

**CITY OF VERO BEACH, FLORIDA
AUGUST 20, 2019 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Richard Demsick of Christ Church.

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. Brackett led the Council and the audience in the Pledge of Allegiance.

B. Roll Call

Mayor Val Zudans, present; Vice Mayor Tony Young, present; Councilwoman Laura Moss, present; Councilman Robbie Brackett, present and Councilman Harry Howle, present. **Also Present:** David Currey, Police Chief; John Turner, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – July 16, 2019

Mr. Howle made a motion to approve the minutes of the July 16, 2019 City Council meeting. Vice Mayor Young seconded the motion.

Mayor Zudans questioned are they to open public comments on approval of minutes.

Mr. Brian Heady said they do if they are voting on them. He thanked the City Council for putting off approval of the minutes of the June 18, 2019 City Council meeting stating that gave him the opportunity to read them.

Mayor Zudans closed public comments with no one else wishing to be heard.

The motion passed unanimously.

2. Regular City Council Minutes – June 18, 2019

Mr. Brackett made a motion to approve the June 18, 2019 City Council meeting. Councilwoman Moss seconded the motion.

Mayor Zudans opened and closed public comments with no one wishing to be heard.

The motion passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 9-B) be added to the agenda “Agreement for Consent to Sublease for the Dog Park.”

Mayor Zudans had no objection.

Councilwoman Moss stated that representatives of Florida Power and Light (FPL) have to leave today’s meeting by 4:00 p.m., so if it pleases the Council she would like to move this forward. She said their item is under New Business, which is item 5A-1) and the item added to agenda *Agreement for Consent to Sublease for the Dog Park* is also an FPL matter. With the consent agenda she would like to hear item 3-A) and item 3-H) separately so if it pleases the Council she would like to hear FPL prior to the consent agenda. Council agreed to this request.

Mayor Zudans opened public comments on the consent agenda.

Mr. Brian Heady asked that any City Councilmember add to this agenda a Resolution to fully fund the pool for this coming year.

Mayor Zudans said that he would be opposed to doing that right now. He said there will be a time that is appropriate for addressing that and that would be when the budget is being presented, which is in September.

Mr. Howle said they are currently working with the Finance Department, City Manager, and the Recreation Department to put together a possible plan. He thought they were heading in the direction to do just that.

Mr. Heady commented if they have \$185 million from the sale of the Electric Utility and they have \$100,000 to spend on a consultant to tell them what to do on the three corners, they have millions of dollars to pay off the property they sold to the County and a few hundred thousand dollars to pay off the Marina, then they can fund the pool at Leisure Square. He said if they have all of that money then it seems to him that it would be appropriate to have any Councilmember simply add a Resolution to this meeting to fully fund the pool for the next year. He said there are probably a whole lot of people that would really appreciate that from a Councilmember and it would also probably eliminate two (2) or three (3) hours of this meeting.

Mayor Zudans said that he appreciates Mr. Heady’s proposal, but in his opinion this is not the appropriate time. He said they will have the opportunity to do that and he thinks it is only fair to give staff more time to work through what Mr. Howle just mentioned. He appreciates what Mr. Heady is saying, but disagrees that it should be addressed at this meeting.

Mr. Heady asked is there any other Councilmember that would be willing to do it.

Councilwoman Moss said for those who don't know, Ms. Cindy Lawson, Finance Director, is currently reviewing all the finances for the Recreation Department including the pool. She said that she doesn't know why it wasn't handled through Ms. Lawson historically, but it wasn't so they didn't have good numbers for that entire section and by that, she means Recreation including Leisure Square and the pool. Ms. Lawson has been working very hard at coming up with good numbers for the City Council to make good decisions and she would like to give Ms. Lawson the opportunity to do that. Councilwoman Moss said that she has every confidence in her and also in Mr. Monte Falls, City Manager, that this issue will be resolved to everyone's satisfaction.

Vice Mayor Young felt there wasn't anyone here who doesn't understand his full-hearted support for retaining the pool. He has made his feelings known in other venues that he thought it was appropriate to have the City Manager here to provide a comprehensive input for that decision. His intent is with that full understanding, that the decision of this Council will be supportive of supporting the pool.

Mr. Heady said Councilwoman Moss just said that they didn't have good numbers and it amazes him that they passed a budget that is going to come up in October for a hearing on numbers that they know were not good. He questioned why would they do such a thing.

Councilwoman Moss said they didn't know the numbers were not good at the time. She said we will see how far off they are. She said to let her (Ms. Lawson) do her job; that's all. She said and by the way, she supports the pool. She said it is not a problem, but they need to let staff do their job.

Mr. Heady said you have millions of dollars in the bank and it would not take millions of dollars to fund the pool. They are talking about \$100,000; not millions.

Mayor Zudans thanked Mr. Heady for his comments.

Mr. Howle asked in the interest of time and in the interest of respect of other's time, he felt it would be a good idea to limit public comments to three (3) minutes per person and not have the same people come up and speak again and again because it delays people who have other issues that they want to discuss.

Mayor Zudans said that he understands what Mr. Howle is saying, but they have an obligation to allow the public to make comments on everything they vote on.

Mr. Howle explained that if someone wants to talk about parking then they talk about parking, but not come back and talk about parking again.

Mayor Zudans said on a particular vote they can only speak once for a maximum of three (3) minutes. He said that he would do his best to keep things from being repetitive and would ask that the public do the same.

Mayor Zudans closed public comments on this item with no one else wishing to be heard.

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

B. Proclamations and recognitions by Council.

1. Treasure & Space Coast Radio to present a check to the City of Vero Beach for the July 4th Event

Mrs. Karen Franke, Treasure & Space Coast Radio, presented the City of Vero Beach with a check for \$3,000 for the coordinated event that was held on July 4th.

2. Gina Kempf to speak on the Tunnel to Towers 5K walk/run

Ms. Gina Kempf encouraged everyone to come out and be a part of the Tunnel to Towers 5K walk/run on September 14th.

3. Certificate of Appreciation to be presented to the Garden Club of Indian River County for their contribution to the Rain Garden at City Hall. - Peggy Gahn, President and Ruth Jones, Civic Chair attending

**Photographs of City Hall Rain Garden attached for the convenience of all.
Requested by Councilwoman Laura Moss**

Councilwoman Moss said for everyone present when they leave if they walk out to the right they will see the rain garden. She reported that they are doing the entire property with rain gardens, native plants, and Florida friendly plants. She said that she is looking for funds to do 14th Avenue so if anyone or any private organizations wants to help the City that would be wonderful.

Councilwoman Moss presented Ms. Peggy Gahn and Ms. Ruth Jones with a Certificate of Appreciation for the Garden Club's contribution to the rain garden at City Hall.

Mayor Zudans said they moved up on today's agenda the two (2) FPL issues.

Councilwoman Moss said before they go to these items, she would like to invite Mr. Wesley Davis to come up and discuss good news having to do with FPL.

Mr. Wesley Davis, Property Appraiser, said as the tangible personal property tax notices with the trim notices having come out, the first time they had the opportunity to discuss them publicly was the middle of this month so now they have the opportunity to bring forth a little light on what that means financially to the City of Vero Beach, as well as the other municipalities. He said it boils down to about \$58 million worth of value that was not there last year because it was a government asset versus a private company's asset. Therefore,

FPL's tangible personal property tax return as far as assessed value went from zero last year to about \$58 million this year. In addition to that, countywide it is about \$70 million and what that means to the City is about \$145,000 that was in the figures as far as the percentages that was submitted to the City for the preliminary tax rolls. The School Board is about a half-million dollars, the County is about a half-million dollars, and the Florida Inland Navigation District, the Hospital District, and the Mosquito Control District also has some revenue coming in. He thought there was going to be some conversation about possibly doing some hardening, some renovations, and some repairs to existing infrastructure. He is of the opinion that the value as far as the numbers that are there should maintain. He said as more money is invested in the transmission and distribution system by FPL into the old Vero Beach electric system, those numbers should remain strong.

Mayor Zudans said for public information, the first telephone call that he received from a reporter when this was announced was, does that mean there is an extra \$145,000 that could be used for something that people are asking for. He wanted the public to know that when they held the budget hearings, they were anticipating some amount and he thought they anticipated about \$120,000, but he would have to verify that amount. He said this represents about \$125,000 and not the full amount, which they did know they were going to get some amount of money, but just didn't know how much.

Mr. Davis noted that it will be reoccurring. He said it does not include any infrastructure improvements that FPL will be putting on the land the City is leasing to them. He said once FPL has the substation built there will be new assessed value coming onto City owned property that won't be taxed, but the structures on it will be taxed as tangible personal property.

Vice Mayor Young asked when was the timeframe that he recognized the additional potential revenues.

Mr. Davis said whenever FPL finishes the substation.

Mayor Zudans said the \$58 million applies from the day of closing, but the additional amount is when it becomes operational.

Mr. Davis explained that his office takes a snapshot on every piece of property and they go by one (1) date, which is January 1st of that year. Therefore, currently in looking at property values for the assessments for the trim taxes and what the City sets their budget on is for the values assessed as of January 1, 2019.

Vice Mayor Young asked when did Ms. Lawson receive those estimates.

Mr. Davis said the first of July. He explained that the estimates come out on June 30th and July 1st. He said they are still modifying it, but on September 6th everything is shut down.

Mayor Zudans said it is his understanding that FPL has the opportunity to appeal the assessed value. He asked if they were to appeal, what kind of affect would it have on the City's expected revenue and when will they know if and when the appeal occurs.

Mr. Davis said when his office received FPL's personal property return the anticipated value didn't look right to him. Therefore, what he used as a gauge was a comparative unit, which is who else has an electric company of some kind that provides electricity to a resident of Indian River County. He said there is one (1) company that does that, which is Peace River and they supply electricity to Blue Cypress Village. He said they have about 78 customers that he compared it to. He explained that he hired a consultant and they were able to come up with a number working back and forth with a FPL Representative and they are a short distance away, as far as what his office is saying it is worth.

Mayor Zudans said so even if this is appealed it would probably be a similar amount.

Mr. Davis answered yes. He further explained that FPL has until September 6th to file, which all they would be doing is filing to go before the Value Adjustment Board to dispute their assessed value. He said if FPL is victorious, that victory would not occur until next year's budget so where things sit right now is where they will stay and it might be adjusted by a minuscule in next year's budget.

Item 5A-1) – Florida Power and Light (FPL) Hardening and Smart Grid Plans – Mr. Bart Gaetjens and Mr. Andy Starke representing FPL

Councilwoman Moss said that she invited FPL to be here today in response to a number of inquiries from the community regarding flickering and as you know they have had bad weather and some outages and there is a logical explanation for all of it and Mr. Gaetjens is here to provide that. She thanked Mr. Gaetjens for being at the meeting.

Mr. Bart Gaetjens, External Affairs Manager for FPL, said today they would be presenting an update on the progress and future plans of the electrical infrastructure. She thanked Councilwoman Moss for inviting him to speak before them today. He reported that overall the system is operating well. Each and every power quality event is investigated in an effort to improve their service to their customers in Vero Beach. Their goal is to make Vero Beach a better place to live and work. He thanked the City Council for their continued support to provide FPL's Vero Beach customers with clean reliable and affordable electricity. He then introduced Mr. Starke who would give an update on their smart grid, their hardening plans, and their progress.

Mr. Andy Starke, Distribution Manager for FPL, gave a Power Point presentation (attached to the original minutes).

Mayor Zudans said since the City sold the Electric Utility to FPL the customers are getting about 30% lower electric rates. He said the City's carbon emissions are dramatically better because they were purchasing energy from Florida Municipal Power Agency (FMPA) and from Orlando Utilities Commission (OUC) where they had a large component of coal and

other things in their mix and the City is now way cleaner than what they were. He said on top of that the costly technology stuff that he just discussed in his presentation is stuff that a small City like Vero Beach could not afford that is going to improve their reliability. He thanked FPL for that. He said that he just wanted to point out to the public another aspect that is beneficial to this that no one has really talked about in the past. He said that he has also noticed much better vegetation management along the street where he lives, as well as along the street where his business is. He said if they have a hurricane they are going to have less problems because of that and he appreciates it. He said when things come up everyone questions why they don't bury all the lines. He asked how much of a difference in cost is it to bury a line versus having a power pole.

Mr. Starke said it could be anywhere from 10 to 20 times more expensive, which would affect customer rates. He said they are looking on a pilot bases where they have selected some branch circuits throughout the State to go underground. He said with the main lines, the cost does not make sense for the main lines that to be underground down the main thoroughfares. He noted that they do offer incentives to cities and counties to put the lines underground, but from a restoration standpoint it is usually much faster to restore an overhead line than an underground line.

Mayor Zudans asked is FPL spying on people with smart meters.

Mr. Starke answered no.

Vice Mayor Young asked Mr. Starke if he is their contact if there is an issue. He said that he has developed a close working relationship with Mr. Gaetjens and he wanted to make sure that Mr. Starke is their contact. He thanked Mr. Starke because there were concerns in the business area on the barrier island on Ocean Boulevard and when he expressed that concern it was resolved quickly. He said the other concern he has is out by Home Depot the street has issues regarding continuity of electric. He said a few years ago he was at the Emergency Operations Center (EOC) for a storm rehearsal exercise. He asked Mr. Stark if he would be the point of contact as they rehearse for storm preparation.

Mr. Gaetjens said they meet yearly with EOC and go over their critical infrastructure list. He said when they activate, FPL has someone at EOC around the clock that reports directly to him.

Vice Mayor Young reported that FPL has a new multi-million dollar complex down south that is phenomenal.

Councilwoman Moss asked Mr. Gaetjens to go over how to report an outage. She said that she did it for a friend of hers and it actually was very easy to do.

Mr. Gaetjens said there is an app where people can pay their bill, they can report an outage, they can report a streetlight outage, and it will give updates, on such as the truck is on its way, the truck is there, etc., and it will give a report that the power should be back on.

Otherwise people can call 1-800-4OUTAGE, but he would encourage people to use their app.

Councilwoman Moss said that she reported an outage here at City Hall on FPL.com and all she had to do was type in the name and telephone number. It is that easy. She was amazed how easy it was to do. All you have to do is type in your name and telephone number and everything comes up about your account, it tells you what is going on, etc. It is quite detailed and she thinks everyone would find it useful.

Mr. Brackett said that he had the opportunity to go with Mr. Gaetjens to Palm Beach to see the FPL facility as mentioned by Vice Mayor Young and it was quite impressive. He felt the point that impressed him the most was there were immediate effects of the sale that affected every citizen of Vero Beach. He said long term the City would have had to spend a lot of money on infrastructure and the City still would not be anywhere close to where FPL is.

Add on Item 9-B – Agreement for Consent to Sublease for the Dog Park

Mr. John Turner, City Attorney, said as a little background on this item, this matter came to City staff last week as a request in that FPL and the Dog Park organization were considering entering into a sublease agreement for FPL to do some construction work at the Dog Park. Staff asked for some backup information and the information furnished was not complete for staff to make a recommendation. The type of project, what was going to be constructed, where it was going to be constructed, engineering, etc., was not ready yet. He advised FPL that the City probably would not have an objection in consenting to a sublease as long as all the parameters were met and they could get it before the City Council. He indicated because of all the work on their agenda that this probably was not going to go before the City Council until October. The reason this is before the City Council today is because he was advised that there was some urgency to the request. Since the request was made last week, it has been determined that staff may have been a little ahead of themselves because they don't have all the documents needed to proceed. He did not anticipate there being a problem. It is in a location that is under the City's Charter so they have to be careful in that the sublease is not in violation of the Charter and is used for a public purpose to the public's benefit, which he thinks it could if they meet all the parameters staff feels is necessary. He said the people of the Dog Park were very cooperative. At this point, this is something that staff would recommend provided that all the information is there and is signed off on by all the appropriate staff members.

Mayor Zudans asked what are they asking the City Council to do today because it sounds like they are not ready to approve this. He asked is he asking if the City Council is in favor of this.

Mr. Turner apologized to the City Council because it did come to them on a premature urgent matter. At this point that would be his request.

Mayor Zudans said that he agrees with that because he was a little confused in that when he read through the Resolution it did not have any specifics on what portion of the property they would be leasing, etc. He said that he is in favor of it. For the public, the reason FPL is involved in this is because it is a solar demonstration type item that will be generating electricity in the grid.

Mr. Gaetjens reported that there is a sense of urgency in that they are a large business and moving funds around is challenging so they are trying to move this as fast as they can. He reported that this is funded by customers of FPL who voluntarily give nine dollars a month towards it. It will be used at the Dog Park and is more of a knowledge base to promote solar, as well as provide shade.

Mr. David Currey, Police Chief, reported that this solar program was mentioned by some of the Dog Park members at their meeting in March.

Mr. Anuj Choskshi, of FPL, reported that they worked with Mr. Monte Falls, City Manager, to identify a few locations for the SolarNow Program and the Dog Park seemed to be the perfect location where you can get the benefits of solar, as well as provide shade.

Mayor Zudans asked when can FPL provide the information the City Attorney has requested. He said if this can be provided quickly, the City Council has another meeting in two (2) weeks where that shouldn't really slow anything down. He said they are very much in favor of this, but they need the details so they can finalize it. He asked is that possible.

Ms. Jill Jones, Board Member of the Vero Beach Dog Park, Inc. felt the City Council needed more clarification. She said they have a lease agreement with FPL that is a 15-year term at the Dog Park for this structure. All they have to do is get approval from the City Council of their lease agreement. She explained that in the Vero Beach Dog Park's lease with the City, if they lease a portion of the land for a certain purpose they have to get City approval. She said the approval is not the structure.

Mayor Zudans said his concern is what is in front of them right now is for approval for the Vero Beach Dog Park to sublease to FPL with no details about what portion of land. He asked Mr. Turner if there are specific details on where they are subleasing, their terms, the length of this, etc.

Mr. Turner said that he doesn't have that information. The only information that he had was on a structure that was already built in the area of the Dog Park, which was a 24 by 24 pavilion. He said the City's Public Works Department is charged with servicing Parks and drainage for the public benefit and they have not seen any plans or any drawings as to the location and that is information that is needed. He didn't think it would be a problem approving this under the City's Charter.

Mr. Barry Segal, Attorney for the Vero Beach Dog Park, said the sublease is for a very specific area within the Dog Park. It does not give FPL the right to do things in other areas of the Dog Park.

Mayor Zudans asked was that sublease provided to the City Attorney.

Mr. Segal explained that at the time the sublease was negotiated, Ms. Kira Honse was the Assistant City Attorney and she provided visionary language to the lease. He said this information has been in the City Attorney's office, but it was prior to Mr. Turner being employed by the City. He said they are going to have to have some kind of permit at some point in time for the improvements, but as far as approving the sublease he thinks everything the City needs to approve it has been there. He said it is a use that is consistent with the Charter.

Mayor Zudans assumed that Mr. Turner was not aware that there was a sublease that was worked out by the previous Assistant City Attorney.

Mr. Turner said that is correct. He said that he was presented with a three (3) party lease between the City, FPL, and the Vero Beach Dog Park Inc., and after examining that lease staff recommended it be changed to consent to sublease since the property is already leased and the tenant wants to sublease to FPL and under the lease agreement between the City and Vero Beach Dog Park Inc., there is a provision that states if they are going to sublease a part of the property they have to obtain the City's consent.

Mayor Zudans asked if the original document that was done could be done in a different manner including specific locations.

Mr. Turner said it did not have a specific location as far as he knows as to a design and plans.

Ms. Jill Jones said FPL still has to go through the permitting process, which will require approval by the City Planning and Development Department and the Indian River County Building Department. This is only seeking an approval of their sublease agreement. It is basically saying that the City Council is trusting the Dog Park Association because the Association has gone through legal counsel and they have everything spelled out as far as the location, easement, etc. She said this was encouraged by the former City Manager.

Mayor Zudans said the City Attorney is telling the City Council that the City is not ready to do this yet.

Mr. Brackett said if he understands what Ms. Jones is stating, she is stating that the Association chose a section of land to sublease to FPL and the building part would be approved by the Planning and Development Department when FPL submits their building permits. Therefore, they are before the City Council to approve the actual piece of land for the sublease.

Mr. Barry Siegel explained that the City is not a party to the lease. It is for consent to the lease.

Mayor Zudans asked do they have a specific area.

Ms. Jill Jones answered yes. It is in the agreement.

Vice Mayor Young asked to table this matter allowing FPL and the Dog Park Association to provide City staff with all the information they need in order to make an intelligent comprehensive decision, are they compromising a deadline for FPL to receive the grant.

Mr. Choskshi answered yes. He said they are at the tail end of the funding. He said they are looking to complete this by the end of the year. He said that he knows two (2) weeks before their next meeting does not seem long, but it would need to be processed for the end of year deadline, which is what they are looking to achieve.

Mr. Brackett asked is the location included in the document that has been provided to Council.

Mr. Choskshi answered yes. He said it is in the sketch and in the legal description of the specific parcel.

Mayor Zudans asked Mr. Turner if the document specifically states the location of the sublease.

Mr. Turner said that he has not had an opportunity to review it so he would not want to give him an opinion at this time.

Councilwoman Moss said none of them had the opportunity to read the information. It was sitting on the dais when they arrived, which is not a good way to do business.

Mr. Howle did not think the Dog Park Association was going to do anything that would keep them from operating as they currently do. He commended FPL for their part in this. However, he was not comfortable with having heard trepidation from the City Attorney in not having all the detailed information that is needed to help the City Council make a decision, so he is not comfortable in making a decision today. He also does not want to hinder FPL from getting the grant funding. He said if it is important enough, if it can happen quickly enough, and if no one objects, they might need to hold a Special Call meeting.

Mayor Zudans said that he is going out of town tomorrow so he would not be here later this week, but if the other members of the City Council are available and want to hold a Special Call meeting he is fine with that. He said this will make the City Attorney happy and they are all going to vote for it. He felt that was the best plan.

Mr. Turner asked if they could hold the Special Call meeting the first of next week as he will be out of the office at the end of this week.

Mayor Zudans suggested holding the Special Call meeting on Monday at 5:15 p.m. The City Council agreed.

Mr. Brian Heady said for the City Council to take a vote they need public notice and the public hasn't been notified and the City Council wasn't event notified about this. He said what the Mayor just told them was that they were all going to vote for it.

Mayor Zudans said that he suspects that they were all going to vote for it. He can't speak for anyone else. He said that he would be voting for it.

3. **CONSENT AGENDA (include amount of expense)**
 - A) **License Agreement between the City of Vero Beach and Vero Beach Air Show, Inc., for Temporary Use of Airport Property for the 2020 Air Show (April 25-26, 2020)**
 - B) **Certification of Compliance – FY 2018 Edward Bryne Memorial Justice Assistance Grant Program**
 - C) **Insurance Brokerage Services - \$1,046,964**
 - D) **RFP 090-19/JO – MRO Hangar – Sheltair Aviation**
 - E) **Purchase of Axon X2 Tasers – (FY18-19 - \$6,800; FY 19-20, FY20-21, FY21-22, FY22-23 - \$13,800 each FY)**
 - F) **Renewal of Contract 1517C – Cayenta Managed Services Agreement (\$143,211.12)**
 - G) **Xylem Pumps – Contract 1155-B Annual Contract – Expenditure: Approximately \$25,000**
 - H) **Biosolids Disposal Agreement – Indian River County Solid Waste Disposal District (IRCSWDD) – Annual Estimated Expenditure: \$52,000/annually**
 - I) **2019-2020 School Resource Officer Contracts with the Indian River County School District (Rosewood & Beachland Elementary) and St. Helen Catholic School**

Councilwoman Moss removed items 3-A) and 3-H) from the consent agenda.

Vice Mayor Young removed item 3-D) from the consent agenda.

Vice Mayor Young asked Chief Currey to speak on item 3-E) Purchase of Axon X2 Tasers.

Chief Currey said they budget close to \$10,000 for taser replacements. This five (5) year proposal would catch them up. It is kind of like what they do with their vehicles. He explained that with this plan they would essentially absorb it in their budget for the next two (2) years and then ask for a minor increase for the fourth and fifth year of the contract.

Mayor Zudans thought it was a good idea. He said by having planned replacement with their fleet, their fleet is becoming newer and newer over time and what has happened is they are having less repairs on the vehicles.

Vice Mayor Young made a motion to approve the remaining items on the consent agenda. Councilwoman Moss seconded the motion and it passed unanimously.

Item 3-A) – License Agreement between the City of Vero Beach and Vero Beach Air Show, Inc., for Temporary Use of Airport Property for the 2020 Air Show (April 25-26, 2020)

Councilwoman Moss invited Mr. Paugh to speak.

Mr. Robert Paugh, President of the Vero Beach Air Show, thanked the City Council for what they do. He said they are present today to request to be allowed to utilize the Airport as they have in the past. He reported that the Blue Angels will be back. He reported that Vero Beach Air Show is a 501C-3 Corporation that was established in 2011. The purpose of the event is to raise money for local causes; the prevention of Child Abuse, the support of Veterans in need to provide outstanding entertainment and to give a local boost to our local economy. He gave a special thanks to the City of Vero Beach, to the Police Department, and Airport staff for their assistance.

Mayor Zudans opened and closed public comments with no one wishing to be heard.

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

Item 3-D) – RFP 090-19/JO – MRO Hangar – Sheltair Aviation

Vice Mayor Young asked Mr. Menger to speak on this item.

Mr. Eric Menger, Airport Director, reported that the company they are proposing to begin negotiations with is a well established and well managed company. They have done developments like this throughout the State of Florida. He said they know they have a very experienced company that can do the job. He said they have gone ahead with a proposal to select Sheltair, but they have not negotiated a contract. With the City Council's approval, staff will go over all the details of what they will move forward with. He noted that it would not look like the proposal that is in their backup information. He explained that staff will bring back before the City Council a negotiated contract for approval at a later date. All they are asking tonight is to be able to move ahead with the negotiation process with Sheltair.

Vice Mayor Young asked Mr. Menger to discuss the scope of the magnitude as far as funding.

Mr. Menger said it is about a five-million dollar project and staff was able to receive a grant from the State of Florida in the amount of four-million dollars that will be used for the City's contribution to this project.

Mayor Zudans opened and closed public comments with no one wishing to be heard.

Vice Mayor Young made a motion to approve staff to negotiate a contract with Sheltair. Councilwoman Moss seconded the motion and it passed unanimously.

Item 3-H) – Biosolids Disposal Agreement – Indian River County Solid Waste Disposal District (IRCSWDD) – Annual Estimated Expenditure: \$52,000/annually

Councilwoman Moss asked Mr. Bolton to review this with the details.

Mr. Rob Bolton, Water and Sewer Director, explained that the City has a biosolid facility where they dewater the sludge and haul it to the Okeechobee landfill. He said the City had a 10-year agreement with them, which expired the end of December or the beginning of January. Since that time the City has been working with Indian River County in that their landfill can also accept biosolids. He reported that this has reduced the cost by about 25-30%. Staff estimates that the City will save about \$20,000 a year by switching to the Indian River County landfill.

Councilwoman Moss asked is this agreement dependent on the County's agreement with another party. She said that she recently read in the newspaper something about the County having a problem with Waste Management.

Mr. Bolton explained that Waste Management runs the County's facility, but this agreement is between the City and the County.

Mayor Zudans said that he went to the recycling plant with Mr. Falls. He questioned is it Newterra.

Mr. Bolton explained that Newterra runs the biosolids handling where they are composting.

Mayor Zudans asked if staff has reviewed options for the biosolids with Newterra and what was the cost.

Mr. Bolton said that he also visited their facility. He reported that their price was higher, but that doesn't mean that they can't negotiate a price moving forward. He said that he is willing to continue talks with them, but there is a big gap.

Mr. Howle didn't know if that would be useful of his time.

Mayor Zudans said if the price was equal he would prefer that the biosolids went into recycling. He said that when he toured the facility they were interested in getting more

volume. He said that he would keep that conversation open. He asked how many years is the agreement with Indian River County.

Mr. Bolton said it is a two (2) year term with annual renewals.

Councilwoman Moss said the agreement states that it is for a two (2) year term and shall renew automatically for an additional one (1) year term unless either party specifies otherwise. She asked what does that mean. Could they change something after two (2) years.

Mr. Bolton said normally they would have a two (2) year term with annual renewals unless the City does not want to renew. That is what they normally do. He was sure that the County would work with them. He felt that both the City and the County agrees that filling landfills with biosolids was not the best use of the landfill so if they could find something that meets the concerns of the citizens and the regulatory agencies everyone would be moving to a compost facility.

Mayor Zudans opened and closed public comments with no one wishing to be heard.

Mr. Howle made a motion to approve the Biosolids Disposal Agreement with Indian River County. Councilwoman Moss seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1. An Ordinance of the City of Vero Beach, Florida, Abandoning a certain portion of right-of-way upon City owned Airport land in Section 34, Township 32 South, Range 39 East, being a part of the 43rd right-of-way plat as recorded in Plat Book 7, Page 85, and upon and between Lots 21, 22, and 23 Airport West Subdivision, as recorded in Plat Book 10, Page 89, all of the Public Records of Indian River County, Florida; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Ordinance by title only.

Mayor Zudans opened and closed the public hearing at 4:37 p.m., with no one wishing to be heard.

Vice Mayor Young made a motion to approve the Ordinance. Mr. Howle 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 Howle yes.

- 2. An Ordinance of the City of Vero Beach, Florida, Abandoning all of the City's interest in a certain thirty (30) foot wide drainage easement, encumbering**

Vero Beach Regional Airport property, Lots 22 and 23 as platted within Airport West Subdivision, recorded in Plat Book 10, Page 89, of the Public Records of Indian River County, Florida; Providing for Conflict and Severability; Providing for an Effective date.- Requested by the Airport Director

The Mayor read the Ordinance by title only.

Mayor Zudans opened the public hearing at 4:38 p.m.

Mr. Brian Heady stated that before he starts he wanted to make sure that the only thing that he could talk about is the item that is listed on the agenda. He asked if that was correct. Mayor Zudans said yes. The item that they are talking about right now. Mr. Heady said so he wouldn't be able to talk about the Dog Park because it is not listed on this particular item. Mayor Zudans explained if they are going to vote on something that the public has the right to discuss the item that they are going to vote on. Mr. Heady again said that he could not talk about anything other than the particular topic that they are discussing now because that is what is on the agenda. Mayor Zudans said that is the order for discussion right now. Mr. Heady said during FPL's discussion, which was item 5-A) he allowed someone to come up and speak about solar panels, which was not included on the agenda. Mayor Zudans explained that was an informational item and there was not a vote taken and not an issue for public comment. He told Mr. Heady that he is now out of order. He has had his question answered and if he wants to continue then he will have him removed.

Mayor Zudans closed the public hearing with no one else wishing to be heard.

Mr. Howle made a motion to approve the Ordinance. Mr. Brackett 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) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Grant Agreement with the Federal Aviation Administration for a project entitled "Rehabilitate Apron (Design Only)" (FAA AIP #3-12-0083-041-2019) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The Mayor read the Resolution by title only.

Mayor Zudans opened and closed the public hearing at 4:42 p.m., with no one wishing to be heard.

Mr. Brackett 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.

2) 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 “Construct Natural Gas Pipeline” (FDOT #445875-1-94-01); Providing for an Effective Date. – Requested by the Airport Director

The Mayor read the Resolution by title only.

Mr. Menger reported that City staff has been working on a long-term lease with Girard Equipment to relocate its business to the former City Utilities Transmission and Distribution (T&D) facility currently leased to FPL. In order for Girard Equipment to operate its manufacturing facilities, the company needs a consistent source of natural gas. Florida Natural Gas has indicated that the cost to install a pipeline from the existing line at Piper Aircraft, along Aviation Boulevard and 43rd Avenue to the future Girard site, would be about \$400,000. FDOT has agreed to pay for one-half of the estimated cost, or \$200,000. The balance is proposed by the Airport to be paid for by Florida Natural Gas or Girard Equipment, which will be worked out in the lease agreement.

Mayor Zudans opened and closed the public hearing at 4:46 p.m., with no one wishing to be heard.

Mr. Howle made a motion to adopt 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.

3. A Resolution of the City of Vero Beach, Florida, Amending the Policies and Procedures regarding Annexation of Property into the City. – Requested by the Planning and Development Director

The Mayor read the Resolution by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that passage of this Resolution amends the City’s Annexation Policies and Procedures to allow for the designation of annexed properties with future land use and zoning designations compatible with land use and zoning designations on adjacent properties in the City limits and is consistent with existing goals, objectives and policies of the City’s Comprehensive Plan to facilitate more productive use of the annexed property.

Councilwoman Moss felt that this needed to be more site specific rather than just in general.

Mr. Jeffries assured her that it would be site specific.

Councilwoman Moss asked if it would still leave the comparable situation in place.

Mr. Jeffries answered yes.

Mayor Zudans opened and closed the public hearing at 4:51 p.m., with no one wishing to be heard.

Mr. Howle 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. Florida Power and Light (FPL) Hardening and Smart Grid Plans – Mr. Bart Gaetjens and Mr. Andy Starke representing FPL –**

Requested by Councilwoman Laura Moss

This item was heard earlier in the meeting.

B) OLD BUSINESS

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on September 3, 2019 at 6:00 p.m.

- A) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the Zoning District Designation from ALI-1, Airport Light Industrial – 1 to ALI-A1, Airport Light Industrial – A1, for property located at the Northeast corner of 43rd Avenue and Airport West Drive, containing 2.61 acres more or less; Providing for an Effective Date. – Requested by the Airport Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 3, 2019.

Public Hearing to be held on September 17, 2019 at 6:00 p.m.

- B) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60 (Appendix. Definitions) of the Land Development Regulations to revise or add the Definitions of Amusement Game or Machine, Commercial Amusement, Simulated Gambling Establishment, Simulated Gaming Device, Vending Machine and Video Arcades; Providing for Codification; Providing for Conflict and Severability’ and Providing for an Effective Date. – Requested by the Planning and Development Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

- Public Hearing to be held on September 17, 2019 at 6:00 p.m.**
- C) **An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, Section 60.06 (only specified uses allowed; interpretation) of the Land Development Regulations; Updating the Reference Materials for Land Use Interpretation; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

- Public Hearing to be held on September 17, 2019 at 6:00 p.m.**
- D) **An Ordinance of the City of Vero Beach, Florida, amending Chapter 10 (Amusements and Entertainments) relating to Regulations of Video Arcades; Providing for Revisions to the Definition of Video or amusement Game or Machine; Correcting an outdated regulatory reference; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

- Public Hearing to be held on September 17, 2019 at 6:00 p.m.**
- E) **An Ordinance of the City of Vero Beach, Florida; Requested by Florida Institute of Technology, Inc. to annex property located at 805 46th Place East, containing 4.56 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 Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

- Public Hearing to be held on September 17, 2019 at 6:00 p.m.**
- F) **An Ordinance of the City of Vero Beach, Florida, amending the Comprehensive Plan Future Land Use Designation of Annexed Property from Indian River County Designation L-1, Low-Density Residential-1 to City of Vero Beach Designation C, Commercial for the Property located at 805 46th Place East, containing 4.56 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

Public Hearing to be held on September 17, 2019 at 6:00 p.m.

- G) An Ordinance of the City of Vero Beach Beach, Florida, amending the Official Zoning Map by changing the Zoning District Designation of Annexed Property from Indian River County Designation RS-3, Single-Family Residential District to City of Vero Beach Designation C-1A, Tourist Oriented Services Commercial District, for the property located at 805 46th Place East, Containing 4.56 acres more or less, Providing for an Effective Date.- Requested by the Planning and Development Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

Public Hearing to be held on September 17, 2019 at 6:00 p.m.

- H) An Ordinance of the City of Vero Beach, Florida, Amending the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation from RL, Residential Low (up to 6 Units/Acre) to RM, Residential Medium (up to 10 units/acre) for property located at 705 Azalea Lane, containing 0.27 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The Mayor read the Ordinance by title only and announced that the public hearing would be held on September 17, 2019.

Council took a 5-minute break and the meeting reconvened at 5:00 p.m.

7. CITY CLERK MATTERS

- A) Announcement of some Reappointments to City Commission/Boards**

Mrs. Bursick announced what reappointments will be occurring on the different City Commission and Boards. She said that she would be bringing this matter back to Council at their October 1st City Council meeting so there was no action that needed to be taken today.

The appointment of a new member to the Marine Commission will be discussed at the September 3, 2019 City Council meeting.

- B) November 5, 2019 City Council meeting**

Mrs. Bursick stated that the Canvassing Board has been notified by the Supervisor of Elections that they will need to be at the Election office at 2:00 p.m. on Election day, which is November 5th and a City Council meeting day. The Canvassing Board would suggest changing the time of the meeting and holding it in the morning or cancelling the meeting.

Council agreed with holding their City Council meeting on Monday, November 4th at 5:00 p.m.

C) Lien Reduction Request – 2628 US1 Investments

Mr. David Currey, Chief of Police, reported that this request is to reduce the current lien of \$21,000.00 (excluding enforcement/recording fees) to \$10,000.00 for the assessed property at 2628 US1. The Code Enforcement Board reduced the amount of continuing penalties from \$34,250.00 to \$21,000.00 during a hearing on March 1, 2019. He then went over the chronology of events as outlined in his memo (on file in the City Clerk's office). The case came before the Code Enforcement Board for the last time on February 13, 2019. The property was brought into compliance on January 21, 2019. The Board issued an Order Finding Correction of Violation, Ceasing and Reducing Penalties, and Directing Payment. The total due and recommended owned fine is \$21,050.00.

Mayor Zudans asked what was the reason for the Code Enforcement Board's recommendation to reduce the fine. Chief Currey said it was basically because they were nice.

Mr. Barry Segal, Applicant's attorney, showed the property that they were talking about on the doc cam. He said their problem came about because there are two (2) tenants on the property at a time. He said the offending tenants were forced by the property owner to clean up the mess. He said when Chief Currey said that the Code Enforcement Officer had not been notified that the area had been cleaned that was true. He said that the property owner knew that they had to clean up the property and they thought that was all they had to do and they did not notify the Code Enforcement Officer that the issue was resolved. Then the other tenant started putting cars and things like that on both properties and the tenant was eventually evicted because of their misuse of the property. So what happened was it was a new violation in the eyes of his client and not one (1) continuing violation. He said had they known they had an obligation to come and tell the City that it was resolved then they would have done so and this matter would have been resolved long before the 420 days. Mr. Segal complimented Officer Sanderson because the only reason this case ended was because she drove by the property and said the property has been cleaned up and did it from her own memory and that is where the 420 days comes from. The Code Enforcement Board went by the date that Ms. Sanderson saw that the property was cleaned up, however it actually was resolved a long time before that and a new violation occurred with a new tenant operating from the other side of the property and that was resolved when the tenant was evicted. Mr. Segal stated that his client is grateful for the reduction, but feels it is very punitive in nature. He is trying to take the money that he generates from these properties and spend it on making this property more attractive. His client understands that a fine is warranted, but he is asking that it be reduced an additional \$10,000, which is still a significant fine to be made to the City. It achieves the purpose of which the fines are there for. He commended the Code Enforcement Department, as they did their job. He should have communicated better that there are two (2) separate violations and there was good faith in the owner to in fact clean up the property, but did not realize that they needed to notify the Code Enforcement Department. He requested that the fine be reduced.

Mr. Brackett commented that he believes on the notice that a violator receives it says to call the Code Enforcement Officer once the issue has been resolved.

Mr. Segal did not argue with that. He said unfortunately the tenants got caught up in trying to resolve the problem and did not make the call.

Mayor Zudans asked Chief Currey if the explanation that was just given as to the two (2) separate instances fits in with understanding the facts on what happened.

Chief Currey answered yes.

Mr. Howle commented that he knows this property and he knows that a lot of money has been spent on the adjoining Chevron property to fix it up. He knows the tenant that the property owner was dealing with and knows what a trying situation that can be. It is his opinion that the property owner is interested in making the property more pleasing and making our City look more beautiful. He would like to see the money go into fixing the property up.

Mr. Brackett said that he could not agree more that it would be nice if the money went into fixing the property. He struggles with this because he is a property manager. He said these are not difficult things to deal with if they are done in a timely manner and done efficiently to avoid this kind of situation. He said that his company has received a couple of code violations, usually for overgrown grass, but he has never had to go before the Code Enforcement Board, so it is hard for him to understand how things get this bad unless they are intentionally neglected.

Mr. Segal commented that if these were the direct actions of his client he would not be standing before them. He said when you have to deal with the actions of your tenants you can't do this without due process to take the steps necessary to correct some of these issues.

Chief Currey recalled the last reduction case he brought before the Council having do with an owner who was in New York and the fine was not reduced and Council and staff agreed that the owner was responsible just like the person renting the house.

Councilwoman Moss agreed with Chief Currey and thanked him for reminding them of that. She said that they need to be consistent and she backs his assessment of this situation.

Chief Currey commented that he has been in Vero Beach for the last 30 years and the property being discussed today has always looked the same.

Mayor Zudans made a motion to reduce the fine to \$11,000 as requested. Mr. Howle seconded the motion.

Mr. Joseph Guffanti stated that your system is flawed. He has been by this property many times and it has never offended him. He asked how much damage did this property do to

the City of Vero Beach. He said it could not have done \$30,000. It should have some sort of cap on it. He has no standing in this matter other he knows the property owners.

Mayor Zudans explained that the reason why there has to be some penalty associated with this property is because what people do not want is to have a neighbor who will not take care of their property. He said if there is no meaningful penalty then the property won't get cleaned up. He just made a motion to further reduce the fine.

Mr. Chris Clark suggested that if the owner does want to contribute money towards fixing the property up why not give him the opportunity to spend the \$10,000 in reduction for fixing up the property and see if he can do it within 90 days and this way he has improved his property.

Mayor Zudans was not sure if they were permitted to do something like that.

Mr. Turner explained to Council that they have several options in these requests. He said they may deny the request and give no reduction at all in the lien. He said that Council could reduce the lien to the level that they think is appropriate based upon the evidence and based upon any arguments or documentation. He said there is a provision in their Ordinance that they may put conditions on reductions of fines. He said if the conditions are not met then no reduction at all would be given on the lien.

Mayor Zudans asked Mr. Segal if there were any capital improvement plans for this property that range around \$10,000 that will be occurring.

Mr. Segal felt it was an interesting idea. He did not know about the 90-days because of permits, which might take more time. He said if this was the condition of the reduction it would be a much better use of the resources to use it on capital improvements. He requested six (6) months instead of 90-days.

Mayor Zudans amended his motion that the fine be reduced to \$11,000 upon providing documentation to the City of at least \$10,000 of capital improvements to the property within six (6) months. Mr. Howle seconded the motion.

Vice Mayor Young brought up if this is not done it reverts to the \$21,000.

Mr. Turner said there is another condition that he would like Council to consider and that is if these requirements are not met the \$21,000 is reinstated in full and that authorization is given to start foreclosure proceedings.

Mayor Zudans amended his motion to include if the requirements are not met the \$21,000 is reinstated in full and that authorization is given to start foreclosure proceedings. Mr. Howle seconded the amendment.

Chief Currey had no problems with the amended motion.

Mr. Segal stated that his client is in agreement with the motion.

Mayor Zudans restated the motion which is to reduce the lien amount to \$11,180.50 conditioned on presenting documentation to the City within six (6) months of at least \$10,000 worth of capital improvements. In the event that those improvements are not met the full amount of the lien will be reinstated and foreclosure action will be initiated. Mr. Howle 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)**

A) Proposed Scope from DPZ for Planning Services for the Former Power Plant and Wastewater Treatment Plant Sites.

Mr. Jason Jeffries, Planning and Development Director, recalled that a couple of meetings ago the City Council selected DPZ for City staff to proceed with negotiating and preparing a contract. He said what DPZ has done is provide a scope of services, which was provided to the Council on Friday. He said what he is looking for is Council's feedback on their Scope of Services and changes based on Council's discussion at their last meeting. He said what staff is looking for is their feedback on this and they will finalize the contract and bring it back to Council.

Councilwoman Moss stated that in the future she was going to request that they adhere to their deadline. She said this was suppose to be uploaded on Wednesday with the agenda and it wasn't. The City Council received it just before 5:00 p.m. on Friday and she did not want to make a habit of that. She said it is ironic because this document is about engaging the community and yet the community did not even have a chance to look at it because it is being shoved through. She said they cannot do it that way. She asked that this not be done this way again.

Mayor Zudans explained that they were not voting on anything tonight. He said that DPZ is telling the Council that they have provided to them this information and it was put on the website on Friday. This is Council's opportunity to give some feedback. They have not presented Council with a contract yet. There is nothing to be voted on tonight and nothing is being shoved on anyone. He said there is a timeline issue in that they want to be able to engage the entire public while the citizens are in the community. They have not brought us a contract yet. There is a timeline issue in that we want to engage the public while the snowbirds are here. They need to have everything in place so once they get into the season all the outreach meetings start taking place. He said the sooner they decide to get this started the better. He wanted to see this document as soon as staff received it.

Mr. Jeffries explained that staff received it on Thursday and he went through it with Mr. Falls and had DPZ make some changes and they sent it to the City Council on Friday.

Councilwoman Moss understood that and asked that they observe proper protocol in the future.

Chief Currey said that he was with Mr. Jeffries and Mr. Falls when they received the document and they were trying to get it to Council as soon as they could.

Mayor Zudans asked Councilwoman Moss if she has had the chance to look through the document and does she have any suggestions on where they should go.

Councilwoman Moss stated that she did look through it and not a lot has changed in her opinion. The City Council, who are the elected representatives of the people fall at the very beginning and at the very end. She said in between there is some kind of Steering Committee, which will guide the process. The Steering Committee will be a small group and one that typically includes the City Manager, the Planning Director and a few key administrative staff. There is no one included that is elected and it is not the community. She said that the Steering Committee would be making a lot of key decisions and that is not transparency. She thinks that a lot of these meetings should be held publically. She said they can video tape the meetings and everyone will be invited. What she is reading sounds like these meetings are taking place behind closed doors, in small groups by people who are not elected (self-selected) and that is not good.

Mayor Zudans felt that anyone who has read this document would come to a totally different conclusion than that. Councilwoman Moss said she read from the document and that is what it says. Mayor Zudans said that is only one (1) component of it, which is the Steering Committee, which is within the government. He said their administration of the government is their Planning Director and City Manager. Councilwoman Moss said that these people are not elected and they don't even live in the City.

Chief Currey said this is simply to authorize staff to enter into a contract and bring it back.

Vice Mayor Young asked for clarification on what the Steering Committee and the Ambassador Committee will be doing. His assumption of the ambassadors was like what they did in the past several years ago. That venue of the ambassadors would be done in a Sunshine manner so there is transparency. He understands the timing and realizes moving forward. He is concerned that the Kick-off presentation to Council is scheduled for the meeting right after the Organizational meeting (November 19th) for the new City Councilmembers. He has some concerns about the scheduling. He wanted to know from Council if they wanted to have that meeting earlier so that they have understanding prior to the new City Council taking place. He said as far as the costs go, they are relatively the same. He said there was some concern for the funding for the charrette. He would expect the total cost for the charrette would be borne by the company doing it.

Councilwoman Moss addressed the issue of ambassadors since the public didn't have the opportunity to see this. She read from page 5 of the document: *"Create a Committee of approximately 10-12 members representing residents and civic leaders on the mainland as well as the island who will host small groups in their homes to solicit input and encourage*

engagement. Community members who host these small groups will become champions throughout the process, helping carry the plan through adoption and implementation.” As she said earlier everything should happen in the Council Chambers. It needs to stay public because that is real transparency. Get it on videotape and everyone can watch it and everyone is invited to be part of it for every minute.

Mr. Brackett was a real proponent of having it in the public. He understands about having the meetings videotaped, but he still wants to reach everyone in the community, which might mean having meetings at different places and different times of the day. They will find a way to videotape those meetings if they need to.

Mr. Howle agreed.

Vice Mayor Young wanted to see consistency in the document, which he does not see now. His suggestion is to look at the recreational needs and then move from recreational to commercial so that as DPZ has these forums they are not dictating anything, but the public has a starting point for consideration.

Mayor Zudans explained what this proposal was is that DPZ is not going to come up with a singular scenario. They are going to develop five (5) anticipated scenarios. He read each five (5) scenarios as outlined in page 4 of the document. He did ask for clarification of scenario number 4 when elected officials were discussed. Was it City elected officials only or state, county, etc. Mr. Jeffries said it is who they see being involved as the public official.

Vice Mayor Young stated that elected officials of the City of Vero Beach should have a prominent voice in the destiny of the three corners. Mayor Zudans agreed. Vice Mayor Young said they could get other elected officials input, but they should rely on primarily what the elected officials for City of Vero Beach are advocating for.

Mr. Howle agreed that they welcome the input from the County as a whole, but this is their City that they are talking about and they don't need to bring in a bunch of other elected officials.

Mr. Jeffries explained wherever the Steering Committee is mentioned they are really referring to the management team of the City.

Vice Mayor Young thought it would be helpful if a representative from DPZ was here at tonight's meeting.

Mayor Zudans said that was not the purpose. He said the purpose of this meeting was to get Council's feedback so that Mr. Jeffries could relay it to DPZ.

Mr. Jeffries explained that all of Council's comments will be clarified when he brings the contract to them.

Vice Mayor Young stated that he hears what DPZ's scenarios are and his suggestions are looking at a consistent manner in doing this like going from recreation and then public/private and then commercial/private and then if they want to add a scenario six (6) based on that it seems more logical than what he is reading here.

Mr. Jeffries pointed out that the keyword with these scenarios is "anticipated." He said this is where their time and manpower will be in developing each of the scenarios. This is based on their experience with other communities.

Mr. Jeffries commented that what he is hearing is that they will clarify the committee versus the management team in the scope, there will be further discussion on what they are saying is the anticipated scenarios, in terms of the location of the week-long charrette. He said that he has discussed this with Mr. Falls and they felt that the Community Center would be the ideal location to hold the charrettes. Then after the charrette process they will move into task five (5) and that is where the involvement of the Ambassador Committee comes in.

Councilwoman Moss said that right now the ambassadors are a part of task three (3).

Mr. Jeffries explained that task three (3) is when the Council would be identifying them as part of the community outreach. He said if Council chose to appoint an ad hoc committee they would do so and they would be involved after task five (5).

Councilwoman Moss said that is not what this document states and she does not agree with how this is forming. She agreed that it would have been better if a representative from DPZ had been at the meeting. She referred to page 5, #9, where it talks about the ambassadors hosting small groups in their homes and that is prior to what she hopes will be very public charrettes and that is task four (4).

Vice Mayor Young commented that Council is expecting DPZ to provide them with a presentation that is prior to the kickoff (task 2). Mr. Jeffries said it would be after task 1 where DPZ has already done some preliminary analysis and assessment.

Councilwoman Moss would like them (DPZ) to do task one (1) publically and asked if that could be done. She said if it is done publically anyone can watch it and videotaped.

Mayor Zudans read what task two (2) consists of.

Vice Mayor Young explained that the concern he has is that is supposed to be accomplished after the first two (2) weeks in November. He said his concern is before DPZ comes here to do the Kickoff Presentation that the Council should have the opportunity in advance to tell DPZ what the Council expects and that DPZ is not dictating to the Council how they are going to go about it and we have had the opportunity to look at what is feasible for Vero Beach and what works for Vero and input is provided to them from the Council through staff.

Mayor Zudans asked why did they hire a professional planner if we are going to tell them how to do their job.

Vice Mayor Young said that what he is saying from the City Council perspective is that it's important for them to utilize xyz...Mayor Zudans said to Vice Mayor Young that he knows better than they (DPZ) do how to do that. Vice Mayor Young said we would just be providing them their desires, which is what their role is as a City Councilmember.

Mr. Brackett commented that what he understood is staff will bring back this document and negotiate this document in finer details and get more specific, but they need to tell Mr. Jeffries what they want to see in this document.

Mr. Jeffries asked if what he was hearing is that they want to see task two (2) held in October rather than in November.

Vice Mayor Young just wants to make sure that DPZ is on the same page as Council as to what they want to see happening from the community. This gives the community an opportunity to talk to Council in advance so they are not presented with a product that is not in sync with what they anticipate happening. This is an effective use of their time and Council's time.

Councilwoman Moss felt that they (DPZ) have said that to an extent on page 5. Again, if they were able to upload this prior to the meeting and everyone knew what it said it would have been better. She was told that the document was on the website on Friday. Councilwoman Moss said it was not on Wednesday when the agenda was distributed. She again asked that protocol be followed. She said it would be much more efficient.

Mr. Brian Heady stated that the Council could not appoint someone to go and meet at someone's house because of the Sunshine Law. He agrees that convenience should be important and City Hall is about as convenient as you can get. He said any sanction group must be open to the public.

Mrs. Lamarre Notargiacomo said it is distressing to see how public voices are being silenced. She agreed with Councilwoman Moss's comments. It is important to allow for maximum public input and transparency.

Mr. Jeffrey Knowles commented on the importance of democratic process. He said that there was a large amount of people attending today's meeting to talk about the pool at Leisure Square, but after waiting for three (3) hours they had to leave. He asked that the pool be placed on their next agenda for discussion.

Mrs. Phyllis Frey provided the Clerk with a request to the City Attorney and asked that it be done before they move forward with DPZ. She is familiar with this consultant and how he promotes density. She said this is moving too fast. The public has only been given one (1) week to look at a project that is huge. She said the DPZ group is unnecessary. She would like to see someone local involved in this project. She quoted what Mr. Brackett

told her when she met with him in his office. Mr. Brackett told Mrs. Frey that was not what he said and that he did meet with her for 45 minutes one day in his office.

Mr. David Crowe expressed how important it was to be transparent. These ambassadors can come here and talk in the Council Chambers. Mayor Zudans agreed that the meetings should not be held in private. That transparency needs to be given and it is a good idea to identify leaders who have different views.

Mr. Crowe asked if the discussion about the Leisure Square pool was removed from the agenda. Mayor Zudans told Mr. Crowe that it was never on the agenda. He said that the matter will be addressed at the budget hearings held on September 3rd and September 17th.

Mr. Ken Daige brought up the Vision Committee that the City had some years ago. He said all of their meetings were open to the public and it was City business. He didn't agree with having home meetings. It was very open to the public the last time and it was accessible. He cautioned the Council about taking Park land out of the Charter. He said once that is done they have no control over the land.

Mayor Zudans commented that at the end of the process and a referendum is held and it doesn't pass then nothing will happen. That is why they want the community engaged throughout the process.

Mr. Jeffery Igo advised Council not to move forward with this contract from DPZ. He said their Scope of Work is not needed at this time. He doesn't think they are the best choice to control this process unless they are partnered with a design group that has some local concerns here. He would like to see more local involvement on how the process develops.

Mr. Rufel Pino (spelling may not be correct), Swim Coach, extended an invitation to the Council to come out to the State College in Ft. Pierce to watch the swim team and see what it is all about.

Ms. Rosemarie Wilson stated that she did not know why they were dealing with DPZ. She has gone through this before with charrettes and it is a tricky business. She said that Council needs to be present at every charrette to know what is going on.

9. CITY ATTORNEY MATTERS

A) Discussion of the Mediation meeting scheduled for August 29, 2019

Mr. Turner reported that the mediation over the franchise agreement is set for August 29th at 1:30 p.m. He said that the location is still unknown. He will let Council know once the location site has been selected. He is recommending that the location be at the local court reporter's office. He will firm that up tomorrow. He is requesting that if there is a City Council member who is interested in participating in the mediation for the City Council as an information source, but not voting on any issue to let him know.

Mayor Zudans said that he is willing to attend the mediation and volunteered to do so.

Vice Mayor Young was curious as to how all this transpired. He said that he would like to be there.

Mayor Zudans commented that they both could not attend because of the Sunshine Law and he was planning on going.

Mr. Turner explained if mediation occurs and they reach a settlement it would be put in writing and brought back to the Council for approval. He agreed that two (2) members of the Council could not be at the same meeting. There could only be one (1) representative from the City Council and they would not be voting.

Mayor Zudans assumed that after the mediation meeting that any Councilmember could come and speak to him one on one about what transpired at the meeting. Mr. Turner answered yes.

Mayor Zudans said that he was the Mayor of Vero Beach and asked Vice Mayor Young if he would mind saying that he wasn't going to the mediation hearing.

Mr. Turner stated that he would advise City Council as to the location and the time of the mediation and will be available to answer any questions.

Mr. Turner advised Council that he would be out of the office on Thursday and Friday for a seminar, but he is always available by telephone or he has his laptop with him.

10. PUBLIC COMMENT (3-minute time limit)

Mr. Don Loucks, Corporate Air, read a prepared speech (attached to the original minutes).

Mr. Brian Heady recalled that at the beginning of the meeting he asked for a Resolution to fund the pool for the coming year and he was told that no Councilmember would agree to do that. He was told that the Council at the time of the budget hearing didn't have the right numbers and that the numbers are no good so he made a public records request for the notification to City Council from whoever that was who said that the numbers are not any good. The Property Appraiser stood up and told Council that they have \$145,000 that they did not know about, which they didn't know at the budget hearings because the Property Appraiser didn't know about it. Then the Mayor said oh no that was in the budget. Mr. Heady said if it was in the budget he is wondering how come it wasn't included in the revenue. He wanted from the Mayor a public record showing that this was in the budget hearings otherwise he didn't tell the truth. The Council will add \$100,000 for a consultant, but they won't add the money necessary to fund the pool that helps kids learn how to swim and senior citizens stay active. He brought up the charrettes and the five (5) choices that the consultant is going to give them. He said that none of those choices are any good unless they can find a developer that has some money who will agree with the choices. If they don't know what to do with the property then they need to put it up for sale or just leave it

a Park. The Mayor conducts the meeting to his benefit and not the public's benefit. When he has something that he wants to put forward people are invited to the podium and allowed to speak. He said that the Pledge of Allegiance was a part of the official meeting and he thanked the Mayor for making it a part of the official meeting.

Mayor Zudans responded to Mr. Heady's comments when he was told that he was not telling the truth. He was referring to the budget hearings and during the budget hearings there was an estimate and it was based on what was stated by the Property Appraiser tonight. They were using a value, which he believes was about \$120,000. It was great that the Property Appraiser was able to come up with a higher value of an additional \$25,000. He did tell the truth and he usually does tell the truth.

Mr. Heady requested the public record showing where the numbers came from.

Mayor Zudans said that information is available on the City's website where the budget hearings were discussed. Mr. Heady said that the public record stands. Mayor Zudans said he just provided it to Mr. Heady.

Mr. Jeffery Knowles stated that he initiated the Save our Pool petition where over 700 people signed it. He presented Council with an updated copy. He asked for them to read through the comments. He thought they might find them valuable. He said there are many people who do not have access to private pools. Council might consider extending the hours of the pool. It is now closed on Sunday. It would be in the public's interest that who from the Council would go on record along with Vice Mayor Young to say that the pool will be publically funded. He said there are many small businesses at stake and they should extend the same courtesy to them as they did to FPL. He would like them to clarify why move or not move to defund the pool. He asked a Councilmember to add the item of discussion of the pool to the next City Council meeting in order to hear from the public. He invited the Council to sign up for a membership at Leisure Square. Councilwoman Moss made it clear that she did say at the beginning of the meeting she is in support of the pool.

Vice Mayor Young said that he would sponsor for the next agenda meeting to speak about the pool.

Ms. Heather Dale, CEO for the ARC, appreciated if the Council would look at different options available for Leisure Square. She said the public would like to know how that progresses. She asked the members of their City to be professional. She went over a comment that was made by the Mayor at the Comedy Club over the weekend. She said that she has always been an advocate for people who have a disability.

Mr. John Sammartano commented that in February he had some safety concerns at Roseland Elementary and the Police Department was very cooperative. He then started talking about the pool and asked that grants be looked at and then asked the Council if they wanted to close the pool in their Centennial year.

Mayor Zudans suggested that Mr. Sammartano talk to Palm Beach Gardens about their pool. He said that they do not lose money.

Mr. Larry Macke commented that there is a high level of panic in regards to the pool. If they can take the pressure down and give the Recreation Department time to come up with some sort of plan that would be great. They need to look at all of the options and loop holes going on right now and find out if they make sense or not. He said expanding the pool hours makes sense. He had some concerns with their primary lifeguard being in favor of a skatepark. He said maybe Leisure Square needs to have their own lifeguard. He told Council not to be so afraid to raise taxes.

Mr. Tom Allen commented that he managed a facility in New Jersey and it was self sustaining. He would be happy to help the City with this. He said that the pool is an important facility. Mayor Zudans thought that was great. He said that the City Clerk would help Mr. Allen in getting in touch with the Finance Director.

Ms. Pam Glecho was amazed that some members of this Council want to close the pool. She thanked the Council for their service. Their legacy will be the Council that closed Leisure Square pool. She asked them to please not close the pool.

Ms. Maureen Graham commented that she attends the aerobic classes at the pool, which has helped her arthritis. She recalled that her heart stopped when she was in the pool ten years ago and there were first responders who helped her. She is here to celebrate 10 years of a great life. She continues to drive from Sebastian to attend classes because they have her back.

Ms. Sonya Beleskey, County resident, said she is at the meeting to support the pool. Her daughter has special needs and she loves Leisure Square.

Ms. Patty Cook has been in Vero Beach for 67 years and has seen this community grow. The first pool was where the Holiday Inn is now and it was closed when the Holiday Inn came in. She told Council not to take something away that was here before they were here.

Mr. Chris Clark commented that he goes to Leisure Square almost every day and he has never once stepped foot in that pool. He is a big advocate for the skatepark, but not at losing the pool. They need to add things to the pool and make it more community based. He said they can also have the skatepark there.

Mr. Ken Daige commented that these people are very serious about the pool issue. It is not a good idea to close the pool. The special needs people are very important and the senior citizens are concerned because they don't have a lot of money and don't know where they are going to go to swim. He asked Council if they could find it in their heart to give the assurance that they will keep it open for one more season and they don't have to wait for the budget hearings.

Mr. Joseph Guffanti didn't understand what the problem is. He said the City has money in the bank. He recalled the former City Manager tried to get rid of the cemetery and reduce salaries. He said the City just lost income from the sale of the power system. He said the City is in poor financial condition. Eventually they will have to raise taxes. He does not need a politician apologizing for anything that he says or does.

Mayor Zudans told Mr. Guffanti that he is not supposed to be addressing any of the City Council directly. He asked him to address the City Council as a group.

Mr. Bob Gilbert said it seems like you want to get rid of everything that is owned by the City. He said that Leisure Square is not open on Sunday and most people have the opportunity to go there on the weekend. In all his years of living here, he has never seen the Council at Leisure Square.

Mayor Zudans explained with a skateboard park the maintenance costs are almost zero. He explained that there are two budgets. There is a capital budget that goes to facilities and they have an operation budget. The amount of transfer to the General Fund that was lost when they sold the electric utilities was not six to ten million dollars as suggested earlier. The net affect was around \$2.5 million. They have set aside a transition over the next five (5) years to balance the budget. With their operating budget they need to find out where they are going to make up that half a million dollars each year in operating funds. The reason why the pool was an attractive idea was because there is about \$175,000 deficit and another \$110,000 deficit with the gym at Leisure Square. It looks like this may be the place where they have to come up with \$500,000 in their budget each year to make the soft landing. He has a daughter who did competitive swimming and his wife would drive her sometimes twice a week up to Sebastian to swim. So there are other pools in this area where people can swim. He hears the backlash and he is aware of it.

Mr. Gilbert felt that there was an agenda to get rid of all of Leisure Square.

Mayor Zudans said that he would love to see a YMCA public/private partnership and if something like that were to happen he thinks it would be much better managed and the facilities could be maintained. The person who he brought forward that was interested in doing that in 2017 is not interested any more.

Mr. Gilbert asked Mayor Zudans if he was saying that the people running the facility now could not properly run it. Mayor Zudans said he has already made a statement on that.

Ms. Jackie Foulks asked the Council as far as the pool goes, have they looked at summer camp. She said the children that attend summer camp swim in the pool a couple of times a week. They also go to Gifford pool, but that costs money for the campers to go. She said if they take away the pool then the fees for summer camp will probably have to go up. She felt that membership would go down because she was assuming some of those people use the pool. She thanked the Council for evaluating this. This Saturday there will be an event at Leisure Square that is free. She invited everyone to attend and have some fun.

Mrs. Lamarre Notargiacomo had some concerns with item 6-H) on the agenda and the increase in density that will occur if it is adopted (public hearing scheduled for September 17, 2019).

Mayor Zudans explained what was entailed with item 6-H).

11. COUNCILMEMBER MATTERS

A. Mayor Val Zudans's Matters

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

Mayor Zudans stated that it is painful to deal with people who are upset and you are proposing to take away something that they value. He said one thing that is very good that is going to happen because of this is that it will be a better situation then when they started. It will be a very well managed and run facility no matter how they resolve this problem. He does not regret bringing up the subject.

B. Vice Mayor's Tony Young's Matters

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

Vice Mayor Young commented that yesterday the public might have heard that Humiston Beach, Sexton Plaza and South Beach were closed because of contamination. He said that was false information. He said that the beaches were never closed and there was never any hazardous threats regarding their beaches. He spoke with the County Administrator concerning this and it is disturbing to him that this happens to their community because what it translates to is hundreds of dollars lost to the barrier island businesses. This is something that is unacceptable as far as protocol for the Health Department to not follow through on. He has appointments to speak with the individuals who assist in the sampling process so they understand the impact of this. Also, there is a protocol if in fact the samples do come back as a health threat that the City is properly notified. He said it was reported on Channel 12 that the beaches were unsafe and businesses were calling the lifeguards to so see if vacationers could go in the water. This is an incident not unlike last year when they had the red tide and at that time he asked the Health Department about the sampling and notification process. He said in his eyes the notification process is not customer supportive of Vero Beach and Indian River County. He understands that the Health Department is a State Department, but hopefully when he meets with them they will listen to his recommendation that more prompt notification be given in the event that there is a health threat to their community. It is unsatisfactory to him that they compromise the businesses with erroneous information that is handed out to the press.

Councilwoman Moss asked Vice Mayor Young after he has looked into this did he want to send a letter.

Vice Mayor Young said hopefully the Health Department will be responsive to his discussion, but if not they will need to send a letter.

Vice Mayor Young reported that the Centennial Event for Leisure Square will be on Saturday. He said it is upsetting to him what things that the community is having to go through and hopefully that will be resolved at the September 3rd meeting.

C. Councilmember Laura Moss's Matters

Councilwoman Moss thanked Jay Bird for bringing her a flower. She invited everyone to Leisure Square to attend Cathie Callery's circuit class on Monday, September 9th from 10:30 a.m. to 11:30 a.m. The cost is \$5.00 a class and she was not sure if that amount would change after the Finance Director has reviewed the situation.

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

1) Mrs. Phyllis Frey to discuss the City Marina and Traffic Safety.

Mrs. Phyllis Frey stated that safety is the most important function of the government. She read a prepared statement.

Mayor Zudans asked Mrs. Frey why did she have to say all of those things about a hotel when there is no hotel. Why did she have to say something about commercial development. The only thing that they are proposing is replacing antiquated dry storage that will be appropriate for the size of boats that people do use. Why did she have to say that there were private developers waiting in line for Marina development when this City Council chose not to go that route. The decision has already been made. He could not understand why Mrs. Frey speaks about these things that are misleading and not what they are representing. He said it might be possible to put a hotel in that area, but they are not doing that. He asked why did she have to try to scare people and instead just make the point of what she is trying to accomplish.

Mrs. Frey stated that what she is doing is citing what the zoning allows and she is quoting what she has heard.

Mayor Zudans asked Mrs. Frey not to mislead people about the City Marina proposal and just rest on the merits of the 20 mph zone and stop scarring people in the community. He asked her to please try and stick to the things that are relevant and not mislead people in the way she presents things.

Mrs. Frey stated that she was sticking to the facts.

Chief Currey briefly went through the recent speed limit statics in the area that Mrs. Frey was speaking about and said that the signs that were installed in March have slowed down traffic.

Mayor Zudans commented that both he and Councilwoman Moss live in this area and he has to say that the best thing that has happened in that area is putting in the new sidewalks. He said safety precautions in that area have improved because of the sidewalks. He is fine with the speed limit remaining at 25 mph.

Councilwoman Moss agreed that putting in the new sidewalks has made a huge difference.

Mr. Howle thanked Chief Currey for those facts. He said that the Police Department is doing a great job at curbing the traffic speed.

D. Councilmember Robert Brackett's Matters

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

Mr. Brackett reported that he was at the Beach and Shore's Preservation Commission meeting on Monday when some of the misinformation about the beaches being closed was discussed. He said that the water/site is tested on a regular basis.

Mr. Brackett thanked everyone who came out to speak and encouraged the public to continue to that. He has met with a lot of people about the pool and other issues and he plans to continue to do that.

E. Councilmember Harry Howle's Matters

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

12. ADJOURNMENT

This meeting adjourned at 8:01 p.m.

/tb