

**CITY OF VERO BEACH, FLORIDA
DECEMBER 1, 2015 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Christina Moore of Rhema Apostolic Deliverance Center followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Jay Kramer, present; Vice Mayor Randy Old, present; Councilmember Pilar Turner, present; Councilmember Richard Winger, present and Councilmember Harry Howle, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Vock, City Clerk

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mrs. Turner made a motion to adopt the agenda as presented. Mr. Winger seconded the motion and it passed unanimously.

B. Proclamations

1. Go Play Vero

Mayor Kramer read and presented the Proclamation to Mrs. Michelle Downey.

Mrs. Michelle Downey announced that Go Play Vero is looking forward to doing the new Park at Riverside Park, which they hope to have completed by the end of January.

2. Proclamation from Main Street Vero Beach thanking the City of Vero Beach for their services

Mr. Old read and presented the Proclamation.

C. Public Comment

1. Mr. Scott Caviness/Shark Bait wishes to speak to Council about amending his contract with the City of Vero Beach.

Mr. Scott Caviness, of Shark Bait, said that he would like to expand their umbrella and chair operation to Humiston Beach and Jaycee Beach with their umbrella and chair operation. He said this request is really an addendum to his current contract.

Mr. James O'Connor, City Manager, said staff endorses what he is doing. This has not caused any problems at South Beach with the chairs and umbrellas. There are other obstacles they would have to overcome, but today they are just discussing the chairs and umbrellas. He said Mr. Caviness has worked with the City well and has a lot of connections with the lifeguards in making sure they don't have any issues with public safety and public access.

Mr. Winger said that he has always been concerned that part of the beach areas are reserved for those who can't afford to rent these umbrellas and chairs. He said they need areas of the beach where people are not surrounded by these.

Mr. O'Connor said that is their understanding. He said there have not been any conflicts as Mr. Caviness abides by that. He explained that they put out one or two as a demo and then the rest are put out upon request. He felt these were a positive, especially for people who don't bring umbrellas and chairs and it accommodates the visitors of the hotels that Shark Bait services.

Mr. Winger said that he was not concerned about the hotels. He said the County has a majority of young people living below a reasonable economic line and he was concerned about them.

Mrs. Turner said that she was concerned about Humiston Beach because it has a very narrow strip of beach and they are already facing significant parking issues on that part of Ocean Drive. She questioned if they would be causing additional issues by offering chairs and umbrellas.

Mr. O'Connor did not think this would cause a demand on the beach.

Mrs. Turner asked if they approve this and find there is an issue at Humiston Beach, is that something they could easily pull.

Mr. Wayne Coment, City Attorney, thought that the current license agreement provides that the City can terminate. He said staff would look into it. He asked Mr. Caviness if he would need the ATV at these other locations.

Mr. Caviness said to get the gear from the storage area might require that type of vehicle. He reported that the Marine Wildlife Resource Management is on board with them having their gear on the beach.

Mr. O'Connor asked would they also be able to use that gear.

Mr. Caviness said there has been an issue with sharing the ATV because of insurance reasons, which he is looking into being able to provide insurance so that others could use the ATV if needed.

Mayor Kramer asked if he would be hiring more employees to cover these other areas.

Mr. Caviness said that he staffs seasonally and normally employs between 7 to 10 people.

Mayor Kramer said it would be nice to have more eyes on the beach to see what is going on. He said having more people on the beach that could help in emergencies was a real “seller” for him.

Mr. Caviness said three of their employees recently received their lifeguard certification. He said that anyone he hires, he hires with the aim for that to be their goal. He said one of his employees wasn’t motivated to get his lifeguard certificate until he responded to a distressed swimmer. He reported that they had five (5) assists last month.

Mr. O’Connor reported that there was a short termination clause in the contract.

Mr. Caviness thought it was 60 days. He then showed on the screen pictures of their umbrellas and chairs.

Mrs. Turner said South Beach has a much broader area and she was concerned with the narrow beaches. She said that she would be willing to give it a try.

Mr. Caviness said the initial impetus for them to go to Humiston Beach came at the request of their customers.

Mr. Coment said in the original agreement they had a map showing the specific areas where this was permitted. He asked Council if they wanted staff to bring back before them an amendment to the actual agreement with more specifics.

The City Council agreed to have staff bring back before them an amended agreement.

2. Harvest Food and Outreach Center is requesting permission to allow beer at Pocahontas Park for their Blues, Burgers and Brews event.

Ms. Annabell Roberts, Executive Director of Harvest Food and Outreach Center, said they are present today to ask permission for a license to sell beer at a July 4th themed community picnic they hope to host at the Heritage Center, the Heritage Center lawn, and a portion of 14th Avenue in front of the old Courthouse.

Mrs. Turner said that she would recommend approval. She thanked Harvest Food and Outreach for all the great work that they do.

Mr. Winger made a motion to approve the request to allow the sale of beer at the July 4th themed community picnic. Mr. Old seconded the motion and it passed unanimously.

Mrs. Suzy Feeney, of the Heritage Center, said they are looking to be able to host a New Year’s Eve party in conjunction with Mainstreet and the Cultural Council. She said it is

late in the season to try to pull this off, but they have had a tremendous response from the newspaper and from the community. She said they would work with the Police Department as to safety issues that they feel need to be addressed. They are still working on bringing in vendors and are looking into low level fireworks. She noted that there is a local company that has low level fireworks that does them inside sport stadiums. She then read a letter regarding the event, as well as asking permission from the City Council to be able to sell alcohol at the event (attached to the original minutes). She said this is a very impromptu thing that they are all pulling together. They don't know how big it is going to be, but they hope next year they will be able to take advantage of some of the things the Heritage Center has, that Mainstreet has, and that the Cultural Council has, in order to set up an opportunity for many of the nonprofit organizations. She said it would be a huge fundraiser for the nonprofit organizations in the area.

Mr. Winger made a motion to approve the request. Mr. Old seconded the motion.

Mr. Howle asked if the ball drops at midnight, what time will the event end. Mrs. Feeney said they would stop the sale of alcohol at midnight, but would continue serving food until 1:00 a.m.

Mr. O'Connor said the City Council would also have to approve fireworks in the City Park. He said if the City Council approves this they would have to meet City Code. He noted that serving alcohol would require Police Officers to be present for the event.

Mrs. Turner said this is an ambitious undertaking with the time frame they have to set this up. She felt that this could be a wonderful addition to events here in Vero Beach.

Mrs. Feeney complimented the City staff. She said they are great to work with.

Mr. Old asked what is needed in the motion to give this the go ahead.

Mr. O'Connor said regarding the Noise Ordinance, the City Manager would sign off extending the time past 10:00 p.m.

Mayer Kramer asked will the motion that was made suffice to cover what is needed to make this happen.

Mr. O'Connor answered yes.

The motion passed unanimously.

Mr. Joseph Guffanti said that he was going to talk about keeping Vero/Vero and was going to use an incident that happened. He said that he was told that at the August 18th City Council meeting, the City Council was presented with an outline/summary of an OUC contract that would be forthcoming. He said one week later, on August 25th, he called the City Clerk and asked for a copy of whatever they discussed at that meeting (a copy of the contract). He assumed there was a contract and an outline. He said the City

Clerk told him that she did not have a copy of the contract. The next morning the City Clerk asked the City Attorney for a copy of the contract and she received it. He said that she must have sent a copy to the newspaper because they reported on it the following day. He said that he was not singling anyone out, but illustrating on how business is done here. He said the contract was sent to the newspaper and various people. He said that he did not get an email copy of the contract because the City Clerk did not have his email address. He said that he did not have any problem with that. He said after further inquiry, he found out that the City Attorney received the contract the Friday before the Tuesday that he requested it. He said the City Attorney had the contract in his possession for over five (5) days. He said that he explained all of this to the City Council the last time he attended their meeting. He said at that meeting he left the podium and the City Attorney said something to the affect that he receives a lot of emails. He said that he would find it unusual for Mr. Schef Wright, Attorney, to just send the contract to the City Attorney without calling him to let him know that he was sending it to him. He then read into the record excerpts from the minutes of the October 6th City Council meeting. He asked how is the City Clerk to know that the contract came in. He said that she probably was aware there was going to be a contract, but questioned how would she know to ask for it. He said it takes a pedestrian to come into the City and ask for something. He said that he assumed it didn't exist because the City Clerk told him that she didn't have it. He would think that a document of that importance would have been turned over to the City Clerk as a public record. He said that Mr. Winger was the Mayor at that time and he promised to keep Vero/Vero. Mr. Guffanti said nothing has changed in 25 years. He said they are as secretive as they can be. He noted that he does not have any problems with the City Clerk. He said if anyone wants to rebut what he just said that they can have at it.

Mr. Wayne Coment, City Attorney, said what Mr. Guffanti asked for was the first draft of the contract. It was not a final contract, it was not what went to the Council, and it probably wasn't what went to the Commission members. He said the City Clerk is not the only custodian of records. When that particular document came in, he would have been the custodian of it. The City Clerk receives the finalized documents that are going to go to the City Council for approval or possibly a draft that the City Council needs in order to clarify what they want in the contract. The City Clerk did not receive the contract when it came in because it was the first version and because she did not have any reason to receive it.

Mr. Guffanti asked then why did he give it to her.

Mr. Coment answered because she asked for it.

Mr. Guffanti asked why not give her everything.

Mr. Coment said that is the way the system works. He said they are operating fully within the law.

Mr. Brian Heady said the OUC contract from 2008 is a perfect example of where the City Clerk was not given things that she should have been given. He said certainly there are good reasons to not give her every draft copy. But, because the OUC contracts were so controversial, the City Council members should have been made aware of them. He said the former Mayor talked earlier about the majority of young people in this community not making enough money to live a decent life and who can't afford to belong to clubs, in which he agreed. Mr. Heady said we do live in a community where we clearly have "haves and have nots" and in areas where the City Council could do something. But, instead of doing something for the "have nots" they continue with the highest electric rates in the community. He said it was not this Council as this is a new Council with "new blood." He stated to Mr. Howle that if he wants to make good decisions then he needs to understand the history. He said several years ago the City built a generating facility, which made Vero Beach a special place. The City Council at that time saw the opportunity to make more money and they got Indian River Shores and Indian River County within the City's electric area. They then built the new Power Plant. The plan now is to tear down that Power Plant and open the property for whoever has their eye on it. He said even if they have the Power Plant as a standby generator they would not be able to run it because the last City Council gave away the City's assets. He hoped that Mr. Howle read his book, *"Liars, Cheats, and Thieves"* because it explains some of the things that happened. He said when Mrs. Turner came on the City Council she wanted to get a new City Manager, which at that time Mr. Monte Falls, Public Works and Engineering Director, was filling in as the Interim City Manager. He said that Mrs. Turner wanted to let Mr. Falls get back to his regular position and so she got a headhunter who was hired by the City Council to find a new City Manager. He said that the headhunter did not find the current City Manager. The current City Manager found the City. He said at that time he asked Mr. O'Connor questions, such as how did he get here, who recommended him, etc., and Mr. O'Connor didn't answer any of his questions because he didn't think they were relevant. He said the reason Mr. O'Connor didn't think his questions were relevant was because he was a "plant" by FMPA to make sure that FMPA and OUC didn't lose their customers that they need for their generating facilities. As Mr. Guffanti pointed out, sometimes business is done in back rooms. He said sometimes you couldn't say things you wanted because the Mayor at the time would have you arrested. He said that he went away for a while because he got tired of going to jail. He said there were many times that they took him to jail for daring to exercise his freedom of speech. He said that Mrs. Vock (City Clerk) was ordered by the City Attorney to remove his name (Mr. Heady) from the ballot. Then there were the "good old boys" and if you dared to challenge them they would just throw it out. The City taxpayers spent \$30,000 in a legal case to defeat him. He said that he had equal amounts of legal expenses to try to defend himself and the public for their right to speak. At least with the current Mayor, he doesn't feel threatened to come up to the podium and speak, which is the way it should be. He said that he works with Veterans who fought and died for their freedom to speak. He said that he still thinks there are things they can do with the electric utility that would make a lot more sense than having the customers spend a ton of money. He said their attorneys will tell them that they can't, but that is bull. He said there are things they can do, but he doubts that they will. He said even if Mr. Howell tried, he did not think he would receive more than one vote. He said the City

Councilmembers and staff are fortunate to live a good life and he doesn't have any objection to paying staff decent living wages. He said the only wage that is below what it should be is for the Councilmembers. He felt at a local and national level that they rarely see many of people who are willing to stand up for what a lot of people are thinking. He urged Mr. Howle to look at some of the options available and not to pay a lot of attention to legal staff whose personal best interest is in protecting what was done over the years. He said they have the truth on their side, which the truth is always a good defense.

Mr. Howle said that he read some of Mr. Heady's book and found it very entertaining. He explained that in stating "entertaining" he thinks there are some factual parts to it, if not entirely factual. He said that he is here (on City Council) because he is for the good and the will of the people and the freedom and liberties of Americans. This is his way to try to fight for that. He said that he has worked hard enough to get to a place where he can spend the time needed on Council. He said none of them (Councilmembers) are doing this for the money. He said that he has a lot of respect for the City Manager and just because the City Manager tells him something is true, he is not going to take it at face value. He said that he tries to get his information from as many places as possible. He said that he was happy to have people like Mr. Heady who are good at checks and balances. He said Mr. Heady offers good information and he appreciates it.

Mr. Heady said Mrs. Turner read the entire book and commented to the Press that he got the facts right. He said the book is accurate.

Mr. Howle said that he would read the book in its entirety.

3. CONSENT AGENDA

- A. Regular City Council Minutes – November 17, 2015**
- B. Organizational Minutes – November 16, 2015**
- C. 23rd Street Culvert Replacement at 20th Avenue – Recommendation of Project Acceptance and Final Payment – City of Vero Beach Project No. 2010-15**
- D. License Agreement #2015-LA-0247 – Anita Astrachan – Dock & Boatlift Constructed on City-owned Submerged Lands – 1 Starfish Drive**
- E. COVB Bid 25-11/10/2015-PWC Stock 200 Amp Dead Front Switchgear**
- F. License Agreement between the City of Vero Beach and Elite Airways, LLC**
- G. Agreement between the City of Vero Beach and United States of America**

Mrs. Turner pulled item 3-F) from the consent agenda.

Mr. Winger made a motion to approve the consent agenda, minus item 3-F). Mr. Old seconded the motion.

There was no one from the public wishing to speak on the Consent Agenda.

The motion passed unanimously.

Mrs. Turner said item 3-F) is the License Agreement between the City of Vero Beach and Elite Airways, LLC. She said at this time the Airport is not charging landing fees. She asked what are typical landing fees.

Mr. Eric Menger, Airport Director, said they don't have landing fees at the Airport.

Mrs. Turner said that she realized that, but was curious what the fees were for airports that do charge landing fees.

Mr. Menger said it varies widely and normally depends on the size and weight of the aircraft.

Mr. Coment said they looked at several other airports and tried to put in this contract anything they may eventually want to charge.

Mrs. Turner said this Agreement is being offered for a one (1) year period at no cost to Elite Airways. She felt that they were all excited about the opportunity to have air service within the community. However, she questioned the \$1.8 million dollar economic impact they are suggesting.

Mr. Menger explained that is not directly from just the airline employees. That would be from the businesses and hotels that would also benefit indirectly. He noted that this is an estimate from the Consultant they hired.

Mrs. Turner hoped that it gets close to that as she would like to see them have that kind of economic impact. She said that she noticed in one of the drawings that there was a parking area that was marked off. She asked was this parking area exclusively for Elite Airways.

Mr. Menger answered no. He said it is all public parking where the Airport Terminal is located. However, they will have signage to encourage people who would be using the airline for long term that they use the long term parking to the south of the Terminal Building. He said they are going to have to go into this on a trial basis to see how it is going to work.

Mrs. Turner referred to the drawing on page 34 of the Agreement. She asked what is the significance of the hash mark.

Mr. Winger said they might find that they need the parking for others at the Airport, such as people going to C.J. Cannons should have areas with no overnight parking.

Mrs. Turner felt it was important to note that the Airport made a significant investment getting ready for this. She said they have public support for this.

Mrs. Turner made a motion to approve the license agreement between the City of Vero Beach and Elite Airways. Mr. Old seconded the motion.

Mr. Winger said they received an Air Service Marketing Plan this week. He asked how does that fit into this.

Mr. Menger referred to page 23 of the Agreement. He explained that they are referencing the marketing plan so they have something they can hang their hat on when the Airline begins to do some of their marketing. He said there is a formula where if the Airline continues to fly a certain number of flights, the Airport will provide additional marketing funds to assist them.

Mr. Winger asked are they approving that today.

Mr. Coment said they would need approval because it is an Exhibit to the contract.

Mr. Winger said they would be approving giving the Airport Director the flexibility to spend \$28,578. He agrees that marketing is necessary.

Mr. Menger said the City Council approved \$50,000 dollars in the budget to promote the Airline and the Airport. Through this formula they have agreed to spend up to \$28,000 dollars of that \$50,000 dollars for a combination of Elite Airways and Airport marketing. He said they are asking the City Council to approve them spending \$28,000 dollars of the approved \$50,000 dollars for this purpose.

Mr. Old asked where did the lease come from.

Mr. Coment said they started with a sample lease and reworked it. He noted that they looked at Melbourne Airport and other Airport issues, as well as FAA regulations.

Mr. Old asked does the Airport website have information about Elite Airways.

Mr. Menger said they have a link to Elite Airways' website.

Mr. Winger asked do they know the ticket sales so far.

Mr. Menger said they have not given him the data. However, the CEO did tell him that it has been very good to the point that some flights are full and they are looking at not only different destinations, but adding more flights per day in season. He reported that Elite Airways will be bringing a section of the remnants of the World Trade Center that would be going to the Liberty Bell Museum in Brevard County.

There was no one from the public wishing to speak on this item.

Mayer Kramer said the \$350,000 dollars plus the marketing costs does not come from taxpayer's dollars, but from the Airport's budget.

Mr. Menger said it is from Airport revenue, not from ad valorem taxes.

Mr. O'Connor noted that the Chairman of the Airport Commission is present for today's meeting.

Mrs. Barbara Drndak, Chairman of the Airport Commission, said this is kind of a linchpin in what they are trying to do with the Airport Master Plan, which would be coming before the City Council in the near future. She explained that the Vero Beach Airport has the first Master Plan in the Country that has included an Economic Sustainability Plan. She said they are always asked to be sustainable so they don't require support from the City. So far, they are one of only 25% of general aviation airports that are self supporting. She noted that this is also a good step towards their economic plan that they hope will garner new restaurants, hotels, etc., in the general area that would help support the Sport's Village, the Airline, etc. She said they are very happy that the public is in support of this.

Mr. O'Connor said the expansion of this type of economic development is increasing the value of the Dodgertown Golf Course property.

The motion passed unanimously.

4. PUBLIC HEARINGS

5. RESOLUTIONS

- A) A Resolution of the City Council of the City of Vero Beach, Florida, urging the Florida Legislature to adopt and the Governor Rick Scott to support House Bill 579 and Senate Bill 840 regulating Municipal Power; and directing certified copies of this Resolution to be provided to various officials. Requested by the City Council**

The City Clerk read the Resolution by title only.

Mayor Kramer opened and closed public comments at 10:51 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Resolution. Mr. Howle seconded the motion.

Mayor Kramer said that he was not in support of this because he was not a fan of regulation.

Mrs. Turner felt it was important to point out that Vero Beach Electric is now 100% dependent on unregulated power suppliers. She felt it was important for the protection of the public that they go forward with this Resolution in providing them with transparency. She found it curious Mr. Kramer's note to the FMPA asking them if they had provided all the data to the members. She said at the end of the memorandum, Mr. Guarriello may be incorrect) commented that they met with her regarding her question on exit costs on the All Requirement Project (ARP). She said that it actually was also regarding the \$52 million dollars that they said it was worth. She said as a Board member of FMPA, she asked for this information. She said this is on the City's liabilities. This is the liabilities that every one of the City's ratepayers owe. She said she was told that she would have to attend a meeting in Orlando, that she could not take any notes, that she could not get a copy of any of the documents that were there, nor could she reveal to anyone the details of the information that was presented. She said that this was not open and transparent and you (the ratepayers) are the stockholders, the owners of FMPA, and have the right to this information.

Mr. Old said that he has not had the same experience as Mrs. Turner. He said that he has spent a lot of time asking for information and FMPA has been very forthcoming in the information regarding any questions that he had. He found them very open. He said there is a complete audit that is located on their website. He said that he didn't understand the audit, although he is familiar with audits, as this is very complicated. He said FMPA was very open with him at all times in helping him get familiar with it. His opinion is FMPA is quite transparent and he has not seen them block any information. He said that he is not against Resolutions having to do with FMPA, but to try to come up with their liabilities is very difficult to do because they change on a monthly and annual basis. He felt that some of the Resolutions are not worded as they should be and does not result in something that really helps.

Mrs. Turner said that she was confused. She asked Mr. Old if he was saying that they can't say what the liabilities are because they are a moving target. She said they know what they owe as far as bonds, what debts they have, they have a budget and know what their operating costs are for the year. She said that she didn't understand what Mr. Old meant in that these liabilities are changing on a monthly basis that they can't determine them.

Mr. Old said they do change on a monthly basis and an annual basis depending on what the operating expenses are on each one of the Units. He said if something happens at the Plant because something needs to be added or subtracted, the City has to pay for it. It is not a fixed amount like a loan.

Mayor Kramer said the market price of gas and fuel does change. He said that he does not have a problem with them setting up a system in order to give the City that price every month.

Mrs. Turner said that she would like to know what the ratepayers owe on this system. She said that everyone keeps stating that FMPA is underwater. She asked what does each ratepayer owe. She asked Mr. Old if he knows.

Mr. Old answered no. He said that no one knows.

Mrs. Turner said that is the problem.

Mr. Old said you can't audit that. That is not what an audit can do.

Mrs. Turner said that she wants to know what the liabilities are. She said this is an organization that for 38 years had never been audited. They have a track record of not following their procedures. She said they are taking advantage of taxpayer status to have their interest free bonding. They are not accountable to the public.

Mr. Old said they have an audit every year.

Mr. Howle asked what is the value of the generator assets.

Mayor Kramer said they were evaluated back when they did the contract. He said as an FMPA member, Mr. Howle can send FMPA a letter asking them.

Mr. Howle felt that they needed to hear from the Representative who proposed this Bill.

Mr. Mark Mucher said that he was glad to hear FMPA is totally transparent with Mr. Old. He questioned if Mr. Old passed the information along to the rest of the City Council. He said an example of how FMPA operates is that he tried to find FMPA minutes about one month ago and it turned out that they do have minutes and they are published on the internet, but it is under the "members only" password protected area. He reported that he spoke with some experts on the Sunshine Law and they somehow reasoned that this was okay. He said this is the way FMPA does business. He was surprised that anyone would say that FMPA is totally open. He hoped that the Mayor was correct that when Mr. Howle sends FMPA a letter asking them what their liabilities are that he will get a detailed answer. He encouraged the City Council to pass this.

Mayor Kramer explained to Mr. Mucher that in a roundabout way, he (Mr. Mucher) is also a member of FMPA. He said that he would be happy to forward information to him. He said that he has recordings of FMPA meetings that he would send him if he wanted them.

Mr. Old told Mr. Mucher that he could attend the FMPA meetings.

Mr. Mucher said that he has been to a couple of their meetings, but they were not worthwhile to him. But, it would be great if the City could put those minutes on their website.

Mr. Howle told Mr. Mucher that he shouldn't have go to the FMPA meetings to get the information that they are trying to get by this Bill. He said that he also should not have to write them a letter requesting this information.

Mr. Old said that he would find out about the minutes. To him, they should be public.

Mr. Winger told Mr. Mucher that he could attend the meetings by telephone. He said the good thing about both Bills is that they discuss liabilities and not just assets. He said they don't know if these Bills will pass, but if they do pass the question is what the real consequence will be.

Mr. O'Connor did not think the impact to Vero Beach is in this Bill. He said it is directed directly to FMPA. He realized that the City is a member of FMPA, but he didn't see anything in the Bill that would directly impact the City of Vero Beach.

Mr. Winger asked what real consequence would it have on FMPA.

Mr. Coment said it didn't look like it added a lot to what they probably already do.

Mrs. Turner said if they (FMPA) would follow the rules, but the problem is that they don't follow the rules.

Mr. Winger said that he is going to vote for this because he didn't think it would have a major affect, but he hoped that it does. He is going to vote for it because he believes that the public wants them to do whatever they can to improve their situation with FMPA. He said if this would get them out of FMPA they would all be jumping on the table, but he did not think it was going to.

Mayor Kramer agreed. He said it is their policy to sell to Florida Power and Light (FPL) and if this would help with the sale he would probably go with this.

The Clerk polled the Council and the motion passed 4-1 with Mr. Howle voting yes, Mr. Winger yes, Mrs. Turner yes, Mr. Old yes, and Mayor Kramer no.

- B) A Resolution of the City of Vero Beach, Florida, authorizing the Purchase of Fleet Vehicles; Authorizing the Execution and Delivery of Additions to the Municipal Lease-Purchase Agreement with Baystone Financial Group (Kansas State Bank of Manhattan, N.K.A. KS Statebank) for the purchase of fleet vehicles in the amount of \$1,175,145; Authorizing the City Manager to take all steps necessary to finalize and implement the Terms and Conditions of the Lease-Purchase Financing Agreement; and Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Resolution by title only.

Mr. O'Connor said the City would be paying an interest rate of 2.8%, which covers all the departments that have vehicles. He said it is in conformance with the lease agreements the City has done over the last couple of years.

Mrs. Turner felt it was important to point out that this is part of trying to spread the cost of replacing these vehicles out over a period of time.

Mrs. Turner made a motion to approve the Resolution. Mr. Old seconded the motion.

Mayor Kramer opened and closed public comments at 11:08 a.m., with no one wishing to be heard.

The Clerk polled the Council and the motion passed 5-0 with Mr. Howle voting yes, Mr. Winger yes, Mrs. Turner yes, Mr. Old yes, and Mayor Kramer yes.

C) A Resolution of the City Council of the City of Vero Beach, Florida Granting a non-exclusive Vending Machine Concession License to all County Vending, Inc.; Providing for an Effective Date. – Requested by the Purchasing Department

The City Clerk read the Resolution by title only.

Mr. O'Connor said this City Council has done this once since he has been here. It is to allow the vending machines to go into public buildings. In this case they will be expanding to the Airport, but it does affect other Departments.

Mrs. Turner asked what is the City's annual revenue from this.

Mr. O'Connor said that he didn't have that number, but thought it was under \$5,000 dollars.

Mr. Coment said this will replace a prior agreement that went into effect in 2013. He said they wanted to add the Airport to the list and modify some of the other locations, such as removing the Power Plant. He said they did a new agreement, rather than amending the prior one.

Mayor Kramer opened and closed public comments at 11:10 a.m., with no one wishing to be heard.

Mr. Howle made a motion to pass the Resolution. Mr. Old seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Winger yes, Mrs. Turner yes, Mr. Old yes, and Mayor Kramer yes.

6. PUBLIC NOTICE ITEMS

Quasi-Judicial Hearings – Public Hearing to be held on January 5, 2016

- A) **An Ordinance of the City of Vero Beach, Florida, Requested by 1745 SR 60 LLC, to amend the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation from Commercial (15 to 18 Units per acre) to Mixed Use (17 to 18 Units per acre) for Property located at 1745 20th Street, in the Original Town of Vero, now City of Vero Beach, totaling 0.34 of an acre, more or less, and Providing for an Effective Date – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and said the public hearing would be held on January 5, 2016.

- B) **An Ordinance of the City of Vero Beach, Florida, requested by 1745 SR 60 LLC, amending the Official Zoning Map by changing the Zoning District Designation of C-1B, General Commercial Trades and Services District, to DTW, Downtown District, for property located at 1745 20th Street, in Original Town of Vero, now City of Vero Beach Corporation totaling 0.34 of an acre, more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and said the public hearing would be held on January 5, 2016.

- Public Hearing to be held on January 5, 2016**
- C) **A Resolution of the City Council of Vero Beach, Florida, Approving the Transmittal to the State of Florida Department of Economic Opportunity of a Proposed Ordinance amending the Future Land Use Map of the Vero Beach Comprehensive Plan; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Resolution by title only and said the public hearing would be held on January 5, 2016.

- D) **An Ordinance of the City of Vero Beach, Florida, Requested by the City Planning and Development Director to amend the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation from CV, Conservation to I, Industrial, for property located at 4401 41st Street, containing 10.53 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and said the public hearing would be held on January 5, 2016.

- Public Hearing to be held on January 19, 2016**
- E) **A Resolution of the City Council of the City of Vero Beach, Florida, determining that certain City-owned real property comprising of 1.64 acres +**

**located at the Northeast Corner of 19th Place (State Road 60 Eastbound) and 12th Court in the City of Vero Beach, commonly referred to as the “Old Diesel Plant,” with an address of 1139 19th Place, is no longer needed by the City and authorizing the City Manager to offer said Real Property for Sale; Providing for Conflict and Severability; and Providing for an Effective Date.
– Requested by the City Council**

The City Clerk read the Resolution by title only and said the public hearing would be held on January 19, 2016.

7. CITY CLERK’S MATTERS

A) Appointment to Commission/Boards

Mrs. Vock reported that there are two full positions and two alternate positions open on the Code Enforcement Board. Applications on file are from Mr. Christopher Bryant and Mr. Herbert Whittall.

Mrs. Turner said that Mr. Whittall only marked to serve on the Historic Preservation Commission on his application.

Mrs. Vock explained that this was a previous application filled out by Mr. Whittall. She said that Mr. Whittall is no longer serving on the Utilities Commission and he called her stating that if there are any openings on any of the City’s Boards/Commissions that he would be willing to serve. She told him the Boards/Commissions that had openings and he said that he was interested in serving on the Code Enforcement Board.

Mr. Old made a motion to appoint Mr. Christopher Bryant and Mr. Herbert Whittall as full members on the Code Enforcement Board. Mr. Winger seconded the motion and it passed unanimously.

Mrs. Vock reported that Mr. Howle appointed Mr. Chuck Mechling to serve on the Utilities Commission and Mr. Norman Wells to serve on the Planning and Zoning Board. She also reported that Mr. Howle is signed up to attend the Institute for Elected Municipal Officials (IEMO) in January.

8. CITY MANAGER’S MATTERS

Mr. O’Connor reported that he looked at the contract for Shark Bait and there is a 30-day notice of termination (referring to earlier discussion on umbrella and chair rentals).

Mr. Winger thought Indian River County’s appeal of the State Public Service Commission (PSC) was on December 10th. He asked is that correct.

Mr. O’Connor thought it was December 10th. He said that it is for oral arguments.

Mr. Old referred to the Resolutions when there is a change in use. He asked should the Councilmembers be going to look at these sites.

Mr. Coment said they can, but they would have to disclose it during the public hearing.

9. CITY ATTORNEY'S MATTERS

Mrs. Turner thanked Mr. Coment for his research on the railroad right-of-way.

Mrs. Turner said Council received a memorandum summarizing the amount of rent due at the Old Diesel Plant. She assumed the funds would be part of the Court case they are resolving.

Mr. Coment said that is correct. He said they also talked about possibility waiving future rent if they (lessee) went ahead and executed a termination of the lease, but they have not decided to do that yet. He thought they had bigger issues, such as with the bank and their leasehold mortgage. He reported that the trial is scheduled for January. He said the City does have their motion for summary of judgment that they never complied with giving notice prior filing tort claim against the entity. He hoped they would narrow it down to the contract issues.

Mr. Old asked were there any responses to the Motion of Dismissal on the Indian River Shores lawsuit.

Mr. Coment reported that they have a draft answer that they are working on regarding breach of contract on the Franchise Agreement. He said they are getting prepared if Indian River Shores files an amended complaint.

10. CITY COUNCIL MATTERS

A. Old Business

None

B. New Business

None

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Jay Kramer's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mayor Kramer reported that he spoke at the Military Officer's Association of America and he did the Christmas Tree Lighting at Downtown Friday. He reported that the Chamber of Commerce is working on their visioning and recommendations to the City Council on the Power Plant property, the Water and Sewer Plant property and the Postal Annex property. He said they had a great Recreation Commission and Marine Commission meeting last night regarding this property and he thought the next meeting was scheduled for January 26th. He asked the public if they had any ideas on what they would like see there, Council would like to hear from them. He said that he attended the Boat Show at Riverside Park. He wished everyone Happy Holidays.

B. Vice Mayor Randy Old's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mr. Old said that he attended last night's meeting concerning the Power Plant land and it was very well attended. He said there were lots of opinions on what to do with the property on the river. He felt that it needed to get more formal in that they need to bring in their financial advisor, etc. He said it is a once in a lifetime opportunity to do something strong with that property and they need to take it very seriously. He wished everyone Happy Holidays.

Mrs. Turner asked Mr. Old about some items that were on the FMFA agenda. She said the financials for Stanton I and II were on the consent agenda and the St. Lucie Project Interest Rate Swaps were on the Board agenda.

Mr. Old said that he attended the meeting and did not see it.

Mrs. Turner said that she would like to see a copy of the financials for Stanton I and II, as well as the information on the St. Lucie Interest Rate Swaps. She said the Executive Committee also had a decision on the use of the proceeds for the termination of the FMFA oil hedges. She asked Mr. Old if he could report on that.

Mr. Old said there was a long debate about whether to use it for debt repayment, to give everyone a piece of it, or to increase working capital. He thought they ended up by saying they would pay off some debt and increase working capital. He thought they were expecting to get \$5 million dollars in proceeds of the hedges.

Mayor Kramer asked the City Clerk to get the minutes from the November 19th FMFA meeting and distribute them to the Councilmembers.

Mrs. Turner said the minutes would not have the financials. She would like to see those.

Mayor Kramer asked the City Clerk to get the backup information from that meeting as well.

C. Councilmember Pilar Turner's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mrs. Turner said that she was excited to see the interest in the three corner area (Power Plant, Water and Sewer Plant, and Postal Annex property). She wanted to be cautious with the public in that they are in the early preliminary stages. She did not want to discourage their input, but wanted it noted that this was not something that was going to happen tomorrow or next year. She said the City has almost \$19 million dollars worth of debt on the Water and Sewer Plant and they would not be moving it off the Lagoon anytime soon. She said even in dealing with the Power Plant, the substation is going to remain on the site whether they take down the Plant or not. It is a long term outlook. She reminded everyone that there is a Gallery Stroll on Friday and shuttle service is now available. She reported that the Boat Parade is Friday at 6:30 p.m. and the Christmas Parade is Saturday at 6:00 p.m. She reminded everyone to support small businesses this Holiday season and shop locally. She wished everyone Happy Holidays and a very Merry Christmas.

D. Councilmember Richard Winger's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mr. Winger said that he also attended last night's meeting. He said the member of the Architectural Review Commission hit it right on in that this needs to be thoroughly studied over time. Mr. Winger said they need a vision plan in that whatever they do with the Power Plant property and it needs to fit the long term vision of the Water and Sewer Plant property, etc. He said what upset him at the beginning of last night's meeting was a gentleman told him that they were discussing money and what always happens in Vero Beach is that they are told they (the City) can't afford to do what they want done. Mr. Winger said this is a very wealthy City. Over the next 30 years or so, the City can afford to do whatever the public wants to do with these three (3) parcels of land. He said in 2021 the debt flows off the Water and Sewer Plant. Currently it is a very profitable operation with low rates for the homeowners. He said about six (6) or seven (7) years ago they built a pipe to take the sewage from the current location out to the Airport, which was a major expense. He said whatever the use the public determines, they could certainly accomplish that in 2021, 2022, or 2023, but it all has to fit together. If they had to borrow the money, all they would be doing is replacing the debt. He said it is a good Plant as it is, but if people don't want it there then they should move it. He said at this point in their visioning they should not be concerned about costs. They can easily afford to do whatever needs to be done with those three parcels of land. He said money is not a problem. He said they need to think about what is the best interest. This is about the last unused piece of land along the river to the north and south. The City needs to make the right decision. He said the decision should deal not just with those three pieces of property, but with any waterfront property that the City has. He said they need to take it

slow and not let money get in the way. The City Council needs to think about what is the best for the future of Vero Beach and worry about money later.

Mrs. Turner said there is one loan on the Wastewater Treatment Plant that rolls off in 2021. But, there is a second loan that does not roll off until 2030.

Mr. Winger said that doesn't change the overall point that they need to be thinking about what is the best future for Vero Beach.

E. Councilmember Harry Howle's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mr. Howle said that he also attended the meeting last night. He felt it was clear that it is in the preliminary stages. He agreed that they should not rush into this. He said this is a unique opportunity. He said that he is concerned with the Wastewater Treatment Plant being on the Indian River Lagoon. He is very pleased with how it is moving along and is excited to see what they come up with. He wished everyone a Merry Christmas and a Happy New Year.

11. ADJOURNMENT

Today's meeting adjourned at 11:34 a.m.

/sp