

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
DECEMBER 19, 2006



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 C. Goode, Jr.

1. Reverend Cleave Frink, Greater Life Ministries, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Mark LaRusso	Vice Mayor, District 2
	Richard Contreras	Council Member, District 1
	Kathy Meehan	Council Member, District 3
	John Thomas	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Joanne Corby	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	Deputy City Manager
	Howard Ralls	Deputy City Manager
	Cindy Dittmer	Planning & Economic Development Director

Mayor Goode announced the following:

- The site plan for Cinnamon Cove does not appear on this agenda because the applicant is out of town. It will be considered on January 9.
- The lease agreement with the Police Athletic League (Item #30) will be postponed until the January 23 meeting at the request of PAL.

4. Proclamations and Presentations

None.

5. Approval of Minutes – November 27, 2006 Special Meeting and November 28, 2006 Regular Meeting

Moved by Meehan/LaRusso for approval. Motion carried unanimously.

6. City Manager's Report

City Manager Jack Schluckebier reported on the following:

- Based on recent discussions with the Police Benevolent Association, staff will be returning with a package for Council consideration that will improve wages, health insurance and related matters. The PBA will submit the item to their members for

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ratification the first week of January. Additionally, the City signed a memorandum of agreement that would allow the accumulated sick leave of a member who resigned to be transferred to a Fire Department employee who has experienced a medical catastrophe in his family. The leave would have normally been transferred to a sick leave pool in the Police Department. Mr. Schluckebier expressed appreciation to the PBA for making that allowance and goodwill gesture.

- The City has received information that we were not successful in our application for grant funds for Battalion Chief positions and equipment needs in the Fire Department. Council will consider an item in January to redirect the funds that were in the budget.

Council Member Joanne Corby referenced the Strategic Planning Session scheduled for January 29 and 30 and said she would like for Council to consider direction to staff so we can obtain maximum results.

A brief discussion followed. Moved by Corby/Thomas to place an item on the next agenda to discuss direction to staff regarding the Strategic Planning Session. The question was called. Motion carried. Council Member Meehan voted nay.

Council Member John Thomas said that he would like to host a town meeting regarding the request for sidewalks on Country Club Road. He confirmed for the City Manager that this would be a neighborhood meeting rather than a Council meeting. By consensus, Council agreed that staff should assist in scheduling/hosting this meeting.

7. Public Comments

None.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2006-122 POLICE OFFICERS' PENSION PLAN: (Second Reading/Public Hearing) An ordinance amending Chapter 23 of the City Code, Retirement and Pensions, Article VI, Police Officers' Pension Plan, amending Section 23-106, benefit amounts and eligibility in accordance with Chapter 185, Florida Statutes. (First Reading - 11/28/06)

City Attorney Paul Gougelman read Ordinance No. 2006-122 by title. There were no public comments.

Moved by Palmer/Corby for approval of Ordinance No. 2006-122. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

9. ORDINANCE NO. 2006-123 (AR-2006-208) WOODSHIRE PRESERVE: (Second Reading/Public Hearing) An ordinance providing for annexation of a 214.15-acre parcel

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located west of I-95, at the north end of Washingtonia Drive. (Owner - Woodshire Preserve, LLC) (Applicant - City of Melbourne) (Representative - Engle Homes) (First Reading - 11/28/06)

Attorney Gougelman read the ordinance by title. There were no comments from the public.

Moved by LaRusso/Contreras for approval of Ordinance No. 2006-123. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

10. ORDINANCE NO. 2006-124 (AR-2006-207) FOUNTAINS AT LAKE WASHINGTON: (Second Reading/Public Hearing) An ordinance providing for annexation of a 102±-acre parcel located west of I-95, north of Washingtonia Drive and the Chestnut Run Subdivision. (Owner - Fountains at Lake Washington, LLC) (Applicant/Representative - John H. Evans) (First Reading - 11/28/06)

The City Attorney read Ordinance No. 2006-124 by title. The Mayor opened the public hearing.

John Evans, applicant, distributed a layout of the proposed subdivision and discussed site planning issues.

Council Member Richard Contreras noted the length of the roadway and asked about traffic calming devices. Following a brief discussion, Council encouraged staff and the applicant to consider appropriate traffic calming devices.

Don Simms, representing the applicant, distributed renderings, discussed the proposed development and responded to general questions.

Moved by Meehan/Contreras for approval of Ordinance No. 2006-124 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

11. ORDINANCE NO. 2006-125 (CPA-2006-01) AND ORDINANCE NO. 2006-126 (Z-2006-1059) BURTON COMMERCIAL, EAST/WEST DRIVES: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on properties consisting of 29.4±-acres, located north of Ellis Road and south of North Drive on both sides of West Drive and the west side of East Drive. (Owners/Applicants - Alfred B. Osterhout, Kirk Campaignha, Hugh M. Evans, Jr., Martha E Donahoe, Louis D. Kipp, and Vaughn Development, LLC) (Representative - City of Melbourne)

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- a. Ordinance No. 2006-125/CPA-2006-01: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Industrial on properties consisting of 29.4±-acres. (First Reading - 11/28/06)
- b. Ordinance No. 2006-126/Z-2006-1059: (Second Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on properties consisting of 29.4±-acres. (First Reading - 11/28/06)

Attorney Gougelman read the ordinances by title. Council made no disclosures and there were no comments during the public hearing. Mayor Goode noted that Jake Wise, representing the applicant, was available for questions.

Moved by Contreras/LaRusso for approval of Ordinance No. 2006-125 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by Thomas/Corby for approval of Ordinance No. 2006-126 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

12. ORDINANCE NO. 2006-127 (CPA-2006-05) AND ORDINANCE NO. 2006-128 (Z-2006-1065) ROBERT L. BURNS, JR.: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on three parcels consisting of 98±-acres, located adjacent to Jones Road, north of Evinrude Road and Eau Gallie Boulevard, and west of I-95. (Owner/Applicant/Representative - Robert L. Burns, Jr.)

- a. Ordinance No. 2006-127/CPA-2006-05: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment establishing Suburban Estate Residential on 61.12± acres and changing the future land use designation from Low Density Residential to Suburban Estate Residential on 36.87± acres (97.99 acres total) (First Reading - 11/28/06)
- b. Ordinance No. 2006-128/Z-2006-1065: (Second Reading/Public Hearing) An ordinance establishing AEU (Agricultural Estate Use) zoning (one unit per 2.5 acres) on 61.12± acres and changing the zoning from R-A (Residential Holding) to AEU (Agricultural Estate Use) on 36.87± acres (97.99 acres total) (First Reading - 11/28/06)

Attorney Gougelman read Ordinance Nos. 2006-127 and 128 by title. There were no disclosures by Council and no comments from the audience.

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Moved by Palmer/Corby for approval of Ordinance No. 2006-127 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Ordinance No. 2006-128 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

13. ORDINANCE NO. 2006-129 (CPA-2006-10) AND ORDINANCE NO. 2006-130 (Z-2006-1070) ROBERT & EVA MAE COCHRAN: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on a 16.184-acre parcel, locating at the southwest corner of the intersection of John Rodes Boulevard and Ellis Road. (Owners/Applicants - Robert & Eva Mae Cochran) (Representative - Phil Nohrr)

a. Ordinance No. 2006-129/CPA-2006-10: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Medium Density Residential on a 16.184-acre parcel. (First Reading - 11/28/06)

b. Ordinance No. 2006-130/Z-2006-1070: (Second Reading/Public Hearing) An ordinance designating R-2 (One-, Two-, and Multiple-Family Dwelling Medium Density) zoning on a 16.184-acre parcel. (First Reading - 11/28/06)

Attorney Gougelman read Ordinance No. 2006-129 and Ordinance No. 2006-130 by title. Council made no disclosures and there were no public comments. Attorney Phil Nohrr was present and available for questions.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-129 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by LaRusso/Thomas for approval of Ordinance No. 2006-130 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

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14. ORDINANCE NO. 2006-131 (CPA-2006-12) AND ORDINANCE NO. 2006-132 (Z-2006-1072) HAZELWOOD DRIVE: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on 14 parcels consisting of 3.93± acres, located on the west side of Stewart Road, south of Lake Washington, and north of Aurora Road. (Owner/Applicant/Representative - City of Melbourne)
- a. Ordinance No. 2006-131/CPA-2006-12: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Low Density Residential on 14 parcels consisting of 3.93± acres. (First Reading - 11/28/06)
 - b. Ordinance No. 2006-132/Z-2006-1072: (Second Reading/Public Hearing) An ordinance designating R-1A (Single-Family Residential) zoning on 14 parcels consisting of 3.93± acres. (First Reading - 11/28/06)

Attorney Gougelman read Ordinance No. 2006-131 and Ordinance No. 2006-132 by title. Council made no disclosures and there were no public comments.

Moved by LaRusso/Meehan for approval of Ordinance No. 2006-131 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by Contreras/Thomas for approval of Ordinance No. 2006-132 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

15. ORDINANCE NO. 2006-133 (CPA-2006-13) AND ORDINANCE NO. 2006-134 (Z-2006-1073) HARLOCK ROAD AND COUNTRY ROAD AREA: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on 147± acres, located adjacent to Country Road and Harlock Road. (Owner/Applicant/Representative - City of Melbourne)
- a. Ordinance No. 2006-133/CPA-2006-13: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Suburban Estate Residential on 147± acres of property. (First Reading - 11/28/06)
 - b. Ordinance No. 2006-134/Z-2006-1073: (Second Reading/Public Hearing) An ordinance designating REU (Rural Estate Use) zoning on 147± acres of property. (First Reading - 11/28/06)

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The City Attorney read the ordinances by title. There were no Council disclosures and no public comments.

Moved by Thomas/Palmer for approval of Ordinance No. 2006-133 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by Palmer/LaRusso for approval of Ordinance No. 2006-134 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

16. ORDINANCE NO. 2006-135 (CPA-2006-14) AND ORDINANCE NO. 2006-136 (Z-2006-1074) POST ROAD AND TURTLE MOUND ROAD AREA: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on 63± acres, located adjacent to and on the north and east sides of Turtle Mound Road, between Pine Cone Road and Post Road, and on the south side of Post Road, east of Turtle Mound Road and west of Crane Place. (Owner/Applicant/Representative - City of Melbourne)
- a. Ordinance No. 2006-135/CPA-2006-14: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Suburban Estate Residential on 63± acres. (First Reading - 11/28/06)
 - b. Ordinance No. 2006-136/Z-2006-1074: (Second Reading/Public Hearing) An ordinance designating REU (Rural Estate Use) zoning on 63± acres. (First Reading - 11/28/06)

Mr. Gougelman read the ordinances by title. Council made no disclosures and there were no public comments.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-135 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by LaRusso/Thomas for approval of Ordinance No. 2006-136 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

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Motion carried unanimously.

17. ORDINANCE NO. 2006-137 (CPA-2006-20) AND ORDINANCE NO. 2006-138 (Z-2006-1077) CONFAB: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on a 15.64-acre parcel, located at the northwest corner of the intersection of John Rodes Boulevard and Ellis Road. (Owner - Confab Corporation) (Applicant - Renate Jackson)
- a. Ordinance No. 2006-137/CPA-2006-20: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Industrial on a 15.64-acre parcel. (First Reading - 11/28/06)
 - b. Ordinance No. 2006-138/Z-2006-1077: (Second Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on a 15.64-acre parcel. (First Reading - 11/28/06)

Attorney Gougelman read Ordinance Nos. 2006-137 and 2006-138 by title. Council made no disclosures and there were no public comments.

Moved by Thomas/Meehan for approval of Ordinance No. 2006-137 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by LaRusso/Meehan for approval of Ordinance No. 2006-138 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

18. ORDINANCE NO. 2006-139 (CPA-2006-21) AND ORDINANCE NO. 2006-140 (Z-2006-1079) CITY OF MELBOURNE: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on a 2.07-acre parcel, located at the northwest corner of the intersection of John Rodes Boulevard and Ellis Road. (Owner/Applicant/Representative - City of Melbourne)
- a. Ordinance No. 2006-139/CPA-2006-21: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Industrial on a 2.07-acre parcel. (First Reading - 11/28/06)
 - b. Ordinance No. 2006-140/Z-2006-1079: (Second Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on a 2.07-acre parcel. (First Reading - 11/28/06)

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Attorney Gougelman read Ordinance No. 2006-139 and Ordinance No. 2006-140 by title. Council made no disclosures and there were no public comments.

Moved by Meehan/Palmer for approval of Ordinance No. 2006-139 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-140 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

19. ORDINANCE NO. 2006-141 (CPA-2006-23) AND ORDINANCE NO. 2006-142 (Z-2006-1078) THIRREL ALTMAN: Ordinances providing for a Comprehensive Plan Amendment and zoning designation on two properties consisting of 38 acres, located at the northeast corner of the intersection of John Rodes Boulevard and Ellis Road. (Owner/Applicant - Thirrel A. Altman, Sr.)
- a. Ordinance No. 2006-141/CPA-2006-23: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Commercial/Industrial on two properties consisting of 38 acres. (First Reading - 11/28/06)
 - b. Ordinance No. 2006-142/Z-2006-1078: (Second Reading/Public Hearing) An ordinance designating M-1 (Light Industrial) zoning on two properties consisting of 38 acres. (First Reading - 11/28/06)

The attorney read Ordinance Nos. 2006-141 and 2006-142 by title. Council made no disclosures and there were no public comments.

Moved by Corby/Meehan for approval of Ordinance No. 2006-141 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

Moved by Contreras/LaRusso for approval of Ordinance No. 2006-142 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

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Motion carried unanimously.

20. ORDINANCE NO. 2006-143 (CPA-2006-22) TEXT AMENDMENT: (Second Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment amending the Future Land Use element by correcting a grammatical error and updating the Community Redevelopment Areas. (Applicant/Representative - City of Melbourne) (First Reading - 11/28/06)

Attorney Gougelman read Ordinance No. 2006-143 by title. The public hearing was opened and closed with no comments.

Moved by LaRusso/Meehan for approval of Ordinance No. 2006-143 based upon the findings in the Planning and Zoning memorandum. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby, LaRusso and Goode

Motion carried unanimously.

21. ORDINANCE NO. 2006-144 (ED-2006-03) EDAK: (Second Reading/Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of four years totaling an estimated \$43,288.04. (First Reading - 11/28/06)

Attorney Gougelman read Ordinance No. 2006-144 by title. There were no public comments.

Moved by Contreras/Corby for approval of Ordinance No. 2006-144 based upon the information provided from the applicant, the Economic Development Commission and the Brevard County Property Appraiser. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby LaRusso and Goode

Motion carried unanimously.

22. ORDINANCE NO. 2006-145 (ED-2006-04) COASTAL MECHANICAL SERVICES, LLC: (Second Reading/Public Hearing) An ordinance granting an Ad Valorem Tax Exemption for a period of two years totaling an estimated \$14,065.28. (First Reading - 11/28/06)

Attorney Gougelman read Ordinance No. 2006-145 by title. Kim Brown, representing Coastal Mechanical Services, was available for questions.

Moved by Meehan/LaRusso for approval of Ordinance No. 2006-145 based upon the information provided from the applicant, the Economic Development Commission and the Brevard County Property Appraiser. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, Corby LaRusso and Goode

Motion carried unanimously.

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NEW BUSINESS

23. COUNCIL ACTION RE: Award for the design, permitting and construction of a new City Hall.
- a. Award for the design, permitting and construction of a new City Hall building and associated site work; and authorization for staff to negotiate a contract.
 - b. Resolution No. 2014: A resolution authorizing the issuance of a Subordinate Electric Utility Tax Revenue Note, Series 2006, in the principal amount not to exceed \$10,000,000 to finance the cost of the acquisition, relocation, construction, reconstruction and equipping of various capital improvements, including without limitation the City Hall project.

From the agenda report: In conformance with the Consultant Competitive Negotiations Act (CCNA), a request for qualifications for design build services for a new City Hall was conducted. Four consultants submitted statements of qualifications for this design build contract. A five-member consultant selection committee reviewed the statements and determined that all four firms should participate in presentations. One of the firms withdrew from participation in the presentations. The presentations were held on December 11, 2006. Each firm also submitted a sealed guaranteed maximum price proposal at the time of presentation. The selection committee ranked Certified General Contractors, Inc, Melbourne, Florida as the overall most qualified bidder based upon a combination of price proposals and weighted scores.

Certified provided the City's minimum parking requirement of 155 parking spaces in its base proposal, material selections, major suppliers and vendors, detailed preliminary schedule, line item breakdown and the proper bid bond.

The recommendation is that contract negotiations proceed with Certified General Contractors, Inc. for the design, permitting and construction of a new City Hall building and associated site work, including the four-story City Hall base proposal, the additional fifth floor as a shell space alternate and a negotiated parking garage.

Mr. Schluckebier explained that with the design build process we are hiring an engineering firm and a contracting firm. The City has followed the CCNA procedure precisely in accordance with the State Statutes. He noted that the review committee included Randy Thron (representing our architectural firm), City Engineer Jenni Lamb, Deputy City Managers Amy Elliott and Howard Ralls, and Fire Chief Paul Forsberg.

For background, the City Manager reported that we went through a preliminary design renovations concept last year. The project was bid at a time when the market was not right. The estimate was below \$5 million; however, we received a single bid of over \$11 million. Everyone was unanimous in deciding that was not the way to go. Council decided that in light of this price, the City should consider a new building, which would provide more space for the same money. That speculation turned out to be true.

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Continuing, Mr. Schluckebier said that Council has received a recommendation to hire the top ranked firm. Designs and schematics have not been included in the agenda packet because they are conceptual and should be considered a work in progress. The firm will be required to negotiate with the City and return with a proposal that will include a 45,000 s.f. building on the site next door, an alternate fifth floor shell and, if Council desires, a reduced size parking facility. The item before Council includes a maximum price. We may negotiate down from that price.

If Council approves the recommendation, staff would return within 60 days or so with a contract. The firm would proceed with a design and the City Council would be able to look at this item at least two more times before giving approval on a specific building and set of plans.

City Engineer Jenni Lamb reviewed the CCNA process outlined in the State Statutes. She discussed the criteria and the formula used to rank the firms and stressed that staff and Council will be able to provide input on the firm's vision before the design is finalized. She noted that the firm selected is flexible on certain points.

Mrs. Lamb reported that the contract will be brought to Council in February. Council will also have an opportunity to see the elevation, floor plans and site plan. The site plan will be ready in June or July and will also require Planning and Zoning Board approval. We are hopeful that construction will begin in August. Staff is recommending the fifth floor option because it is cost effective now and would be less disruptive in the future. Department Directors were asked to project their space needs and those have been included in the 45,000 s.f. building.

The price provided by the highest ranked firm is the maximum price. That firm has also pointed out areas where the City could save money. And, they have included contingencies in their costs.

Mrs. Lamb concluded by reading the recommendation.

Mrs. Lamb confirmed for Council Member Richard Contreras that the 155 parking spaces in the proposal is surface parking. The firm's concept plan included 375 parking spaces in a garage plus 80 spaces of surface parking. That resulted in 290 additional parking spaces for the Downtown area.

Council Member John Thomas asked if staff spoke with former clients of the recommended firm to determine the level of satisfaction. Mrs. Lamb said no and noted that the criteria package (for past projects) included the proposed bid amount versus the final amount, completion time and whether the project was finished on time. Another component of the package included litigation or contract disputes. The selected firm has not had any litigation or contract disputes in the last five years.

Mr. Thomas referenced the conceptual plan and asked how the firm can provide a maximum price if they don't know the specifics. Mrs. Lamb replied that this was a design criteria package and the documents outline the grade of carpet, paint, square footage, etc.

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Vice Mayor Mark LaRusso said he is perplexed about the disparity of scoring. As an example, he said that under the category “related experience”, Mrs. Lamb scored the firm MAI with a 15 and Mrs. Elliott scored the same firm with a 1.

Mrs. Lamb said this is not unusual with a selection committee. Scoring is personal – that is why the committee includes five people and that is why the average is taken.

Mr. LaRusso said only one of the three firms addressed the trees. Council made it clear that the trees in front of City Hall are to be saved. Apparently the other firms did not attend Council meetings or did not investigate appropriately.

Mrs. Lamb explained that this was provided as further clarification after the last Council meeting. In one of its drawings, Certified provided a much larger island to accommodate the 30” oak tree. Also, many of the oak trees fall within the green area along Strawbridge Avenue. Parking may have to be modified to accommodate other trees.

Mr. LaRusso asked how we are dealing with guaranteed construction times. One firm guaranteed six months less on their proposal and they were \$600,000 less in their conceptual design.

Mrs. Lamb stated that the firm that came in earlier did not provide a detailed schedule. Instead, they provided a hand written note on their submittal. The other two firms provided a very detailed schedule.

Mr. LaRusso commended staff for its work and noted that he is still on the fence regarding this issue.

Council Member Cheryl Palmer asked how a firm can be specific in scheduling when this is a vision rather than a final plan.

Mrs. Lamb replied that most firms base this on previous experience. The package includes specifics on air conditioning, electrical, plumbing, type of generator, etc. The firms that provided a detailed schedule believe that each item will take “X” number of days. Additionally, two of the three firms provided line item breakdown on costs.

Mrs. Palmer said that she is not happy with the conceptual design of the selected firm. She asked in what areas they are willing to be flexible.

Mrs. Lamb said that we can work on external finishes, color schemes and the covered walkway from the garage. Those are a few of the areas where there is flexibility.

Council Member Kathy Meehan asked if there is an electronic sign planned for the front of City Hall. Mrs. Lamb said she is almost positive that an electronic sign has not been included; however, she will verify that. The City Manager added that there will most likely be a static sign in front of City Hall.

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Council Member Joanne Corby said she assumes that the current City Hall will be removed during the building phase. Mrs. Lamb said that initially the two annex buildings will be removed and those employees will have to be moved off site. We have not made accommodations for that. Once the new City Hall has been constructed, employees will move in and the old City Hall will be demolished.

Mrs. Corby asked where employees in the buildings next door will be moved. Mrs. Lamb said that we will either lease space or place modulares where convenient.

Mrs. Corby referenced the agenda materials, which indicate that "...a parking garage may be scaled back somewhat from the RFQ specifications based on further evaluation of the downtown parking needs. At this time an additional \$3,500,000 is recommended for the parking garage..." She asked where the \$3.5 million will come from.

The City Manager said that it would involve additional borrowing with some of the money coming from the City, but most coming from the Community Redevelopment Agency.

Mrs. Corby noted that we have \$6 million available for the project. We need an additional \$2.6 million (for the four stories plus a fifth story shell) and an additional \$3.5 million. She asked if we really need a new City Hall. She added that the City is growing to the north and west and questioned whether this is the right location for a new City Hall.

Mr. Schluckebier said that the City Council made this determination in the past and gave staff direction to proceed based on that determination.

Mrs. Corby said we have established places throughout the City where employees can work efficiently; therefore, she is not sure this is the best way to proceed. Mrs. Lamb noted that we would have to lease space for the temporarily relocated employees.

Mrs. Palmer said that Mrs. Corby has brought up an interesting point and she would like to postpone this decision until after the Strategic Planning Session.

Moved by Palmer/Corby to postpone this item until after the Strategic Planning Session (scheduled for January 29 and 30). (Note: Motion later withdrawn.)

Mr. Thomas said he is concerned that we are moving forward with a firm without checking references. He would like for staff to talk to Certified's past clients. Mrs. Lamb said that Certified provided references in their qualification statement. She listed the firms that provided a letter of recommendation about Certified.

Regarding the idea of delaying this item, Mr. Schluckebier said that last year we were able to borrow, using a small denomination issue, \$5 million with the ability to borrow up to \$10 million more by December 31, 2006. If we delay until 2007, we will lose this opportunity and we will have additional interest added to the cost of borrowing. He added that his best guess is that delaying would add about one point to the rate. That is why staff timed and positioned this item in this way; this item has fiscal consequences.

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Returning to Mr. Thomas's concerns, Mrs. Lamb reported that Certified has performed work for the City in the past. They completed the Public Works/Utilities Administration building and Fire Station 78. The City is pleased with the construction on both of those projects.

Mr. Contreras stated that he is having a flashback. This is the fourth iteration of City Hall that has come before Council. He stated that at some point we have to put a stake in the ground and make it happen. Regarding the RFQ process, City staff proceeded based on Council's input. The rest of that process involves standard operating procedures. If a firm doesn't answer certain questions in that process, it can kiss the opportunity goodbye. That is the reason a staff committee scrutinized the proposals. The burden of proof is on the contractors responding to the RFQ. At this stage we may not levy additional requirements.

Mayor Goode stated that he is opposed to the motion. Consensus was reached to build in Downtown Melbourne and we have two local qualified bidders. The City received a good price and we won't see this happen again. A year and a half ago we received an \$11 million proposal to remodel. Tonight we are looking at \$6 to \$8 million for a new complex.

Mr. LaRusso stated that there is no question about the qualifications of the firm. We had a tough staff to deal with and he is convinced this is the place for City Hall to be located. We have gone through the process and we have crunched all the issues. He added that he plans to move forward by not supporting the motion.

Mrs. Meehan stated that Council needs to make a decision. This is the best location, the lending is right and the time is right.

The maker/seconded withdrew the motion.

Moved by Goode/Meehan to proceed as recommended.

Mr. LaRusso said there is no question about qualifications – this issue is about vision. He noted that he won't support Certified General Contractors.

Mr. Contreras stated that this is an opportunity for the employees and the citizens of Melbourne.

Mr. Thomas said his concern is that we don't have enough information to make a decision at this point.

Mrs. Corby asked if we can postpone determining which of the three firms we are going to go with until after the Strategic Planning Session.

Mayor Goode replied no and added that the selection process is done and legal. The motion is for adoption of the recommendation.

Mr. Schluckebier added that the design build feature requires us to use the CCNA outlined in the State Statutes. We have to negotiate in good faith with the top ranked firm. In 60

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days if we are not successful in negotiating and Council is not satisfied, we must go to the second ranked firm.

Mrs. Palmer said she would like to insist that any monies collected from the parking surcharge fee be used to pay off debt service. Mayor Goode said he supports that direction. Mr. Schluckebier said that staff is recommending a smaller facility with the idea of using the parking surcharge funds later to increase the parking facility.

The question was called. The roll call vote was:

Aye: Contreras, Meehan, Thomas, Palmer, LaRusso and Goode

Nay: Corby

Motion carried.

Mr. LaRusso said he gave further consideration and decided to support the selection of Certified.

Attorney Gougelman read Resolution No. 2014 by title.

Director of Finance Michele Ennis briefed Council. Bank of America has honored its obligation and agreed to the terms in its original proposal (Series 2005 Resolution). The recommendation is for approval.

Moved by Contreras/Meehan for approval of the resolution. Motion carried unanimously.

Recessed: 8:50 p.m.
Reconvened: 9:00 p.m.

24. COUNCIL ACTION RE: Contract award for the Deerwood Trail waterline extension, Project No. 31006, Don Luchetti Construction, Inc., Melbourne, FL - \$988,928 and interim financing through an appropriation of \$1,100,000 from the Water & Sewer Prior Year Surplus to establish this project budget.

Mrs. Lamb briefed Council.

Moved by Contreras/Meehan for approval as recommended. Motion carried unanimously.

25. COUNCIL ACTION RE: Contract award for the El Dorado waterline extension, Project No. 31106, Don Luchetti Construction, Inc., Melbourne, FL - \$733,728 and interim financing through an appropriation of \$810,000 from the Water & Sewer Prior Year Surplus to establish this project budget.

Mrs. Lamb reviewed the agenda report. She confirmed for Mrs. Corby that fire hydrants will be installed as part of the waterline extension project.

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Moved by Palmer/Corby for approval as recommended. Motion carried unanimously.

26. COUNCIL ACTION RE: Contract award for the replacement of belt press controllers and electrical upgrades at the D.B. Lee & Grant Street Wastewater Treatment Plants, Project No. 33305, Florida Industrial Electric, Longwood, FL - \$406,900 and transfer of \$86,690 from Wastewater Capital Recovery to this project budget.

Mrs. Lamb briefed Council.

Moved by LaRusso/Thomas for approval as recommended. Motion carried unanimously.

27. COUNCIL ACTION RE: Contract award for Melbourne Avenue drainage improvements at Pennwood Drive, Project No. 20106, RKT Constructors, Inc., Titusville, FL - \$184,290 and an appropriation of \$99,240 from Stormwater Fund Prior Year Surplus to supplement this project budget.

Note: Staff requested that this item be postponed to allow time to obtain additional information regarding Brevard County's litigation against RKT Constructors, Inc.

28. CONSENT AGENDA:

Mayor Goode reported that Mrs. Palmer has asked for Item "r" to be removed.

Moved by Contreras/LaRusso for approval of the consent agenda, with the exception of item "r." Motion carried unanimously.

- a. Supplement No. 311 to the Continuing Consultants Contract for engineering services for Ballard Park area waterline replacements, Project No. 30407, Frazier Engineering, Inc., Melbourne, FL - \$49,250 and interim financing through an appropriation of \$49,750 from the Water & Sewer Prior Year Surplus to establish this project budget.
- b. Supplement No. 306 to the Continuing Consultants Contract for engineering services for the Turtle Mound Road waterline extension, Project No. 30607, Frazier Engineering, Inc., Melbourne, FL - \$49,000.
- c. Change Order No. 2 to the contract for Downtown Melbourne Lighting and Streetscaping, Phase III, for adjustments to demolition and concrete quantities, and relocation of two fire hydrants, Project No. 14204, Burkhardt Construction, Inc., West Palm Beach, FL - \$35,661.96.
- d. Change Order No. 2 to the contract for Eau Gallie Pier Improvements, Project No. 14504, to provide for construction of a second floor stair enclosure at the D.B. Lee Wastewater Treatment Plant influent structure, Project No. 30906, L.A. Construction Services, Inc., Merritt Island, FL - \$27,727.

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- e. Amendment No. 3 to the Investment Advisory Agreement between the City of Melbourne and PFM Asset Management LLC extending the agreement through January 29, 2009 and authorization for the City Manager to execute the agreement.
- f. Amendment No. 2 to the Professional Services Agreement with Public Resource Management Group, Inc. to perform a water and wastewater revenue sufficiency analysis for the Water and Sewer Improvement Revenue Bonds, Series 2007B and a five-year rate evaluation study for the Water and Sewer System at a cost not to exceed \$44,000.
- g. Approval of a cost share agreement between the St. Johns River Water Management District (SJRWMD) and the City of Melbourne for 3D numerical modeling & toxicity evaluation of discharge of demineralization concentrate into the Eau Gallie River, with funding in amount of \$195,000 from SJRWMD and City cost of \$235,000; and authorization for the City Manager to execute all documents related thereto.
- h. Multi-year contract award to perform various types of concrete work and sod restoration, Aquatic Technologies, Palm Bay, FL - \$202,350 estimated annual cost.
- i. Purchase of six vehicles, Duval Ford, Jacksonville, FL - \$102,560; Champion Chevrolet, Tallahassee, FL - \$19,994.
- j. Purchase of a Caterpillar 400kw generator set and Zenith automatic transfer switch, Ring Power, Orlando, FL - \$96,132.
- k. Continuation of wireless data communications services for the Melbourne Police Department, Verizon Select Services, Inc., Irving, TX - \$77,091.36.
- l. Purchase of 54 Dell OptiPlex GX620 Minitower Pentium D personal computers, Dell Computer Systems, Round Rock, TX - \$57,221.64.
- m. Continuation of Wide Area Network point-to-point T1 lines to department locations outside of City Hall, TelCove, Melbourne, FL - \$55,887.70.
- n. Contract award for 800 MHz equipment purchase, repair, and equipment maintenance for the Fire and Police Departments, Communications International, Inc., Vero Beach, FL - \$50,636.64 total annual cost.
- o. Annual renewal of maintenance agreement for Datastream 7i inventory and control management software system, Datastream, Greenville, SC - \$40,003.20.
- p. Purchase of 20 Panasonic Toughbook 51 laptop computers, Insight Public Section, Inc., Tallahassee, FL - \$36,120.
- q. Purchase of six portable and five mobile radios for the Fire Department, Communications International, Inc., Vero Beach, FL - \$35,944.50.

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Note: See next agenda item for action on Item “r.”

- r. Purchase of seven Watch Guard DV1-OHCU overhead console units, Watch Guard Video, Plano, TX - \$5,000/each; for a total cost of \$35,000.
- s. Lien Rescission CE-05-092: Approval of request for a lien reduction from \$1,950 to \$217.67 if paid in full within thirty days. (Herbert Adolphus - 606 Williams Street)
- t. Approval of the First Amendment to the Amended and Restated Easement and License Agreement for Causeway Center; acceptance of a proposed Bluff Walk Commemorative Walkway Easement; and authorization for the City Manager to execute and record documents in the Public Records.

29. ITEMS REMOVED FROM THE CONSENT AGENDA

- r. Purchase of seven Watch Guard DV1-OHCU overhead console units, Watch Guard Video, Plano, TX - \$5,000/each; for a total cost of \$35,000.

Chief Carey confirmed for Mrs. Palmer that this equipment is used outside of the patrol cars. The equipment is not used to record statements made inside of the vehicles.

Moved by Palmer/Corby to approve Item “r.” Motion carried unanimously.

30. COUNCIL ACTION RE: Conceptual approval of a lease agreement between the City of Melbourne and Melbourne Police Athletic League for the sole use of Carver Community Center and authorization to conduct a neighborhood meeting.

Brian Wetzel, President, Melbourne PAL, asked for this item to be postponed until January 23 to allow time to obtain clarification on the agreement. By consensus, Council postponed the item.

31. COUNCIL ACTION RE: Approval of a contract for sale and purchase between Gleason Brothers and Company and the City of Melbourne for the purchase of two parcels totaling 2,151.54± acres at \$1,800/acre for a total of \$3,872,772; authorization for the City Manager to execute all documents pertaining thereto; and interim financing through the appropriation of \$3,872,772 from Water and Sewer Prior Year Surplus for this purchase.

From the agenda report: As reported at the November 27 workshop meeting, the City Manager and City Attorney have negotiated a purchase agreement for up to 2,151.54+/- acres owned by Gleason Brothers and Company. The City Attorney’s memorandum details the background with regard to this purchase and the proposed Purchase and Sale Agreement.

The purchase consists of an option to buy two parcels. Parcel A consists of 1,280+/- acres located south of Eau Gallie Boulevard. Parcel B consists of 871.54+/- acres, located north of Eau Gallie Boulevard.

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The total cost of the property is \$1,800 per acre, the final price of which will be computed based on a survey to be prepared. Based on the estimated acreage appearing on the Brevard County ad valorem tax rolls, the cost of Parcel A would be \$2,304,000, and the cost of Parcel B would be \$1,568,772, for a grand total of \$3,872,772.

Both parcels form portions of the St. Johns River flood plain. Parcel B is directly on Lake Washington south of the City's John A. Buckley Surface Water Treatment Plant. It is estimated that a portion of Parcel A, perhaps 30 acres, consists of uplands and would potentially be suitable for a possible re-routing of the proposed St. Johns Heritage Parkway, potentially saving taxpayers millions of dollars in acquisition costs.

Purchase of the property by the City has the potential to serve at least five purposes:

- 1) The property would serve as a valuable environmental buffer for the St. Johns River.
- 2) The property would serve as a valuable environmental buffer for Lake Washington, a major source of the City's drinking water supply.
- 3) The property could potentially serve as a wetlands mitigation bank, a concept currently being explored by Deputy City Manager Howard Ralls.
- 4) The property could serve as a possible area for rerouting of a portion of the proposed St. Johns Heritage Parkway.
- 5) At such time as the property is contiguous with the City, it would be proposed for annexation into the City. From a land use planning perspective, it could serve as a unique conservation area along the City's western boundary transitioning into the St. Johns River.

The purchase of the property would be based on a "to be prepared survey" of the property at a price of \$1,800 per acre, and the price would be computed to the nearest 1/100 of an acre for each of the two parcels. The value of the property is believed by staff to exceed the purchase price; however, an appraisal process is now underway to confirm that determination. If the appraisal value does not hold this, staff would return with the affected parcels for new direction from Council.

Staff recommends pursuing both parcels if there is a partnership with the St. Johns River Water Management District for half the cost. In any case, it is recommended that funding of Melbourne's share of the cost would be provided on an interim basis by an appropriation from Water and Sewer Prior Year Surplus with permanent financing to be provided by the Water and Sewer Improvement Revenue Bonds, Series 2007B, to be issued next calendar year. Depending on the ultimate use of this property some of the acquisition cost could be reimbursed from transportation impact fees.

With regard to the purchase contract, upon approval of the contract by the City Council, a \$10,000 deposit would be made by the City to be held in escrow pending closing, or in the unlikely event of default on the contract by the City, to be disbursed as liquidated damages.

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Upon execution of the contract, the City would have the option for a 120-day period to further explore the benefits of the purchase and to determine whether partners could be obtained to participate in the purchase. We have already had a preliminary meeting with the St. Johns River Water Management District, and the District has expressed a strong interest in partnering in the purchase. Another potential partner could be Brevard County. If participating external partnerships for purchase do not materialize for at least half of this property, staff would proceed only with Parcel A.

The City Attorney's memo explains the options that the City would have at the close of the 120-day period with regard to purchasing Parcel A, Parcel B, both parcels, or terminating the purchase option and receiving its deposit back. The City Attorney's memo also outlines some of the potential downside aspects of the purchase. The negatives regarding this purchase, given the purposes of the purchase, appear at this time to be outweighed by the benefits of the purchase.

Deputy City Manager Howard Ralls reviewed the agenda report and briefed Council.

Mr. Schluckebier commented that one of the safeguards with this purchase includes the 120-day free look. The SJRWMD requires a second appraisal and they are undertaking that process at no expense to the City. The District is extremely interested in being a partner on some or all of this land. Additionally, staff has been informed that this is a fair value for wetland mitigation property; we would be lucky to replicate this elsewhere. If the parkway is ever built, wetland mitigation will be needed. Our hope is that the City's obligation is ultimately 500 to 600 acres. The most important safeguard requires a report to return to Council before closing so we know the answers prior to finalizing the land acquisition.

Mr. LaRusso asked if we are partners with SJRWMD on any other land ownership. The City Manager said not that he is aware of. He added that "partnership" is not intended to mean a long-term relationship where we both hold the land. SJRWMD has an interest in a large portion of the property and we would re-sell to them or delegate them the opportunity to purchase.

The Mayor added that the District has an ambitious acquisition program for land located in the basin area from here to Vero Beach.

Attorney Gougelman added that another possibility would be that the City would hold title, but SJRWMD would purchase a conservation easement over most or all of the property.

Mrs. Palmer asked if the plan is to purchase the property and then sell it to SJRWMD. Mr. Schluckebier stated that at this moment we don't know. However, staff is not recommending that the City own, hold and have 2,400 acres for its own use. Until St. Johns undertakes appraisals, we don't know if they are interested.

Mrs. Palmer pointed out that the property is not buildable and will always be a wetland. She said she is trying to understand what the advantage would be to the City buying this land. She asked if our purpose is simply to extend our boundaries. She asked why the City should

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purchase the property if St. Johns is going to buy the land for wetland mitigation and conservation.

Mayor Goode replied that there may be a time when the City needs to mitigate wetlands and we will have this in the bank. He added that he is not interested in holding 2,400 acres; this is simply an arrangement to hold the property for 120 days.

Regarding Mrs. Palmer's question about the advantage to the City, Attorney Gougelman outlined the five possible benefits to acquiring this property (see excerpt from agenda report above).

Mrs. Palmer asked if this land is part of the parkway route. Attorney Gougelman said it could be. He noted that one of the maps he reviewed shows the parkway going through the middle of the Welchwood property, which has a preliminary plat approved by the City of West Melbourne. The southeast corner of the Gleason property may be uplands and that would be a logical place for rerouting the parkway.

Mayor Goode said that although this is not a public hearing item, Brevard County Clerk of Court Scott Ellis has asked to speak. Moved by Corby/Palmer to allow Scott Ellis to speak. Motion carried unanimously.

Scott Ellis, 1309 Breeze Lane, outlined the following reasons why the City should not purchase this land:

Environmental buffers for the St. Johns River are the responsibility of the SJRWMD, not the City of Melbourne; Parcel A is not contiguous to the City and Parcel B is virtually unbuildable; the purchase does nothing to protect the drinking supply because the property is unbuildable; the private sector should set up a wetlands mitigation bank; the parkway cannot be routed that far west and still be a usable road; there is no point to buy currently and perpetually vacant property simply to extend the City borders through annexation; this is not a unique conservation area, no public access could be developed; money may not be expended from enterprise funds other than to benefit the enterprise fund; conservation areas do not benefit the buyers of Melbourne water; if the City buys the property with utility funds and the use is found illegal, the City General Fund must then be used to reimburse the enterprise fund for the expenditure; and it is incomprehensible that staff would present a \$3.87 million contract to the City Council on December 19 with a drop-dead date of December 21.

Mayor Goode pointed out that Council was apprised of this item prior to the November 27 special workshop meeting. This item is not a surprise.

The City Manager added that if Council would like more time to discuss and review this item, staff will follow that direction. There is no drop-dead date as far as staff is concerned. This is what was previously discussed with the City Council.

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Mr. Ellis suggested that staff check with bond counsel on the use of using utility bonds to buy conservation land. Mr. Schluckebier said we would be happy to do that; however, we believe this will pass muster and we believe we have that latitude.

A brief discussion continued regarding the use of utility funds.

Mrs. Corby asked why we are recommending purchase of this property. She said there has to be a plan or reason other than “our hope is that SJRWMD will purchase the property.” She asked if there is a reason that St. Johns can’t purchase the property directly.

Mayor Goode said that SJRWMD did not know about the property. Right now, this is an opportunity before the City and the potential uses have been listed.

Mr. LaRusso said he would like to postpone this item to allow staff time to answer several pending questions. We have unbuildable property with no one in line to purchase; the City doesn’t have to purchase; St. Johns could be a partner, etc. He stated that these are valid questions.

Moved by LaRusso/Corby to postpone this item until the second meeting in January. (See substitute motion below.)

Mrs. Corby recommended that we postpone this item until after the Strategic Planning Session. She said she would like to know why we are purchasing the land, whether there will be growth in that area and if we have services available. Mr. LaRusso replied that the property is not developable; therefore, the need for services is negated.

Mrs. Palmer said that at this point unless something comes up to change her mind, she does not see a reason for the City to purchase this property. She added that understanding there may be additional information, she will vote to postpone.

The following substitute motion was made: Moved by LaRusso/Corby to postpone this item until the February 13, 2007 meeting.

Mr. Schluckebier said that we will return to the seller and indicate that we need more time.

Mrs. Palmer said this is one of the reasons why a Strategic Planning Session will be helpful. City staff seems to get involved in these things believing that Council is on their team and of the same mindset only to come to the meeting and become frustrated.

Mr. LaRusso said even if we have a Strategic Planning meeting every six months, staff will continue and should continue to churn out things because opportunities arise.

The question was called. Motion carried unanimously.

32. ORDINANCE NO. 2006-146 (Z-2006-1095) FRANK KOFFLIN: (First Reading/Public Hearing) An ordinance changing the zoning from R-1AA (Single-Family Low Density Residential) to R-2 (6) (One-, Two-, and Multiple-Family Residential with a cap of six units

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per acre) on a 0.34±-acre parcel, located on the east side of Dairy Road, south of Edgewood Drive, and north of Florida Avenue. (Owner/Applicant/Representative - Frank Kofflin) (P&Z Board - 11/16/06)

Attorney Gougelman read Ordinance No. 2006-146 by title. Planning and Economic Development Director Cindy Dittmer reviewed the agenda report. The Planning and Zoning Board voted unanimously to recommend approval of this request.

There were no disclosures by Council and no comments during the public hearing.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-146 based upon the findings in the Planning and Zoning memorandum. Motion carried unanimously.

33. ORDINANCE NO. 2006-147 (CU-2006-16/SP-2006-21) BRENTMOOR (FKA COLLINS PROPERTY): (First Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to allow the development of a 90-unit townhome-style condominium project at a density of approximately nine units per acre on a 10.01±-acre parcel zoned C-1 (Neighborhood Commercial), located on the west side of Babcock Street, north of Lake in the Woods Drive, and south of Eber Road. (Owner/Applicant - Alexander Pezzeminti) (Representative - Matt Soyka, Soyka Engineering & Associates, Inc.) (P&Z Board - 11/16/06)

Attorney Gougelman read the ordinance and Mrs. Dittmer briefed Council. The Planning and Zoning Board approved condition “e”, which requires a six-foot opaque fence. After further staff review, it was determined that City Code requires a six-foot masonry wall where abutting single-family residential. The condition has been revised appropriately in the ordinance.

During the Planning and Zoning Board public hearing portion of this request, several residents expressed concerns with the excessive traffic along this section of the Babcock Street corridor, as well as the possibility of future flooding.

After lengthy discussion, the Planning and Zoning Board requested the entrance to the proposed project be relocated along Babcock Street to align with Crown Boulevard. The Board also recommended a condition requiring the applicant to work with the property owner to the south to obtain a cross access agreement/easement. These conditions were added as “f” and “g.” The Planning and Zoning Board voted six to one to recommend approval of this request.

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

Robbyn Spratt, representing the applicant, was present and available for questions.

Moved by Palmer/LaRusso for approval of Ordinance No. 2006-147 based upon the findings and conditions in the Planning and Zoning memorandum, and the revision as noted to condition “e”. Motion carried unanimously.

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34. ORDINANCE NO. 2006-148 (AR-2006-209), ORDINANCE NO. 2006-149 (CPA-2006-34), AND ORDINANCE NO. 2006-150 (Z-2006-1094) TUMBLEWEEDS GYMNASTICS, INC.: Ordinances providing for annexation, a Comprehensive Plan Amendment, and zoning designation to allow the construction of an 18,000 sq. ft. gymnasium and 5,500 square feet of leasable office space on a 3.38-acre parcel, located on the south side of Parkway Drive, west of the intersection of Parkway Drive and Wickham Road. (Owner/Applicant - Tumbleweeds Gymnastics, Inc.) (Representative - Jake Wise, P.E.) P&Z Board - 11/16/06
- a. Ordinance No. 2006-148/AR-2006-209: (First Reading/Public Hearing) An ordinance providing for annexation of a 3.38-acre parcel
 - b. Ordinance No. 2006-149/CPA-2006-34: (First Reading/Public Hearing) An ordinance providing for a Comprehensive Plan Amendment designating a Future Land Use of Commercial on a 3.38-acre parcel.
 - c. Ordinance No. 2006-150/Z-2006-1094: (First Reading/Public Hearing) An ordinance providing for designation of C-1 (Neighborhood Commercial) zoning on a 3.38-acre parcel.

Attorney Gougelman read each ordinance by title. Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of these requests. There were no disclosures by Council. Mayor Goode opened the public hearing.

In response to Mr. Contreras, Jake Wise, representing the applicant, stated that the current facility occupied by his client is in disrepair and doesn't meet their needs.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-148 based upon the findings in the Planning and Zoning memorandum. Motion carried unanimously.

Moved by LaRusso/Contreras for approval of Ordinance No. 2006-149 based upon the findings in the Planning and Zoning memorandum. Motion carried unanimously.

Moved by Palmer/Thomas for approval of Ordinance No. 2006-150 based upon the findings in the Planning and Zoning memorandum. Motion carried unanimously.

Moved by Contreras/Meehan to convene as the Melbourne Downtown Community Redevelopment Agency. Motion carried unanimously.

35. COUNCIL ACTION RE: Approval of financial assistance to the Henegar Center in the amount of \$10,000 to provide property insurance for the Strawbridge Building (Melbourne High School Building) and transfer of \$10,000 from Reserve for Future Projects for this purpose.

From the agenda report: The CRA Advisory Committee has made a recommendation to the CRA (City Council) to provide financial assistance to the Henegar Center in the amount of \$10,000. The assistance would provide property insurance for the Strawbridge Building (also known as the Melbourne High School Building). The committee included a provision

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that a public workshop or workshops be held to provide a strategy for preserving the vacant building and to determine the best public use of the facility.

Investment in Downtown's historic and cultural resources is consistent with the revitalization strategy outlined in the Downtown Redevelopment Plan. Funding for the \$10,000 request is available within the 2006-2007 budget line item Reserves Future Projects #56100552 590340.

Moved by Meehan/Corby for approval as recommended.

Wendy Brandon and Jerry Brees representing the Henegar Center were available for questions.

Mrs. Palmer asked that the Henegar Center, when developing its strategy, work towards eliminating the need in the future for the City to provide funding.

The question was called. Motion carried unanimously.

Moved by Contreras/LaRusso to reconvene as the City Council. Motion carried unanimously.

36. COUNCIL DISCUSSION RE: Annexation

- a. Areas of pending annexation interests.
- b. Ordinance No. 2006-151: (First Reading/Public Hearing) An ordinance providing for a moratorium on the annexation of real property into the incorporated City Limits.

At the November 14, 2006 meeting, Council requested a status report on annexations in progress and that the City Attorney draft an ordinance regarding a moratorium on annexations.

The agenda package includes information on all annexations in the pipeline as well as their locations. Also included is a sample staff report that is completed for all major annexations. The report identifies revenues and costs associated with the annexation as well as how municipal services will be provided or impacted. This includes input from the Police Chief and Fire Chief on service response time and coverage of the proposed annexation areas.

This item also includes the first reading of an ordinance providing for a moratorium on annexations within the City of Melbourne. Council requested an opportunity to discuss this issue. No recommendation has been provided pending the outcome of this discussion.

Attorney Gougelman read Ordinance No. 2006-151 by title.

Moved by Contreras/Thomas for approval of Ordinance No. 2006-151.

Mr. Contreras stated that he recommended this ordinance because he is concerned about the response times from our Police and Fire Departments. He thanked the Fire Department

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for the September 2006 deployment study and noted that he has a few questions for Fire Chief Paul Forsberg.

Council Member Contreras asked Chief Forsberg if we currently have a good ratio or balance with regard to lieutenants, drivers, paramedics and firefighters. The Chief discussed the number of personnel going through training and the anticipated outcome. He stated that ultimately within a year and a half we can add another 20 paramedics to our force and, depending on skill levels, some will join as early as three months or earlier.

Mr. Contreras asked if we are able to provide the same level of service today as we did three years ago. Chief Forsberg said when the study was completed the average response time in 2004 was 2:58. Right now that time is 3:05, which means we have slowed by seven seconds.

Responding to Mr. Contreras, Chief Forsberg indicated that the Fire Department is currently phasing out different ranks providing paramedic service so that we have more firefighters providing that service – and there is a plan in place to accomplish that.

Mr. Contreras said if a paramedic is rendering or initiates medical treatment, they are basically considered “off the grid.” The Chief agreed that would tie up their attention for as long as they are providing care. He added that the County typically responds automatically because they provide transport. As soon as the County arrives, care is often transferred and our unit is freed.

Mr. Contreras asked what would happen if we had a unit on a call and then a structural fire with injuries occurs. The Chief noted that we would have to send another medical unit in, which we would do anyway if we had a medical unit on a fire call.

Chief Forsberg confirmed for Mr. Contreras that we recently hired 13 employees with 10 of them being EMTs. He noted that only four paramedics applied. The Chief stated that we have been hiring paramedics, preferred, since he became Chief. Mr. Contreras asked if there is any risk of EMTs failing or dropping out of the program, and the Chief replied that there is always that risk.

Mr. Contreras asked if there is any guarantee that a dozen or so EMTs will be here for the future of the City of Melbourne and Chief Forsberg replied no.

Mr. Contreras returned to the study and asked the maximum response time the Melbourne Fire Department has established, including turn out time, for all types of calls. Chief Forsberg replied that we would like to meet six minutes 90% of the time. Mr. Contreras pointed out that the study indicates five minutes or less. The Chief said that does not include dispatch time.

The Mayor recommended that Council Member Contreras meet with staff and determine the answers to these questions. And, if Mr. Contreras feels there are concerns that need Council's attention, a report should be returned.

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Mr. Contreras questioned whether we are “playing the numbers.” Chief Forsberg pointed out that prior to his employment there was no real management data. He is just now starting to be able to track the data, determine if there are issues and deal with issues.

Mr. Contreras said he hopes he doesn’t have a heart attack because our response times are actually six-plus minutes. He added that the golden time frame for response is five minutes or less.

Chief Paul Forsberg said when he reviewed the data last year he found the following:

- Dispatch was meeting a one-minute goal 47% of the time. Following changes, we are now meeting that number 80-plus percent of the time.
- Travel time is meeting the standard about 85% of the time. Therefore, travel and dispatch are not the issues.
- Turn out time is frankly deficient and we are working on correcting those deficiencies.

Mr. Contreras concluded by saying he would hate to be on the 15 – 20% losing side of the scale.

Council Member Corby referenced the deployment study and said it indicates that a response time of five minutes or less 90% of the time is called for; however, the study also notes that over the past three years there has been a steady increase in the types of calls and in the response time.

Chief Forsberg replied that the increases have come in the turn out portion of the time. The firefighters have not been getting out of the station as quickly as they should be. The goal is one minute; however, the average has been about 2:30.

Mrs. Corby said she is concerned about annexation and whether we can keep up with the growth that we have been taking in. The Chief replied that we are doing a good job keeping up with growth. We have agreements with the County. The areas that are coming into the City are already being serviced by the County. In addition, we are sending units to those calls; therefore, we are enhancing the service.

A brief discussion followed regarding the County fire stations and their call volume.

Mrs. Corby asked if our recent growth has affected or impacted our ISO rating. Chief Forsberg replied no and added that we have a current rating of four. Mrs. Corby asked the Chief to explain the ISO rating. Chief Forsberg stated that this is a rating from the Insurance Service Organization. Insurance companies use the score to determine insurance rates.

Vice Mayor LaRusso asked why the turn out time has increased to 2:30. The Chief replied that he does not know; however, he has been talking to the firefighters and exploring why the increase in time. Mr. LaRusso asked for an educated guess. The Chief replied that we

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have 28 new people and some may not know the geography as well as others; they may be spending time looking up addresses. Sometimes crews are involved in activities, like testing and training. And, some may be personal reasons. They may not perceive certain calls to be as important as other calls. The Chief stressed that this is a current topic of discussion and they are focusing on this issue.

In response to Council Member Palmer, the Chief noted that the ISO rating is on a scale from 1 to 10, with 10 being the worst. He added that four is a good rating. Mrs. Palmer asked if the new station has been factored in and the Chief replied no. He stated that there are many things we can do to improve the score. The score is made up of three components, including dispatch, water supply and fire department.

Mrs. Palmer asked if our plans include purchasing or taking over the County fire station on Lake Washington Road. Chief Forsberg said that county staff approached the City and commented that at some point the City may wish to take over that station. He confirmed that it is not out of the realm of possibility.

Discussion continued about the City's ISO rating. In response to Mrs. Corby, the Chief stated that the County has a split rating and he believes it is a nine in undeveloped areas. Further, the Chief confirmed that the County does not have fire hydrants in the areas where the City has been annexing.

Mrs. Corby expressed concern that there is an 18-month period from when residents annex and when they receive water service. The City Manager stated that this is precisely in accordance with the ordinance and urban service plan report approved by City Council. This information was displayed or presented to residents during pre-annexation meetings. We said that we would make our best effort to supply water within 18 months.

Mrs. Corby said she understands this; however, she is concerned about the residents we have been providing service to. She said that people need to understand that an ISO rating can affect premiums on insurance. The City manager replied that our ISO rating has been constant. Chief Forsberg agreed.

Council Member John Thomas stated that he believes that our Police Department is facing one of the most critical times in our City's history. For a myriad of reasons we have lost officers and we have not been able to adequately replace them. The personnel level of our department has degraded to the point where the Police Chief was forced to transfer detectives back to uniform patrol to adequately answer calls for service. With detectives reassigned to patrol duties there is no way possible that our detective bureau is able to maintain the same level or the same quality of service to crime victims. With fewer detectives now investigating it would be safe to say that our Police Department's ability to investigate crime is currently diminished.

Continuing, Mr. Thomas said it is true that recent annexations have not added a significant call load on the Police Department; most of the areas are not heavily populated. Annexation as it stands right now is not a problem. Mr. Thomas stated that he is concerned about service in the next year or two years. The sparsely populated areas will soon be filled

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with new homes, new residents and new demands for service. The City has recently taken significant steps towards retaining our existing officers and making our department competitive; however, the work is far from done. Until the department has refilled its ranks and until we can provide the same level of preventive service to the new annexation areas as we provide to our existing neighborhoods, we should not continue to grow.

Mr. Contreras referenced the quarterly crime report and stated that crime is up in the City. Police Chief Don Carey replied that is correct.

Following a brief discussion about 2005-2006 grant funding for six officers, Chief Carey confirmed that the City recently picked up the cost at 100% for those officers. There was no net gain in the number of officers.

Mr. Contreras referenced the recent Council action on the Police take home vehicles. He recalled that Chief Carey stated that he had been in discussion with the City Manager for about three years regarding a take home vehicle plan. Chief Carey replied that they had discussed that concept.

Mr. Schluckebier said he believes that the Chief overstated that. Take home vehicles are generally either bargained for or recommended by the Chief in the budget. A review of Police Department budget requests revealed that take home vehicles had not been included. There may have been verbal discussion; however, it is an expensive program and the Chief probably didn't feel that there was a sufficient basis to move forward.

Mr. Contreras referenced a newspaper article where the Chief was quoted as saying, "The City Manager and the City Council are going to help us get there but that's not the Police Chief's job, I don't control the purse strings." Mr. Contreras added that he takes offense with the "Teflon" position – that we have a problem but it's not the Chief's job, it's the Council's job and the City Manager's job.

Council Member Cheryl Palmer said that time after time the take home car program was unanimously turned down by the City Council. She said that she is sure that the Police Chief felt that this was considered an unreasonable request.

Mr. LaRusso said that the decision on all annexations rests with the City Council. At the end of the day, a moratorium will place a limitation on us. Rather than a moratorium, he noted that he would like to explore other options – perhaps a requirement for a 6/7 vote. He added that as a businessman he never wants to take options or opportunities off of the plate. The better approach is to provide solutions. Mr. LaRusso said he understands where Mr. Contreras is coming from; however, he cannot support a moratorium.

Mrs. Palmer stated that she has objected to annexation referenda because of the process; sometimes it turns out to be a forced annexation. However, she does not want to put a moratorium on people who would voluntarily like to be annexed into the City. She added that she hasn't seen any real evidence that we do not have a good level of service. We have had problems in the Police Department and we are working with the PBA to take care of retention and recruitment. In a very short time huge strides have been made to address

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that problem. The Fire Department has completed a study and a new station has just been opened. Additionally, she feels we are going to move forward with some of the recommendations in the study. Mrs. Palmer concluded by saying she doesn't see enough evidence to take the strong step of a moratorium.

Council Member Kathy Meehan stated that she agrees with Mrs. Palmer.

The question was called. The roll call vote was:

Aye: Contreras, Thomas and Corby

Nay: Meehan, Palmer, LaRusso and Goode

Motion failed.

37. COUNCIL DISCUSSION RE: Proposal to settle controversy regarding Brookfield Village Adult Congregate Living Facility project.

From the agenda report: City staff discovered in August that despite Brookfield/Hesse having an annexation and utility agreement with Melbourne, they apparently needed to annex to West Melbourne to escape County floodplain regulations. West Melbourne appears ready to accommodate the request despite our earlier statement that such action would be adverse and detrimental to Melbourne's agreement and stated interests.

If Council wishes to make a settlement allowance as proposed by Brookfield/Hesse, direction should be given to staff at this time. Staff believes it is not in our best interests to release this property from the pre-annexation and utility agreement, pending further discussion with West Melbourne or a commensurate agreement that West Melbourne would release a utility-related comparable property from their City or a pre-annexation agreement.

The City Manager briefed Council and noted that we do not yet have an answer from West Melbourne.

Moved by Corby/Meehan to postpone this item until the January 9, 2007 meeting. Motion carried unanimously.

38. COUNCIL ACTION RE: Appointment of one member to the Golf Courses Advisory Board.

Mrs. Corby said that someone contacted her who is interested in applying.

Moved by Corby/Thomas to postpone this item until the January 9, 2007 meeting to allow time for more applications. Motion carried unanimously.

39. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. Contreras said he would like to continue the discussion about the Police and Fire Departments (service, response times, etc.) on a future agenda. Mayor Goode said he

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would prefer a special meeting be held in the future when this topic can be combined with other items.

Pat Poole, 805 East Palmetto Avenue, clarified that following the last Council meeting, she counted 13 trees in front of City Hall. She added that she started a petition in opposition to the rezoning on the City Hall property after viewing a plan that showed the trees and green space being replaced with parking and driveways.

Mr. LaRusso referenced his attendance at the Brevard Legislative Delegation meeting today. He reported that there were many people in attendance who are facing the same challenges as the City. Additionally, he recommended that after each Metropolitan Planning Organization meeting, one of the members (Meehan, Palmer, Corby) provide a two or three minute briefing to City Council.

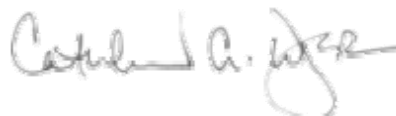
Mayor Goode asked that staff begin distributing MPO meeting minutes to Council.

Council Member Cheryl Palmer asked for a future agenda item to discuss benches for Space Coast Area Transit and bike racks in the Downtown Melbourne area.

40. ADJOURNMENT

Moved by Meehan/Goode to adjourn. Motion carried unanimously.

The meeting adjourned at 11:03 p.m.



City Clerk – 1/4/2007

Approved by Council: _____