

**CITY OF VERO BEACH, FLORIDA
MAY 7, 2019 5:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Randy Bryant of Ryanwood Fellowship followed by the Pledge of Allegiance to the flag led by Ms. Centennial, Anna Valenzia.

1. CALL TO ORDER

A. Roll Call

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

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – April 16, 2019

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

2. Special Call City Council Minutes – April 29, 2019

Mr. Brackett made a motion to adopt the Special Call minutes of April 29, 2019. Vice Mayor Young seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Monte Falls, Acting City Manager, requested that discussion of closing South Beach Park the morning of May 8th be added on today's agenda as item 8-B) under the City Manager's Matters.

Mr. Howle made a motion to adopt the agenda as amended. Vice Mayor Young seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1. Mental Health Awareness Month – May 2019

Vice Mayor Young read and presented the Proclamation.

2. National Safe Boating Week – May 18 – May 24, 2019

Councilwoman Moss read and presented the Proclamation.

3. National Police Week – May 12 – May 18, 2019

Mayor Zudans read and presented the Proclamation.

4. Certificate of Appreciation being Presented to DIGG Gardens

Mayor Zudans presented a thank you certificate to the owner of DIGG Gardens for continually donating trees to the City of Vero Beach.

Mayor Zudans read the Certificate presented to Mr. and Mrs. Albert LaBonte for being long term residents and business owners in the City of Vero Beach.

5. Communicator of the Year Award being presented to the City Clerk

Ms. Cindi Green and Mrs. Anna Valencia presented Mrs. Tammy Bursick, City Clerk, with an award for being named Communicator of the Year.

4. Kids Tag Art Award

Mrs. Carole Jean Jordan, Tax Collector, presented Ms. Kira Honse, Interim City Attorney, with gifts for her contribution to starting Kids Tag Art in Indian River County.

3. CONSENT AGENDA (include amount of expense)

A) Traffic Calming and 4-Way Stop Warrant Analysis for Intersections on Royal Palm Boulevard and Place – (\$16,000.00)

Mr. Falls explained that the Public Works department will propose radar speed signs on Royal Palm Boulevard and Royal Palm Place in the 2019/20 budget. The approximate amount for the radar speed signs will be around \$16,000.

Vice Mayor Young made a motion to approve this request. Councilwoman Moss seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

B) RESOLUTIONS

1) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Public Transportation Grant Agreement

with the Florida Department of Transportation for a project entitled “Replace Emergency Generator” (FDOT #445444-1-94-01); Providing for an Effective Date. – Requested by the Airport Director

The City Clerk read the Resolution by title only.

Mr. Falls reported that the Public Works department is located at 3405 Airport West Drive and includes a fuel station that services City of Vero Beach vehicles, including Airport Operations staff. The existing emergency backup generator was installed when the facility was constructed 30 years ago. They have been told that replacement parts are becoming hard to find due to the age of the unit. A reliable backup generator is essential in case of occasional power outages, etc. To cover the cost of this generator, City staff was successful in finding a State Aviation grant to partially fund this purchase at 80%.

Mayor Zudans opened and closed the public hearing at 5:33 p.m., with no one wishing to be heard.

Councilwoman Moss made a motion to approve the Resolution. Vice Mayor 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.

5. CITY COUNCIL MATTERS

A) NEW BUSINESS

1. Discussion of hiring Mr. Monte Falls, Acting City Manager, to the position of the new City Manager – Requested by Councilmember Harry Howle

Mr. Howle commented that in the process of looking for a new City Manager he had a conversation with Mr. Falls a few weeks ago about the position and told him that the City of Vero Beach could really utilize his skills as being the new City Manager. He said that Mr. Falls knows all the key players in this community and he would like to see him as their new City Manager.

Mr. Young echoed the comments made by Mr. Howle. He said that he could not think of a better individual who understands the dynamics of this City.

Councilwoman Moss stated that she mentioned this to Mr. Baenziger last Friday when they were interviewing the City Attorney candidates and it was just in passing, less than two (2) minutes in the lobby. She said that his comments at that time were that they would want to review the qualifications on paper. The same qualifications review that they would give any candidate for City Manager. As she thought about this more and people have asked her this question, why are their Charter Officers not required to live in the City. She said in thinking about that she said she felt that was something that they want to consider going forward that Charter Officers should live in the City. She looked it up. Members of the Finance Commission must be residents of the City, members of the Planning and Zoning

Board must live in the City and even the Historic Preservation Commission members must live in the City in order to serve. The City Council has residency requirements and they serve only for two (2) years. She said generally Charter Officers have a much longer term and generally serve for much longer than two (2) years. She said think about it, they have asked even during public comment could people identify themselves as either being a City or County resident. She said this is not to in any way diminish the value of input from County residents, but they all know it is a lot easier to say that they want something if they are not going to get the bill for it. The City residents pay for everything that happens. If the Charter Officers are residents of the City they are more accountable in a way and will actually feel the results of the decisions that they make. She said this is an important and powerful position (all Charter Officer positions). She said they want that person to be directly affected by the results of any decisions that are made and also if they are City residents they are accessible to people. They have all had that experience where they are in Publix and their ice cream is melting because they are talking to somebody. It is that kind of thing where they are more accessible. It is not just like you work in the City and then you go home. The City is your home. You go to sleep here and you shop here and do everything here. She said since they are restructuring a lot of things right now, where there are two (2) out of three (3) Charter Officer positions open this is a good time to have this conversation. Her guess was it was not in the City Charter originally because it was taken for granted – “of course I live in the City.” She said where else would they live. She questioned are we going to have a Charter Officer that lives in Orlando. She said but I guess right now that could happen. She said that a Charter Officer doesn’t even have to live in the County. It probably was assumed that the person would live in the City originally and something that they might want to think about at this point.

Mr. Brackett commented that is probably a discussion for a later date. He did not think that they could change the rules in mid-stream right now. He would echo the comments made by Mr. Howle and Vice Mayor Young concerning Mr. Falls. He is an incredible asset to this City. He has only been on this Council a few short months, but he has had the pleasure of working with Mr. Falls elsewhere from a private citizen standpoint and what he does for the citizens and what he does for the stakeholders and this community speaks for itself and it is incredible. He said that personally he was in favor of doing this and moving forward and feels that Mr. Falls brings at this point in time with a new Marina Director, a new Planning Director and a new City Attorney a stability that they need in this City right now.

Mayor Zudans commented that he doesn’t know how long you have to work for the City and how long you have to be the Interim City Manager to prove that you are loyal to the City. He does not have a problem with where Mr. Falls lives. He agreed that they are influx in this City and they need some continuity on that rudder that keeps the City moving in the right direction and there is no one who could do that like Mr. Falls. He said it would be his honor as Mayor to be working with him as their City Manager. He is in favor of appointing Mr. Falls as their City Manager.

Councilwoman Moss asked if they could hear from Mr. Baenziger on this since she had a conversation with him last Friday.

Mayor Zudans said that Mr. Baenziger could speak during public comments.

Mayor Zudans opened up the floor for public comments at 5:41 p.m.

Mr. Brian Heady stated that he is a City resident and has been around for a very long time. He wanted to give the Council three (3) reasons why they shouldn't hire Mr. Falls as City Manager, but could not come up with three (3) reasons.

Mr. Ken Daige stated that his experience with Mr. Falls has been fantastic. He has known Mr. Falls for quite some time. He has always been very knowledgeable and people have a lot of respect for him. He is an extremely hard worker and not afraid to get his hands dirty. He hoped that Council would support him. He understands the concerns about Charter Officers not living in the City and felt that should be addressed down the road. It was a good move for the City to hire Mr. Falls as their new City Manager.

Councilwoman Moss commented that having the Charter Officers be City residents was not about Mr. Falls. It is something that they should consider as an idea going forward for all Charter Officers.

Vice Mayor Young added that they are getting ready to go into hurricane season and as the Director of Public Works they have been very fortunate to have a man that understands the ins and outs of preparing and motivating people to keep them safe.

Mayor Zudans closed public comments at 5:46 p.m., with no one else wishing to be heard.

Mr. Brackett made a motion to hire Mr. Monte Falls, the Interim City Manager to the permanent position of City Manager. Councilwoman Moss seconded the motion and on a roll call vote the motion passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

Mr. Falls stated that he was honored for them to consider him for this position. He said just so everyone knows that he lives three (3) miles from City Hall, three (3) blocks outside of the City limits and has been in his home since 1985 and it is a house that he and his dad built and it is probably the last house that he will live in.

2. Hiring of Temporary Legal Services as well as the hiring of the new City Attorney – Requested by the City Council

Mayor Zudans requested that they discuss hiring the City Attorney first before they discuss hiring temporary legal services. He said even if they decide who they will hire for the City Attorney tonight there will be a gap so they need to have someone temporarily fill in. He said that he entered this process of looking for a City Attorney with the opinion that hiring an outside law firm would be the best for Vero Beach. He was open minded going into the interview process and the interview day changed his opinion significantly to someone who was not one of his top two choices. He feels like this decision demands consensus and

compromise. He said that the Council received the message that some Councilmembers opposed an outside law firm and they would not be able to reach a consensus with that option. He said for that reason he has moved the law firm off of his list. He said while he respects the credentials of all of the candidates and the candidates residing in the bigger cities, those philosophies don't really mesh with their local culture in Vero Beach. They have an obligation with the financial plan that was developed by the Finance department and ratified by the City Council at last year's budget process to make up \$500,000 every year for the next five (5) years in order to have a soft landing and balance their budget. He said that this hiring is an opportunity for them to at least make a dent in this year's obligation. He said they would be able to downsize their legal department by at least one (1) employee without reducing the level of services that the community expects. In his individual interviews with the five (5) candidates the only candidate that opposed the downsizing idea was Ms. Everett. Her response was that legal services was the last place where they want to cut employees. He does not doubt her experience or desires and she was one (1) of his first two choices. However, the mentality of having a larger legal department is a position that he cannot ignore. He said there was one (1) particular candidate to him that stood out from all the rest who has been a small beach town attorney, a county attorney, tried over 100 jury trials and he has the calm, friendly, demeanor that fits in with the cultural of their community and is confident that he can provide the highest level of legal services while simultaneously meeting their City's need to rane in legal expenses. They probably all have a few candidates that they like better than others. But, he felt that this person could be the choice that they all might feel comfortable working with. He wanted to move to open discussions with having an open mind. With the vote they are taking today, he would lean heavily to Mr. John S. Turner to be their next City Attorney and he plans to nominate him later.

Mr. Young echoed what Mayor Zudans has said. He felt that Ms. Everett was very capable, but to have an individual who has served as a judge and has the experience that Mr. Turner has he was clearly the follow up to Ms. Everett. He said that Ms. Garrett was extremely professional and has a demonstrated record of building trust within the community. He feels strongly that the in house City Attorney office has served Vero Beach for one-hundred years and that record would be something as they move forward to continue that stability.

Councilwoman Moss stated that Mr. Turner and Ms. Garrett both were her original choices. They were told that they could choose five (5), so these are two (2) of her three (3) original choices.

Mr. Brackett commented that through this process his numbers changed drastically. He went in with his first choice who ended up at the bottom. He thinks that all the candidates are qualified, but what came down to him in the very end was culture and a fit in the community. His top choice is also Mr. Turner.

Mr. Howle stated that they have a group of candidates that are highly qualified including the outside firm. He thanked Mr. Baenziger for putting this list of candidates together for them. He also went into this with the initial idea that they were going to go with an outside firm. Then it slowly changed. He said Ms. Garrett's credentials were great. Then after all

of the interviews he realized that it wasn't always about money. Sometimes having a fit within your community is important and working with the kind of culture that they have had over the years. He came to a decision that it was going to be between Mr. Turner and Ms. Everett. What really made him decide that Mr. Turner would be the best fit for the position was that Ft. Lauderdale is so much different than Vero Beach. They want to hire someone who they think will best fit in immediately and he felt that would be Mr. Turner.

Mayor Zudans opened up the meeting for public comments at 5:55 p.m.

Mr. Brian Heady said that Council knows what his position is because he gave it to them at their Special Call meeting that was held on Friday. He brought up the Vose firm who Council made comments to at their Friday meeting and the Vose firm listened to what they were saying. The Vose firm came back and said that they would have an attorney live in Vero Beach and be in the office full time. He would cut the salary of the City Attorney in half of what it used to be because they no longer have to deal with utilities.

Mayor Zudans made it clear that the Vose law firm did come back after Friday's interview and said that one (1) of their partners would move to Vero Beach and be here working full time out of the office. It just seems it would not be a consensus of the Council to hire this firm and they all agree with the same person to hire as the new City Attorney.

Ms. Adriana DeCantor wanted to remind Council that Ms. Everett was the only candidate amongst the four (4) individuals who has been a City Attorney before. She also has great ties to the City. She urged Council to consider Ms. Everett as their first candidate.

Mayor Zudans explained that Mr. Turner has been a Town Attorney for Ft. Myers Beach.

Vice Mayor Young made a motion that the City Council extend an offer to Mr. Turner to be their next City Attorney. Mayor Zudans 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.

Mayor Zudans stated that Mr. Baenziger would negotiate the contract. They have been told that Mr. Turner would be available to start working between June 15th and June 30th. This still leaves a gap where they will need to have someone serve as interim attorney because Ms. Honse will be leaving the City on May 16th.

Councilwoman Moss commented that this was such a short period of time and questioned what would the interim attorney be doing. She asked if there was anything of importance that has to be done within this time frame that would cause the City to suffer financial or any other harm.

Ms. Kira Honse, Interim City Attorney, explained that there would need to be an attorney at the Council meetings, Planning and Zoning Board meetings and the Code Enforcement Board meeting. She said as far as lease documents for Airport projects it just delays the potential revenue from coming into the Airport. She didn't think that they would need

someone in the office for 40 hours a week, but do they need someone to cover these meetings and answer questions. She has had a temporary attorney assisting her during this time period because they really do need two (2) people and it is good to have someone to bounce questions off of. She said that they could keep this person on as a temporary attorney through the temp agency to handle the day to day questions that come up. Then if there is something that comes up where more expertise is needed then it can rise to the level of the law firm that they select.

Councilwoman Moss asked Ms. Honse how confident does she feel with this temporary person that she has been working with.

Ms. Honse said that she has been working with her for the last six (6) to eight (8) weeks and it is more or less to have a person answer questions that don't need a lot of research.

Councilwoman Moss wondered if they really need to hire an interim law firm for such a short period of time. She is concerned about it becoming very piece meal. She said lawyers have different interpretations of things. She was wondering if the person she was working with could do this since it is such a short period of time. They don't have to enter into another contract and have someone from the outside looking in.

Mayor Zudans commented that they have a matter coming up that they will be discussing later on in the meeting about a potential lawsuit and there are always things that are going to come up. He does not know that they should just have a temp employee. He agrees that it is going to be a relatively short period of time. They always have legal services and would not feel comfortable relying on someone that is just temporary and has only been here for six (6) weeks to be their legal representation until they have their attorney in place. He said it is unfortunate that it will cost them for that little transition period, but they need to have a City Attorney. He asked Ms. Honse if she was busy and does she work hard.

Ms. Honse answered yes.

Mayor Zudans said so Ms. Honse would be gone and they would leave the temp in place for the next month or so. He did not see how that would work.

Ms. Honse said it would be difficult, especially when covering the meetings.

Councilwoman Moss commented that they did some research and believe it or not they did not have a City Attorney when the City was incorporated in 1919. There was not a City Attorney hired until 1938.

Mr. Howle agreed that it was always good and prudent for them to look for ways to save money for the City and it was a good question for Councilwoman Moss to ask. He felt that they could be potentially putting themselves into a position where it could be a dangerous financial situation for the City.

Mr. Young said that he looked at it that way also. If they could continue on without bringing on additional burden it would make sense. However, with the research that he has done it is very prudent on their part to have a firm cover the interim.

Mayor Zudans commented that he is usually the guy that wants to cut costs, but he will disagree on it this one time.

Mr. Brackett also agreed it was prudent for them to have an outside firm. They need to protect themselves.

Councilwoman Moss said that they are down to the point where the temporary will become the transitional person.

Ms. Honse said that the City Manager would take that position.

Mayor Zudans asked with the RFP that they did for temporary services, what is the start date.

Mr. Falls said that the firms are ready to go.

Mayor Zudans suggested that as soon as they decide who it is going to be that they engage them immediately so that they have at least the next week to get oriented by Ms. Honse while she was still here and serve through until they can have their new City Attorney in place.

Ms. Honse commented that if something comes up where a question needs to be answered that she will provide contact information that they can contact her and she will get to them. She will not walk away and leave them totally hanging.

Councilwoman Moss told Ms. Honse that she has been more than gracious and she thanked her for that.

Mayor Zudans asked each of the three (3) law firms here tonight to give a less than five-minute presentation including what services that they will provide, what the costs are, and what their strengths are.

*Please note all proposals are on file in the City Clerk's office.

The first firm to make a presentation was Weiss, Serota, Helfman, Cole & Bierman. Mr. Matt Ramenda and Mr. Mitch Bernstein were at tonight's meeting to give the presentation. Mr. Bernstein said that his firm was one of the largest municipal firms in the State. They are interested in serving as the interim or permanent attorney. They have 68 lawyers as a part of their firm and they all specialize in different matters. There is an entire team of specialists. They have a turn-key operation and represent dozens of local governments. They understand that this is a very brief period of time and have a specialist in the firm to handle those issues that might come up.

Mayor Zudans said so they would tell the firm what meetings they wanted them to attend during this time and they would charge the hourly rate with the travel cost for that time. He said obviously there would not be an attorney sitting in the office otherwise.

Mr. Bernstein said it would be dependent upon what their wishes are. He said it sounds like what their objective here is that they have a very short window to transition so that would involve a triage situation and they would work with their outgoing City Attorney on.

Mr. Ramenda went over his area of specialization and some of the different towns that he has served in. He said that he has been practicing law for almost 15 years.

Mr. Bernstein said that they are flexible with the salary. He said that they don't typically negotiate after they make their presentation. He was still not sure exactly what the City wanted. But, they would aim to establish a long term relationship with the City. He realized that in this interim time frame no one is going to get rich.

Mayor Zudans said he could only speak for himself and not the rest of the Council, but this would be a temporary position and it would not be necessary for someone to be in the office full time. They need coverage for two (2) City Council meetings a month, two (2) Planning and Zoning Board meetings a month and one (1) Code Enforcement Board meeting a month. There is a need for an attorney to work until their new City Attorney starts. He knows of one (1) issue where they may need to have the firm write a letter.

Mr. Bernstein said to just tell them what they want.

Mr. Falls made it clear that there is presently a paralegal and temp attorney working in the office.

The law firm of Gray Robinson gave their presentation. Ms. Stephanie Marchman and Ms. Heather Ramos were at tonight's meeting. Ms. Marchman said that she has been impressed with the professionalism of the meeting that has taken place tonight. She knows Mr. Coment and knew that he was an excellent City Attorney. Their closest offices to Vero Beach are the office in Melbourne and the office in West Palm Beach. There are over 300 attorneys in their firm and 42 of the attorneys do public law and there are attorneys that specialize in many different fields. She said that she lives in Gainesville, but she would be the person attending their meetings and is available immediately. She said she is a negotiator and could negotiate the City Manager and City Attorney's contracts. She served as the Senior City Attorney in Gainesville. They have Charter Officers so she understands the process. She briefly went over what some of her duties were when she worked for the City of Gainesville. She considered her a jack of all trades. She went over a lot of things that she handled as the Senior City Attorney in Gainesville. She is experienced to jump right in and help them with their meetings. She introduced Ms. Heather Ramos who is her partner from the Orlando office. She said they are available and ready to help. She would not charge for travel time and is able to work whenever she is needed. The firm would be

negotiable with their rates. Their firm has an enormous amount of depth, experience, and knowledge and they are ready to jump in to help.

Vice Mayor Young said his concern was availability and that has been addressed.

Councilwoman Moss noted that they had the highest hourly rate of all of the three firms. She was happy to hear that they would negotiate their hourly rate. She asked what the rate would be. Ms. Marchman said that they would watch the hourly rate of the Weiss firm (\$250.00).

Ms. Marchman commented that they have been highly involved with local government issues in the State.

Vice Mayor Young thought that he saw ADA issues addressed in one of their resumes.

Ms. Marchman said that she has dealt with all sorts of issues. However, she is not a Board certified government attorney yet.

There was a question if there would be a conflict with the Airport in Melbourne and the issues that come up with the Airport in the City of Vero Beach.

Ms. Honse said what they have in Melbourne is an Airport Authority so she did not see a conflict.

The last firm to make a presentation was the Vose law firm. Mr. Wade Vose said that he spent a lot of time with the Council last Friday when they were doing interviews. He said it is important that they have made the right decision when it comes to their City Attorney. He said in comparison to the other two (2) law firms that they have heard from tonight their firm is the small guys. He said that he is Board certified along with the other two (2) attorneys in the firm. He said that Ms. Becky Vose, who is the senior partner in the firm will likely be the person attending their meetings. They have provided the City two (2) options. They could use either an hourly rate or a flat monthly rate. He expressed that there is a considerable amount of experience in his law firm. Their firm represents seven (7) cities throughout the State of Florida. He said with regard to this interim period of time there is no one more passionate to make sure that there is not a single ball dropped than his firm. They will make sure that good representation is given until the new City Attorney has started.

Mayor Zudans said that the Council is familiar with the Vose law firm and he thanked them for applying to handle the interim position, as well as the full time attorney position.

Mayor Zudans opened up the meeting for public comments at 6:35 p.m.

Mrs. Phyllis Frey thanked Council for choosing Mr. Turner and Mr. Falls. She felt that the City would be in good shape. She made some remarks about the Vose law firm and said that they have a history of conflict. She referred to some newspaper articles that were

published while they served as the City Attorney for the City of Deltona. She then read a prepared statement and urged the City Council to vote no to the Vose law firm.

Mayor Zudans did not appreciate that Mrs. Frey stands up and makes accusations about this firm and a hard drive incident. He said what happened with that is Ms. Vose did exactly what she was supposed to do as a City Attorney. There was an I.T. person who was planning on accessing a hard drive in the Deltona City and violating client/attorney privilege, which is one of the ethical requirements of an attorney to protect their information. He said that there were two (2) members of that City Council out of seven (7) members who were on the side of that I.T. employee and the other five (5) Councilmembers were fine with the Vose law firm including the City Manager who happened to also be an attorney. He said throwing out accusations like that is not fair especially to someone who has come here with extensive background checks done. Their consultant also contacted several cities and received background information from these different cities. The comments about a developer is not criminal. The insinuation that they somehow did something unethical or illegal to help a relative in developing is unfounded and Mrs. Frey should not come up and make accusations unless she has some concrete basis to back that up. They are talking about six (6) weeks of having an interim person fill in. This is ridiculous fear mongering and he is tired of it.

Mr. Brian Heady stated that anyone that wants to stand up and say something whether it be negative or positive is public input. He said for the Mayor to criticize the public for daring to express their point of view that opposes him must remember that this is representative government. With respect to Ms. Vose, he has some comments about her. Her son said that she has 46 years of experience. He is not all that good in math, but if she is that old then she should be in the beauty business because she has a secret. He said that they would solve this whole issue by not scheduling any meetings that involve having an attorney.

Mrs. Jaco (spelling may not correct) stated that they have worked very diligently to hire an in house City Attorney to represent the City. It doesn't make sense they are going after mega firms to fill a temporary position. If they need a temporary attorney why are they establishing a long term agreement. She said protecting their local Elected Official sounds like 750 to her. Why are they considering hiring an attorney with this kind of potential. She has not heard them fighting Virgin trains. She wants them to keep the Charter as it is and avoid high density development.

Mayor Zudans stated that he asked the County Attorney if there was any way that the City could help him with the fight concerning Virgin trains and he told him not right now. The people being hired tonight are to provide legal advice to the City and political decisions are to be made by the City Council.

Mr. Howle explained that the reason that any law firm would like to seek a relationship with the City is because sometimes that have to go and hire an outside law firm to handle certain situations. He used Mr. Nat Dolinger of Carlton Fields as an example.

Councilwoman Moss said that she has already expressed her concern publically in regard to safety issues with the train. She said it was at the Treasure Coast Regional Planning Council meeting last year. She is the City's representative on this Council, but the City is not a regular member this year, but just an alternate member.

Mr. Young commented that after listening to the firms the initiative that Mr. Ramenda has in regards to wanting his firm to represent the City of Vero Beach and his firms relationship with the Treasure Coast is something that he thinks is admirable and provides a local connection. He said in regards to Gray Robinson, just hearing the discussion today was very beneficial. He was in favor of either of those firms.

Mayor Zudans stated that with no offense to the other firms, he thinks that Gray Robinson has a caliber reputation and of the three (3) law firms in front of them the most competent law firm. In the future if they ever needed to have a specialized law firm to handle something this is the firm that they would want to have the relationship with. With that said he felt all three (3) of the firms could do this temporary service and they should go with whoever they feel most comfortable with. He said Gray Robinson would be his first choice, especially with matching the rates of the second firm.

Councilwoman Moss was happy to hear that Gray Robinson would match the rates. She does not have any personal connections (Gators, etc.), but would be happy to have Gray Robinson represent them. She felt that all the firms were quite capable and she thanked them for being here tonight.

Mr. Brackett agreed that they have a great group of applicants who are all very qualified. They are only talking about six (6) to eight (8) weeks max and with one of the firms only an hour away would help. He would go with the firm of Gray Robinson.

Mr. Howle commented that he has been impressed with the Vose group and how well they have been assisting the City. They have shown interest and have been helping the Council in making a final decision. He said the other two (2) law firms are perfectly qualified as well. His colleagues are correct that Gray Robinson is a good choice for their interim attorney and he would go with that choice.

Vice Mayor Young made a motion that they hire the firm out of Gainesville, which is Gray Robinson. Councilwoman Moss 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.

B) OLD BUSINESS

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on May 21, 2019 at 3:00 p.m.

A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, Section 62.105 Security

Fences exempting the Airport Security Fences; Amending Chapter 68, Airport Zoning relating to construction and obstructions to Flight Navigation in the Airport Protection Overlay Zone; and Amending Chapter 72, Article IV, Tree and Palm Protection, Section 72.41 Permit required; Exemptions, exempting removal for Airport Security Fence Clear Zone; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Airport Director

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on May 21, 2019 at 3:00 p.m.

Public Hearing to be held on June 4, 2019 at 5:00 p.m.

- B) An Ordinance of the City Council of the City of Vero Beach, Florida; Requested by RDP 12, LLC to Annex Property located at 1550 US Highway #1 in Tropical Park Subdivision, containing 0.47 acres more or less, pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on June 4, 2019 at 5:00 p.m.

Public Hearing to be held on June 4, 2019 at 5:00 p.m.

- C) An Ordinance of the City Council of the City of Vero Beach, Florida, Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Land from Indian River County Designation C/I, Commercial/Industrial to City of Vero Beach Designation C, Commercial for the property located at 1550 US Highway #1, containing 0.47 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on June 4, 2019 at 5:00 p.m.

Public Hearing to be held on June 4, 2019 at 5:00 p.m.

- D) An Ordinance of the City Council of the City of Vero Beach, Florida, Amending the Official Zoning Map by changing the Zoning District Designation of Annexed Land from Indian River County Designation CG, General Commercial to City of Vero Beach Designation C-1, Highway Oriented Commercial, for the property located at 1550 US Highway #1, Containing 0.47 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on June 4, 2019 at 5:00 p.m.

Public Hearing to be held on May 21, 2019 at 3:00 p.m.

- E) An Ordinance of the City of Vero Beach, Florida, Amending Section 64.12 of Chapter 64, Article I, Development Review relating to Temporary Use Permit; Creating Chapter 64, Article III, Temporary Uses and Structures; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only announced that the public hearing would be held on May 21, 2019 at 3:00 p.m.

Mayor Zudans had some concerns regarding this Ordinance and trying to restrict farmers markets, so one farmers market would not be affected by another. He said that there are many temporary uses being outlined and when reading through the Ordinance he was wondering if it might create a lot of red tape relating to construction and other things. He wanted to make sure that before this comes before for a public hearing that the Planning and Development Director get some feedback from some of the people who are doing the work. It was regulations having to do with temporary work like port-o-potties, etc. He just wanted to make sure that they were not creating some more red tape. He talked to Ms. Honse earlier and she gave him the impression that he was misunderstanding the Ordinance, which is probably true. He just wanted to verify that they were not making a whole bunch of red tape.

Mr. Jason Jeffries, Planning and Development Director, explained that the purpose in most zoning Codes in each jurisdiction is they have these temporary uses. He said a lot of time if they don't have them delineated in the Code they run into a situation where they are not permitted. He said it is reasonable to allow these types of temporary uses. He said this Code is written in a way to address some of these uses to be permitted without the need for a permit. This is designed in a way that it does not necessarily create more red tape.

Mayor Zudans said that he noticed that Walking Tree Brewery has started having a farmers market there on Sundays, which is different then the farmers market on the beach. He asked do they need to get a permit every time they do that.

Mr. Jeffries said currently they would need to get a permit because it falls under the special event permit, which does not exist in the Code. This Ordinance will actually exist in their situation because they have the farmers market delineated in the Code. He said many of these temporary uses are situations that have come up since he has been here and there are not provisions to allow them in the Code. He said as they move along he will be bringing items forward to Council that need updated in their zoning Code.

7. CITY CLERK MATTERS

- A) City Council Summer Meeting Schedule**

- B) Reappointments to City Boards/Commissions**

The City Clerk informed Council on the reappointments of members that they have on some of their Commission/Boards. She said no official action is needed tonight. She will bring this back at the May 21st City Council meeting to be voted on.

C) Commission/Board Openings

The City Clerk announced what openings the City has on their Commission/Boards.

**8. CITY MANAGER MATTERS (include amount of expense)
(Staff/Consultant special reports and information items)**

A) Discussion of April 16, 2019 Correspondence from Attorney Louis B. Vocelle, Jr., in Reference to the Water, Wastewater and Reuse Water Franchise Agreement between the Town of Indian River Shores, Florida, and the City of Vero Beach, Florida, dated October 1, 2012

Mr. Falls put this item on the agenda to discuss the correspondence that they received from Indian River Shores (IRS) through their attorney Mr. Buck Vocelle. He wanted to make sure that the City Council's position was still consistent with what they communicated to him on April 4, 2019. He said that is where they made the offer to hold the rates the same until the study was completed and then get back to IRS if there were any changes that they found. He has talked to the Water and Sewer Director who has told him that the study should be completed in late June so they are not that far away from having that information. They will be meeting with the County, John's Island, and IRS in late May to find out if they wish to participate to get all the parameters squared away then by late June the consultant should have the analysis done for their review.

Mayor Zudans requested that no one from City Council make any particular statements unless they have to because there is the threat of potential litigation.

Mr. Falls asked for permission to allow Ms. Honse to help draft a response letter to Mr. Vocelle.

Mayor Zudans commented that they went through a lot with IRS with the electric utilities and they do want to have a good relationship with them. All they are doing is whatever they are responsible for. They will follow through with whatever is determined that they are suppose to do and leave it at that. He said personally he does not feel that they should do anything different until they have the rate study completed.

Mr. Howle hoped that they could come to some sort of accord, which would be beneficial and having those figures would be immensely helpful. He would be waiting until the study is completed.

Mr. Falls asked Council if they wanted staff to respond to this letter, which they received three (3) weeks ago.

Mayor Zudans thought that Mr. Falls was asking Council if their position stayed the same as the last time that they talked about this item, which was to wait for the rate study to be completed and then they would do whatever is the right thing to do.

Mr. Brackett asked if IRS ever responded to their proposal.

Mr. Falls explained they responded with this letter (attached to the original minutes).

Councilwoman Moss stated that her position has not changed since the discussion. She told the community that they did agree that after the study has been completed they (the City) offered to adjust the rates back to the time of April 15th. If the study showed something different other than the rate that they are currently being charged then the City did offer to adjust it back.

Mayor Zudans disclosed that he did express to three (3) members of the IRS Council that the City wants to find a mutual beneficial solution to this in the end and hopefully they believed him when he said that. He said that the City is doing all this in good will and they do want to continue their good relationship with IRS that they have developed through the electric sale process.

Mr. Falls said staff agrees wholeheartedly with that. They have a Franchise Agreement with IRS that they want to make sure that they uphold.

Councilwoman Moss added that they want to be a good neighbor.

Mr. Young noted that there are three (3) points in the letter addressed to them and there were two (2) unrelated points. He said one (1) was related to the Silver Moss area.

Mr. Falls stated that those items would be addressed.

B) South Beach to close tomorrow morning – May 8

Mr. Falls explained that South Beach Park would be closed tomorrow until noon time. The U.S. Army Corps of Engineers, from the Jacksonville District is conducting a Remedial Investigation for the former Fort Pierce Naval Amphibious Training base.

9. CITY ATTORNEY MATTERS

Ms. Honse thanked the Council for allowing her to serve as their City Attorney.

Mayor Zudans told Ms. Honse that she has done a great job serving as City Attorney and he hopes that she enjoys her new job.

Mr. Young thanked Ms. Honse for being a part of Vero Beach. She expressed everything that is really good about Vero Beach and he appreciated her attention to detail.

Councilwoman Moss thanked Ms. Honse for helping them to bridge this gap in service. She told her that she does a lot for the community.

Mr. Brackett thanked Ms. Honse for her services. He said that he has only been on Council for a short time, but realized the knowledge that Ms. Honse has.

Mr. Howle told Ms. Honse that she was an excellent attorney and friend. He said that Daytona Beach is gaining an asset.

10. PUBLIC COMMENT (3-minute time limit)

Mrs. Linda Hillman congratulated Mr. Falls. She asked if anyone on the Council was aware of what a super fund site is. It is a site noticed by the EPA and she was not sure that they knew that Piper and the Airport were under a watch for 15 years. She said now is the time for it to be rechecked. She explained that there was seepage that went into their aquifer. She hoped that it was cleaned up and didn't go into their main canal that takes it out to the Lagoon. Another concern she had with this had to do with moving the Water Plant to this site. She explained the President of the United States is who watches this and signs off on it.

Mayor Zudans reported that he has been invited to Piper on June 18th at 2:00 p.m. where they will be given an award concerning this subject. He told Mrs. Hillman that this is very important and he was happy that she brought it up.

11. COUNCILMEMBER MATTERS

A. Mayor Val Zudans's Matters

Sponsored presentation items by the public (10-minute time limit)

Mayor Zudans commented that one of his pet peeves is that he doesn't like to see trash on the side of their streets. He was just thinking that last year they had a conversation about waste services and keeping them in house or going to outsource the service. One big selling point in keeping the services in house was because the City Solid Waste workers can pick up trash while running a route and Council was ensured that they would do that. He said that he doesn't think it is happening as well as it potentially could. He said doing this on a regular basis won't take that much amount of time.

Mr. Falls will look into this.

B. Vice Mayor's Tony Young's Matters

Sponsored presentation items by the public (10-minute time limit)

Mr. Young reported that last week Florida Power and Light (FPL) had a storm rehearsal drill at their enormous facility with all the state of art equipment. He said the more smart

meters there are out there it gives them the greatest visibility. Also, on June 10th there will be a Centennial luncheon being hosted by the Chamber of Commerce. The lunch will be at the Vero Beach Country Club. There are four (4) individuals who are key business leaders in the community and they will be speaking. He also mentioned the events that will be taking place on May 26th for Founder's Day. They will have a tree planted at MacWilliam Park at 1:30 p.m., and then have a family day held at Riverside Theater starting at 2:00 p.m. He mentioned the Memorial Day Ceremony and who the guest speaker would be.

C. Councilmember Laura Moss's Matters

Councilwoman Moss reported that there will be a Community meeting for Central Beach residents on Wednesday, May 29th at 6:00 p.m. at Riverhouse in MacWilliam Park and hosted by Mr. Art Economy and Mrs. Phyllis Frey. This will be the second meeting that they have had. She attached a summary of the first meeting, which was held on April 17th. She said that Mr. Falls and Chief Currey will be attending the meeting and she will be there. She invited everyone from the central beach area to attend. She said these are very interesting and informative meetings and a lot of safety issues are discussed, as well as the Lagoon.

Mayor Zudans made it clear that it was not an official meeting of the City of Vero Beach.

Councilwoman Moss said that was correct. This is sort of like a Neighborhood Association meeting, like they have other Neighborhood Associations around the City.

Councilwoman Moss reported that last week she attended a class for Dr. Baker's project with the Audubon Society. She said they want to plant 100,000 trees over the next 10 years. She brought one (1) of the trees to the Council meeting and showed it. She said that the trees are free. She said all you have to do is attend a less than one-hour class, which she attended a class last week right before the Ethics Class in Ft. Pierce was held. She told Vice Mayor Young and Mr. Brackett that the reason she had a tree on her desk at the Ethics class was because she had just come from the Audubon Society class. She said so that tree has been to the Ethics Class. She said for the community, each year every Elected Official is required to attend an Ethics class. The people attending the class wanted to know what the tree was there for so she told them it was the tree of knowledge. She expressed that this was a wonderful program. The Audubon Society is literally growing the trees from acorns. Dr. Baker will be at the next City Council meeting to make a 10-minute presentation, which she is sponsoring. She invites the community to listen to the next City Council meeting to hear what he has to say. In the meantime if you would like information on this program you can go to the Audubon's website and type in piaudubon.com.

Councilwoman Moss thanked Margie at the Vero Beach Women's Club which has a very long history. The Women's Club was founded in 1915 and one of the positive things because Council do not have Tuesday morning meetings any more she was able to join this Club. She said today Margie took everyone belonging to the Club out to lunch at Quail Valley. Margie said that people might think she is wealthy because she takes everyone out

to lunch, but this is how she wants to spend what little she has on her friends. She enjoys seeing other people enjoying themselves. She is someone that makes the community so special.

Councilwoman Moss commented that this is probably a once in a life time moment for her that she actually created a work of art at the Vero Beach Museum of Art and a picture is in the current weekly magazine. She did face painting that day and painted a shark on a young boy's face (shown in the magazine), She passed the magazine around for everyone to see. She said what was really fun was that all of the girls wanted dolphins, so she painted dolphins for hours and then that little boy wanted to have a shark painted. It was her first shark and the boys really like sharks.

Community Meeting for Central Beach Residents: Wednesday, May 29th at 6:00 PM at Riverhouse in MacWilliam Park hosted by Mr. Art Economy and Mrs. Phyllis Frey.

Attached for the convenience of all is my summary of the first meeting, which was held on April 17th.

Sponsored presentation items by the public (10-minute time limit)

D. Councilmember Robert Brackett's Matters

Sponsored presentation items by the public (10-minute time limit)

Mr. Brackett reported that he attended the Ethics class that was offered in Ft. Pierce and he also went to the FPL building and witnessed the mock hurricane drill. He said being inside that building you would have thought there was a hurricane going on. Also, last night he attended the 100 Club where they honored first responders.

E. Councilmember Harry Howle's Matters

Sponsored presentation items by the public (10-minute time limit)

Mr. Howle commented that he has enjoyed working with this new Council. He congratulated Mr. Falls on becoming the new City Manager and thanked him for working on the new speed limit signs at Royal Palm Boulevard.

Mayor Zudans agreed that this has been a good meeting and they all have done their job.

12. ADJOURNMENT

Tonight's meeting adjourned at 7:27 p.m.

/tb