

3-1)

**CITY OF VERO BEACH, FLORIDA  
JUNE 7, 2016 9:30 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Assistant Pastor Kenny Pope of Calvary Chapel of Vero Beach 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. Howle seconded the motion and it passed unanimously.

**B. Proclamations and recognitions by Council.**

**1. Vero Beach Wine & Film Festival Week – June 9-12, 2016**

Mrs. Turner read and presented the Proclamation.

**2. Mrs. Betsy Root/Treasure Coast Pilot Club to present a check to the City Recreation Department to help send kids to camp.**

Mrs. Betsy Root from the Treasure Coast Pilot Club presented a check in the amount of \$761.00 to the Recreation Department to help send five (5) kids to camp this year.

**C. Staff/Consultant special reports and information items.**

**D. Presentation items by the public.**

**1. Mrs. Phyllis Frey to provide an update of the May 20<sup>th</sup> Treasure Coast Regional Planning Council meeting – Sponsored by Councilmember Pilar Turner**

Mrs. Phyllis Frey read into the record a prepared speech (attached to the original minutes).

### 3. CONSENT AGENDA

- A) Regular City Council Minutes – May 19, 2016
- B) Bid #100-16/PJW – Dismantle, Demolition & Removal of Cooling Tower
- C) Bid #120-16/PJW – Hazardous Material Removal
- D) Disaster Debris Removal Management Contract Renewal – Contract 1614-C

Mrs. Turner pulled item 3-C) off of the agenda.

Mr. Old made a motion to adopt the consent agenda with the exception of item 3-C). Mr. Howle seconded the motion and it passed unanimously.

Mrs. Turner asked if she was correct that this bid is for time and materials.

Mr. James O'Connor, City Manager, said that is correct.

Mrs. Turner said that she was a little perplexed that the recommended bidder has the highest hourly and equipment rates. She asked where is the normalization of the bids. She explained that normally they would prepare an in-house estimate of what the cost would be and then use the rates the bidders give to normalize across the bids. She could not understand this recommendation.

Mr. O'Connor reported that an estimate in the amount of \$396,320 dollars was included in the cover memorandum with their backup information.

Mrs. Turner asked is that the City's estimate or the bidders estimate.

Mr. Ted Fletcher, Transmission and Distribution Director, said that is what the bidder provided.

Mrs. Turner said they could come in with a low amount of hours, even if their rates are the highest, but yet the project is going to take what it is going to take to get it done. She said normally under these circumstances they would estimate the number of man hours and the equipment. She said their hourly rate for removal is \$128.00 and the other bidders' rates were \$75.00 and \$90.00. The hourly rate to survey samples and identify lead paint is \$235.00 verses \$75.00 and \$90.00.

Mr. Fletcher said there were no lead paint issues that they were aware of. He noted that staff was not concerned with that when making their recommendation.

Mr. O'Connor said there was an estimate to abate all asbestos and they took the lowest price at \$391,000. The other estimates were \$500,000 and \$915,909.

Mrs. Turner said those were estimates and they are still going to pay for time and materials.

Mr. O'Connor said that is correct, but in staff's opinion this was the way to go.

Mr. Fletcher said staff provided a plan of all the asbestos that was in the Plant, which some of that has been removed so he expects the cost to be lower.

Mrs. Turner said that she was not comfortable with this analysis. She felt the bid should have been normalized using those rates with an in-house estimate, the hours, etc. She said that she could not approve this.

Mayor Kramer asked Mrs. Turner if she would approve a not to exceed the \$396,000.

Mrs. Turner wondered if the contractor would accept a "not to exceed." She said if staff could get an agreement from them on a "not to exceed" then she would go along with it.

Mayor Kramer made a motion to approve item 3-C) - Bid #120-16/PJW not to exceed \$396,320. Mr. Winger seconded the motion.

Mr. Mark Mucher agreed with Mrs. Turner's concerns. He asked what is the amount in the demolition fund and what kind of dent does this make in it.

Mr. O'Connor said that he didn't have that number with him, but it is within the budgeted number. He said these were two big projects and they had the cleaning of the oil tanks and line, but it is all within the budget number.

Mrs. Turner asked Mr. O'Connor to bring to the next City Council meeting a total on the demolition fund and what has been expended to date.

Mr. O'Connor presumed the project would go forward even if they had to amend the budget in order to cover costs if necessary.

Mr. Mucher asked will the three (3) projects mentioned be done in this fiscal year.

Mr. O'Connor answered yes.

Mr. Winger said that he would be bringing this up under item 11-B-1) on today's agenda, but he felt a more orderly way to decommission the Power Plant would be to consider during the Budget Hearings some sort of a write off of the asset and thereby establishing a fund from cash reserves.

The motion passed unanimously.

#### **4. PUBLIC HEARINGS**

**A) An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach, Chapter 74, Traffic and Vehicles; creating a New Article V related to Pedestrian Regulations; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by the Chief of Police**

The City Clerk read the Ordinance by title only.

Mr. O'Connor explained that this Ordinance is to protect both pedestrians and motorists. He said a few of the issues they are having is pedestrians causing distraction to the drivers, as well as walking in front of entrances and exits to businesses, which creates a hazard. They are trying to do this in the name of public safety for both the pedestrians and the motoring public.

Police Chief David Currey said they have been experiencing more and more individuals along the City's right of ways and side walk areas distracting motorists, approaching motorists, and soliciting motorists and this Ordinance will help combat that.

Mr. O'Connor said it is very important to note that this is as much for pedestrian safety as it is for the motoring public.

Mayor Kramer opened the public hearing at 10:09 a.m.

Mr. Ken Daige questioned will this also address what happens at some major intersections where some people sit on the curbs with their legs and feet out into the gutter. He said that he has seen vehicles swerve to avoid the pedestrian and if there is another vehicle coming, that vehicle also has to swerve to get out of the way. He asked will this Ordinance cover this.

Chief Curry read into the record Section C of the Ordinance.

Mr. Joe Cronado said that he operates a business in the City of Vero Beach. He said that he wanted to attend today's meeting because he is in support of this Ordinance and he wanted to thank staff for all the work they did in order to bring forward an Ordinance that protects everyone.

Mrs. Turner referred to Section 74.173 (b) of the Ordinance. She asked would this impede business sign waivers, political candidates, etc.

Mr. Wayne Coment, City Attorney, said in theory it could, but there are two parts to this Section so it would be up to the Police Officer to make the determination.

Mr. Winger said any law has an area of judgment and any law that is written has the possibility of something happening. He felt they had to go with the good judgment of the Police Officers. He said you can't write a perfect Ordinance, but what this Ordinance does is it gives the Police Officers more judgmental powers.

Chief Curry said with any enforcement there is discretion. He said judgment, discretion, and common sense applies to every case. He said for the most part they don't get complaints for individuals along the roadways running for office, but they do get complaints about people standing along a driveway trying to approach someone or trying to solicit someone, which distracts the driver of the vehicle.

Mayor Kramer explained that they are trying to provide the community and the Police Officers with tools to make sure it doesn't become too big of a problem.

Chief Curry noted that it is also for the public's safety.

Mr. Mark Mucher assumed that this Ordinance would be effective today. He asked will enforcement only be complaint driven and will it be proactive. He questioned if the Police Chief had enough resources to be proactive. He said in the past it has been reactive and he would like to hear that it is going to be proactive and not wait until complaints are made.

Chief Currey said they have been reactive. They have not had this on their books before so they were not able to be proactive in this regard. He said now they will be able to be proactive and they will be.

Mayor Kramer closed the public hearing at 10:17 a.m., with no one else wishing to be heard.

Mrs. Turner said that she knows they have had some serious issues particularly for the local businesses being harmed because of this type of activity. She felt that the way Section 74.173 (b) is written was too broad. She said that she could not accept that clause.

Mr. Winger made a motion to pass the Ordinance as written. Mr. Old seconded the motion.

Mr. O'Connor said this Ordinance is similar to the City's Noise Ordinance. He said there were some concerns about noise voiced to them from the beach area and he, the Police Chief, and the Police Officers who patrol that area went to the area. He said the music coming from one area bothered one (1) person, but it attracted several other people. That is where the Police Officers will use their judgment to try to reduce the issue. This same type of Ordinance will assist them to try to reduce issues that are taking place at intersections and at businesses.

Mr. Coment noted that they were trying to tread lightly on the First Amendment. He said to adopt something like this they need a compelling governmental interest. The interest they keyed in on was the safety for both pedestrians and the motoring public. He said they narrowed it down as much as they could, but yet made it broad enough to cover activities that they feel cause a dangerous situation.

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

- B) An Ordinance of the City of Vero Beach, Florida, amending various provisions of Part III, Land Development Regulations, in the Code of the City of Vero Beach, related to permitted uses in certain nonresidential zoning districts; Providing for Codification; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, reported that the changes made at their first public hearing have been included in the Ordinance. He said that he just noticed the new paragraph should be (g) instead of (f), which he will make that correction to the Ordinance.

Mayor Kramer opened and closed the public hearing at 10:20 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to adopt the Ordinance with the amendment that (g) be added to the Ordinance and (f) be eliminated. Mr. Howle 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.

## **5. RESOLUTIONS**

None

## **6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

### **Public Hearing to be heard on June 21, 2016**

- A) A Resolution of the City Council of the City of Vero Beach, Florida repealing Resolution 2015-31; establishing prices and fees for Crestlawn Cemetery; establishing hours of operation; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Public Works Director**

The City Clerk read the Resolution by title only and announced that the public hearing would be heard on June 21, 2016.

### **Public Hearing to be heard on June 21, 2016**

- B) An Ordinance of the City of Vero Beach, Florida, amending Chapter 26, "Cemetery," of the Code of the City of Vero Beach, Florida; Providing for Conflict and Severability; Providing for Codification; Providing for an Effective Date. – Requested by the Public Works Director**

The City Clerk read the Resolution by title only and announced that the public hearing would be heard on June 21, 2016.

## **7. CITY CLERK'S MATTERS**

### **A) Board/Commission Reappointments**

Mr. Larry Pesin and Mr. John Genoni's terms on the Board of Building Appeals expire on June 15, 2016 and both members would like to be reappointed.

Mrs. Turner made a motion to reappoint Mr. Pesin and Mr. Genoni to the Board of Building Appeals. Mayor Kramer seconded the motion and it passed unanimously.

Mrs. Anna Brady and Mrs. Deborah Daige's terms on the Historic Preservation Commission expire on June 15, 2016 and both members would like to be reappointed.

Mr. Howle made a motion to reappoint Mrs. Brady and Mrs. Daige to the Historic Preservation Commission. Mayor Kramer seconded the motion and it passed unanimously.

The City Clerk reminded the City Council that the Dedication Ceremony for the Historic Plaque for City Hall will be held on Wednesday, June 15, 2016 at 10:00 a.m.

## **8. CITY MANAGER'S MATTERS**

### **A) City Council consideration to approve Site Plan – Application #MA16-000018; proposed parking improvements for the Vero Beach Dog Park**

Mr. O'Connor reported that this site plan is for a paved entryway into the Dog Park. He said they are having problems on the edge of the street where cars are damaging the area, which ultimately damages the edge of the street. This site plan is to have the paved entryway along with putting in landscaping that will take place in the swells that will keep cars from driving up to the edge of the street.

Mr. McGarry reported that the Dog Park is required by their lease agreement with the City to get approval for any improvements on the site. This project has been approved by the Planning and Development Director under the City's site planning process. He said they are looking at a two (2) phased approach. Phase 1 would be this proposed project, which includes the construction of two (2) improved handicapped parking spaces, a driveway, an entrance with pervious pavers, landscaping, and an information kiosk. In addition they intend to provide two (2) rain gardens in the right of way, which will be installed and maintained by the Dog Park Organization. Phase 2 of the project will involve finishing the remaining 22 parking spaces of the project, which includes all the required landscaping. He noted that the applicant was required in their original site plan to provide 10 parking spaces on the south side of the Dog Park. However, the requirement to complete the Park improvements fell through and there were funding

constraints. He reported that the new parking location will address the problem of vehicles tearing up the sod on Indian River Drive. He said it will also be a better location to handle much of the crowd coming into the Park. He reported that the Dog Park Organization has enough funds to complete Phase 1 of the project and they are pretty certain that they could move forward to Phase 2. He noted that there are several outstanding conditions that need to be met, which were: approval of the impervious paver system by the Public Works and Engineering Department prior to installation, the applicant must within six (6) months of approval provide a major site plan; and the rain garden must be installed and maintained.

Mayor Kramer opened the meeting for public comments at 10:27 a.m.

Mr. Mark Mucher said that when he served on the Planning and Zoning Board they passed this site plan and parking was not to be permitted on the east side. He said when it was called to the City's attention that there were signs stating no vehicles and people were parking on the grass on the east side the response that he received was that they would take down the signs. Since then all the grass has been destroyed. He said that he looked this site plan over and did not see where the 22 parking spaces would be located and he did not see a good timeline as to when that would occur. He said even though they are to put in a driveway he could not see where people would not park on the grass. He could not see a place for people to park. He said the same excuse about not having enough money to complete the project could still apply. He asked that Council think about, discuss, and clarify these things before giving the Dog Park Association the go ahead.

Mr. Ron Rosenthal said that he is a member of the Vero Beach Yacht Club and visits this area constantly. He said that he has had a few email communications with people from the Dog Park and his question was until this all is settled, why can't they use the parking lot in back where the main gate is instead of continually digging this area up and making it worse. He was not saying that the City Council shouldn't approve what they want to do, but in consideration of the residents and the people who drive by the area, why don't they just stop the use of that right now and let people park in the back. He said they have done a great job with the interior of the Dog Park and it is nice to have that green space preserved, but they have not carried this out in front of the Park. He felt part of the condition of approving this is to stop using that area until something gets settled on how this is going to go forward.

Mrs. Laura Moss, Chairwoman of the Utilities Commission, said that she agrees with Mr. Rosenthal. She said that she resides in that area and is surprised to see the number of cars parked on that street. She said in addition to tearing up the green area it has become an eyesore. She said that she didn't realize that they were supposed to be using that parking lot. She did see the signs that were previously mentioned and knows that those signs have been removed. She urged City Council to make sure this does not continue to be an eyesore. She said no one is against dogs, but it has become an eyesore and she felt it was dangerous to have that many vehicles parked so close to the road.

Mrs. Phyllis Frey said that she lives in this area and it is an eyesore. She thanked City Council for their acceptance of the Park stating that it is a big asset to the community. She felt that landscaping could help mitigate some of the harsh parking defined area.

Mr. Ken Daige thanked the City Council for their past decision to allow this to be a Dog Park and keeping the open green space. He said the Park has become very popular and he hoped today that they could come up with a workable parking solution. He said the Park is open to all and there are no charges or membership fees. The Park has become very popular. He asked the City Council to keep in mind that they need to protect the surrounding neighborhood. He knows that they can come up with a solution this morning to solve this.

Mr. O'Connor suggested that if there is a representative of the Dog Park present that they give a time frame for this project because staff has been told this was something that could be done very quickly and they feel they have the funds for this particular project. He said if they put in the landscaping and the driveway that would keep the vehicles from parking in that area.

Mr. Richard Kerwin, President of the Board of Directors of the Vero Beach Dog Park, agreed there were problems associated with the destruction of the property, which is why they want to get this project going as soon as possible. But, unfortunately the most popular times at the Park are on the weekends and if they go over to the boat launch area on the weekends it would be impossible to accommodate the amount of volume. He said people would be parking along the street so the option on the weekends especially, is that they have to park where they are because there is no where else to park. The boat trailers take up the entire area. He reported that they have the funds to complete Phase 1 of the project. He said they should be starting within a few weeks of receiving approval.

Mr. Winger said that he knows they don't have the funds for Phase 2 and he is in support of Phase 1. He asked do they know when they would have the funds for Phase 2.

Mr. Kerwin noted that they work on donations only and they are coming in, but this time of year donations do slow down. He said they have the Bark and Brew fundraising event coming up, which will help. He said as the Park improves people will want to dig into their pockets and help. They hope to have the entire project completed before November.

Mr. Howle asked how did people start parking on the east side of the Dog Park when parking was not allowed. He said on the weekends, especially during season, there is not enough parking on the southwest corner with all the boat traffic, as well as when the Riverhouse is being used. Moving forward, his question is would Phase 1 still allow cars to enter around the side and continue to tear up the green space.

Mr. McGarry said that is the intent of the rain garden. He said the Vero Beach Dog Park has a lease agreement to maintain the property, so they do bare some of the responsibilities. He would suggest that they get them to try to enforce some of this.

Mr. Old said currently they are in the off season so the volume of traffic should be down. He asked couldn't they ask people to park in a different area for a while.

Mr. McGarry said the City Council has the authority to do that.

Mr. Winger felt that the City Council should approve this today with some sort of understanding that this come back before them. He said there is a lease and they have to comply. He suggested that they give them some force of pressure.

Mayor Kramer agreed with Mr. Winger on the force of pressure. What he is hearing from local residents is that it creates a mess.

Mr. McGarry reported that they do have a condition that they have to submit to the City a full application within six (6) months of the effective date.

Mayor Kramer asked can people park between the street and the sidewalk and have the rest of the area cordoned off. He knows that driving over the sidewalks breaks them.

Mr. O'Connor said Phase 1 includes the rain garden, which he thought was going to be placed in that area.

Mr. Monte Falls, Public Works and Engineering Director, noted that their new standard for constructing sidewalks is to build them six (6) inches thick so they won't have breakage from smaller vehicles traveling across them. They don't want to encourage vehicles to go over sidewalks in locations they shouldn't, but the way this site plan is designed it should force vehicles into one crossing location. If they want to restrict parking on either side they could install no parking signs on the north and south of the entrance location.

Mr. Howle said no parking signs didn't work before.

Mr. Falls said if they let people know they are not allowed to park there and they notify the Police Department, the Police Department would make a good deterrent.

Mr. O'Connor said enforcement usually takes care of the problem. He explained that the problem they had earlier was that they were overwhelmed by demand. He said enforcement would take care of the issue.

Mrs. Turner asked what was the time frame on when this lease was signed. She asked didn't the lease require parking. She knows the City Council did give them some extensions already.

Mr. McGarry said they are required to have 10 parking spaces.

Mrs. Turner said and they still do not exist.

Mr. McGarry said that is correct.

Mr. Winger asked if they could pass this with the understanding that it is conditioned on the parking spaces being achieved.

Mr. McGarry answered yes.

Mr. Richard Kerwin said that he was 100% in agreement with the destruction of the grass area. He said that he did not know how they could enforce the no parking areas other than them having the Dog Park Ambassadors tell people they can't enter or park in the area.

Mrs. Turner said they could lock the gate so no one could go through the entrance.

Mr. Kerwin said then they would have a traffic problem.

Mrs. Turner said but then they could get the parking spaces done that are required according to their lease. She said the Dog Park is wonderful and is an asset to the community, but they do have a lease agreement where the terms are not being met. She said by not meeting the terms of the agreement they are imposing a problem on all the neighbors.

Mr. Kerwin said that he was told by Mr. Jim Wells, Founder of the Dog Park, that in the original lease they were required to have 10 parking spaces by the boat dock and then that evolved out to the other side.

Mayor Kramer asked could they chain the gate with a sign stating it is closed for construction and then once the project is completed the gate could be reopened.

Mrs. Turner said they still have a lease agreement and they have to comply with it.

Mr. Kerwin agreed stating that is what they are trying to do. He said that he would not have a problem with posting the area where the grass was being destroyed. He said they would do their best to enforce it.

Mr. Howle did not think anyone was against the Dog Park. But, Mrs. Turner is correct in that there has been a lot of leeway given to them in the past.

Mr. Kerwin said it probably wouldn't be a bad idea to shut down that area during construction. He said during construction they would direct people to the other side.

Mayor Kramer said that he needs to see some action that they are starting to clean up this area. He questioned Council approving this with the understanding that they are going to close the area for construction.

Mr. Kerwin felt it would be necessary to close the area during construction. He said they could chain the gate off, but people are still going to park there and then walk down to the other entrance.

Mrs. Turner suggested that they couple that with no parking signs as well.

Mr. McGarry said they would put as a condition for site plan approval that they lock the gate during the construction period. He said the no parking signs would be installed by the City.

Mr. Winger did not want to add the signs. He said the Dog Park is a success and is a great addition. He felt that this was a step in the right direction to lock the gate during construction and they will revisit this at a later date.

Mr. Mark Mucher agreed with Mayor Kramer. He reminded the City Council that they have spent a lot of money for the inside of the Park, but probably nothing outside the Park, which is where all the problems are. He said if they let people park on the grass and they lock the gate, people are going to just walk around to the other side. He felt that they should not allow parking on the east side until construction is complete. If there is no place to park by the boat ramp then they won't be able to use the Park that day. It is not like they were closing down the Park entirely. He did not want to see people parking on the grass.

Mr. Kerwin explained that the people who have been donating to the Park specifically name what they want done. They are not just donating money for them to do what they want with it. It is specifically stated what they are donating the money for.

Mrs. Turner said donating funds for parking is not exciting. But, it is the commitment of the Dog Park organization to comply with the lease agreement.

Mr. Kerwin said they have the funds for Phase 1 and they are working on obtaining funding for Phase 2.

Mrs. Turner said that she was delighted with the success of the Dog Park, but they need to get a serious plan in order to comply.

Mr. Kerwin said it all depends on money because they run strictly on donations. They do improvements as the funding comes in.

Mayor Kramer said that his thought on a motion was to approve this with the closing of the entrance for construction until the completion of Phase 1.

Mrs. Turner suggested that they include posting no parking signs in the area. Mayor Kramer agreed.

Mr. Winger asked what happens when it is complete.

Mayor Kramer said the entrance would open back up.

Mr. Howle said the entrance would open up, but they would still enforce the no parking outside the designated parking area.

Mr. Ken Daige said this is a great asset for the community and many people are using it. But, they also have to protect the neighborhood. He thanked the City Council for their help.

Mayor Kramer closed public comment at 10:53 a.m., with no one else wishing to be heard.

Mr. O'Connor asked are they going to post no parking signs up and down the street.

Mr. Howle answered yes.

Mr. Winger did not want to post signs up and down the street.

Mayor Kramer said they could erect no parking signs that are tasteful.

Mr. Howle pointed out that the signs would not be there forever. He said there probably would not be a need for the signs once Phase 2 is completed.

Mr. O'Connor felt that they would not be needed after Phase 1 because they would have landscaping and the Dog Park people are responsible for the maintenance of that. If cars started to drive where there is landscaping, which he did not think would occur, but it could and if so that landscaping would have to be repaired. He noted that there is no room to park a car between the edge of the street and that landscaping.

Mr. Howle asked who is responsible for the area between Indian River Drive and the sidewalk. He said some areas of the sidewalk are completely exposed.

Mr. Coment said currently the City is responsible. He felt that they should do a license agreement with the Dog Park to make them responsible for the area.

Mr. O'Connor noted that one of the stipulations in Phase 1 is that they would operate and maintain the rain garden.

Mr. Winger said there were two (2) issues, which were Phase 1 and the no parking issue. He suggested that they first make a motion on the no parking signs and then make a motion on Phase 1. He said that he was not in favor of having no parking signs.

Mayor Kramer said that he would like to combine it because the whole idea is to put pressure on them to complete Phase 1.

Mayor Kramer made a motion to approve the plan with the stipulation that they close the gate until Phase 1 is completed and that they install no parking signs until Phase 1 is completed, as well as the stipulations of staff. Mrs. Turner seconded the motion and it passed unanimously.

Mr. O'Connor reported that the no parking signs will be installed within the next couple of days.

Mayor Kramer said it was his hope that they would start Phase 1 as soon as possible.

Council took a five-minute break at 10:59 a.m. and the meeting reconvened at 11:10 a.m.

**B) Airport Master Plan – Executive Summary**

Mr. Eric Menger, Airport Director, reported that they would be briefly going over the Airport Master Plan. He said that it has taken them two (2) years to get where they are tonight. They have held several public hearings and had a lot of planning in the process. He then introduced Mrs. Barbara Drndak, Chairman of the Airport Commission.

Mrs. Barbara Drndak, Chairman of the Airport Commission, thanked staff, the Airport Commission, and the Airport Master Plan Advisory Board in coming up with this Master Plan. She briefly discussed the importance of having a Master Plan and the need for it in the future. She said the Airport has never asked the City of Vero Beach for any tax dollars and have always been self sustaining. She said in moving forward with the sale of the Dodger property she hoped that it would stay in the realms of the Airport Village that they are trying to create (outlined in the Airport Master Plan).

Mr. Remy Lucette, Ricondo & Associates, gave a Power Point presentation on the Airport Master Plan (attached to the original minutes).

Mr. Menger announced that the Air Show will still be taking place even though the Blue Angles may not be able to be a part of the show.

Mr. Old asked if there was a list of hotels that would want to be located on this land.

Mr. Menger commented that he is talking to the Chamber of Commerce and various people about that.

Mr. O'Connor agreed that it would be nice to have a hotel built on the Dodger property that is up for sale.

Mr. Menger reported that the Airport Master Plan was sent to FAA for their comments and they have sent those comments back. He said none of their comments were substantive enough to stop the plan from being approved. He asked for Council approval on the Airport Master Plan.

Mayor Kramer opened the matter up for public comments at 11:33 a.m.

Mr. Old made a motion to approve the Airport Master Plan. Mr. Howle seconded the motion and it passed unanimously.

Mr. O'Connor complimented Ricondo & Associates on what a fine job they did in putting this Master Plan together.

**C) Consolidated Lease Agreement between Corporate Air and the City of Vero Beach; conceptual approval**

Mr. O'Connor reported that Corporate Air is currently in the design stage of constructing two additional hangars on leased property, in addition to participating in the public/private partnership for the West GA Apron Improvements. While seeking funding for the improvements, the financial institution has asked Corporate Air to assure 30-year amortization within its leasehold term.

Mayor Kramer asked if there were any public comments and seeing none he asked for a motion from Council.

Mr. Winger made a motion to approve the concept of pulling the leases together for Corporate Air and the City of Vero Beach. Mr. Howle seconded the motion and it passed unanimously.

**D) Second Quarter Fiscal Year 15-16 Electric Utility Rate Sufficiency**

Mr. O'Connor said staff is recommending a \$2.00 per 1,000 kWh reduction in rates. He reported that this went before the Finance Commission and they unanimously approved staff's recommendation.

Mr. Winger said that he could live with going from \$119.58 to \$117.58. He noted that this will be their sixth (6<sup>th</sup>) rate reduction. He said they were as high as \$130.93, which is a reduction of 13%. He said that Mr. O'Connor was hedging here, but that he would discuss this further under his item on today's agenda. He said essentially they are saying there is a \$2 million dollar improvement and he pointed out that the real number was more like \$2.8 million dollars and they could easily have a 3% reduction. He said having to deal with closing the Plant and doing what they need to do, he can live with this now. He said they are going to have 104 days cash and the cash will go up at the annual rate of \$800,000 if they compare the numbers the Finance Director did verses the budget. At the Plant they are presuming they are going to spend \$2,484,980 dollars. He questioned what were they going to spend that on. He felt that they needed to have a plan for the budget session. They have 104 days of cash, which some of it might need to be spent on what they do with the Plant. He felt that this was a very conservative number and if he wasn't concerned with the Plant closing then he would be arguing today for a 4% rate reduction rather than a 2% rate reduction. He asked what are they going to spend the \$2,484,980 million dollars for because the Plant is not running. He said that he would like to see

during the budget session a plan on how they are going to finance what they are going to have to do over the next period in time. He said in the March General Ledger they have an asset value on the Plant and service of over \$256 million dollars less accumulated depreciation. He did not know what this is planned for on the books, but whatever it is on the books for it should be written off. If they have any asset value beyond the land it is obviously gone and should be written off.

Mr. O'Connor said they have a major expenditure in taking out the oil tanks. They also have the gas field, which is going to be a large expenditure. They are also planning to move the switchgear out of the existing Power Plant and into the yard. If funding is available they would like to take everything out of the Plant. He said that at one time they thought they would get scrap metal value when taking the tanks down, but there is not any scrap metal value on the market as they see it today.

Mr. Winger said they are five (5) weeks from budget time and he would like to have some sort of a plan on what it is going to cost, what they are going to do with any assets on the books, and how it is going to be financed.

Mrs. Turner said they are looking at a 1.7% decrease and in reviewing the charts the decrease really is available because of increased consumption. She said the majority of the savings have come from an increase in demand. Her concern is they are removing equipment at the Power Plant and she thinks at this point they should transfer the \$2 million dollars to the R&R Fund. She said that she would love to return the funds back to the ratepayers, but facing the Power Plant removal costs, as well as the additional \$14 million dollars that was identified by their consultant, it might be prudent to wait until after they review the budget.

Mr. Winger felt the compromise was there. He said they have a cash balance of 104 days and they only need 90 days. If they compare the General Ledger numbers they would come up with at least \$3 million dollars. He said that he could easily come up with \$5 million dollars so he felt giving \$2 million dollars back to the public was justified.

Mrs. Turner asked how will this rate reduction affect other electric rates. She asked will commercial or industrial customers receive any of this benefit or is it strictly for residential customers.

Mr. O'Connor said there will be a reduction across every customer class.

Mrs. Turner distributed to the City Council a handout on a comparison of residential and commercial rates (please see attached). She noted that this information is available through the Florida Municipal Electric Association (FMEA) under Public Power. She noted that she doesn't use the graphics, but goes to the main charts because FMEA shows the 6% franchise fee, but they don't show that municipalities, Vero Beach included, charges a 6% tax on their utility bills. She said that she went through each of the various categories in looking at the difference in the City's rates and Florida Power & Light (FPL) rates. She noted that the numbers she would be referring to were from April 16,

2016. She reported that the differential in the 1,000 kWh is 33.7%. She said it is more frightening when looking at some of the commercial areas when they see a 49% difference with 51% being the highest. She said these are the things that are making our area uncompetitive when looking at economic development. She assumed the consultant was looking at the City's overall rate structure and would have some recommendations. But, she felt they really needed to look at giving businesses a break because this is taking money directly from their bottom line. She questioned how they were going to attract business here with rates that are 50% above FPL rates.

Mayor Kramer said those numbers do include the 6% transfer to the General Fund.

Mrs. Turner said they include the transfer to the General Fund, but they include an additional 6% of taxes on the utility bill.

Mayor Kramer said that would be the County. He said the City does not charge a 6% franchise fee.

Mrs. Turner said it is not a franchise fee, it is a utility tax.

Mayor Kramer said there is a 10% utility tax, but it is not on the full bill. But, they have to remember that they have to compare FPL with the 6% franchise fee.

Mr. Howle said 6% is not a big factor when they are talking about a difference of 49% or 50%.

Mayor Kramer said that is not a discount rate. He said it is true that the City is 33.7% higher than FPL, but if they went with FPL they would not get a 33.7% discount. It would be 25% and with the franchise it would be 20%.

Mrs. Turner did not agree with the Mayor's logic.

Mr. O'Connor noted that in the rate study they would be looking at all the classifications and factors that go into establishing the rate structures.

Mayor Kramer said that he was glad to see some rate reduction and that he would like to see a larger rate reduction.

Mr. Winger said their power costs are going down because of the Orlando Utilities Commission (OUC) revision in the contract and the other because of the price of gas.

Mayor Kramer asked is this an informational item.

Mr. O'Connor said it is an informational item unless the City Council opposes it. He noted that the Finance Commission did review and approve this. He said it would be going before the Utilities Commission on June 14<sup>th</sup>. Unless there is an objection from

City Council, staff will proceed with the reduction effective on the readings on June 15, 2016.

Mrs. Laura Moss, Chairwoman of the Utility Commission, said the Utilities Commission has not had the opportunity to discuss this yet. She said the Finance Commission discussed it for less than 10 minutes. She said the City is no longer in the power generating business, but they are still in the power Transmission and Distribution business. She said at the April Utilities Commission meeting they were advised of a 20-year plan for improvements to the Transmission and Distribution (T&D) System, which comes to a total of \$21 million dollars. She said the following meeting staff came back before the Commission with a revised suggestion of the first five (5) years, reducing year one (1) through five (5) from approximately \$15 million dollars to just under \$10 million dollars. She read from the May 10, 2016 Utilities Commission meeting where Ms. Lawson (Finance Director) stated, "*All capital improvements in the Electric Utility are funded through rates. This has to be considered in the context of its impact on rates.*" Mrs. Moss said Ms. Lawson was referring to the capital improvements. She asked how are these things meshing.

Mr. O'Connor said this is all part of the consideration. He said they take in both the operating costs and capital projects when making a recommendation of a rate reduction or a rate increase. He noted that they took into consideration all the capital needs.

Mrs. Moss asked how does the rate decrease mesh with the almost \$10 million dollar expenditure that will be required in the next five (5) years if they stay in this business.

Mr. O'Connor explained that they see the cost reduction of the power the City is purchasing going down and they see the sales staying or growing a little. That margin is what is going to help pay for the capital projects. They have \$1.9 million dollars that they can reduce the rates, which is what they are recommending.

Mrs. Moss asked Mr. O'Connor if he felt confident that staff would not have to come back in a short term requesting a rate increase.

Mr. O'Connor said between now and December staff would not be asking for any rate increase in the Electric Utility.

Mrs. Moss reported that Dr. Edith Witter of the Ocean Conservation and Resources Association has accepted her invitation to attend the June 14, 2016 Utilities Commission meeting to discuss the water monitoring of the Lagoon.

Mr. Ken Daige asked that they move forward with this rate reduction. He said anything the City can do to help the ratepayers is appreciated. They do not want any rate increases. As far as moving forward, the City is in the utility business and capital improvements are things that need to be done to keep the system running. He said things are starting to look much better in our County with more businesses coming in, hotels, condominiums, etc. He said there is going to be more of a demand for electric, which the

City has to keep the system operational so there is some capital improvements needed. He said the City residents do pay a 10% utility tax and there is a 6% franchise fee from the County.

Mayor Kramer noted that the 10% is not on the full bill.

Mr. Winger said it is on the service, not the energy.

Mr. Daige said they do have to plan their capital costs.

Mr. Howle said sometimes there are unforeseen expenses. He said that he saw an estimate on what they might get when scrapping out the metal at the Plant, which that number has changed. His concern is if they could somehow hold on to the rate reduction a little longer to make sure they don't have these unforeseen expenses and possibly at a later date they might have more of a rate reduction once they know they are out of the woods. He said that he would like to give back to their customers, but out of an abundance of caution he felt they could wait.

Mr. O'Connor said they are never out of the woods. This is the best appraisal of where they are today. He was not sure on what might take place. He said they have to go by past experiences and what is their best estimates of where they are. He said there is a fine line between being a utility and a banking industry. They need to make sure they are not bankers. But, 90 days is the minimum of operating costs by the auditors. He said 104 days is not extreme by any stretch. They are within the margin of error as to what their reserves are if something should catastrophically happen.

Mr. Winger said the City is not a bank. Whether it is the General Fund and accumulating cash, the Electric Fund, Water and Sewer, etc., they have no right to take more of the public's money than they could best expect. If they didn't do this they would be putting another \$2 million dollars into a cash reserve they clearly do not need. He felt it was time to return a little money to the public.

Mr. Howle said that he understood the concept, but if something catastrophic does happen and they have to have a rate increase then they are going to hear about it.

#### **E) All Aboard Florida Project Update**

Mr. O'Connor reported that the City received the 100% plans, which only deals with the railroad crossings.

Mrs. Turner said that she attended the meeting in the County when the plans were shown. She said in looking at the plans you could not tell what was going on, what the impact was going to be on the community, etc. She thanked staff for taking the time to educate the City Council and the public today.

Mr. Falls said his goal today is to give the City Council an update on where they are. He said the plans are shown to be 100% with regards to the safety regulations for the crossings for the Federal Railroad Administration (FRA) to say yes they are the components that have to be included or these need to be added. He noted that he would not try to update them on the financial aspects of the project. He said there are two permits pending, which were with the St. John's River Water Management District (SJWMD) and the Army Corp of Engineers, which both applications were submitted and both agencies sent comments back to All Aboard Florida (AAF) who has until Thursday of this week to respond to SJWMD's comments and until Friday of this week to respond to the Corp of Engineer's comments. He reported that staff has been working closely with Indian River County who retained Shubin Bass to represent them in this issue, who has made comments back to the Corp of Engineers and some of the comments have been incorporated into the Corp of Engineer's response. He briefly went over a few of those comments with the City Council. He reported that staff met with the FRA, Indian River County, and the City of Sebastian last week to go over the plans. He said that AAF had to design Indian River County's section of railway to meet Class 6 Rail Standards. He explained that because there are not as many curbs in Indian River County AAF feels that they can achieve speeds of 80 mph. He said there is a benefit to this because if they have to meet those standards they have to design a sealed corridor. What that means is that AAB would have to provide improvements to the crossings that would prohibit traffic from crossing those tracks from either direction. The way they most commonly do that is by providing a gate on both entrances and a gate on both exits. In areas where there are not many driveways close to the railroad they would put the gates on the entrance and run a median back a minimum of 100 feet to prevent someone from jumping across and going the wrong way across the tracks. He reported that when they (City staff, Indian River County, and the City of Sebastian) met to review the plans, they all agreed to make their comments, speak to their respective Boards, and meet again to compile their comments and submit them as one package. He noted that they could also submit them individually. Indian River County also hired a safety consultant, which will benefit the cities as well because they are looking at all 32 crossings. He said if this project goes through the City of Vero Beach needs to decide if they want wayside horns. He explained that these horns are located at the crossing so when the train approaches the horn blows right there rather than from the train coming through. Most communities have said no to these because they concentrate the noise right at that one location. He said that his recommendation would be not to have the wayside horns. He explained that by having the sealed corridor requirements, all improvements being proposed will be in place that would allow the City to apply for quiet zones. The only cost the City would incur would be the cost of the application.

Mrs. Turner asked as far as qualifying for quiet zones, is the City accepting any liability.

Mr. Falls said that is an issue that he would be discussing with the City Attorney as they go through this. He said they don't have to apply for it now. They can make that decision after the fact.

Mr. Old asked does a quiet zone mean no horns.

Mr. Falls said it means no horns unless the train engineer sees the need. He reported that when the plans were provided to the City, they only gave them plans for the City's crossings. He said that he has asked for the complete set of plans that includes all the track improvements between the crossings so they could see what they are going to do by Pocahontas Park, the Old Vero Man Site, etc. He said there are a few standard things that would have to be cleared up. For example, in the plans the medians proposed don't meet FDOT minimum standards. Also, there are a few intersections and crossings where the grade is steep because U.S. Hwy. 1 is so close. There is a FDOT standard on what the maximum differential in grade can be so they might have to go back further to the west raising the roadway up to make it smoother so trucks won't get stuck on the track. One of the major things he saw when reviewing the plans had to do with the Aviation Boulevard crossing. He explained that AAF asked for any future improvements to roadways, which City staff forwarded to them the design plans for Aviation Boulevard, which showed the intersection to be five (5) lanes when completed. This was not included in the plans. He then referred to the 26<sup>th</sup> Street crossing, noting that section is very confusing as there are nine (9) mast arms on that traffic signal. In the budget process it is in their capital improvement program to replace that signal. This project replaces four (4) of the five (5) mast arms. What staff is going to ask them to do is to include the other five (5) mast arms in the project and the City would pay the difference. He explained that it would benefit the City to have it done at one time, coordinated by one designer, and one contractor, which would cut the City's cost by at least \$200,000. He reported that a median is proposed in the area of 21<sup>st</sup> Street, which he did not think would work unless they widen the road. He suggested that they widen the road or look at putting in four (4) quadrant gates and eliminate the median. He reported that access would be improved in the area by the Chamber of Commerce building. The two (2) crossings at State Road 60 would be pretty straight forward as they are one-way roadways so they would just have the gates on the directional travel side of the roadways. He said that 16<sup>th</sup> Street/17<sup>th</sup> Street is a County roadway, but it is in the City limits and the issue he sees is that he wants to make sure the median placed doesn't make the left turn lane not meet FDOT standards. He reported that he would make his comments available to the City Council and will have a set of the plans available for review in the City Clerk's office. He reported that City staff would be meeting with Indian River County and the City of Sebastian to correlate their comments and would bring this back to Council later this month.

Mrs. Turner said they still don't have a good picture of what the economic impact would be on the City as far as immediate capital projects if AAF does go through.

Mr. Falls said as far as an immediate need, he did not see any capital costs that would be forced on the City. All the improvements to the crossings would have to be done by AAF during their project. He said the City would be getting a new crossing at each location.

Mrs. Turner said they still don't have any idea of the interruption during construction.

Mr. Falls said staff has been told that they would refine their activities to the right of ways. He said staff is going to request that only one (1) crossing be interrupted at a time.

Mr. Winger said it would appear that when the Twin Pairs are looked at in regards to the change of direction that would be a complication because it only has grade protection for the current one way.

Mr. Falls said that is correct. But as he understands it, their future plans for the Twin Pairs are to keep them one-way and reduce the number of lanes and add parking. He assumed that it would still be one-way at the crossings.

Mr. Howle asked has a study be done as to the impact this would have in the area of Commerce Avenue and 14<sup>th</sup> Avenue.

Mr. Falls said not that he is aware of. He said during construction they would have the same amount of access they currently have. There are no closures in this plan. All the crossings are shown to be open with adequate safety features to meet the sealed corridor standards. He said it will be disruptive during construction.

Mr. Howle said that he looked at the plans and noticed that there were not any footprints for any of the buildings. He asked how close would the right of way be to the Chamber of Commerce building, the Heritage Center, etc.

Mr. Falls said the new tracks would be located west of the existing track. In some areas the track would move a little to the east, but because of the close proximity of U.S.1 the closer they move the east track, the more it exasperates the grade difference.

Mr. Old asked is AAF on track in meeting the deadlines for the Corp of Engineers and the SJWMD.

Mr. Falls said they expect AAF to submit their comments.

Mr. O'Connor assumed the City Council agrees that they don't want wayside horns at the intersections.

The City Council agreed.

Mr. Winger asked when will the City Council see the General Fund Cash Balance Policy.

Mr. O'Connor reported that the Finance Commission approved the Policy and staff would be bringing it before the City Council at their next meeting.

Mrs. Turner asked what is the status of setting up the meeting with FMPA and all interested parties.

Mr. O'Connor reported that they were up to about 14 people who want to participate in the meeting. He said there were some concerns on the location of the meeting so they have boiled it down to a conference call, which is to occur somewhere close to June 24<sup>th</sup>. He noted that the date has not been formally set yet.

## **9. CITY ATTORNEY'S MATTERS**

Mr. Winger thanked Mr. Coment for distributing the memorandum on the rules and procedures for all meetings. He said that his concern was that they were getting overly concerned with Roberts Rules of Order and Mr. Coment's memorandum made it clear that it is only supplemental.

## **10. PUBLIC COMMENT**

Mr. Ken Daige asked if the City Council would be able to make comments concerning the FRA comments that staff is working on.

Mr. O'Connor answered yes. He said if the City Council wants comments incorporated with the ones that staff will be making that is not a problem.

Mr. Daige reminded the City Council that he chaired the High Speed Railroad Commission and the community had a lot of concerns. He said that he has concerns with increased rail traffic on how people who live on the west side of the tracks would get to the hospital in an emergency. He said in the event this happens, it is going to have an impact on them. He said regarding the quiet zones and safety improvements, he would not want the City to be assessed for these improvements. He said there needs to be some type of recommendation that if these improvements are needed they (AAF) should have to pay for those improvements. He was not asking the City Council to agree to any of his comments right now. He said that he will send his comments to the City Council in writing and if the City Council wanted to make them part of the comments to be included, that would be very helpful. He said people are going to want to know when the project is going to start and how long the construction is going to take. He questioned if the City's insurance costs would be impacted by the improvements being made. He reiterated that there needs to be access to the hospital.

Mayor Kramer asked Mr. O'Connor if he would include public comments in their package to be submitted to the FRA.

Mr. O'Connor answered yes. However, he did not know how well the responses would be received. They would include them or make them separate when they send their comments to the FRA.

Mrs. Phyllis Frey commented that their top priority has been safety with this railroad project. She thanked Mr. Falls and his staff for doing such a great job with dealing with all the moving parts of this project. She said with respect to the crossings, the FRA

disagrees with the AAF plan. She passed out a copy of the monthly issue of the Train Wreck times. She felt that AAF was cutting corners in regards to safety.

Mr. Donald Hood said the crossings have been under construction in south Florida for some time now so there should be some indication on what type of delays there have been. From what he has seen supplies for the tracks are stockpiled on the tracks so there may not be the amount of impact that they thought. He felt there should be more interest in Indian River County to have a train station. He is a political action group of one person. He challenged the Indian River County Commission to survey what the people in the County wants. He wondered how come everyone in the County hates AAF coming here. The County Commission said that the private citizens want them to stop AAF. He said there are a lot of citizens who don't know about this and it is a non issue in Indian River County. There are economic reasons that this might be beneficial. He said to take a second look at this and see how many people are against this. He looked at the plans and at all the crossings for the County. At one time he provided a list consisting of 18 advantages to having this project approved (presented it to the High Speed Railroad Commission and Indian River County Commission). He keeps hearing about delays to get to the hospital if someone is stopped at the railroad crossings because of a train. He felt if someone was badly injured then being stopped at a railroad stop for 45 seconds probably would not make much of a difference. He did a recap of being a citizen in this community and loving Vero Beach and would like to use this train.

## **11. CITY COUNCIL MATTERS**

### **A. Old Business**

### **B. New Business**

#### **1. Finance Commission to see General Fund proposed budget before City Council budget session – Requested by Councilmember Richard Winger**

Mr. Winger said this will be his sixth budget session because he previously served on the Finance Commission. He said these sessions are very important and are mindboggling for the participants. He said the City Council is a legislative body and they don't run the City. The City Manager and City staff runs the City. But, the City Council does run a budget and authorize expenditures. He said they are faced with tradeoffs every year and every year they don't have enough funds. This year will not be an exception. He explained that in these sessions, the City Council considers not just the General Fund, but Water and Sewer, Electric, Waste Management, etc., and make fundamental decisions. One thing they did last year, which he would like to see them do again, was only on the General Fund budget that they make some general assumptions for five years. He said what this shows is if they kick the can down the road the hole only gets deeper. He encouraged the City Council to have the City Manager give them expenses and revenue only on the General Fund. He said that he attended a recent Finance Commission meeting and was very disturbed about it. The Finance Commission had some excellent comments on the Other Pension Employee Benefits (OPEB), the Defined Contribution

Plan, the Recreation Department, etc. He said the general feeling was that the City did not have time for the Finance Commission to give the City Council some advice upfront. He said that he would like to see the Finance Commission meet again before the City Council's budget session. He said that he had two proposals, which were: that he would like Mr. O'Connor do a five (5) year extension on the General Fund budget and that the Finance Commission meet again before the City Council has their budget session. He said that he would like to hear from the Finance Commission on some of the issues.

Mrs. Turner said that she served on the Finance Commission for three (3) years prior to sitting on the City Council. She said the issue was always having the budget books prepared with sufficient time to give the City Council one (1) week to review them before the Budget Hearings. She felt that they still had the same issue. She said to try to push staff at this late date was unreasonable. She welcomed input from the Finance Commission. She said that she would welcome the Finance Commission as she welcomes all the public to attend the Budget Hearings and offer their comments. She said the budget process is a process of compromise. They do not live with unlimited funds. Last year they increased taxes by 27% and they have an increased valuation here of another 4%. She said they do have more funds coming in, but the list of wants never goes away.

Mr. Old said that he would like have the Finance Commission speak out about the priorities they see in the budget process in terms of expenditures. They have wisdom in looking at the numbers. He didn't know if they have time to do it, but he was very impressed by the Finance Commission and he would love to see them in this process somehow. The other thing is that he would like to see more information on the Enterprise Funds. He said in looking ahead on the entire utility area he is trying to figure out the closed down expenditures, as well as trying to improve what they have in the way of facilities going forward. The other Enterprise units are the same type of thing. He said the Airport looked 20 years ahead and they have not seen anything from the Marina or from Water and Sewer. He felt that they also needed to look ahead. He said that he would like to see long range plans from each of these areas. He felt it was their goal to understand each one and how each one looks in a long range plan. He said specifically, he would like to see the Finance Commission involved in the budget process. He would look forward to recommendations from the Finance Commission.

Mr. Winger felt that the Finance Commission needed to have another meeting even if they don't have all the information.

Mayor Kramer said the budget process is coming up and he would like to see some type of preliminary numbers sooner than later.

Mr. O'Connor said staff can give them the numbers. He explained that they are trying to do it in the time frame when they have the most accurate numbers moving forward. Staff has no problem giving the Finance Commission copies of the budget when it comes out and if they want to meet the Monday prior to the Budget Hearings that is fine. He said

the Charter states that the City Manager is to submit to Council a budget. What the City Council does with it from then on is totally up to the City Council.

Mrs. Turner said the Finance Commission is a voluntary Board and if they are willing to meet before the Budget Hearings she would certainly welcome it and appreciate it. But, she did not think the City Council could impose it on the Commission.

Mayor Kramer asked Council if they want to send a letter to the Finance Commission asking them if they would meet.

Mr. Old said that would be great.

Mr. Winger said that he would like to see salaries and roads for the next five (5) years.

Mr. O'Connor said staff could do the five (5) year extension on the General Fund.

## **12. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Jay Kramer's Matters**

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

Mayor Kramer said that he has been speaking with the Mayor of Indian River Shores and with Mrs. Amy Brunjes of FPL regarding the whole numbers and the partial sale numbers. He said they definitely want clarity as to how the City came up with these numbers. He said there was an idea that the next step would be to have negotiations with Indian River Shores. He felt that this would be a good time to ask questions on the process so he would be bringing this back before the City Council as an agenda item so they can discuss what they want to do next in the process.

Mrs. Turner said they finally have numbers they were comfortable with. She said in the last revision to the numbers with Indian River Shores the City reduced the price from \$64.4 million dollars to \$42.4 million dollars, which is a 34% reduction. She asked Mayor Kramer if the numbers that he was comfortable with was the revised \$42.4 million dollars.

Mayor Kramer said that he was comfortable with the numbers between \$42.4 million dollars and \$44 million dollars.

Mr. Winger said that he was comfortable with the numbers as well, but felt that the ball was in Indian River Shores court. The City has done what was asked of them. If Indian River Shores want to make a proposal then the City is willing to listen.

Mr. Howle thanked Mayor Kramer for initiating this. He asked if the parties did meet regarding a partial sale, wouldn't that entail negotiating that \$42.4 million dollars.

Mayor Kramer explained that his conversations were more informative as to whether they thought there was a will to move forward in a possible negotiation. He said that he made the decision to not get involved in talking about the number. He explained that negotiations have to be sanctioned by the City Council. He said that they have had a very good working relationship with Indian River Shores in the past and continue to do so.

Mr. Howle said that he would like to see Mr. Schef Wright, Attorney, and the City Manager meet with Indian River Shores regarding the partial sale.

Mr. O'Connor reported that Mr. Wright, Indian River Shores, and FPL did have a meeting one week ago. At that meeting, Mr. Wright gave them all the documentation, his backup, and how the numbers were calculated.

Mayor Kramer thanked the Kiwanis Club for sponsoring "Take a kid fishing." He said over 200 children came out for the event. He reported that the Memorial Day service went very well with about 1,800 people in attendance.

**B. Vice Mayor Randy Old's Matters**

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

Mr. Old reported that he attended a DARE Graduation program yesterday. He then asked Council to fill out the evaluation forms for the Charter Officers and give them back to the City Clerk.

**C. Councilmember Pilar Turner's Matters**

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

Mrs. Turner reminded everyone that it is now hurricane season and what that means for the Lagoon is there is a ban on fertilizer use from now until the end of September. She asked that everyone keep their grass cuttings out of the stormwater drains. She reported that she received a copy of the Ocean Research Conservation Association's report that was submitted to the Indian River Community Foundation. She said what they did was they continued their mapping of the Lagoon from the 17<sup>th</sup> Street Bridge to the Moorings. She said these projects have been invaluable in looking at the pollution, its movement, and helping to identify the possible sources. She said that she did request that the City Clerk provide the City Council with a copy of this report.

Mrs. Turner commented that it was great to see the City's first Bluetubes to help with the trash pickup at their beaches. She reported on the Memorial Day event and thanked the City staff who worked in making the event so successful. She reported that the Wine and Film Festival will be held from June 9<sup>th</sup> through June 12<sup>th</sup> and the Dedication Ceremony

for the Historic Plaque for City Hall will be held on Wednesday, June 15, 2016 at 10:00 a.m.

Mr. O'Connor reported that last week's rain measured at 11.22 inches and the second highest rainfall Vero Beach has had was 8.82 inches.

**D. Councilmember Richard Winger's Matters**

1. Correspondence
2. Committee Reports
3. Comments

No comments made.

**E. Councilmember Harry Howle's Matters**

1. Correspondence
2. Committee Reports
3. Comments

No comments made.

**13. ADJOURNMENT**

Today's meeting adjourned at 1:19 p.m.

/sp