

**CITY OF VERO BEACH, FLORIDA
MARCH 19, 2019 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Mayor Val Zudans, present; Vice Mayor Tony Young, present; Councilwoman Laura Moss, present; Councilmember Robert Brackett, present and Councilmember Harry Howle, present **Also Present:** Monte Falls, Acting City Manager; Kira Honse, Interim City Attorney and Tammy Bursick, City Clerk

The invocation was given by Rabbi Michael Birnholz of Temple Beth Shalom followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – March 5, 2019

Vice Mayor Young made a motion to approve the minutes. Mr. Brackett seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 3-4) be moved off of the consent agenda and heard as item 8-C). She said staff would like to add item 8-B) under City Manager’s Matter’s “FDOT Projects on SR A-1-A at SR 60 & 17th Street.”

Councilwoman Moss stated that she invited Chief Currey to speak to the Council regarding speeding. She asked if they could include that as a presentation item.

Mayor Zudans asked Councilwoman Moss if she was talking about the same item, referring to item 8-B).

Councilwoman Moss said they are related, but not exactly the same. She did not want to keep Chief Currey at the meeting unnecessarily.

Mayor Zudans asked if the Chief would have to wait around until they get to item 8-B) since it is related.

Councilwoman Moss suggested moving both items up on the agenda. She didn't think it would take long. She asked the City Manager his prediction of how long item 8-B) would take.

Mr. Monte Falls, Acting City Manager, stated that the discussion on that item should be very short.

Councilwoman Moss said since both items are very short they can be heard at the beginning of the meeting and that way Chief Currey could leave.

Mayor Zudans stated that with all of their meetings if they organize their meetings so that they are doing all of their business items in the beginning and informational items later on in the meeting their whole meetings would go a lot faster. He said they have an item to be discussed later on in the meeting concerning adjusting the agenda, which would allow this. He would like to have all of their business items heard first and then informational items heard later in the meeting. He wanted to handle their agenda items that way at today's meeting. He said that there have been some comments about not allowing sufficient free speech and things like that, which are totally ridiculous because every item that they vote on as they go through the agenda there will always be the opportunity for free speech. He said the only thing that they want to move to a later time in the meeting would be the open speech that is unrelated to the business from the beginning of the meeting. He said this would apply to sponsor items from the City Councilmembers. He said if it is not an item that they are going to be voting on today then the item will be heard later on in the meeting at the time that the City Councilmembers have their own comments. He said if they handle all of their business items first it won't be two (2) hours until they hear that item and staff would not need to hang around. He did not want to move everything around on the agenda and they should move forward handling this in a business like fashion. His suggestion would be that they move item F) – Public Comment (3 minute time limit) to after Councilmember's Matters.

Mr. Young asked if they would still be discussing the new changes to the agenda.

Mayor Zudans said that they would. He said that item would be heard before public comments so anyone at today's meeting that wants to discuss that item will be able to even before public comments.

Councilwoman Moss asked when would Chief Currey be speaking. She was told it would be in conjunction with item 8-B).

Mr. Howle made a motion to approve the agenda with the changes made. Mr. Brackett seconded the motion and it passed unanimously.

C. Proclamations and recognitions by Council.

1) American Red Cross Month – March 2019

Councilwoman Moss read and presented the Proclamation.

2) Children's Week – March 24 – 29, 2019

Mr. Brackett read and presented the Proclamation.

D. Staff/Consultant special reports and information items.

1) Introduction of Mr. Sean Collins, New Marina Director – Sponsored by Councilwoman Laura Moss

This item was heard later in the meeting.

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

1) Mr. Curtis Paulsin to speak on the Veteran's Golf Tournament – Sponsored by Vice Mayor Tony Young

Mr. Curtis Paulsin reported that five (5) years ago he started the Veteran's Golf Tournament and this year they are working with the Indian River County Vietnam Veteran's Association in conjunction with the Golf Tournament.

Mr. Vick Diaz, Secretary of the Indian River County Vietnam Veteran's Association, was at today's meeting to speak. He appreciated the words spoken by the Rabbi. He has seen some of the worst situations that life can bring and they have been turned around. He said his organization works in trying to find homes for veterans that are homeless. They have partnered with the Treasure Coast Homeless Services in doing this. He said this year they are happy to be partnering with the Veteran's Golf Tournament. He said some of the money raised will help to continue building homes for veterans who need a place to live. He said in eight (8) years they have housed over 150 veterans in Indian River County.

Mr. Paulsin added the Veteran's Golf Tournament will be held on June 15th at Sandridge Golf Club. He said registration opens at 7:00 a.m. and the tournament starts at 8:00 a.m. and then the luncheon awards ceremony takes place immediately after. He would love to see the City Council show up for the event and say hello to some of their veterans. To register for the tournament it is \$70.00 and the website is info@vviregolf.com. He asked the City Clerk to put up a poster in the lobby of City Hall, which tells all about the event. He said they still have sponsor positions open if anyone would like to sponsor the event. He expressed that every penny raised from the tournament stays in Indian River County.

F. Public Comment (3 minute time limit).

3. CONSENT AGENDA

- 1) **Work Order No. 3 between the City of Vero Beach and Amherst Consulting Company, LLC: Engineering Services for “Reconstruct Center Apron” (FDOT #432034-2-94-01 – (\$193,600)**
- 2) **Work Order No. 13 between the City of Vero Beach and Hanson Professional Services for an Airport Terminal Area Study (FDOT 444286-1-94-01) – (\$74,994)**
- 3) **Renewal of Contract 1449-C – Utility Bill Printing and Mailing Services – (Annual cost is approximately \$123,000)**
- 4) **Dedication of a portion of the City’s Dodgertown Property as Right-of-Way**

This item was pulled from the consent agenda.

5) Vero Beach Theater Guild, Inc. – License Agreement

Councilwoman Moss asked what was the length of the term for the license agreement.

Ms. Kira Honse, Interim City Attorney, explained that there is no end date. The agreement is just for parking and a sign. She said that if the City should need this piece of property then the agreement would end, which also goes for the Theater Guild. If they decide to end the agreement, it would end then. There would be a notice period that would need to be given to end the agreement.

6) Approve funding for the Veterans Memorial Island Sanctuary Advisory Committee to expend funds in the amount of \$1,400 to add two (2) new cenotaph markers on Veterans Memorial Island Sanctuary.

Mayor Zudans opened and closed the consent agenda at 3:24 p.m., for public comments with no one wishing to be heard.

Vice Young made a motion to approve the consent agenda. Mr. Brackett seconded the motion and it passed unanimously.

4. CITY COUNCIL MATTERS

A. New Business

None

B. Old Business

None

5. PUBLIC HEARINGS

A. ORDINANCES

B. RESOLUTIONS

- 1) **A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$4,705.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 707 Fiddlewood Road, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Water and Sewer Director**

The City Clerk read the Resolution by title only.

Mayor Zudans opened and closed the public hearing at 3:25 p.m., with no one wishing to be heard.

Mr. Brackett made a motion to approve the Resolution. Mr. Young seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes and Mayor Zudans yes.

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

- Public Hearing to be held on April 2, 2019 at 5:00 p.m.**
A) **A Resolution of the City Council of the City of Vero Beach, Florida; repealing the previously adopted Water and Sewer Rate Structure and charges for Services in the Unincorporated areas located within the City's Water and Sewer Utility Service Area; Adopting an amended Water and Sewer Rate Structure and Charges for such unincorporated areas; providing for an Effective Date. – Requested by the Water and Sewer Director**

The City Clerk read the Resolution by title only and announced that the public hearing would be heard on April 2, 2019 at 5:00 p.m.

- Public Hearing to be held on April 2, 2019 at 5:00 p.m.**
B) **A Resolution of the City Council of the City of Vero Beach, Florida, Repealing the Previously Adopted Water and Sewer Rate Structure and Charges for Services within the Indian River Shores Service Area; Adopting amended Water and Sewer Utility Rates and Charges within the Indian River Shores Service Area; Providing for an Effective Date. – Requested by the Water and Sewer Director**

The City Clerk read the Resolution by title only and announced that the public hearing would be heard on April 2, 2019 at 5:00 p.m.

- Public Hearing to be held on April 2, 2019 at 5:00 p.m.**
C) **An Ordinance of the City Council of the City of Vero Beach, Florida, dedicating a portion of a City-owned Parcel Dodgertown Parcel 1-A as**

Public Road right-of-way; Providing for an Effective Date. – Requested by the Public Works Director

The City Clerk read the Ordinance by title only and announced that the public hearing would be heard on April 2, 2019 at 5:00 p.m.

7. CITY CLERK MATTERS

A) Council Committee Appointments

The City Council made their appointments to the different Council Committees. The following are the Committees that they will be members on:

- Treasure Coast Council of Local Governments** – Councilmember Robbie Brackett
- Treasure Coast Regional Planning Council** – Councilwoman Laura Moss
- County Economic Development Council** – Mayor Val Zudans
- Tourist Development Council** – Councilmember Harry Howle
- Metropolitan Planning Organization (MPO)** – Councilwoman Laura Moss, Councilmember Harry Howle and alternate member, Vice Mayor Tony Young
- Treasure Coast League of Cities** – Vice Mayor Tony Young
- Beach and Shores Preservation Advisory Committee** – Councilmember Robbie Brackett
- Elected Officials Oversight Committee** – Mayor Val Zudans
- County Affordable Housing Committee** – Councilwoman Laura Moss
- Liaison to Downtown Mainstreet/Cultural Arts** – Vice Mayor Tony Young
- Liaison to the Chamber of Commerce** – Mayor Val Zudans

Mrs. Bursick announced that there is one (1) alternate position open on the Code Enforcement Board, one (1) alternate position open on the Historic Preservation Commission, and two (2) alternate positions open on the Tree and Beautification Commission.

Councilwoman Moss wanted to confirm with the Utilities Commission after the sale with FPL, for example Mr. Tonkel who had been serving as her appointee now is no longer in the City’s utility service area so she discussed this with Ms. Honse and Mrs. Jane Burton is within the utilities City service area and so she would like to appoint her as her appointee. But, also to thank Mr. Tonkel for his service. He did a wonderful job for many years and he said he would be happy to continue serving, but he is so successful that he is out of a job. That is all that happened here. She said “thank you Rock,” you did it, you helped make it happen, thank you so much.

Vice Mayor Young reported that he would be removing Mr. Herb Whittall as his appointment on the Utilities Commission and appointing Mr. Bob McCabe to serve as his new appointment.

8. CITY MANAGER MATTERS

A) Marina Master Plan Development

Councilwoman Moss introduced Mr. Sean Collins, City of Vero Beach Marina Director. She said that the City will soon have a number of new employees. She actually met Mr. Collins in passing at the last City Council meeting. She wanted to invite him to their meeting today so that he could formally introduce himself. At that time, she did not know that this Marina issue would be on the agenda. She briefly went over Mr. Collin's background according to his application for hire. He is enterprising, an energetic maritime professional with proven leadership skills. He is self-motivated, and has the ability to follow projects through to completion. She said that Mr. Collins comes to Vero Beach from Naples, Florida. She officially welcomed him to the City of Vero Beach and said that she was very glad that he was here.

Mr. Collins thanked Councilwoman Moss for inviting him to the meeting today to introduce himself. He said that he has been in the marine industry his entire life and is very passionate about it. He worked as the Dock Keeper for the City of Naples, Florida; he was a Captain for Tow Boat US in Naples, he was a Captain for Sea Tow Services of the Palm Beaches, Assistant Marina Manager for Rybovich Super Yacht Marina and held other marina industry jobs. When he heard that the City of Vero Beach was looking for a Marina Director he was very excited to apply. He knows that there is a lot of work that needs to be done at the Marina, but he knows what a beautiful place that the Marina can be.

Mr. Howle welcomed Mr. Collins and said that he appreciated his enthusiasm.

Councilwoman Moss added that there are many people in the community that are looking forward to working with him.

Mr. Monte Falls, Acting City Manager, commented that himself, Mr. O'Connor, and Mrs. Manus were the Committee that interviewed the applicants for the Marina Director and Mr. Collins stood out among all of the applicants. He came in and started from the ground doing what needs to be done at the Marina and has a very positive attitude.

Mr. Collins introduced his wife who was at today's meeting with him.

Master Plan Update

Mr. Falls reported that the City Council directed staff to proceed with the development of a master plan for the City Marina. The City has a professional services master agreement with Coastal Tech/GEC to provide engineering services and they have prepared a scope of work outlining the project. The proposal is comprised of three (3) tasks. He said that Task 1 is Goals and Objectives. Task 2 is the Capital Improvement Plan and Task 3 is the Marina master plan. He said that he brings this forward to discuss with the City Council and would be happy to add anything or modify the plan so that it meets what Council is looking for. This project is not included in the current 2018-2019 budget,

however it could be funded through a combination of budgeted funds for proposed FY 18-19 capital projects and unappropriated FY 18-19 surplus, which is currently estimated at \$290,000. He noted that with the sale of the Electric Utilities, the debt service at the Marina has been paid off. He would be happy to answer any questions that Council might have.

Mayor Zudans commented that he received an email saying that the building is not included in this plan.

Mr. Falls explained that the whole facility is included.

Councilwoman Moss asked if it was the Municipal Marina and the South Complex or just the Municipal Marina.

Mr. Falls said it is the Municipal Marina as it sits and then recommendations for expanding as they move forward with the South Complex and the Boat Basin.

Councilwoman Moss said so it will take into consideration the South Complex.

Mr. Falls explained it is a plan for them to get up and running with what they have and give them some alternatives going forward.

Councilwoman Moss explained that the South Complex for the community is the building where Waddell Insurance has been and also a separate structure, which it is the dry dock that is right on the water. She observed in the proposal that the City Council really doesn't get involved until the very end when the final draft is presented. She said that she felt it would be helpful after Task 1 is completed, which involves the Marine Commission having a meeting and making recommendations. She thought it might be helpful to the City Council to hear what those recommendations are at that time so they know what direction it is moving in (update given).

Mr. Falls suggested having a joint meeting with the Marine Commission and City Council. They could also have a briefing of the Marine Commission's actions at a City Council meeting.

Mayor Zudans agreed with Councilwoman Moss that the City Council should be getting involved a little bit earlier in the process. He said they should have more input in which direction they might be moving in. He doesn't necessarily think that a joint meeting is necessary. They (City Council) are allowed to attend the Marine Commission meetings, which are noticed. He felt that as they move through the phases that the City Council is given reports and not just at the very end.

Mr. Falls stated that the reports that are made after each phase will be made available to the City Council. He said they could also have the report discussed at a City Council meeting after the Marine Commission has met. He said there may be a slight modification to the hourly charges as outlined in the contract.

Vice Mayor Young would also like to see input provided to the City Council on an informational basis so if they have some questions as they are going through the phases they can be addressed.

Councilwoman Moss stated that she was willing to have a joint meeting with the Marine Commission. She said that the Commission meetings are only at an advisory capacity. She said when they go there the Council should not be advising them. She said their job is to advise the Council. She said if one of them goes to any of their Commission meetings they cannot speak for the Council, they have to speak for themselves, which is a bit awkward in more than one way.

Mayor Zudans told Councilwoman Moss that she should be speaking for herself and not for the Council. He said different people on the Council might have different ideas. He mentioned that during the entire process all City Councilmembers have the opportunity to be speaking with the City Manager and the Marina Director while they are going through this process. He said it doesn't have to be a big formal meeting. He said that sometimes less gets done at a big formal meeting than it does just having individual conversations. He would like to see the Council more involved than what this plan outlines, but he also thinks that Council should take the initiative to be communicating with the people involved.

Mr. Falls explained that the reason he was suggesting that they have a joint meeting with the Marine Commission was if they programmed another meeting there would be an additional cost, but if he is already making the presentation to the Marine Commission and City Council wants to voice their comments that fee is already included in the proposal.

Mr. Brackett asked Mr. Falls to go over the funding to pay for this proposal.

Mr. Falls reiterated that the project is not included in the budget, but paying off the loan has freed up some capital improvement budget money for them to use.

Mr. Michael Walther, Vice President of Coastal Tech GEC, said that there has not been any tasks performed yet. He did not anticipate any problems with the schedule outlined in their proposal. His office is only five minutes away so there is not a problem with him being at a City Council meeting to support staff when needed.

Councilwoman Moss asked that they recap how they (City Council) were going to be more involved and what the consensus was.

Mayor Zudans stated that they would look into potentially having a joint meeting.

Councilwoman Moss was in favor of having a joint meeting.

Mayor Zudans stated that each Councilmember should be proactive in communicating with their City Manager and other people because there are things that they can't do in public as a group, but it can be done by speaking individually to people.

Ms. Honse reminded the Council that the Charter states that the Council will communicate through the City Manager. She said that they don't communicate directly with employees.

Mr. Falls said that he would set up a meeting any time they want to meet with Mr. Collins and he will attend the meeting also.

Mr. Mike Johansen commented that a lot of people in the audience are interested in how this progresses. He said the public would like to participate in the meetings and that they be made available to the public.

Mrs. Phyllis Frey questioned what is the future of their Marina. She said according to the departmental correspondence the City is paying the consultant from Daytona Beach \$14,892 of taxpayer's money to tell them how to develop their Marina. The final master plan will be presented to the Council in August and traditionally this is the time of year when City matters occur, when seasonal residents are not here. The same methods apply to the development of the Marina as to the three corners project, which will be coming up as well. She said they bypass public input, modify codes, maximize density and intensity for the developers and implement master plans that call for mixed use stack and pack high density population compact compressed and clustered commercial sale restaurants, bars and industrial entertainment. She said they will see how this goes. Developers are chomping at the bit in wanting to see the Marina boat house torn down, which is valuable water front property as part of the Marina. This property is not protected by the City Charter so when it comes to building heights if they are not careful they will create Daytona Beach South with hotel units and all the noise and traffic that comes with mixed use. She said certain types of developers and politicians do not care about their living preferences. They do not care about their quality of life or their legal rights to quiet enjoyment. Their Marina currently provides a priceless community, a quiet enclave adjacent to a Park setting with plenty of greenspace secluded from noise, congestion and high density. She said don't stand by and let their waterfront be destroyed. She asked them to join the community and the newly formed marine group and help save their Parks and waterfront. Now is the time to speak out.

Mr. Howle asked Mrs. Frey if these high density buildings that she is talking about is similar to the building that she lives in.

Mrs. Frey said the building she lives in was built in 1972 and it is grandfathered in. She said let it be a reminder to Council and everyone else when they drive over the bridge that this is not what they want to create.

Mayor Zudans stated that is not the intention of anyone on this City Council. They all want to fix up the Marina. He said it is in disrepair in some ways and despite what was just said that is not what this is about.

Mr. Arthur Economy commented that yesterday he was walking his dog and was almost hit by a speeding car on Eugenia. He said 48 hours before that he was told by the Police Department to stop calling and reporting speeding vehicles in his neighborhood. He felt that this proposal being presented to them today does not cover some major critical issues that the community feels are important to address before moving forward. He said any Marina master plan should cover multiple issues including on-going traffic, traffic flow in and around the Marina, safe pedestrian access and the impact to the residential homes in the area, including Beachland Elementary and adjacent Parks. He said once a proper engineering study is conducted to outline and solve these Marina issues the Marina planning can move forward scaled to the results of this engineering study. This City is growing and it might be cost effective to have a specially trained safety engineering professional on staff or possibility share with the County. The results for a study will lay the ground work for the site plan for the Marina master plan. If the Marina South Complex is included in the study it offers more options, which he briefly went through. He said presently a new group is being formed called the Community Park and Marina Group to address these community issues. He said as a group they are meeting with ORCA, Clean Water Coalition, and other groups to gather input from various viewpoints for the Marina master plan. Their goal is to maintain the Lagoon's health and do their part to ensure all needs are addressed. He said it is prudent to move forward with Task 1, but not to proceed moving to Task 2 and Task 3. He asked Council not to move to Task 2 and Task 3 subject to completing an engineering study for traffic and pedestrian safety. He thanked Council for doing this, which would enable them to continue their efforts.

At this time Mrs. Frey stood up and Mayor Zudans told her she has already had her time to speak on this matter.

Mr. Greg Page commented that he thought that this study is good and gives them options in the future. None of it is mandatory. He asked Council to please proceed.

Vice Mayor Young stated that he believes that the Council has a great deal of regard for the area where the Marina is located. As they move along there are things that probably will develop and he encouraged the public to come and to talk to the Council and express their concerns to staff. He has a lot of faith that this will be done in a professional manner.

Mr. Brackett added that they have hired someone to run the Marina and they are committed. He said issues will be addressed as they come up, but they can't tie the Marina Director's hands in doing things.

Mr. Falls agreed that this master plan gives them a map as going forward. They will develop a project plan for vetting and approval and taking a look at what needs to be

added or taken away in creating this master plan. He said this project will give them the opportunity to do that. It will be their roadmap to success.

Mayor Zudans commented that every time this Council or another Council wants to do a part of this project if it is above the City Manager's threshold it will be coming before the public giving them the opportunity for public input on all the items.

Mr. Falls added that those projects will be presented to Council in the budget process and then brought back to them for approval as they are implemented in the fiscal year that they are approved.

Councilwoman Moss commented that a joint meeting also offers the opportunity for community participation.

Councilwoman Moss made a motion to approve Work Order #1 with Coastal Tech/GEC. Vice Mayor Young seconded the motion and it passed unanimously.

**B) Add on Item –
FDOT Projects on SR A-1-A at SR 60 and 17th Street**

Mr. Falls stated for several years they have been trying to get the Florida Department of Transportation (FDOT) to make improvements to a couple of their intersections in the City.

Councilwoman Moss stated that she requested this. She referred to a copy of the letter that she supplied to the City Council dated September 28, 2017 (attached to the original minutes). She said that the MPO was already going to do the two (2) intersections where the traffic from the bridges (17th Street Bridge and Barber Bridge) going east intersects with A-1-A. She said that they were already looking at these intersections so she asked them to add to the study traffic that backs up over the bridge when they go to turn left on either one of the bridges. She said that is the history of this. She said actually this has been pretty fast for MPO. It is only a year and a half later.

Mr. Falls said that he has been working with FDOT and they are getting ready to start design on the project and what they are here to talk about is an addition to it. He said the original project is to extend the right turn lanes on A-1-A where you are heading southbound to turn west to go over the bridge at Beachland Boulevard and then down at 17th Street to extend those right turn lanes back to the next intersection street to allow for some storage of vehicles. He said that Councilwoman Moss asked MPO if they could look at also extending the left turn lane for eastbound traffic turning north on A-1-A at Beachland Boulevard and 17th Street. He said they can accommodate the 17th Street because it's all a paved section and there are no landscape medians there. He said at Beachland Boulevard there is a landscape median between Flamingo Drive and A-1-A that would be eliminated. He said if that happens they would be able to store five (5) more left turn vehicles in the turn lane so that they don't block the through lane as often as they do now.

Councilwoman Moss commented that they all know how she loves open space and green space so she would not ask for this unless it were a safety issue, which it is. She said as you may know that traffic backs up into the only other lane and creates very hazardous conditions.

Mr. Falls stated that the direction he was looking for from the City Council was that they were okay with removing the landscape median then he will get with MPO and explore additional funding for the project and let FDOT know how to proceed.

Mr. Howle commented that he could not imagine that this was ever going to be an issue at Mockingbird and doesn't seem to be a big issue at Ocean Drive. He also likes the landscape medians. They look nice, but this is a main thoroughfare and that traffic is not getting any better. He said that the left turning lane for Flamingo doesn't seem to be utilized as much as you would think based on the length of the turning lane. He is in favor of this.

Mr. Falls said if he has consensus of Council to move forward with this then he will let FDOT know and get with MPO to see if he can work out the funding and will report back to Council with the outcome.

There was consensus from the Council for Mr. Falls to move forward on this matter.

Councilwoman Moss invited Chief Currey to speak on the speeding issue. She said that there has been enhanced enforcement that has continued. She spoke with some people living on Camila Lane a couple of weeks ago and they were happy with the enhanced enforcement. She said that the Police Department is doing a good job and thanked them for it. She invited Chief Currey to address it specifically. She expressed that there would be another speed sign installed at Live Oak Drive.

Chief Currey reported that the new speeding signs will be installed eastbound on Live Oak Drive, and north/south bound on Indian River Drive and there will also be two (2) new signs installed in McAnsh Park.

Mayor Zudans commented that he lives on Indian River Drive and it has been his experience that people are not exceeding 30 miles per hour (mph) and the speeding traffic has definitely slowed down from before.

Chief Currey addressed Mr. Economy's comment about someone telling him not to call the Police Department. He said that his staff would never tell someone not to call the Police Department. He said traffic is their number one complaint and it always will be. They receive calls all the time. What he was told by his dispatch, supervisors, and staff, was that Mr. Economy was calling daily about a car speeding and when the Police Officer arrives the car is gone. So what they have told Mr. Economy is to call with his concern and if it is not addressed then he (Chief Currey) should be receiving a phone call.

Chief Currey went over the recent data for a radar speed sign posted at 329 Live Oak (westbound traffic only). The posted speed limit is 25 mph. On February 16, 2018, the speed before the signs had been installed was 34 mph. Then on March 27, 2018, after the speed signs were installed it was 27 mph, which was a 21% reduction. Between April 4, 2018 to May 4, 2018, the speed during police enforcement was 25 mph, which is a 26% reduction. Between May 4, 2018 to June 4, 2018, the speed after police enforcement was 25 mph, which was a 26% reduction and for the time period between June 4, 2018 to October 15, 2018, the speed throughout the summer was 26 mph, which is a 24% reduction. With the east bound traffic only (no radar sign installed) on February 16, 2018, the speed before the signs were installed was 34 mph and on April 4, 2018, the speed during police enforcement was 32 mph, which is a 6% reduction.

Chief Currey gave the data for the location of Indian River Drive (south of the Dog Park driveway), which included the north and southbound traffic. The posted speed limit was 25 mph. On January 29, 2018, before the speed signs were installed was 39 mph. On March 27, 2018, after the speed signs were installed it was 30 mph, which was a 23% reduction. From April 4, 2018 to May 4, 2018, the speed during police enforcement was 28 mph, which is was a 28% reduction. From May 4, 2018 to June 4, 2018, the speed after enforcement was 29 mph, which was a 26% reduction and from June 4, 2018 to October 15, 2018, the speed throughout the summer was 29 mph, which is a 26% reduction (this information is attached to the original minutes).

Mr. Howle asked if the stop sign that was installed on Fiddlewood has helped reduce traffic or speed.

Mr. Falls said that no additional studies have been done on that road, but he would check and see when one is scheduled.

Mayor Zudans thanked Chief Currey for the extra attention given to that particular neighborhood. He said that it should done for all of the different neighborhoods, but this particular neighborhood had a lot of complaints and those complaints have been addressed. He said also the City putting in sidewalks along Live Oak Drive has made the overall area a lot safer and much more utilized.

Chief Currey commented that traffic is a behavior correction.

Vice Mayor Young asked Chief Currey if he had any data on 27th Avenue/Emerson. He knows that it is a high volume corridor and wondered how much attention has been placed on this street.

Chief Currey said that he would get with the Engineering Department about finding out when the last speed study was done and said that maybe it is time to do another one.

Vice Mayor Young commented that the other thing that helps is having patrol cars out in different areas even if the car is just parked. He said that presence serves as a deterrent.

Chief Currey shared his crime report with the Council. He said that violent crime in 2017 was down by 34.4%. In 2018 it was down by 26.9%. He said that is quite a reduction in violent crimes. Their property crime is also down by 16.3% for 2018. He felt that it was important that Council and the public are aware of these numbers.

Mr. Howle complimented the Police Department on the great service that they provide to this community. He said that the Police Department is run very well and the Officers are very respectful.

Mayor Zudans noted that a lot of the crimes are related to drug and alcohol. He asked Chief Currey if there has there been a change in the nature of this in the community.

Chief Currey explained that so much of their crimes have a connection with drugs. He said whether it is domestic violence or burglaries, etc. He reported the opioid statistics to Council not too long ago and he would be happy to give an update. He said between January and June, 2018, the City had their big spike and were averaging about three (3) to four (4) overdoses a month, but since then it has dropped off dramatically in the City.

Mayor Zudans reported that in medicine there has been a significant crackdown in what physicians are allowed to prescribe and that may be starting to bare some fruit, as well as the crackdown in the pill mills that was done some years ago.

Councilwoman Moss thanked Chief Currey for taking the time to join them at today's meeting.

9. CITY ATTORNEY MATTERS

A) Discussion of Amended Agenda as Requested by City Council

Mayor Zudans referred to the revised agenda that had been prepared by Ms. Honse who was given Council's input on the changes. He said he would like to see them conduct all of their business items for the meeting at the beginning and any items that are going to be voted on by the City Council there will be an opportunity for public comment specific to that item. The open public comment that they used to have at the beginning of the meeting for non-agenda related items will be moved to the end of the meeting. He also proposed that they do something a little different with the presentations as well. To the extent that it is a staff or consultant special report or informational item they most often are going to be associated with an agenda item and if they are not they should be handled under City Manager's Matters. He said the same thing with presentations sponsored by City Councilmembers. If it is related to an agenda item like the one they had today it can be heard when that item comes up and if the City Councilmember wants someone to have extra time on the issue that is fine. But if it is just an informational item not related to any action of the City Council it should be heard at the time that Council is making their own individual comments towards the end of the meeting.

Mr. Howle commented that the purpose of these meetings are to facilitate the administration of government and keeping that at the forefront is important. Also, this is the Mayor's meeting and he should be able to run it in the way that he feels is appropriate.

Mayor Zudans appreciated that, but he does want everyone to be happy with how the meetings are being run.

Councilwoman Moss stated that she was not in favor of moving public comment back to the end of the meeting. She said for the community in every budget book there is an organizational chart for the City. The people are listed first. They are at the top of the organizational chart. She said putting public comment at the end of the meeting would not reflect their organizational chart and putting people first. Also, local government here in Vero Beach is very different than government in Tallahassee. She knows that she has had trouble getting an appointment with their State Representative or State Senator. It is difficult to interface one on one with an Elected Official. But locally they can do that. She said yes people can make an appointment with them in their office and they welcome it. But, beyond that to state something under public comment it gives them the opportunity by having it early in the meeting and the accessibility to speak to the Council and even to each other within the community. She said operationally while it sounds logical and to have public comment at the end and now it is only 4:20 p.m. it always starts off the same way meaning the pattern of the length of meeting times. In the beginning they have no new business or no old business, but as things go on and there are matters under new business and old business meetings run longer and it could be a six (6) hour meeting. She said put yourselves in the shoes of someone that is coming to make a public comment, but they don't know how long the meeting is going to be. She said think about it operationally for a minute. If public comment is at the beginning of the meeting the person can see that they will be speaking relatively close to the beginning of the meeting. If public comment is held at the end of the meeting there may not be any idea as to when that meeting will actually end. She said before she served on City Council she attended a meeting when she was Chairwoman of the Utilities Commission and there was someone to speak under public comment when it was at the end of the meeting and that person had to sit through the whole meeting, which was six (6) hours to only speak for three-minutes and it was about a matter of public safety and this person needed to say something publically. She said these are the reasons for her objection to this and maybe there is a half way point, but she thinks it is really important to put people first. They are the business of the City.

Mr. Brackett commented that this is a two-way sword. They don't want people to have to wait to speak, but in the meantime they want to be able to get the business done. He said while recently attending Council meetings he would see people taking advantage and getting up and speaking twice on an item. He said if they leave public comments to the start of the meeting then people can speak on any action items that they should be allowed to speak on later in the meeting giving them two (2) times to speak. He said hopefully they will have shorter meetings and no one will have to wait too long to speak.

He said the first City Council meeting he came to the meeting started at 3:00 p.m. and ended at 11:30 p.m., which was a long meeting.

Vice Mayor Young commented that the conduct of the meetings seems to vary over the years. His concern was to facilitate a shorter meeting. He said having four (4) to six (6) hour meetings is a deterrent for anyone to speak. They have a responsibility to listen to the public and that can be accomplished in a number of ways. The person can come to the City Council and ask to speak up front and rarely are they going to be told no. The concern that he has is if they utilize their matters to raise a concern for a vote public awareness of that issue may not be what they would like it to be. He suggested if they have a matter that comes to their attention that the vote for that matter not be held at that time, but be held and heard under new or old business so that there is no opportunity where the public would not be engaged in that matter.

Mayor Zudans said that he would expect that is the way that would occur. He asked if something isn't on the agenda to begin with can they vote on it.

Ms. Honse said that technically they can, but it is not good practice.

Mayor Zudans commented that there is public comment throughout the entire meeting and not just at the open public comment section. He said what they are talking about is non agenda items and by putting it at the end they avoid that issue with people getting up to speak twice. They could have a rule saying that they were not going to allow people to speak twice on the same issue, but then he is being put in a position if someone got up to speak and they are coming up again to speak a second time and he is telling them they can't make public comment on what they are about to vote on. He said it may be their policy, but it just looks bad to do it that way. He said what they should be focused on in the beginning of the meeting is their business meeting and then at the end is informational things of interest to the community. He agrees with Vice Mayor Young that everyone has access to them. He receives emails every day from citizens. He answers phone calls and he is sure that every other Councilmember does as well. He said each one of them are responsible to their citizens and he asked Council to let him try it this way and if they don't like it they can come back and reassess it if it is not working out the way they expected it to or if they are getting complaints.

Ms. Honse referred to the proposed Resolution and read the order that she has items on the agenda. She said that sponsored presentation items will go on under Councilmember Matters and she removed the items that were under Councilmember Matters. The staff consultant special reports and information items will come under the City Manager's items or a specific agenda item. Public comment will be heard last on the agenda. She said one other item she has heard is moving the public hearing portion of the meeting after the consent agenda.

Vice Mayor Young said if they have an item to be voted on it should be addressed either under old business or new business.

Mayor Zudans agreed with that suggestion and said that would be their policy. He said if something comes up where there is an extenuating circumstance then they will address it at the time.

Councilwoman Moss was in favor of that. She said if there is going to be a vote it should be under old or new business, which hasn't happened in the past. She brought up the Dodgertown matter. She said it was on under presentations and not as new or old business. So she was in favor of this. She said if the Mayor wants to try something for a few meetings she wants to be collegial. She said frankly she thinks it is a function of time and perhaps the Mayor agrees. If it is a short meeting it doesn't matter what comes in what order, however when they are going to three, four, five, six hours then it becomes critical because they are cutting people out of it.

Mayor Zudans said he did not plan on having meetings like that.

Councilwoman Moss said okay. His comments are on video.

Mayor Zudans told Councilwoman Moss to hold him accountable.

Mr. Brackett asked the Mayor if he would consider moving public comments before Council Matters.

Mayor Zudans agreed with that suggestion. He said lets move public comments before Councilmember Matters.

Ms. Honse said that she would bring this item back to their next City Council meeting for a vote.

Mayor Zudans said that they would plan on operating under the proposed agenda at their next meeting even before it is approved.

Councilwoman Moss suggested trying it before they voted on it. They could just try it like they did last time. She said there was a trial period before they voted on a Resolution.

Mayor Zudans proposed that they do a Resolution and if it is not working they will come back and revisit it.

Public Comment (3 minute time limit)

Mr. Wade Vose, from Vose Law Firm in Winter Park, Florida requested to speak. He said that he is the managing partner in this law firm. His firm presently serves as City Attorney for eight (8) cities throughout the State of Florida including two (2) beach cities, which are Cocoa Beach and Madeira. He has learned that the City of Vero Beach is looking for a new in-house City Attorney. He is here today to propose to Council, which he believes will be a much more effective economic situation to provide the City with

concerning comprehensive City Attorney services. He provided each Councilmember with a detailed proposal. This proposal offers the services of five (5) highly skilled and experienced local government attorneys and one of which has extensive experience in the Airport and aviation field. He said between them the attorneys in this law firm have served as legal counsel for over 110 local government agencies; this includes serving 26 local governments. This proposal is to provide the City with an all-inclusive City Attorney services including litigation all for a fixed monthly fee that results in a savings to the City of over \$200,000 per year, based on the City's fiscal year 2018/2019 budget. This arrangement would dramatically lower the City's legal expenses and provide budget predictability and unlimited legal services from five (5) highly experienced local government attorneys. He has included in the proposal references from some Mayors and City Managers for both Cocoa Beach and Deltona, where in both cities they accomplished a six figure reduction in cost. They understand that the Interim City Attorney has recently tendered her resignation and they stand ready to assist the City with Interim City Attorney services along the same terms as he has described at a moments notice. He thanked the Council for their consideration of his proposal. He noted that the proposal provides two (2) options. He understands that currently they have a paralegal in the City Attorney's office and they would provide the option of what it would be if the paralegal stays in-house or if they didn't want to have a paralegal in-house and each one of these options would provide the City with roughly a \$200,000 budget savings annually.

Mr. Howle asked how do they handle getting questions answered with an outside attorney.

Mr. Vose explained that an attorney would be present for all of the City's Council meetings and other major Board meetings. They will offer legal advice during office hours if that is helpful, but otherwise would be available 24/7 to the City Council, City Manager, and City Clerk.

Vice Mayor Young commented that he was probably the least supportive in moving in this direction, however he is open to hearing new options. He said a concern that he has is how does he avoid a City from becoming reactionary to potential legal matters. He said in-house attorneys are available to look at the conduct of the City staff in avoiding potential litigation.

Mr. Vose explained that it was in his firm's interest as well that there not be any litigation and everything is staying on the right track. They do their best with any new project or anything else that is going on to be present from the first day that the project starts. This allows them to know what it is and not going off the tracks and avoid litigation before it happens.

Vice Mayor Young asked about confidentially and dealing with City matters. He asked if that is something that they should be concerned with.

Mr. Vose explained that outside attorneys and any attorney of the Florida Bar are bound by conflict of interest and confidentiality rules. Same rules apply to in-house and outside attorneys.

Mayor Zudans asked if since they were in the process of looking for a City Attorney could they actually include law firms in that search process as opposed to just individual attorneys. He said they have an issue that they will not be done with the attorney search and don't want to get stuck in a situation with no City Attorney. As a minimum they need some outside firm to be the Interim City Attorney and then as responsible City Councilmembers they should be reviewing all of their options in this process. He said not just hiring a City Attorney, but also looking at hiring an outside firm. He asked how do they incorporate this idea into their search process.

Ms. Honse explained that it would be a parallel process. They wouldn't necessarily incorporate it into the search process because the consulting firm is about hiring an individual for their City Attorney. She thought that they would need to open it up to all law firms to provide proposals. They could do an RFP to bring in other proposals and compare what their proposed costs are versus their in-house counsel. She said keeping in mind that every phone call made to the attorney the City will get billed. Even though Mr. Vose said a flat rate the in-house City attorney is always available to help staff.

Mayor Zudans said that he heard two different things. He heard unlimited legal services and he heard that the City will be billed for every single phone call.

Mr. Vose explained that his business model is different from a lot of local attorney firms. He said that his firm does not bill for every phone call, there is always unlimited phone calls without being billed.

Mayor Zudans appreciated Mr. Vose's time. He suggested that they keep an open mind to see what works best for them.

Ms. Honse stated that the paralegal in the City Attorney's office is not just a paralegal. She is a human being and a valued employee with the City. She said when they think about keeping someone in-house that they consider that she is a human being and a person who is a valued employee of the City.

Mayor Zudans said of course and that was part of the proposal that was just made that this could be handled two different ways. He said of course they would treat everyone like human beings.

Mr. Howle was looking forward to looking at the figures provided by Mr. Vose. He was not opposed to putting out an RFP for other law firms.

Mayor Zudans said that he wants to talk to the consultant that they hired. He received another message from one of the other local law firms that also has someone who is a contracted City Attorney in the area. He forwarded that information to their consultant

and it sounded like their consultant was going to be reviewing those options under their current agreement. He said before doing a separate RFP he wants to ask their consultant if this will be included in what they are already paying for. In the event that they did need to do another RFP then he would be in favor of doing one. He asked in the event that it is not included in their consulting firm hired to find a City Attorney, would the other City Councilmembers be in favor of having an RFP to include this other option.

Councilwoman Moss asked at what capacity would that be. Is it for hiring an Assistant City Attorney. She asked what are they outsourcing.

Mr. Howle said it would be for the entire department.

Mayor Zudans added it would be for either the entire department or the entire department with the exception of the paralegal.

Councilwoman Moss commented that based on the previous model they had two (2) people at least maybe they are going to cut the third, which they can talk about at another meeting. She said say you want to limit it to two (2) people from her vantage point she would say that definitely the City Attorney should work for the City. She would not want to see that go to be outsourced. That person once hired whose working for the City, if that person chooses to outsource some of the other legal tasks she does not necessarily object to that.

Vice Mayor Young commented that this was a good exercise. He said that they are thinking now about going from three (3) attorneys and completely restructuring the way that the City Attorney's office operates. He said in having listened to prior Councils' who very adamantly felt it was important for them to retain a City Attorney's office to shift gears at this point is a little premature. He would like to review the proposal that was provided to them and give it some additional thought. He was concerned about what they were going to do to cover the Attorney's office before they can get someone hired. He asked what the plan was at this time.

Mr. Falls said they are working on it. He said unless their search firm thinks they can have someone in place in which the existing agreement does not include outside firms. However, that could be discussed with the consultant and if the answer is no then there would have to be a formal RFP process to get some firms to look at.

Mayor Zudans stated that on a temporary basis there are local law firms that are interested in performing the task.

Mr. Brackett commented that any time someone says that they can save you \$200,000, he perks up. He has a lot of questions and tonight is not the time to get all those questions answered. In his business he likes his staff being his staff. He is not going to say that he has a closed mind to anything because they owe it to the citizens to review the numbers and make sure they are correct. He agreed there is a situation with having an interim attorney that will have to be addressed.

Ms. Honse suggested since they know that they need an interim attorney that they probably would want the Purchasing Department to prepare a short RFP so that everyone is provided with the same information on what the City is looking for and they would have an opportunity to select someone on a temporary basis.

Mr. Keith Drewitt commented that right now the City is getting about 6,000 hours of legal opinions a year from their City Attorney. He said there is some sort of disconnect between what they are receiving now and the proposal. He said to avoid risk they are best served with an in-house attorney.

Mrs. Phyllis Frey asked what is the fate of the three corners. She said it is already being decided that the Planning and Design Charrette meeting being held in these Chambers tomorrow at 1:30 p.m. that the public is not invited during the meeting. It is between the Evaluation Committee and Planners outside of this area. They do not want to be swayed by public input so the public is not allowed to attend until the discussions are ended and even then the public will not be allowed to make public comments. She said \$100,000 of taxpayer's money is being paid to these consultants along with the politicians. She said that three (3) Councilmembers are saying that the three corners should become mixed use or all commercial and they want to remove the property from the City Charter with no height restrictions. She read a prepared speech.

Mr. Howle asked if there was a meeting tomorrow that he was not invited to.

Mr. Falls explained that the meeting tomorrow is for the Evaluation Selection Committee to hear the two (2) proposals that were received based on the RFP that was put out for the three corners.

Mr. Howle wanted to make it clear that there was no one speaking tomorrow to tell the City what the three (3) properties should be.

Mayor Zudans said that this is a plan to choose the firm that will eventually engage the public.

Ms. Honse clarified that a portion of the meeting is open. The interview portion of the firms is closed to the public because often times confidential information is disclosed that does not need to be made public. She said the one firm doesn't need to know what the other firm is saying. Once that part is completed then the meeting is reopened to the public for the Evaluation Selection Committee to make their recommendations to the City Council. The recommendation then goes to the City Council for action and then public comment will be allowed. The Evaluation Selection Committee is their technical experts looking at it from a technical perspective and not a popular opinion perspective.

Mayor Zudans asked if a property is removed from the protected use in the City Charter that does not do anything to the height restrictions. He said it does not remove the height restrictions that are part of their City Code.

Ms. Honse said that is correct.

Councilwoman Moss asked who is on the Evaluation Selection Committee.

Mr. Falls stated that it is himself, Mr. Jeffries and Mrs. Fitzgerald. He plans on bringing the recommendations of the Evaluation Selection Committee before Council at their April 2nd meeting.

10. COUNCILMEMBER MATTERS

A. Mayor Val Zudans's Matters

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

Mayor Zudans presented former Mayor Harry Howle with a plaque thanking him for the time that he has dedicated to serving the City of Vero Beach as Mayor.

Mr. Howle said that he really has enjoyed being here and trying to help move the City along in the right direction. He has enjoyed working with everyone. He said that staff has been great and he thanked everyone for the plaque.

Mayor Zudans reported that he attended his first Coffee with the Mayor, the ground breaking for the Rowing Club, the Pickleball Tournament that took place over the weekend, the First Ladies on the Move Gospel Concert and the rededication of the Airport monument. He also went to the Sebastian Shrimp Fest and got his picture taken with the Mayor of Sebastian.

B. Vice Mayor's Tony Young's Matters

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

Vice Mayor Young reported that he attended the 100 year celebration for the American Legion on Friday night. He mentioned the Vero Beach High School Red White and Blue concert. He thanked Mr. Falls for getting the front gate to Crestlawn Cemetery refurbished and he thanked the Public Work's Department for the work that they have been doing at Young Park. He said that the Centennial Celebrations are going strong and the plaque to dedicate the bridge will be held this Saturday at Royal Palm Pointe.

C. Councilmember Laura Moss's Matters

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

Councilwoman Moss announced that there would be a Save our Shores meeting on April 6th at 10:00 a.m. at the Hampton Inn & Suites and the community is invited to attend. She also reported on the exciting new 3-Dimensional art show that the Vero Beach Art Club is introducing to the Treasure Coast. The show will take place on March 29th from 6:00 p.m. to 8:00 p.m. at Marsh Island and continue through the weekend.

D. Councilmember Robert Brackett's Matters

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

Mr. Brackett commented that the first two (2) weeks on the job have been very busy. He was able to attend Heritage Day, which was a great event. He commended the Airport Director on what he is doing at the Airport. He said that he has already had a lot of meetings with staff and the citizens of the community. He wanted the community to know that he was always available to talk to them.

E. Councilmember Harry Howle's Matters

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

Mr. Howle thanked the Council again for the plaque.

12. ADJOURNMENT

Today's meeting adjourned at 5:12 p.m.

/tb