

**CITY OF VERO BEACH, FLORIDA
JUNE 18, 2019 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Dr. Zudans followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Val Zudans; Vice Mayor Tony Young; Councilwoman Laura Moss; Councilman Robbie Brackett and Councilman Harry Howle **Also Present:** Monte Falls, City Manager; Stephanie Marchman, Interim City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – June 4, 2019

Councilwoman Moss made a motion to approve the minutes. Mr. Brackett seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that under Proclamations, the Plaque that the City received for Excellence in Site Reuse be presented to Mr. Rob Bolton, Water and Sewer Director.

Councilwoman Moss 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) Excellence in Site Reuse Award – Presented to Mr. Rob Bolton, Water and Sewer Director

Councilwoman Laura Moss presented Mr. Bolton with the Excellence in Site Reuse Award.

3. CONSENT AGENDA (include amount of expense)

A) Renewal of Audit Contract for FY ended September 30, 2019 - \$87,800

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

4. PUBLIC HEARINGS

A) ORDINANCES

B) RESOLUTIONS

- 1) A Resolution of the City of Vero Beach, Florida, repealing and replacing Resolution 2015-23, and amending the Veterans Memorial Island Sanctuary authorized uses and memorials to provide for creation of the Gold Star Family Grove, and to clarify, and update the Uses and Rules under which the Gold Star Family Grove within Veterans Memorial Island Sanctuary is to be governed and maintained; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Veterans Memorial Island Sanctuary Committee.**

The City Clerk read the Resolution by title only.

Vice Mayor Young reported that what this Resolution does is provide guidance for the Goldstar Grove. A “Gold Star Family” refers to a family of a veteran who was killed or died in military service while on active duty from causes other than dishonorable. The Gold Star designation was prominent beginning in World War I to distinguish families that had suffered the loss of a loved one in the Great War. The tradition continues today with the legacy of the Gold Star to note those families that have also borne the cost of the war. The Sanctuary Gold Star Family Grove consists of the Grove Plaque and the 10 Green Buttonwood trees and their memorials.

Mayor Zudans opened and closed the public hearing at 3:10 p.m., with no one wishing to be heard.

Vice Mayor Young made a motion to approve the Resolution. 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.

5. CITY COUNCIL MATTERS

A) NEW BUSINESS

- 1) Landscape Architect’s Plan (Robin Pelensky, PLA) for City Hall property – Requested by Councilwoman Laura Moss**

Councilwoman Moss stated that Mrs. Robin Pelensky is a professional landscape architect with more than a decade of experience on an extensive variety of private and public development projects, both domestic and international. She is a UF graduate with

a Masters in Landscape Architecture, she is responsible for introducing a variety of functional Lagoon-friendly landscape concepts and designs to municipalities, commercial property owners and homeowners within proximity of, and adjacent to, the Indian River Lagoon. She frequently speaks on sustainable landscape design and has earned numerous awards and recognition for her design work and environmental contributions to the Florida landscape. She studied in Paris and Oxford and is already under contract with the City to offer her services when needed. Councilwoman Moss explained that they were not here to hire Mrs. Pelensky today. They are here to listen to what she has to say about the City Hall property and to address the 14th Avenue property. Councilwoman Moss said she attended the Economic Development Zone Committee (EDZC) meeting on Monday and they are looking at this also. She told the community to think of this not just as landscaping because that sounds like oh it is just pretty, which it is, but think of it also as stormwater infrastructure. It is a really important thing to them going forward. She said this impacts the Lagoon. If they look at the minutes of the EDZC meeting they were talking about this. She said debris from 14th Avenue goes into the Lagoon. She does not necessarily think about that, but when looking into this it is really important. It is stormwater infrastructure.

Mrs. Robin Pelensky briefly went over her biography. She said that she would share with the Council a Power Point Presentation (attached to the original minutes). She said there are a lot of slides, but she would go through them quickly. She said that some of Council may already be aware of this concept entitled the Lagoon Friendly Landscapes. She appreciated the opportunity to share this presentation with them.

Councilwoman Moss said that the timing of this presentation was no accident. She knew that they would not have time to discuss it in any length at the City Council Budget Workshop, which is coming up in July. So she thought that this was a good time to do it and understand that this is a really important thing to do. She commented that initially herself, Mrs. Pelensky, Mr. O'Connor, and Mr. Falls spoke about doing this project at City Hall in February, 2018. So this is not something that is suddenly happening. She said this has been a long time coming and it is not a new idea and already should have happened. She is really surprised that it hasn't already happened. She just wants to be sure that they have this project in the budget to do it. She said it is almost an insignificant amount. It is \$25,000 and they paid that for a second election and the same three (3) people are on Council. So why not save the environment, which she felt would be a lot better use of the money. She said at City Hall it will be a big change. They will remove the roses and they need to get rid of the grass. She said grass is a killer (with regard to runoff pollution) and she knew that some people are attached to it. But, at City Hall they need to set a good example. She said everything at City Hall should be ideal practices. She said it will prove to be educational. She has school children often that come inside City Hall and she can take them outside and talk about this and people can stop by and visit. She is happy to do that at any time for any group. It will be something where they are setting a good example, it will be educational and they can take it out to the community. That is why she felt it was really important that they do it at City Hall first. Also, have the project on 14th Avenue. Councilwoman Moss stated that the EDZC did make a motion yesterday at their meeting, which passed unanimously to appropriate

\$20,000 to \$30,000 for a rain garden south of SR 60 on 14th Avenue. She said the University of Florida has already agreed to help them in terms of installation. There is the Garden Club, Rotary, many places that have additional labor who will be happy to volunteer. They really need to make this the best possible example that they can by having the rain garden and native plants at City Hall.

Mayor Zudans thanked Councilwoman Moss for bringing this forward. He knows Mrs. Pelensky and she is his appointee to the Planning and Zoning Board and has been on that Board since he has been on City Council. Specifically for this issue he wants her to address it through the Planning and Zoning Board. He thinks what they should be doing in the City is eventually plan on having every single cut out in their City, every single drainage area having this rain garden standard that would be preventing stormwater from running into the Lagoon. He said one of the things that he asked Mrs. Pelensky is to look and see whether or not they can come up with some new zoning designations that would be up to the level of retaining the stormwater on their property. The issue is without having government having a heavy hand in this how do they reach people to do what they would do if they really understood the value of it. He said sometimes the solution to solving a problem is not always spending money and dealing with problems after things have gotten into the Lagoon. He said it is probably a lot easier to put in some kind of incentives for people to upgrade their properties to the level where it makes a difference in the long run. He is in favor of the City making gradual transition to their land with their money and he would love to come up with a strategic plan on how they get from here to there and how long it is going to take and what the costs will be. He agrees with starting here at City Hall and will be in favor of it when it comes up at budget time. But, he is thinking that they should have a plan for making an impact so all that debris is not going into the Lagoon.

Councilwoman Moss suggested offering incentives like they did with the STEP System program. She is thinking of it as a yin/yang kind of thing. She said think about the incentives that they offer for the STEP System program. She said Rob (Rob Bolton) and Robin (Robin Pelensky) are the two (2) parts of the ying/yang of this. She said they have the STEP System program that offers incentives and it can be paid back over 10 years and perhaps they could have something similar. She said they could have the Finance Department look at this and other appropriate parties on how to finance this for homeowners if they wish to convert to rain gardens and native plants. She believes these two (2) projects are equal in importance and should get equal incentives from the City.

Mayor Zudans stated they actually are not equal. He said the landscaping is way more important than septic and sewer. One of the best examples is in the Moorings where they are on sewer yet they were having a lot of problems and was one (1) of the worse spots in the Lagoon and it was all related to landscaping. He said the septic problem, he felt, was overrated and much more expensive to put someone who is on septic to sewer then it is to change the way their landscaping is. He is in the process of doing the landscaping in his back yard based on the things that he has learned from Mrs. Pelensky.

Councilwoman Moss commented that no one needs to wait for government, they can do it themselves. She was happy that the Mayor agrees with her on this so they can definitely incentivize rain gardens and other stormwater infrastructures.

Mr. Brackett agreed that they have to continue to find a way to do this because prevention is cheaper than solving the problem after the fact. He said it will not happen overnight, but it is a good start. They have two (2) groups involved, which are City Hall and 14th Avenue and that will be a good push.

B) OLD BUSINESS

1) Discussion of the Request for Proposals (RFP) for consulting firm to provide Planning Services to the Three Corners Site

Mr. Brackett stated that he spent a lot of time researching the consultants since this item was discussed back in April. He met with staff and has done a lot of research on his own. He believes in the process that the citizens want to be heard. He believes that they have to go with an outside Planner to do this work. It would be a big undertaking for staff. It will be a lot on their plates even with an outside Planner helping them out. He was one (1) of the deciding votes to go against one of the Planners before based on what they were charging. He has spent a lot of time trying to figure out where the dollar differences are between the two (2) Planners. He said these two (2) Planning groups are a little bit different. He said one (1) is a Code/Zoning group that will give them information on how to write their Codes and the other is more of a Planning/Design group. He also learned that these numbers given may not be the final numbers. He said all they are doing is allowing staff to negotiate a contract. He has taken time to visit sites. He has been to Ft. Myers, Franklin, Tennessee, Doral, and Gainesville to look at projects that both companies have done. What is important is getting everyone's voice heard. He wants to see workshops held at different locations and not just here at City Hall. The workshops need to be held at different times of the day so all residents can be a part of them. He felt that both firms were qualified. He said there is a price difference, which he has kind of learned to understand, but at this point in time the process is more important than the choices they have. They only have two (2) choices and he wishes that they had more. But, their priority should be to continue moving the process forward. He said that he is good with either one (1) of the firms as long as they keep the process moving forward and in the negotiations that the firms understand that they work for the Council and the stakeholders. He knows that they are going to hear people say why are they doing this now and what is the rush. He does not believe it is a rush. He said if they hired a Planner within the next couple of months their workshops would probably take place in a December or January timeframe and then they would have a plan in March 2020 and then Council would have to pick one (1) of a number of plans that will be presented to them. Then they would need to get it on the November 2020 ballot, which will be a good time because it will be a Presidential Election and there will be a good turnout. He said Florida Power and Light (FPL) still says they are on schedule by June 2020 with their site and then they can start looking at the removal of the existing Power Plant. He said that they could probably do some of the removal beforehand. He has

talked to site contractors who have told him that job could be completed within 15 months. They could be looking at breaking ground the third quarter of 2021.

Mr. Howle stated that he also agrees that they need to get the “show on the road” and does not think that there is a better time than now. He said it is not about being in a rush, just that the process is going to take time. The last thing that he wants to see happen is 10 years down the road the property is still sitting there. He knows that they had two (2) very qualified companies who do this type of planning and back in April when the vote was taken he was for the DPZ group and he still personally believes that they want someone who has worldwide experience and can meet the standards that they expect for their City and he feels that is the group that can do that.

Councilwoman Moss asked Mr. Brackett in his research with the big difference in fees between the two (2) companies, does he have anything further to say about that.

Mr. Brackett explained that he did not have any specifics. But, he did learn the two (2) companies go about doing things a little different and they don't know what the end result will be. He said one (1) appears to be engaged in setting zoning requirements for certain neighborhoods and the other firm seems to be more for architectural design. He does believe that when they put some guidelines down that DPZ might not go down in their price, but Calvin, Giordano & Associates will go up in their price.

Councilwoman Moss commented that at the meeting when this matter was discussed she was also concerned with the dollar amount and the process itself. It seemed that with one (1) firm it was an emphasis of pushing information out to the community as opposed to extracting it. The other firm was more about extracting it and they need to know what the community thinks. She agrees that either firm is qualified and she said that at the time. Her concern was that there wasn't going to be an emphasis on extracting from the community what the wishes of the community might be. Also, it didn't seem from the existing timeline that they reviewed at that juncture that City Council and the community would be involved very early on, which she thinks they both should be. They need to be clear on what the goal and mission is of this project. The timeline did not indicate that. It was mainly staff that was going to be involved. She asked Mr. Brackett if he discussed that with either firm.

Mr. Brackett stated that he did not talk to any of the firms directly. He also had concerns about how the information gets out. He has told staff that they have to make sure that these workshops are being set their way and make sure that the workshops are held at times and locations where the public can attend. It is incumbent on the City to make sure the information gets out on when these workshops are going to be held.

Councilwoman Moss said she couldn't agree more and that is the only reason to do this. They know what they (Council) think, but they need to know what the citizens think.

Vice Mayor Young commented that what he is hearing is that they have not closed out the RFP. What they said when this was discussed before is they were not comfortable

with DPZ. He is comfortable with having staff reach out to Calvin, Giordano & Associates reiterating to them what the Council's expectations are. He said finding what the citizens expect for that development is important. The last thing that he wants to have in the future is a City Council striking out on their own based upon their own preferences without input from the public. He also wants to have a full City staff on hand to participate in the process. He said July 1st their new City Attorney will be starting and they have a new City Manager, so the team is coming together to assist with this. The next step in the process could be a request for individuals that would be able to accommodate what the plan is and then reaching out to the public to get their endorsement, which would have to be a referendum item on the ballot.

Mayor Zudans commented that he agrees with a lot of what was just said. He read a prepared speech (attached to the original minutes). He said there are a couple of concepts that at this point, he thinks that they all, as Councilmembers could agree upon. First and foremost they all think that the properties at the west end of the Alma Lee Loy bridge are the most important and is the last significant development for the City of Vero Beach for the foreseeable future. They all desire that this will become a destination that unites their City where everyone of all ages, backgrounds, economic status, and station of life can congregate and enjoy the common culture of Vero. They all desire that this amenity will lead to successful local business and attract outsiders to come visit their "Mayberry by the Ocean," spend money in their local shops and restaurants, stay in their hotels, and eventually go home. They have differing opinions about the proper role of government, but they can all agree that government is nothing like a business. So, how do they use all of this common ground to get from here to what their citizens want for this property. The business solution to this problem would be simple. He said put the property on the market, review the proposals, and either carefully choose or decline from the available offers. That is what he proposed at the June 4th City Council meeting. The only support that he received for such an idea was from Mr. Brian Heady. The resistance was strong, clear, and reasonable. He withdrew his motion because he shared the reservations and it was going nowhere. Despite the fact that it is the role of City Council to serve as representatives of their citizens on important decisions, there is no trust that three (3) Councilmembers in a majority will handle this properly when the decision is made. The majority of the current City Council does not even trust the next City Council to make the correct decision even though three (3) of them are not up for re-election. That is unfortunate, but well deserved based on momentous mistakes made by prior City Councils. Two (2) disastrous decisions by prior City Councils were recently reversed with the sale of government run Vero Electric to FP&L and the disposition of the former Dodgertown Golf Course that sat derelict for 14 years. Getting government out of the electric business saves their community over \$20 million per year. So, he appreciates and shares the apprehension about trusting in a future or past city Council to do the right thing. Unfortunately, there are also problems with having a consultant create a development plan through workshops involving politicians, bureaucrats, and the lay public. First, government really has little idea how to run a business or develop a property; if they did they would likely be in the private sector. Yet most politicians and bureaucrats and lay public believe that they are qualified, usually with guidance from and expensive consultant. A great example is the fiasco of the former H.D. King Power Plant

site in Fort Pierce. Fort Pierce paid over \$1 million for the site, paid to tear it down in 2008, and spent more than \$4.2 million removing more than 34,000 tons of contaminated soil. They then rejected two (2) offers of \$2.5 million last year and are now considering giving the land away with possible tax credits of an additional \$1 million. He is not making this up; they may pay someone else \$1 million in tax credits to develop the land. When he said that government has no business being in business he was not kidding. Having the government and public design a development project through workshops risks leaving us like Ft Pierce 11 years down the road, spending many millions with a property that has a negative value. It is not that they ever had bad intentions. But, he thinks what happened is that the community engagement process came before the viable development options were determined. If you decide what development is allowed before you decide what is economically feasible you have dramatically reduced the pool of potential projects and you end up with two (2) or less interested developers and little to no (or even negative) value for your asset. In 2017, when running for City Council, his campaign manager and himself walked over 2,000 houses in the City. We asked people what they wanted to see at the former Vero Electric site after the sale to FP&L was complete. There were many ideas. The number one (1) on the list was a riverwalk. They wanted public-access waterfront dining, green space with a bandshell, a home for Youth Sailing, a Skate Park, local shops, paddleboard rentals, an aquarium, and a hotel. Most, if not all, of those amenities could be easily housed on the 35 acres of waterfront property with room for greenspace common areas, and a bandshell. Much of this common vision has been similarly expressed by most, if not all, of this Council. How do we get from here to the common vision without having to trust unreliable decision makers and also without getting bogged down in ten-plus years of bureaucracy and government decision making. He didn't fully appreciate the distrust in government and put the cart before the horse in his initial attempt at solving this problem in a business-like fashion. He was wrong. But, he is equally convinced that going down the Ft. Pierce path is even more wrong. There is a third, middle ground path that they could take that has the good aspects of both options while mitigating the negative of both. They could hire one of those consultants tonight to manage the community engagement, but change the task and timeline. They could then request proposals from developers and let them, not taxpayers, incur the expense of development proposals. The proposals would include the site concept, proposed zoning, and general long-term lease terms including covenants and milestones to hold developers accountable to their proposals. They could give several months with proposals due in November when the seasonal residents return. They could then have the consultant manage the available developer presentation through workshops, charrettes, focus groups, and polling during November and December, and select a finalist in January. They would hold the required voter referendum in March 17, 2020 during the primary election to approve or decline the choice that this process produced. One of the consulting firms before them tonight would conduct the public workshops, moderate the developer generated charrettes, and conduct community engagement on feasible plans by developers, not those created by the consultant. By having the proposals developed by the potential developers, a greater number of economically feasible plans will be available to choose from and, simultaneously, the City will have the opportunity to get top dollar for their assets. By having the referendum after vetting the plans and public input there would be proper and sufficient checks upon a rogue or incompetent City

Council. If the public did not like the result of the vetting process they could still say “no” in the referendum. At the same time, it would give developers the opportunity to offer financially viable options. One plausible reason that Fort Pierce had very limited options and potentially negative value to their property is that the system they used limited the options that developers could present. Government does not know how to develop a property. By offering their citizens all of the Charter –compliant, financially viable options to choose from in the charrette process and the final say on the choice in the referendum, they are way more likely to achieve the desired outcome in a streamlined business-like fashion without undue anxiety.

Mr. Brackett asked how does the process work. The City hires the firm and they bring in the developers.

Mr. Monte Falls, City Manager, explained that tonight if they were trying to engage one (1) of the two (2) consultants that they have in front of them it will be Council’s direction to authorize staff to negotiate a process or scope of services with that developer. They have outlines from the consultants when they sent the RFP out and that was for them to be able to rank the firms first and second. He said once they select someone they can tell them what they want in the process. Let them give us a proposal and then staff will negotiate a price and bring it back to Council for their action. The direction he needs from Council is what are the guidelines that they want in the scope of services.

Mayor Zudans explained that what he was proposing would happen is they would put a second RFP out for developers with a deadline of November for proposals to do a sale or long term lease of the properties. Then the consultant that they would hire tonight would manage the community engagement process. He said rather than plans generated by the consultant they would hire tonight, they would be hiring them to fully engage the public to get people involved, but what they are showing them are actual development proposals. He said what the public and government miss when doing these processes is that they do not know what a economically viable plan is. Going in the other direction, would be to let the developers make their proposals and then let their consultant who is working for them go and present the proposals to the public and in the end whatever that process produces goes to the public for final referendum vote. He felt that this clarifies the whole process and the public gets maximum involvement.

Councilwoman Moss asked if they would have information from the charrette first before they start speaking to the developers. She asked how does he see it as a timeline.

Mayor Zudans explained they put out an RFP for the sale or lease of the property with a November deadline. Then in November once they have proposals from developers that is when the charrette process starts.

Councilwoman Moss commented that she does not think that they have discussed what part of that land should be developed and what part of it should be left as open space (green space). She said should it be 50/50, 20/80, or 60/40. She said they could put a

number in just for broad strokes. She doesn't feel that it should ever be 100% development.

Mr. Brackett asked if that could be part of the RFP.

Mr. Falls told Council that they need to decide what their must haves are and communicate that to whoever they are looking for the proposal to come from. He said if there are things that Council feels they have to have then those things need to be incorporated in their proposal.

Councilwoman Moss stated that they want the process to be community driven and not development driven.

Vice Mayor Young commented that what concerns him is that what they are saying is that the sample set for the public to review is going to be dictated by the number of developers who come in and in their mind understand what is economically viable. So the driver for the decision process for the selection of the community is now in the hands of the developers and in his perspective is the driver to what the community wants and conveys through group meetings. So that the developer sees that and understands what the goal posts are on the left and right. In regard to trusting the government, his sense was they don't want to have three (3) individuals to make a decision in a referendum at this point. He does have a great deal of confidence in the decisions of the five (5) Councilmembers here with community input because that is the process of over 100 years that has given them the height limits, short term rental decisions, etc. He does have a lot of faith in the five (5) of them. He said over time they have heard from a good number of individuals who have a great deal of knowledge and provided insightful input towards their decision process and so far over the last two (2) years he feels they have done fairly well in moving forward in what the public wants.

Mayor Zudans stated that it is illogical to think that an economical unviable plan is going to eventually be developed. He said so you start with the maximum subset, which are potentially economically viable. He heard what Vice Mayor Young was saying.

Vice Mayor Young commented that what Mayor Zudans was saying was an economic viable set is determined by a limited number of developers. He felt that the economic viable set for the Council should be dictated by the public. The priority for him is not so much that they have a new market center on the riverfront. What is important for him is that they have some development on this most important land left in Vero Beach as a reflection of the culture of Vero Beach.

Mayor Zudans said they should start with what is possible and then fully engage the public, which he is in favor of. He agrees that they have to be fully engaged or else they won't approve the concept and will vote no in the referendum. All he is explaining to them is the most viable business way to get to the final solution. In the end the public will not approve anything they do not agree with.

Vice Mayor Young said the metric that Mayor Zudans is using is at the end and the metric that he is using is at the beginning.

Mr. Howle agreed that they need to hire experienced professional help that can provide them with the option that they ask for within the parameters. He said they will be within their Charter and also the ideas that come out of this are going to be the things that they have asked to see. It may actually be more streamlined to go this way.

Ms. Debra Atwell stated that she had the opportunity to live in the midst of a DPZ masterpiece, because she had the wonderful opportunity to build a home and live at Windsor from its inception for eight (8) years. She wanted to share for a moment just a slice of what Urban Planning at that professional level is like. First is everyone aware that DPZ is peerless. The depth and breadth of the considerations made by them when planning the built environment is jaw dropping. No one else is even remotely equipped to change a space with such accurate dynamics and so in tune to the nature of a place and its people. Living at Windsor meant that everything was perfectly placed and studied so that you were provided with the most rewarding experience, both physically and visually meaningful. Every sight line was rewarding and was given their consideration. No detail is too small because those details inform and shape and awaken the life in their work. As Chair of the Historic Preservation Commission you know her best perhaps as someone trying to help this community hang onto important elements of the past that still resonate and still have lasting meaning and enduring utility today. And as a Preservationist she can attest to DPZ being obsessively dedicated to creating new spaces and places worthy of enduring legacy today. Consideration shouldn't be whether or not to use DPZ, it should be if our site is important enough for them to take advantage of the wonderful opportunity to engage their hands. The answer is yes.

Ms. Amy Gallow brought up the Dodgertown property and how to develop that property. She then asked Mayor Zudans if he has talked to any developer about this process they are discussing today.

Mayor Zudans answered yes. He is concerned with this piece of property sitting empty and it bothers him what is happening in Ft. Pierce. If they hire a consultant tonight they are not creating a charrette, but managing it. This is a decision for the City of Vero Beach, but it impacts the whole area. What they would be asking the consultant to do is something different. To take the proposals and present them to the public and find out how they react. It puts the onus on the developers to come up with plans on what the developer wants.

Ms. Gallow commented that the developers would want to purchase the property and have the Council stay out of it. She doesn't see a lot of developers knocking on their doors for this property.

Mayor Zudans commented that there was not a lot of interest in the Dodgertown property because of all the restrictions that were placed on it. This option that he has proposed is the best of both worlds.

Ms. Gallow suggested if they chose to go with a consultant that they go with DPZ. They don't have to paint themselves into a corner. It is just a plan and you don't have to do it that way. Ask to go with the process that is laid out before them. They are confusing the situation and making it more complicated where it doesn't need to be at this point.

Ms. Vicky Gould said that most of them want the same thing for that piece of property. These parcels of land could be a jewel for the City. Her vote would be for DPZ. She is thrilled that they might have access to their experience. They have extensive experience in the charrette process. This is an important decision and they all deserve a world class design.

Mrs. Linda Hillman read a letter into the record from Mrs. Honey Minuse.

Mrs. Phyllis Frey read a prepared statement.

Mr. Brian Heady said go ahead and let the voters decide. However, he doesn't want the voters to decide how to use his money. He said if the City Council decides to get involved in this by hiring consultants then they are using his money to get development. He has heard Mayor Zudans say that he just doesn't trust City Councilmembers to make good decisions because they don't. He went over some of the decisions that government has made. He didn't have a problem with the old Dodgertown Golf Course remaining empty because it was green space and that is not a bad thing. He said if they want to do anything with this property then put it up for sale. Let the developer spend their money and stop the nonsense. This constant call to wait until everyone comes back to Town, he asked what about the people that live here year around. He said when all of those people come back to Town then what they hear is there is not enough parking spaces, we need to remove some of the center landscaping in the roads to make the roads wider, etc. All of these things for three (3) months out of the year that we need to do for them. He is not against the snowbirds. He said thank God for them, but he does not know why this community needs to put anything on hold in any particular month so more people are back in Town. It is interesting that the Council wants public input and yet they have people who have spent time and effort and bring something to the podium and they are told that their time is up. He said don't hire anybody. Don't waste any more tax dollars. He said put all of the property up for sale. Let some developer come in and tell them what they want to do with it and then decide whether or not you want to do it.

Mayor Zudans stated that he agreed with everything that Mr. Heady said. He said it is kind of what his alternative proposal was except there is one thing that Mr. Heady is leaving out and that is the property cannot be leased or sold without a Referendum. So they have to engage the public in this process significantly so they are comfortable voting in a Referendum in favor of the sale. He said that is where a professional consultant is of great value to them especially when they are experienced in engaging the public on these matters. He told Mr. Heady that he agreed one-hundred percent with what he was saying and that is why he proposed it the way he did. There has to be the viable development and engaging the public on the actual development that could go on the property and not

on the theoretical plan. He thinks that this even addresses Mrs. Phyllis Frey's comments about her concerns that the charrette process is manipulated by the consultants. The way he just proposed it was the engagement of the public and that is how they should be evaluating these firms. They should be talking about the actual plans and let the developer spend the money on it.

Mr. Heady suggested having an open public meeting and invite the public to come and speak.

Mayor Zudans explained that a lot of their public would not do that. That is the reason that they need someone who knows how to do this and is a professional to actually engage the public.

Mr. Heady stated that the only thing they are accomplishing is spending more tax dollars. The only one that is going to develop that property is someone that wants to develop it, has money to develop it and wants to develop it their way. He said not the way some charrette says so, not the way some citizen says so. He felt it was nonsense about needing something to draw people into this Town. He asked if Council could give him an example of something that draws people in to their surrounding cities.

Mr. Howle said in fear of drawing this out even further he named Chuck's Steakhouse on the Water, the former Tiki Bar, On the Edge, Captain Hiram's, Squidlips, etc.

Mr. Heady said those are some good restaurants. He said so let someone who wants to put up some good restaurants buy the property.

Vice Mayor Young said this whole concept of needing a destination to bring people into Indian River County is not needed. Their population has tripled in the last 30 years. He said they could do nothing and the people would still come. He said look at the property values that are going up.

Mr. Heady agreed so they did not need to spend taxpayer's dollars to hire some company to figure out how to interest people in building some destination.

Mayor Zudans explained that what they are talking about is hiring someone to engage the public on a proposed development, whatever it is. He said it has to be something that the public wants.

Mr. Heady said so in wrapping up the Mayor has said that he wants something that will engage the public. He said the only thing that will be financially viable over there is something that engages a developer with a lot of money.

Mayor Zudans stated that no, he wants the consultant to engage the public about what ever plan they have so the public will buy into it so they will actually vote yes in the Referendum. He said without the public approving with what they are doing nothing will

happen with this property and that is the worst strategy that could happen. They could have this piece of land sitting vacant for the next 14 years.

Mr. Nick Thomas stated that he was in favor of DPZ. He said that they could not create something as lovely as DPZ can. He suggested giving them a blank slate and letting them come up with something. He liked the idea of a long range plan.

Mr. Johnathon Buckley read a letter from a Professor from Notre Dame who was in favor of hiring DPZ.

Mr. Connor O'Haire commented that he is studying architectural design in college and has always wondered what that area could be. There is space and resources to make something really happen in that area. DPZ is the best firm to make that happen. This property should not be sold to a developer. It needs to be open Park space. They even could reuse the Power Plant and make it a Community Center. This will be their last chance to create this creative space.

Councilwoman Moss commented that she has no fear that Vero Beach is going to turn into Ft. Pierce or have that kind of problem. They have never been like Ft. Pierce and they never will be. She does not share that fear and believes that it is unfounded. They are unique and a special place. Everyone can see that even with the Old Diesel Plant. It is now American Icon Brewery and Vero Beach wouldn't have firms like DPZ coming to them who want to design the land if our City were not already special. They don't need to make it special, our City already is special. So now they just have to be careful to keep it special. That is all they are trying to do here. On a more technical note, they might be changing the scope of services that they have requested in the RFP. She was not familiar with the exact details of the RFP. Things that have been discussed this afternoon is that they would still have charrettes, still have a company (whichever one (1) it is) engage the community. That company really wouldn't be the planning company necessarily, it would be the developers. There would be some sort of interaction between the company that engages the community and the developers so that it comes forward in some kind of integrated way. She asked Mayor Zudans if that was what he was thinking of.

Mayor Zudans apologized that he was not listening.

Mr. Brackett made a motion that they have staff go out and negotiate a contract with DPZ based on the original RFP in addition he would like to hear what DPZ has to say about the Mayor's idea (get their opinion on that). Mr. Howle seconded the motion.

Councilwoman Moss told Mr. Falls that while he was discussing that with DPZ could he also ask them, because based on what they submitted previously it seemed like a lot of information was coming from them out to the community and that is her concern that they are going to fully engage the community. She brought up some of the things that they had said at the April meeting about being monitored and thought leaders, which is not something the City needs. The City needs someone who is going to reach out to

them. She asked Mr. Falls to please get clarification on this. She has already stated all of this and it is in the minutes of the April 2nd meeting (pages 14 through 20).

Mayor Zudans said that is a mischaracterization of what they said. He said what DPZ said was that they are going to create not one (1), but seven (7) different scenarios. They would come up with scenarios that would be desirable to the different interest groups, but they would not pick out of the different scenarios, which one (1) the City chooses to use. They would be presenting multiple scenarios.

Mr. Brackett agreed with Mr. Falls that Council has to give him direction on some of the things that they want to see in the proposal. He encouraged Council to meet one on one with Mr. Falls and tell him the things that they want to see in the proposal.

Mrs. Stephanie Marchman, Interim City Attorney, stated that there is no problem with Council meeting one on one to meet with the City Manager on this as long as the City Manager does not share the thoughts of the different Councilmembers. She said that the contract would come back to the City Council for final approval.

Mr. Falls said that he would make himself available to the City Council. He said the one (1) thing they also said is that they would like to hear from DPZ on the idea that the Mayor suggested. He said they could probably get that information ahead of time and possibly could have it for the meeting in July and then Council could give him some direction toward negotiations.

Mayor Zudans did not want them to slow down the process. He said if DPZ says it is a really bad idea then the City would still be using them as a consultant and if they ask later on that they are going to ask the developers to start participating in the process he doesn't think any of that slows down the negotiations of the contract.

Councilwoman Moss commented that from their proposal she thinks that DPZ thought that they would be designing it and not a developer. She said this might not appeal to them.

Mayor Zudans said then they are likely to say that it is not a good idea.

Vice Mayor Young felt that what was important as well is the impression that he received and he was pleased to hear the idea of multiple venues, but he did clearly interpret that the feeling was DPZ had the way ahead and that concerns him. He felt it was extremely important that they don't have a firm come in with a preconceived direction that they are looking towards one (1) thing or another. He wants to make sure that they have the opportunity to have a full discussion.

Councilwoman Moss felt that Vice Mayor's Young's comments made a very good point and she thanked him for making them. She thinks what they are saying is talking to the consultant further. They are not hiring them tonight. She did not even know if they still want the job.

Mr. Brackett explained what they were doing tonight was giving staff the authority to negotiate with DPZ, but they were not hiring them tonight.

The Clerk read 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.

The City Council took a break at 5:04 p.m., and the meeting reconvened at 5:10 p.m.

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

7. CITY CLERK MATTERS

A) Openings on City Commission/Boards

Mrs. Bursick went over the current openings that the City has on their Commission and Boards.

B) Lien Reduction Request – 2706 Atlantic Blvd.

Mr. David Currey, Police Chief, reported that the City received an application for a lien reduction for Niravkumar A. Patel who resides at 2706 Atlantic Boulevard. The request is to reduce the current lien of \$7,289.12 (excluding enforcement/recording fees) to \$2,289.12. Ms. Patel (daughter) sites the basis for the lien reduction is her father was very sick and didn't really see and understand the letter and doesn't earn enough money to be able to pay the amount of the lien. The case went before the Code Enforcement Board on November 14, 2018. The civil penalty in the amount of \$50.00 was paid on October 11, 2018. The Code Enforcement Officer, Ms. Melody Sanderson reported one (1) vehicle had been removed and two (2) vehicles still remained on the property. Ms. Sanderson suggested the Board allow two (2) weeks to come into compliance as the owner lives in New York. The Board issued an Order Finding Violation allowing additional time for Compliance and Assessing Continuing Penalties and Costs. The violator had until December 3, 2018, to correct the violation. The violator was ordered to pay the cost of enforcement in the amount of \$39.12 within 30 days of the Order. If the violation is not corrected, there is imposed a continuing penalty in the amount of \$50.00 per day the violations have existed and continue to exist after September 25, 2018, until the date is corrected together will all costs of recording the Board's orders and cost of recording release of the resulting lien up or payment. Then on March 13, 2019, the case went before the Code Enforcement Board again and the property was brought into compliance on February 18, 2019. The Board issued an Order Finding Correction of Violation, Ceasing Continuing Penalties, and to Pay Penalties and Costs. As of this hearing date, the total due is \$7,328.89 and to release the lien it would be \$7,433.54. Chief Currey recommended that the fine owed remain at \$7,433.54.

Mr. Howle asked Chief Currey if he felt that there was ample opportunity given to the violator to respond to the letters and citations.

Chief Currey answered yes.

Councilwoman Moss agreed with Chief Currey's recommendations in this matter.

Vice Mayor Young asked as far as the manager at the location, were they engaged in the procedures as well.

Chief Currey explained that they were in contact with Ms. Sanderson on more than one (1) occasion.

Vice Mayor Young asked Chief Currey if he was comfortable that Mr. Patel was aware of this.

Chief Currey answered yes.

The applicant was not at today's meeting and there were no public comments made on this matter.

Mr. Howle made a motion for approval of the full citation and cost of enforcement. 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.

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

None

9. CITY ATTORNEY MATTERS

Mrs. Marchman announced that this would be her last meeting and thanked the Council for employing her as their Interim Attorney. She hoped they were able to reach the gap before their new City Attorney starts on July 1st. She will be reaching out to their new City Attorney in the transition period.

The Council thanked Mrs. Marchman for all of her help and were very satisfied with how the arrangement worked out.

10. PUBLIC COMMENT (3-minute time limit)

Mrs. Linda Hillman commented that the public was not asked to comment after Mrs. Pelensky's presentation and she had a couple of things to say. She said that almost 23 years ago her husband and her planted four (4) trees in Florida tall grasses on the right-of-

way on 23rd Street on the northeast corner where her property is. She said they are very much into plants and trees and anything that would beautify the area. They were asked to remove the grass because it grew to be two (2) feet tall and also the first tree on the corner of 18th Avenue and 23rd Street. They were told it was blocking the view of people pulling out on the street. They would love to take the grass off of the right-of-way on 23rd Street and plant a rainforest Florida garden. But, what guarantee is she going to have that they have invested thousands of dollars and they are told to remove it again.

Mayor Zudans explained that they have to adhere to safety. He suggested that Mrs. Hillman contact Mrs. Pelensky about this. He said that no one can guarantee what a future City Council is going to say down the road, but he also knows a lot about the things that Mrs. Pelensky is doing and he trusts what Mrs. Pelensky is going to recommend is something that will last.

Mr. Falls added that anything that anyone does that is in the right-of-way they need to contact the City staff to work with them to make sure there are no issues.

Mrs. Hillman said on 18th Street right now if they were to ask they would be told that there were no curb cuts allowed. She recalled that Mrs. Pelensky was talking about a water retention curb cut. She said that she has already started planting on the front of their property all kinds of flowers and Florida plantings and asked how could they get a curb cut for that to run into their property.

Mr. Falls asked Mrs. Hillman to contact Mr. David Gay, City Surveyor, and talk to him about a right-of-way permit.

Mr. Brian Heady stated that he heard back from each of the Councilmembers with the exception of one after he sent a recent public record's request. He thanked them for responding. He will be giving the City Clerk a follow up public record's request. What he would like is the same type of document that shows what they expected at the time the Council voted in favor of the electric sale. He knows that Mr. Brackett was not a Councilmember at the time, but knows that he was in favor of the sale and is sure that he has some type of documents and if he wants to share them that would be fine.

Mr. Brackett told Mr. Heady that he responded back to him by email earlier today.

Mayor Zudans commented that there is nothing different that he is aware of about what he expected and what happened. He explained the purpose of a public record's request is to actually request a public record. He asked Mr. Heady what public record is he requesting.

Mr. Heady stated that he would send the Clerk in writing what the public record's request is so they will know what he is asking for. He told the Mayor that he was the only one that gave him any answers in response to where the money was going at the time it was happening. He was the only one that would publically state that the money they were giving to FMFA was because they were upside down in some contracts.

Mayor Zudans told Mr. Heady that he was more than happy to be fully transparent and give him any public information that he requests. He did request that he not just ask for their thinking or expectations, which are not actually public records. He asked Mr. Heady to tell them what other public records besides the ones that he has requested that he is asking for. He doesn't understand what Mr. Heady is saying right now. He said if he has any public records then of course he is going to provide them.

11. COUNCILMEMBER MATTERS

A. Mayor Val Zudans's Matters

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

Mayor Zudans commented that he had a fundraising event at his house last night. There were no discussions relating to City Council, but most of the City Council members were there, as well as a lot of people in the community who wanted to raise funds to help their local veterans. There is going to be a monument going in at Riverside Park in the area between the Museum of Art and Veterans Memorial Island Sanctuary. It is going to be the first sculpture art in a public place in the City of Vero Beach. It will be a phenomenal art project with a lot of meaning behind it. It will be a monument and not a memorial for the Next Generation Vets. They served from the 1990's up to the present. The theme for the project is "Words from War" and the website is wordsfromwar.org. The sculptor met with many of these combat veterans to get their story about what it was like to serve over there. Those words will appear on the walls. So there will be about 28 words on the wall displayed in three (3) dimension. He talked about the number of veterans that they have lost to suicide after 911. So for this project there is about \$300,000 that they are going to be raising and \$150,000 of that the artist is giving back to the Next Generation Veterans for mental health and social services. It is an incredible project and this was the kickoff fundraising event and they raised a lot of money and are well on their way to their goal. They are hoping for an official groundbreaking in November on Veterans Day and hoping for completion of the project by Memorial Day next year.

B. Vice Mayor's Tony Young's Matters

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

1) Ms. Janie Hoover to talk about Miss Hibiscus Pageant.

Ms. Janie Hoover attended tonight's meeting to talk about the Miss Hibiscus Pageant. She explained what the Miss Hibiscus Pageant stands for. They recognize young leaders in the County. The most recent Miss Hibiscus focused on science. Each Miss Hibiscus chooses their own platform. The pageant is not all about looks, but a leader and role model for other women. She said that Ms. Cindy Goetz is responsible for the video that was shown having to do with the Centennial.

2) Mr. Don Loucks, Consultant to Corporate Air, Inc., to discuss the time critical Legal and Engineering Challenges for the Leases of Lots 21, 22, and 23 at Airport West to preserve and increase Airport and City Revenue.

Mr. Roger Pridgeon, the President of Corporate Air, Inc., read a prepared statement (attached to the original minutes).

Mr. Howle did not see why this could not be resolved and resolved quickly.

Vice Mayor Young believed after the meeting that took place last Friday he believes that is what happened.

Mr. Pridgeon commented that the only issue he still has is with the time constraint with the zoning issue.

Mr. Falls commented that all parties know what has to happen. He said as long as the plans are submitted staff will take them to the Planning and Zoning Board and then to City Council.

Mr. Jason Jefferies, Planning and Development Director, hopes to get the submittal from Mr Pridgeon tomorrow and then because of advertising requirements the soonest he could get it before the Planning and Zoning Board would be July 18th and then it will go on the August 20th City Council agenda.

Mayor Zudans told Mr. Pridgeon that they would be happy to expedite the process any way that they could. He asked if there is a customs office that opens at the Airport will other people be allowed to use it.

Mr. Pridgeon said that their design would be for private use only. They will be conducting a U.S. Customs and Immigration feasibility study at their own expense. The construction of this facility will bring a great deal of additional revenue to the Airport and the City through additional property rental and potential fuel sales. The construction for the Customs facility will be completely funded by Corporate Air at no expense to the City Airport.

Vice Mayor Young announced that this Saturday would be the Centennial car show being held at the fairgrounds. He also wanted to recognize that on July 29th there will be a flag dedication at Hart Recreational complex, which he said is a communitywide event. He commented that over the last 10 years the number of families connected with the military has dropped by 15%. Also on July 29th there is a Ruck March beginning at Riverside Park and ending up at Memorial Island. He reminded the community to come out for the July 4th event.

C. Councilmember Laura Moss's Matters

- 1) **34th Annual Paige Family Beast Feast (Epilepsy Florida fundraiser/contributions voluntary) at Riverhouse on Saturday, June 22nd from 4:00 – 10:00 p.m. (Food served beginning at 5:00 p.m., Blue Cypress Bluegrass Band starts at 6:00 p.m. Details attached for the convenience of all.)**

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

Councilwoman Moss invited everyone to attend the 34th annual Paige Family Beast Feast. It will be held on June 22nd at the Riverhouse from 4:00 p.m. to 10:00 p.m. Everyone is asked to bring a side dish and they will be serving a variety of wild game including dove, duck, snipe, quail, pheasant, alligator, wild hog, deer, elk, fish, etc. She then wished John and Lisa Paige a Happy Anniversary.

Councilwoman Moss invited everyone to the Star Party at the Vero Beach Museum on July 13th from 7:00 p.m. to 10:00 p.m. They will look at and discuss out-of-this-world photography with docents in the exhibition Astronomy Photographer of the Year. They will talk with Treasure Coast Astronomy Club members and get a up-close view of the moon (weather permitting).

Councilwoman Moss reminded the public that the Vero Beach Museum of Art is a Blue Star Museum, which means from Memorial Day through Labor Day, the Museum offers free admission to active military and five (5) immediate family members with the presentation of a military ID.

D. Councilmember Robert Brackett's Matters

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

Mr. Brackett commented that the Treasure Coast Council of Local Governments meeting was cancelled this month. He reported on the Beach and Shores Preservation Committee meeting that he attended. He thanked the Mayor and his wife for hosting the fundraising event last night. He said it is for an unbelievable cause and was happy to hear that so much money was raised. He said that on Saturday night he will be attending the dinner celebrating Amateur Radio week and then he is the celebrity chef for a bakeoff and he will be baking homemade cookies.

E. Councilmember Harry Howle's Matters

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

12. ADJOURNMENT

The City Council meeting adjourned at 6:03 p.m.

/tb