hour, total annual cost of \$108,886.80.

From the agenda report: After 9/11 the Environmental Protection Agency (EPA) required that all water production facilities conduct vulnerability assessments and place into effect increased security measures to protect drinking water supplies and facilities. The City's assessment recommended 24/7 security for its facility. The Florida Department of Environmental Protection (FDEP) reviews our facility annually to ensure that the City is complying with the assessment.

The current contract will expire on March 3. A new contract was advertised and bids were opened in December 2004. Six bids were received ranging from \$8.72/hr to \$15.79/hr. Staff reviewed the bids and concluded that Security Operations and Solutions (SOS) was the only bidder that successfully met all of the criteria of the bid and all other bidders were rejected from further consideration. Subsequent to the recommendation to award to SOS, Compass Security Services filed a formal bid protest.

A protest review board convened and found that the noted discrepancies were minor technicalities and that the most significant issues were bidder price and qualified references. After a re-evaluation and a review of the references and resources, staff determined that Diamond Detective Agency should be awarded the contract. The contract is for a one-year period with two optional renewals. Staff will work with FDEP to

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determine if a less expensive security arrangement will satisfy our permit obligation beginning next year.

Mr. Schluckebier discussed the history of this item and stated that another bid protest has been filed by the company initially recommended to receive the award – Security Operations & Solutions. In the interest of securing essential services to the plant it is recommended that Council:

- 1) Enter a determination “that the award of a contract without delay is necessary to protect substantial interests of the City;” and
- 2) Continue with the staff recommendation to award the contract for Water Production security services to Diamond Detective Agency.

Mr. Schluckebier stressed that staff believes that the City Code and our procedures provide the flexibility to allow us to proceed as recommended.

Council Member Cheryl Palmer said that one of the bid protests was due to a company being “non-responsive.” She asked what this means.

Public Works and Utilities Director Bob Klapproth said the bid called for a Brevard County occupational license and a registration for a vehicle. However, after review, the protest review board decided that the most important criteria included past references and past performance.

Philip Zies, 202 North Harbor City Boulevard, attorney representing Security Operations & Solutions, Inc. (SOS), said that his client was the second highest bidder and the only bidder that was responsive. The City disqualified all other bidders. He added that he does not believe that the City’s process allows for disqualified bidders to be reconsidered.

Following a brief discussion, Mr. Zies said he intends to file a formal protest on or before March 14. He asked Council to table this issue so Council can consider the full issue before making its decision.

Mr. Zies submitted a newspaper article from the February 11, 2003 edition of the Florida Today regarding the City of Cocoa’s plans to cancel its purchase order with Diamond Detective Agency because it failed to meet minimum performance specifications.

Mayor Goode asked staff who is providing security while this issue is in limbo. Mr. Schluckebier said that at this time there is no contracted security. The City is using the Police Department, staff, etc.

The Mayor asked if two more weeks would make a difference with this issue. Mr. Schluckebier replied that this is a fairly important issue.

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Attorney Gougelman asked Mr. Schluckebier if he is making a determination that the substantial interests of the City require us to move forward. Mr. Schluckebier replied yes based on the fact that this is the water plant, the concerns relating to 9/11, and the agreements that the City has made to provide adequate, if not exemplary, security at those sites.

Attorney Gougelman explained to Council that based on this determination, Council has the option to move forward. That won't set aside the bid dispute by Mr. Zies.

Vice Mayor Contreras referenced the testimony about the original bidders being disqualified and then reconsidered. He asked if our procedures allow for this. Attorney Gougelman said he does not know what transpired. Our bid system requires us to select the lowest and most responsive bidder. And, there is a laundry list of criteria. The bid protest proceeding will help make the determination.

Council Member Grace Walker referenced the agenda backup material and said that it does not appear that SOS provided all the documentation.

Council Member Loretta Hand said that the newspaper article Mr. Zies submitted causes her to have reservations. She added that she would support delaying this for two weeks.

Mr. Schluckebier asked Mr. Klapproth to comment about the newspaper article. Mr. Klapproth replied that he is not familiar with Cocoa's experience with Diamond Detective Agency.

Mayor Goode asked if any of the totals changed after the December bid opening. Mr. Klapproth replied that the total numbers remained the same. He confirmed for Mrs. Walker that none of the bidders was 100% responsive.

Moved by Hand/LaRusso to postpone this item for two weeks (until the March 22 meeting).

Mr. Contreras referenced the significant cost – over \$100,000 – that has been a recurring expense since 9/11. He said he previously raised the question of whether other cities have gone to electronic monitoring as opposed to providing manpower. He asked if this has been explored.

Mr. Klapproth said that staff fully intends to explore other options. This contract is for one year. The City doesn't have the ability to simply change its practice without going through the hoops with the regulatory agencies. He noted that the Police Department has already offered its services.

Mrs. Palmer asked that Mr. Klapproth determine what happened in the City of Cocoa with the Diamond contract prior to the next meeting.

The question was called. The roll call vote was:

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Aye: LaRusso, Meehan, Walker, Palmer, Hand, Contreras and Goode

Nay: None

Motion carried unanimously.

12. SITE PLAN APPROVAL (SP-2004-25) MELBOURNE MANOR MOTEL: (Public Hearing)  
A request for site plan approval to develop a 12-unit, three-story motel on a 0.2-acre parcel, zoned C-3 (Central Business District), located on the east side of Brecht Court, south of New Haven Avenue. (Owner - Renita Buchanan) (Applicant/Representative - Wayne Sutherland, P.E., Research & Design Engineers, Inc.) (P&Z Board - 02/17/05)

Planning & Economic Development Director Cindy Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of the site plan, consisting of a six-sheet plan prepared by R&D Engineers, Inc., of Miami, Florida, with a stamped and sealed date of February 8, 2005, subject to the following conditions:

- a. Any change to the site plan will require reevaluation by the Engineering Department and Planning and Economic Development Department.

Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and the City Council. A substantial change includes, but is not limited to: 1) a decrease of five percent of the open space or vegetative areas on site; 2) an increase of one unit or more; or 3) the addition of a driveway.

- b. The building shall be substantially consistent with the rendering submitted by the applicant.
- c. The applicant shall pay into the Downtown Parking Fund for two parking spaces prior to issuance of a building permit.
- d. The owner shall provide an easement to the City for access to the existing storm drainpipe along the southern part of the property and such drainpipe is to remain undisturbed and protected during redevelopment of the site.

Mayor Goode asked about the drainage and on-site retention. Mrs. Dittmer replied that this will be reviewed by staff during construction plan review. Following a brief discussion about drainage in the area, Mayor Goode said he would recommend that Engineering take a good look at the drainage on this site.

Mayor Goode asked if the applicant or applicant's representative was present. There was no response from the audience. There were no public comments.

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Mayor Goode disclosed that he spoke with the applicant who explained what she would be building on the site.

Moved by Palmer/Meehan to approve the site plan, including the conditions, and to direct Engineering to ensure that the drainage on this property is handled properly. Motion carried unanimously.

13. SITE PLAN APPROVAL (SP-2004-23) ISLAND WALK VILLAS: (Public Hearing) A request for site plan approval to develop a 26-unit multiple-family condominium project on a 3.25±-acre parcel, zoned R-2 (8) (One-, Two-, and Multiple-Family Residential with a cap of 8 units per acre), located on the south side of Eau Gallie Boulevard, east of Unity Drive, and west of Highway A1A. (Owner - Coy A. Clark Development Company) (Applicant - MAI Architects Engineers, Inc.) (Representative - David T. Menzel, P.E.) (P&Z Board - 02/17/05)

Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of the site plan, consisting of a two-sheet plan prepared by MAI Architects, Inc., of Melbourne, Florida, with a stamped and sealed date of February 10, 2005, subject to the following conditions:

- a. Any change to the site plan will require reevaluation by the Engineering Department and Planning and Economic Development Department.

Any substantial change to the site plan will require review and approval by the Planning and Zoning Board, Local Planning Agency, and the City Council. A substantial change includes, but is not limited to: 1) a decrease of five percent of the open space or vegetative areas on site; 2) an increase of more than two units; 3) the addition of a driveway; or 4) a decrease in width of the proposed drive aisles.

- b. The buildings shall be substantially consistent with the rendering submitted by the applicant.

There were no disclosures by Council. Mayor Goode opened the public hearing.

Council Member Mark LaRusso asked the selling price of the units.

Dave Menzel, applicant, said that they have not yet determined the price; the market is fluctuating.

Mrs. Walker asked if staff had a report on the gopher tortoises. Mrs. Dittmer replied that the applicant will be required to obtain the appropriate permits prior to construction on the site. She elaborated on the permitting process, including the timeline.

Mr. LaRusso said it would go a long way with him if the applicant could arrange for the gopher tortoises to be relocated rather than bulldozing over them.

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Moved by LaRusso/Meehan for approval of the site plan, subject to the conditions.  
Motion carried unanimously.

14. ORDINANCE NO. 2005-10 (A&V # 280): (First Reading/Public Hearing) An ordinance to abandon and vacate a portion of Mosley Road, a 50-foot public right-of-way in the Peachtree Landing subdivision. (Applicant - John J. Melita, President of the Peachtree Homeowners' Association)

Attorney Gougelman read the ordinance by title. City Engineer Howard Ralls briefed Council.

Mayor Goode recalled that, at a recent meeting, residents from another subdivision expressed concern about having only one entrance to their subdivision. This request seems to be going in the opposite direction. The subdivision has two entrances, yet the residents want to close one of them.

Mr. Ralls pointed out that this is a relatively small subdivision with only 65 lots. He added that this is more of a safety issue with the possibility of vehicles speeding through the area.

Mr. Contreras asked if there would be a bulb-out for emergency vehicles to turn. Mr. Ralls replied that there are no homes located on the 150' street.

Mrs. Palmer said she visited the site and spoke with the homeowners. She asked what will be done to prevent speeding vehicles, four-wheel drive vehicles, etc. while still allowing access for emergency vehicles. Mr. Ralls explained that the vacated right-of-way would become the property of the adjacent owners. The abandoned and vacated portion would be split. The owners would have to apply for a fence permit and they would have to provide some sort of gate in order to maintain access to the utilities.

Mrs. Palmer said she would like for the City to work with the residents in order to provide an acceptable means of closing the street.

There were no other disclosures by Council. Mayor Goode opened the public hearing.

John Melita, President, Peachtree Homeowners' Association, said that they could use a universal lock and provide the utilities a key. He added that if the road is vacated they plan to install a play area for the children. Additionally, he requested the installation of stop signs on John Rodes Boulevard so the Peachtree residents would have an opportunity to exit the subdivision during heavy traffic.

Mrs. Palmer said that since the commercial property has been purchased, it is apparent that Mosley Road will be paved. As the area backs up with traffic, people will look for a cut through. This is a very quiet, peaceful neighborhood that would be disrupted.

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Moved by Palmer/Walker for approval of Ordinance No. 2005-10 with direction to staff to work with the Peachtree Homeowners' Association to provide an adequate means to block the abandoned right-of-way while still allowing access for utilities. Motion carried unanimously.

15. ORDINANCE NO. 2005-11 (CPA-2005-01) AND ORDINANCE NO. 2005-12 (Z-2005-1018) JOHN M. & JOYCE A. COTE: Ordinances providing for a Comprehensive Plan Amendment and zoning change on a 0.96±-acre parcel in order to develop eight single-family units in a 4-duplex configuration, located on the south side of Masterson Street, west of Southland Avenue. (Owner/Applicant/Representative - John M. & Joyce A. Cote) (P&Z Board - 2/17/05)
- a. Ordinance No. 2005-11/CPA-2005-01: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment changing the Future Land Use from Low Density Residential to Medium Density Residential.
  - b. Ordinance No. 2005-12/Z-2005-1018: (First Reading/Public Hearing) An ordinance changing the zoning from R-2 (6) (One-, Two-, and Multiple-Family Dwelling with a cap of six units per acre) to R-2 (9) (One-, Two-, and Multiple-Family Dwelling with a cap of nine units per acre).

Attorney Gougelman read both ordinances by title. There were no disclosures by Council. Mrs. Dittmer briefed Council. The Planning and Zoning Board unanimously recommended approval of this request.

Mrs. Palmer stated that this property abuts a single-family development on Cedarwood Drive. Mrs. Dittmer agreed and added that there is a masonry wall and a drainage right-of-way, which provide a barrier.

Mayor Goode asked what is located to the east of this property. Mrs. Dittmer replied that it is vacant property that will be developed as a community youth center.

Mayor Goode opened the public hearing.

John Cote, applicant, stated that there is a 10' high block wall and a buffer between the drainage ditch and the homes on Cedarwood. He noted that he is aware of the proposed development to the east as well as the Habitat for Humanity development.

In response to Council's questions, Mr. Cote said he will maintain and manage these units. The units will be a little over 1,000 s.f.

Mrs. Walker said that the (small) size of the units will allow him to squeeze eight units on one acre of land. Mr. Cote replied that he believes eight is the maximum based on the preliminary drawings from his engineer.

Moved by Hand/LaRusso for approval of Ordinance No. 2005-11.

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Mrs. Palmer said she does not believe that this parcel is appropriate for a multi-family development. It is quite close to the single-family development on Cedarwood Drive. Additionally, homeownership is what is improving the area – not rental units.

Mrs. Walker agreed and added that the plan calls for squeezing too many units into a small area.

Mayor Goode said that there is a 10' dividing wall between this development and the homes on Cedarwood Drive. Mrs. Dittmer clarified that the wall is probably six or eight feet in height.

The question was called. The roll call vote was:

Aye: LaRusso, Meehan, Hand, Contreras and Goode

Nay: Walker and Palmer

Motion carried.

Moved by Contreras/Hand for approval of Ordinance No. 2005-12.

Council Members Walker and Palmer said that their same concerns/comments also apply to this ordinance.

The question was called. The roll call vote was:

Aye: LaRusso, Meehan, Hand, Contreras and Goode

Nay: Walker and Palmer

Motion carried.

16. ORDINANCE NO. 2005-13 (AR-2005-167), ORDINANCE NO. 2005-14 (CPA-2005-02), AND ORDINANCE NO. 2005-15 (Z-2005-1019) PERFORMANCE AUTOMOTIVE: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation on a 5.15-acre parcel, located on the south side of Dow Road, west of the intersection of Dow Road and West Drive, and east of John Rodes Boulevard. (Owner/Applicant – Richard T. Small, Performance Automotive) (P&Z Board - 2/17/05)
- a. Ordinance No. 2005-13/AR-2005-167: (First Reading/Public Hearing) An ordinance providing for annexation of a 5.15-acre parcel.
  - b. Ordinance No. 2005-14/CPA-2005-02: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Industrial on a 5.15-acre parcel.

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- c. Ordinance No. 2005-15/Z-2005-1019: (First Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on a 5.15-acre parcel.

Attorney Gougelman read each ordinance by title. There were no disclosures by Council. Mrs. Dittmer reviewed the agenda report. The Planning and Zoning Board unanimously recommended approval of this request.

In response to Mr. LaRusso, Mrs. Dittmer said that the surrounding property is industrial and warehouse in nature.

Mayor Goode opened the public hearing.

Richard Small, applicant, spoke in support of the request.

Mrs. Palmer referenced the “Performance Automotive” as part of the applicant’s name and asked what type of automotive services will be offered on the site. Mr. Small said that “Performance Automotive” relates to the name of the company only. They plan to develop the site for light industrial and business space, similar to other uses in the area.

Moved by Walker/Palmer for approval of Ordinance No. 2005-13. Motion carried unanimously.

Moved by Hand/Walker for approval of Ordinance No. 2005-14. Motion carried unanimously.

Moved by Meehan/Contreras for approval of Ordinance No. 2005-15. Motion carried unanimously.

17. COUNCIL ACTION RE: Proposal that City of Melbourne Planning & Economic Development staff draft recommendations for building height and other zoning issues along the east side of Highway U.S. 1. (Requested by Council Member Grace Walker) (Previous Council Action - 2/08/05)

Mrs. Walker referenced the action taken at the February 8 meeting. She said that her intent was to vote for this item. She noted that she believes that it would be a good idea for staff to review this and return with recommendations on height, setbacks, etc.

Moved by Walker/Contreras to direct the Planning and Economic Development staff to draft recommendations for building height and other zoning issues along the east side of U. S. 1.

Mrs. Palmer said when this item was previously considered, she had asked Mr. Contreras if he was looking for height increases for property on the east side of U. S. 1. His response was “yes, among other things.” She said for that reason she voted against this item. Mrs. Palmer explained that, although the newspaper article indicated

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otherwise, her main concern is to protect the City from high-rise buildings. She added that she wants to ensure that we not give blanket approval for a height increase on the east side of U. S. 1 in Melbourne.

Continuing, Mrs. Palmer stated that the Code already provides for height limitations, setbacks, etc. The requirements are taken into consideration when each application is reviewed. It would be nice to see recommendations; however, she would prefer to review each application on a site by site basis.

Mr. Contreras said that the “among other things” includes setbacks, breezeways, etc. Each development includes gives and takes and his problem with staying horizontal is that the natural buffer, vegetation, trees, etc. are removed.

Mr. LaRusso echoed Mr. Contreras’s comments and added that Council will continue to look at each development. And, this motion applies only to the east side of U. S. 1. Mr. LaRusso said he would prefer a “stick” development over a large block along the river. He is looking for guidelines on future projects, including no fences, no walls, etc.

Mrs. Palmer said she is afraid of losing the review process that each development now goes through. Some have been turned down, some approved, and some approved with changes.

Mayor Goode said that the City currently has zoning laws and a zoning process. The motion includes the area “east of U. S. 1”, which will place a burden on staff to develop criteria for the two downtown areas. He concluded by saying that we do not need to change the regulations.

Mrs. Walker said she feels that we grant too many variances. She added that she doesn’t want Melbourne to become Ft. Lauderdale with row after row of condominiums and no view of the river.

Attorney Gougelman confirmed for Vice Mayor Contreras that the Zoning Code could contain options so there would not be a “one size fits all” regulation.

The question was called. The roll call vote was:

Aye: LaRusso, Meehan, Walker, and Contreras

Nay: Palmer, Hand, and Goode

Motion carried.

18. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

City Attorney Paul Gougelman reported that the attorney-client meeting scheduled March 8 with City Council was canceled after he, the Mayor and the City Manager discussed the

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various nuances about the Sunshine Law. They wanted to be sure that the meeting was properly noticed, consistent with the Statutes. They believe it probably was; however, since it relates to litigation, they felt it was better to re-set the meeting.

Continuing, Attorney Gougelman said that the City Attorney's office and the City's special counsel need direction and advice concerning the Florida Recyclers of Brevard, Inc. case. He requested that the attorney-client meeting be scheduled for April 6 at 5:30 p.m.

Vice Mayor Contreras and Council Member Grace Walker said they would not be able to attend on that date. Following a brief discussion, Attorney Gougelman said that the meeting will be scheduled for April 6; however, his office will work with the City's special counsel to determine if there is a date available when more or all Council Members could be present.

Attorney Gougelman summarized a memorandum he sent to Council regarding community redevelopment agencies, community redevelopment agency advisory committees, and the voting conflict of interest law. He explained that most community redevelopment agencies (CRA) in the state are not set up the way Melbourne's are. In Melbourne, the City Council is the CRA, but most of the activity occurs with the advisory boards. The redevelopment boards provide for a membership of people who are involved in business in the districts. This means that there is greater opportunity for conflicts of interest. The legislature has provided that members of the governing board of a CRA may vote even if they have a conflict of interest. Unfortunately, that does not extend to the advisory board of a CRA.

Continuing, Attorney Gougelman said he would like to recommend that the City's legislative program be amended to seek an amendment to that statute, which will allow an advisory board the same dispensation on voting conflicts that the governing board has.

Following a brief discussion, Mr. Gougelman said that although a member would be able to vote on an item, he/she would still have to publicly declare the conflict.

Moved by Goode/Contreras to amend the City's legislative platform for this year and direct our lobbyist to look for a bill that this amendment could be attached to. Motion carried unanimously.

The City Manager reported that the members of the Olde Eau Gallie Riverfront Community Redevelopment Agency Advisory Committee/Waterfronts Florida Partnership Committee and staff toured the mooring area for the Indian River Queen located in Cocoa Village. They wanted to review the operation with the idea that it would perhaps relocate to the Eau Gallie Pier.

Council Member Mark LaRusso said that he participated in the tour and learned that the River Queen has to relocate within three months. Mr. Schluckebier confirmed that the Eau Gallie Pier could not have the revisions necessary within that time period. Although

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we anticipate that there will be a move, the River Queen operation has short-term issues that they need to resolve.

Council Member Palmer said she would like to see the River Queen become a part of Downtown Eau Gallie; however, the City needs to diligently work on the parking problem. Later under this item, the Mayor said that Council will soon address the per space rate for the Downtown Parking Trust Fund. He stated that the current rate of \$2,500 per space is no longer reasonable. Mr. Schluckebier added that there is no limit in the Code regarding the number of spaces that can be mitigated – a definite deficiency that must be addressed.

The City Manager reported that staff visited the dog track last week with our lobbyist to discuss updating the pari-mutuel provisions with regard to revenue sharing with local government. The director of the facility seemed willing to work with the City on any kind of ideas for revenue that the City can pitch to the Legislature. He added that the track is moving into the poker room business, which is authorized under the current law.

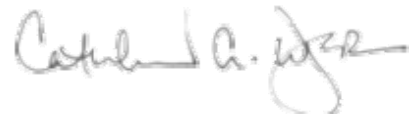
Council Member Palmer said she would like to work towards a solution on the problem of developers who substantially deviate from their site plan. The fines levied by the Code Enforcement Board have not been very punitive. She stressed that no matter what we place in our Code, none of that makes a difference if we can't trust developers to follow their site plan. The Code Enforcement Board places liens on the homes of very poor people because they haven't cut their grass, yet a developer can pay a relatively small fine for a deviation from a site plan, which will make him several million dollars. The City needs to find a way to enforce its Codes and site plans.

Mayor Goode said that it is incumbent on all Council Members to talk to people and learn their beliefs before appointing them to boards.

A brief discussion followed regarding City boards in general and the board appointment process.

19. ADJOURNMENT

Moved by Palmer/LaRusso to adjourn. Motion carried unanimously. The meeting adjourned at 8:45 p.m.



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City Clerk – 3/16/2005

Approved by Council: March 22, 2005