

**CITY OF VERO BEACH, FLORIDA
DECEMBER 11, 2018 5:00 P.M.
REGULAR CITY COUNCIL MEETING
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

A G E N D A

The invocation will be given by Pastor Larry Boan/Central Assembly of God followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – November 20, 2018
[Special Call City Council Minutes – November 27, 2018](#)

B. Agenda Additions, Deletions, and Adoption.

C. Proclamations and recognitions by Council.

D. Staff/Consultant special reports and information items.

1) Mr. Nat Doliner, Carlton Fields, to discuss the following Florida Power & Light (FPL) Documents:

[1\) Airport Substation 6 Lease Agreement](#)

[2\) Memorandum of Lease \(Airport Substation 6 Lease Agreement\)](#)

[3\) Memorandum of Lease \(Airport Warehouse Lease Agreement\)](#)

[4\) Substation Equipment Operating and Dismantling Agreement](#)

[5\) District Permit and Interlocal Agreement](#)

[6\) Subpermit Agreement](#)

[7\) Electrical Utility Easement Agreement](#)

[8\) Utility Easement Reservation Agreement](#)

[9\) Assignment and Assumption of Easement \(Substation 20-St. Lucie\)](#)

[10\) Assignment and Assumption of Easement \(Substation 20-Indian River\)](#)

[11\) FEC Letter](#)

[12\) Substation Easement Agreement](#)

[13\) Fiber License Agreement](#)

[14\) Pole Attachment Agreement](#)

[15\) Substation License and Access Agreement](#)

[16\) First Amendment to Consortium Agreement](#)

[17\) Draft Closing Agreement](#)

E. Presentation items by the public (10 minute time limit).

- 1) [Mr. John Michael Matthews, Chairman of the Veterans Memorial Island Sanctuary Committee to present their Annual Report – Sponsored by Councilmember Tony Young](#)
- 2) [Mr. Richard Lewis to speak on “Wreaths Across America” – Sponsored by Councilmember Tony Young](#)
- 3) [Mr. Keith Drewett to present a business plan for moving forward with the City of Vero Beach keeping the Marina and improving its condition – Sponsored by Councilmember Tony Young](#)

F. Public Comment (3 minute time limit).

3. CONSENT AGENDA

- A) [Agreement for Temporary Use of Facilities and Equipment – Town of Indian River Shores Use of City’s Gun Range for Officer Training](#)
- B) [Award of Contract – Convergent Technologies – Airport Terminal and Ramp Security Upgrades \(FDOT 439717-1-94-01\) – \(Cost to City/Airport: \\$74,931.56\)](#)
- C) [Bid No. 310-18/CSS, Sulfuric Acid Annual Supply Contract – Recommendation of Award – Shrieve Chemical Company – Estimated Annual Expenditure - \\$103,200](#)
- D) [Professional Services – Advoco – Expenditure \\$59,080](#)
- E) [Remote Pump Houses: Roof Repair and Replacement – Contract: C-25-2018 – Change Order #2 – Expenditure \\$61,053.50](#)
- F) [Replacement of WWTP and WTP Vertical Turbine Pumps – Hydra Service, Inc. – Quote #USA.9752-NSP.18.203.FO-REV – Expenditure \\$269,200.00](#)
- G) [Police Department Elevator – Final Payment - \\$14,678.75](#)
- H) [Reiss Engineering, Inc. – Nutrient Study \(Phase II\) – Wastewater Treatment Plant \(WWTP\) – Work Order 2: Expenditure Amount \\$59,845](#)
- I) [Termination of Contract with Pruitt Electrical Contractor, LLC - \\$66,250](#)

(The matters listed on the consent agenda will be acted upon by the City Council in a single vote unless a Councilmember or a member of the public requests that a specific item be considered separately).

4. CITY COUNCIL MATTERS

A. New Business

- 1) [Discussion of City Clerk Department – Requested by Dr. Val Zudans](#)

B. Old Business

- 1) [City Council Election 2018 – Requested by Councilwoman Laura Moss](#)

For the convenience of all the following documents are attached:

- A) [Oath of Office taken by City Council](#)
- B) [Vero Beach Code, from Chapter 30 – Elections;
Section 30-3, Eligibility and qualifying for office of councilmember
Section 30-6, Persons found ineligible to qualify as a candidate](#)
- C) [All qualifying papers filed by Plaintiff Hillman](#)
- D) [Memorandum from City Attorney regarding Vero Beach Code, Sections 30-3 and 30-6](#)
- E) [Lawsuit filed against the City by Plaintiff Hillman on 09/17/2018: Summons, Complaint, and Notice of Priority Status](#)
- F) [Legal-Opinion Letter regarding Disqualified Candidates \(w/attachments\) written by Attorney Ronald Meyer \(Meyer, Brooks, Demma & Blohn, P.A.\) dated 09/27/2018.](#)
- G) [Hearing before Judge Kanarek on 10/24/2018, Transcript: Cover pages 1-2 and page 113](#)
- H) [Results of 11/06/2018 Vero Beach City Council Election from IRC Supervisor of Elections Leslie Rossway Swan \(voteindianriver.com\)](#)
- I) [Minutes of Special Call City Council Meeting of 11/27/2018](#)
- J) [Settlement documents: Joint Motion; Agreed Final Judgment](#)

2) Municipal Marina (Council/Community Discussion)

- A) [Video Clip from City Council Meeting of 11/20/2018 \(03:56:30-04:03:52 PM\) Councilwoman Moss/City Manager on Marina and Debt Service](#)
- B) [Debt Service of Marina, Series 2007A](#)
- C) [Vero Beach Code, Section 5.05](#)
- D) [Video Clip from City Council Meeting of 11/20/2018 \(04:20:48-04:25:59 PM\) Vice Mayor Sykes/City Attorney/Councilwoman Moss on Marina and Section 5.05](#)
- E) [Minutes of City Council Meeting of 08/21/2018, Proposed Leasing of the City Marina, Pages 34-35](#)

5. PUBLIC HEARINGS

- A) [Site Plan Application for Preston Estates; #SP18-000002](#)
- B) [Public Hearing on Preliminary Plat Application for the Preston Estates Subdivision; #SD18-000002](#)

A. ORDINANCES

B. RESOLUTIONS

- A) [A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \\$4,345.00, for a Septic Tank Effluent](#)

Pump (STEP) System to serve the Real Property located at 524 Live Oak Road, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Water & Sewer Director

- B) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Lease Agreement for a certain portion of the 17th Street Bridge right-of-way owned by the State of Florida Department of Transportation, in the City of Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Water & Sewer Director
- C) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to convey to the State of Florida Department of Transportation an Ingress and Egress Easement on City-owned Real Property located at its Wastewater Treatment Plant at 17 17th Street, in the City of Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Water & Sewer Department

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

7. CITY CLERK MATTERS

- A) Openings on City Boards/Commissions

8. CITY MANAGER MATTERS

9. CITY ATTORNEY MATTERS

10. COUNCILMEMBER MATTERS

- A. Mayor Harry Howle's Matters
 - 1. Correspondence
 - 2. Committee Reports
 - 3. Comments
- B. Vice Mayor's Lange Sykes's Matters
 - 1. Correspondence
 - 2. Committee Reports
 - 3. Comments
- C. Councilmember Laura Moss's Matters
 - 1. Correspondence
 - 2. Committee Reports
 - 3. Comments
- D. Councilmember Anthony W. Young's Matters
 - 1. Correspondence

2. Committee Reports
 3. Comments
- E. Councilmember Val Zudans's Matters
1. Correspondence
 2. Committee Reports
 3. Comments

12. ADJOURNMENT

ADDITIONAL MEETING INFORMATION

Public Participation. Excluding ministerial/administrative matters and certain quasi-judicial proceedings, the Council will provide an opportunity for public comment prior to the Council taking final action on an agenda item, including those matters on the consent agenda, and other propositions or items not specifically listed on the meeting agenda on which the Council proposes to take final action at the meeting.

Addressing the council generally. After first securing permission from the presiding officer, any person may address the council, in the manner specified herein at the appropriate times where oral communication is permitted as provided in the order of business appearing on the agenda adopted for the meeting.

Manner of addressing council; time limit. Each person recognized by the presiding officer and granted leave to address the council shall step up to the microphone and state his or her name for the record. Speakers shall confine their remarks to the subject of the agenda matter then under discussion by the council. Unless additional time is granted by majority vote of the council, persons making a councilmember-sponsored presentation under "presentation items by the public" shall limit such presentation to ten (10) minutes; persons speaking on any agenda item or other proposition shall limit their address to five (5) minutes; and persons speaking at the "public comment" portion of the agenda shall limit their address to three (3) minutes. All remarks shall be addressed to the council as a body and not to any individual member thereof, nor to members of the audience. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked a councilmember except through the presiding officer. The presiding officer may limit immaterial, unnecessary, or redundant comments, presentations, or requests. Once a motion is made by a councilmember, no person from the audience shall address the council.

Meeting decorum. No person shall make any personal, impertinent, slanderous, obscene, profane, inflammatory, untruthful, irrelevant, or immaterial remarks, or become boisterous while in the council chambers, or incite violence or fighting, or otherwise disturb the meeting, whether or not while addressing the council. Heckling or verbal outbursts in support or opposition to a speaker or his or her remarks and displays of anger, rudeness, ridicule, impatience, lack of respect, and personal attacks shall be prohibited.

Record for appeal. This is a public meeting. If a person decides to appeal a decision made by the Council with respect to any reviewable matter considered at such meeting, he or she will need a record of the proceedings, and for such purpose, he or she is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with special needs. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting. **Invocation.* An invocation that may be offered before the official start of the Council meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution No. 2013-30. The views and beliefs expressed by the invocation speaker have not been

previously reviewed or approved by the Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief by the Council or the City. No person in attendance at the meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

Meeting televised and recorded. Council meetings may be broadcast live, recorded, and replayed on Comcast cable Channel 13, AT&T Channel 99 and on the City's website www.covb.org and other websites.