

**CITY OF VERO BEACH, FLORIDA
JANUARY 6, 2009 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A. Roll Call

Mayor Sabin Abell, present; Vice Mayor Tom White, present; Councilmember Debra Fromang, present; Councilmember Bill Fish, present and Councilmember Kevin Sawnick, present. Also Present: James Gabbard, City Manager; Charles Vitunac, City Attorney and Tammy Vock, City Clerk

B. Invocation

Pastor Earl Morgan of the First Christian Church gave the invocation.

C. Pledge of Allegiance

The audience and the Council joined together for the Pledge of Allegiance to the flag.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

The City Clerk pulled item 2D-6) off of the consent agenda and asked that item 2D-10) be pulled off the consent agenda and put on the agenda under City Manager's Matters as item 7-D).

Mr. White made a motion to approve the agenda as amended. Mrs. Fromang seconded the motion and it passed unanimously.

B. Proclamations

None

C. Public Comment

1. Mr. Frank L. Zorc to speak on Piper

Mr. Zorc was not present for the meeting.

2. Helene Caseltine, Director of Economic Development and Karl Zimmermann, Chairman of the Enterprise Zone Agency, to give an update on the Enterprise Zone Activities

Ms. Helene Caseltine, Director of Economic Development of Indian River County Chamber of Commerce, introduced Mr. Karl Zimmermann, who is the current Chairman of the Enterprise Zone Development Agency (EZDA). She said that Mr. Zimmermann will be giving them a report of what activities took place last year.

Mr. Zimmermann stated that the EZDA conducted nine meetings this past year. The one thing that they were concentrating on were their goals. He said that each member of the Agency receives updates of things taking place in the enterprise zone. He said the goals that the Agency has come up with are not easy ones, but they are attainable. He said that currently there are 39 businesses being assisted by the enterprise office and 26 new jobs have been created in the zone. He felt that the project was working well and is creating jobs.

Mayor Abell mentioned that in the backup material that they received it outlines that they would like the City of Vero Beach to consider longer land leases.

Ms. Caseltine explained that was something that the Advisory Board discussed at length and thought that if someone was approved a longer lease then they may have a better chance of getting financing.

Ms. Caseltine reported that on January 16th at 3:00 p.m. in the County Administration Building there will be a joint meeting with the Chambers Economic Division and the Enterprise Zone Development Agency and they will be discussing the economic developments of the comp plan and what needs to be in it or taken out of it.

Ms. Caseltine invited everyone to attend a lunch being hosted by the Chamber of Commerce on January 16th. She said that the price of the lunch is \$35.00. For more information about the lunch, you can call the Chamber of Commerce.

Mr. Fish, who sits on the EZDA on behalf of the City of Vero Beach, commented that the Agency has done a lot of work on their goals and will work towards achieving them.

Mr. Joseph Guffanti continued speaking on the matter that he has talked about for the last five times that he has attended their meetings. He said that he was outraged on how the City of Vero Beach spent his tax dollars (referring to a Police Officer who was pointing a gun at his head). He was told by his source that there were eight other law enforcement officers there and some of them also had guns pointed at him. The Police Officers were yelling get down on the ground and were doing that because they wanted to instill fear in the person that they were yelling at. This had no effect on him at all. However, he complied with their wishes and got down on the ground. The lady he was visiting also got on the ground. He was then handcuffed. They were looking for someone named

“John” who was in the house. They asked to go in the house and the lady he was visiting started yelling and screaming and crying and pleading to the Police Officers not to shoot her dogs. He will be back at the next meeting to continue the story.

Mrs. Fromang asked the Police Chief to come up and tell them what this episode is about.

Chief Dappen was not aware of this incident at all. He said that he does not know how long ago it happened or even if it happened in the City or the County. He will see what he can find out.

Mrs. Fromang wanted to know if it may or may not have happened.

Mr. Ken Daige referred to two items on the consent agenda, 2D-4) and 2-D-10). He said 2D-4) is an addendum to the existing maintenance memorandum of agreement – SR 60 Storm Drain Pipe. He referred to the agreement where it states that no funding is required as the maintenance cost will be borne by Kimley-Horn & Associates per a license agreement between KHA and the City of Vero Beach. Then on page 7, paragraph 2, it states if there is any noticeable damage it will be the responsibility of the City of Vero Beach to repair the structure to operational standards. The City of Vero Beach should not pay for any repairs associated to this pipe. Stormwater runoff should not be entered into the lagoon. He asked Council to pull the item off of the consent agenda and address these concerns.

Mr. Daige then addressed consent agenda item 2D-10). He was glad to see that it had been pulled from the consent agenda. He said the marine property was purchased with tourism in mind. If tourism is what they are after then an insurance company would not be renting that space. In the Marine Commission minutes they state that the City Marina Director said that he would like to see a mechanic or something similar at the Marina. Also, that he would like the Marina to provide everything someone would need. At one of their meetings it was stated in the minutes that Mr. Martin asked the Marina Director about rent costs. Mr. Grabenbauer stated \$20 to \$25 a square foot, netting about \$64,000 a year. Mr. Daige said that is not the \$13.12 per foot that has been put in the current lease. Mr. Grabenbauer also stated that at one of the meetings that he would be attending a school in Palm Beach on Marine Redesign and Retrofit. The proposed lease agreement and zoning change did not follow a true plan that caters to the boating public. At the December 12, 2008 City Council meeting Mr. White clarified that the tenants started renovations before the lease was approved. It is unlawful to do commercial renovations without a building permit. He went to the City Marina in August and saw the work in progress and talked to the City Manager about it. At this time, Mr. Daige was told that his three minutes was up. Council agreed to give him additional time. Mr. Daige continued by saying that on August 22, 2008 Mr. Gabbard issued a written notice to Mr. Grabenbauer

stating that it was clear access had been allowed to the rental office prior to having a signed approved lease. He said the fact that the proposed tenant knowingly and willingly broke the law that the City of Vero Beach should not do business with them. He asked Council to address these items and add these points to the minutes.

Mr. James Stagg, who owns a business at 2626 US1, stated that he was hurt in a car accident so he cannot do everything that he used to be able to do. Before he came to the property in question there were a lot of site plan problems and he has fixed all of those things. He said that there is not a provision in Indian River County for multiple business licenses in the same area. He has four different types of businesses and runs them at different times. He went over the different businesses that are going on at this location at different times. At night we would like to have a Christian Counseling Center. He spoke to the City Manager about it and was told to bring it before Council because there is no provision that allows multiple business licenses in the same building at different times. He reiterated that he has cleaned up this property and made it look beautiful.

Mr. Gabbard stated that he has met with Mr. Stagg and he has been dealing with the Planning Department and there are some things that Mr. Stagg has to do to comply with the Ordinances.

Mr. Tim McGarry, Planning and Development Director, wanted Council to know that he encouraged Mr. Stagg to come to their meeting. He said part of what the problem is in the code is the parking issue and not the license issue. They are looking at making changes to the Ordinance, which would allow the Planning Director to be able to modify the parking in these kind of situations. Mr. Stagg will need to go before the Planning and Zoning Board at their meeting next week.

Mr. Vic DeMattia stated that he was at today's meeting representing the Vero Isles Homeowners Association. He was here to talk about the drain storm pipe running under Route 60 into the Vero Isles canal (item 2D-4 on the agenda). It has been reported by the people who are adjacent to some of the canal and drainage entrances into the canals that after the siltations were put in it is still continuing. He was told this by Rick McDonald who said that it is appearing above the surface. While some sort of seeding basin was put in, siltation is still proceeding. He said that the pipe and flow from Kimley & Horn is likely to be somewhat in excess of the current drainage. He said they need to do some engineering on this to eliminate the siltation. He recommended that the item be pulled from the consent agenda and studies be done on it.

- 1. Regular City Council Minutes – December 2, 2008**
- 2. Special Call City Council Minutes – December 8, 2008**
- 3. Special Call City Council Minutes – December 17, 2008**

4. **Addendum to Existing Maintenance Memorandum of Agreement – SR 60 Storm Drain Pipe – Kimley-Horn & Associates, Inc. Parc24 Project**
5. **Request for Approval of Permits and Interlocal Agreements for Indian River Farms Water Control District**
6. **Change Order No. 2 and Final Pay Request for Contract #1423 to Roads and Runway Striping Service, Inc.; FAA AIP #3-12-0083-032-2008 – FDOT FIN #424512-1-94-01 (Enhanced Taxiway Centerline Markings)**
7. **Fiscal Year 2008/2009 – Vehicle and Equipment Purchases**
8. **Change Order No. 1 to Work Order No. 1371-1 Between Wilbur Smith Associates and the City of Vero Beach**
9. **Final Payment Request – Water Treatment Plant Accelerator #3 Gearbox Replacement – Condo Electric Motor Repair Corp.**
10. **Proposed Five-Year Commercial Lease Agreement Between the City of Vero Beach and WNC, Inc., for a Building at the Vero Beach City Marina**

Mr. White pulled item 2D-4) off of the consent agenda.

Mr. White made a motion to adopt the consent agenda as amended. Mrs. Fromang seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

- A) **An Ordinance of the City of Vero Beach, Florida, abandoning the right-of-way in all of that part of 15th Street lying West of 35th Avenue in Rosewood Estates, Unit 1.**

Mayor Abell read the Ordinance by title only.

Mr. Monte Falls, Public Works Director, stated that this abandonment has been reviewed by various departments and all the comments that came back were positive to approve the abandonment. The City did retain some drainage easements to allow them to get to the property owner's back yard ditch if they needed to.

Mayor Abell opened and closed the public hearing at 10:09 a.m., with no one wishing to be heard.

Mr. White made a motion to approve the Ordinance. Mr. Fish seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

- B) **An Ordinance of the City of Vero Beach, Florida, repealing Resolution No. 2007-29 and Establishing a new Planning and Development Department Fee**

**Schedule for Development Review Applications and Related Services;
providing for an effective date of January 7, 2009.**

Mayor Abell read the Ordinance by title only.

Mr. McGarry noted that there were a couple changes made in Exhibit A, which he provided to Council. Staff recommends approval of the Ordinance.

Mayor Abell opened and closed the public hearing at 10:11 a.m., with no one wishing to be heard.

Mr. Fish made a motion to approve the Ordinance. Mr. Sawnick seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

C) An Ordinance of the City of Vero Beach, Florida, amending Chapter 38, Article I of Part III of the Vero Beach Code of Ordinances relating to Signs; providing for new Section 38.21, severability; providing for an effective date.

Mayor Abell read the Ordinance by title only.

Mr. McGarry reported that by passing this Ordinance it will protect their City sign Ordinance where there are now certain proficiencies in the Ordinance.

Mayor Abell opened and closed the public hearing at 10:12 a.m., with no one wishing to be heard.

Mr. White made a motion to approve the Ordinance. Mrs. Fromang seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

D) An Ordinance of the City of Vero Beach, Florida, amending Chapter 62, Article V, C-1M Marina District, Part III, Land Development Regulations of the City of Vero Beach Code; adding restricted Sales and Services and Business and Professional Offices as permitted uses in the C-1M Marina District; providing for an effective date.

Mayor Abell read the Ordinance by title only. He opened and closed the public hearing at 10:13 a.m., with no one wishing to be heard.

Mrs. Fromang made a motion to approve the Ordinance. Mr. White seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell.

E) An Ordinance of the City of Vero Beach, Florida, amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, Part III, Land

Development Regulations of the City of Vero Beach Code; adding Government Uses, Financial Institutions, Business and Professional Offices, Retail Uses, and Personal Services within Terminal Facilities; correcting scrivener errors; providing for an effective date.

Mayor Abell read the Ordinance by title only. He opened and closed the public hearing at 10:14 a.m., with no one wishing to be heard.

Mrs. Fromang made a motion to approve the Ordinance. Mr. Fish seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

F) An Ordinance of the City of Vero Beach, Florida, applying Interim Regulations to amend Chapter 38, Article 1 of Part III of the Vero Beach Code of Ordinances related to Sandwich Board (“V-Shaped”) Signs; establishing the Ocean Drive/Cardinal Drive Commercial Sign Overlay District; providing for permitting of Sandwich Board Signs; providing requirements for Sandwich Board Signs; providing for an effective date.

Mayor Abell read the Ordinance by title only.

Mr. McGarry showed on the doc cam where the proposed overlay district is located. He said that sandwich board signs work well as long as there are regulations so they don't become an eyesore. The size that the Planning and Zoning Board approved was 2 ½ x 4 feet wide. He showed an illustration of what the proposed sign looks like, as opposed to smaller and larger signs. He explained that this was a policy issue. He didn't think that Council would want to go bigger, although they may even want to go smaller. He expressed that the signs were intended to attract pedestrian traffic.

Mr. White asked what their liability was. Mr. McGarry said that the signs are on private property so they will have to meet all regulations.

Mr. White felt that the signs were too big. It was explained that there is a combination of shop owners and property owners who want these signs on the beachside to attract business. Also approval needs to be given to the property owner before the signs can be put up.

Mrs. Fromang asked what size is the sign that is in front of the Lemon Tree restaurant. She guessed that sign started this discussion.

Mr. McGarry reported that the sign was around four feet. However, the sign is up against the wall and not what they are talking about. He is not totally in favor of these signs and would feel comfortable if Council went with a 2 x 3 size sign, which is a smaller sign.

Mayor Abell commented that even if they do pass the Ordinance, if they hear a lot of complaints they could always change it. He said that there is one more public hearing to be heard on the Ordinance and it can be tweaked between now and then.

Mayor Abell opened and closed the public hearing at 10:25 a.m., with no one wishing to be heard.

Mr. White made a motion to approve the Ordinance on first public hearing and move this Ordinance to the second public hearing with an amendment to the Ordinance that the size of the sign be no larger than 2 feet in width and three feet in height (2 x 3). Mr. Fish seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

- A) A Resolution of the City Council of the City of Vero Beach, Florida, releasing from all City Easements the Northerly 3 feet of Lot 14 of Block 15, together with the Southerly 3 feet of Lot 15 of Block 15, McAnsh Park Subdivision No. 1.**

Mayor Abell read the Resolution by title only.

Mr. Falls explained that this piece of property is located in the McAnsh Park subdivision. This has been routed to the different departments and all the responses were favorable for the requested release of easement.

Mr. White made a motion to approve the Resolution. Mr. Fish seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

- B) A Resolution of the City Council of the City of Vero Beach, Florida, establishing, for Arborist Services provided by the City of Vero Beach in conjunction with Construction of a Gravity Sewer System, A Special Assessment Lien in the amount of \$388.89 against the real property identified as the West 68 feet of Lot U, less the South 5 feet thereof, and the East 28 feet of Lot T, less the South 5 feet thereof, in Briggs-Teirney Subdivision; and with the street address of 814 Gayfeather Lane in the City of Vero Beach, Indian River County, Florida.**

Mayor Abell read the Resolution by title only.

Mr. Wayne Coment, Assistant City Attorney, explained that the proposed Resolution establishes a special lien assessment for costs and expenses incurred by the City in providing arborist services in conjunction with the construction of a gravity sewer along Gayfeather Lane. It was noted that the owners of this property, Mr. & Mrs. Soot have not paid any of the assessments to their property having to do with the gravity sewer system.

Mr. Rob Bolton, Water and Sewer Director, explained that Mr. Soot was the person responsible for getting the sewer system put in. So he was aware of the assessment. He said that the property owners were all in favor of hiring the Arborist and everyone has paid except for Mr. Soot.

There was no one at today's meeting representing the Soot.

Mr. White made a motion to approve the Resolution. Mrs. Fromang seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

C) A Resolution authorizing the City of Vero Beach, Florida, to enter into a Supplemental Joint Participation Agreement with the State of Florida, Department of Transportation, to purchase an Airport Rescue and Fire Fighting Vehicle (FDOT #424448-1-94-01).

Mayor Abell read the Resolution by title only.

Mr. Eric Menger, Airport Director, explained that this is a house-keeping measure to ensure accurate accounting following a change in FAA grant funding. He said that it was anticipated that the Federal Aviation Administration (FAA) would fund 95% of the cost of this vehicle through grant funds that are currently available to the Airport. The current JPA from the FDOT is in the amount of \$11,250, which funded the State's share of the project cost. The remaining \$11,250 would have to come from Airport funds. However, the FAA grant agreement that was approved by City Council on June 18, 2008 was for a total grant amount of \$355,625, which included \$331,801 for the ARFF vehicle and \$40,414 for the Enhanced Taxiway Marking project. As a result of the funding differences, Airport staff requested that FDOT revise their project funds accordingly. He said that FDOT issued an SJPA that now funds \$8,295 for the ARFF vehicle and the Airport will fund \$8,295.

Mr. White made a motion to approve the Resolution. Mrs. Fromang seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

At 10:34 a.m., the City Council took a five-minute break.

5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING

None

6. CITY CLERK'S MATTERS

A) Appointment of an Alternate Member from City Council to the Tourist Development Council and the County Economic Development Council

Ms. Vock explained that at this time Councilmember Fromang serves on both the Tourist Development Council and the County Economic Development Council and there are times when she cannot make all of the meetings and felt that it would be good if there were alternate members of the Council to attend one of these meetings if she could not make it. This allows whoever is attending the meeting in her place to be able to vote. The County Attorney has agreed that the Ordinances provide for an alternate member on both of these Councils’.

Mr. Sawnick volunteered to serve as an alternate member on both of the Councils’.

Mr. White made a motion to appoint Mr. Sawnick as the alternate member for the Vero Beach City Council on the Tourist Development Council and the County Economic Development Council. Mr. Fish seconded the motion and it passed unanimously.

7. CITY MANAGER’S MATTERS

A) Assignment of Lease Agreements for Airport Parcels 17 and 19 Between the City of Vero Beach and Bridgeton Real Fund I, LP., to Bridgeton Real Fund III, LP.

Mr. Menger explained that the City entered into a Lease Agreement for Parcel 17 with Bridgeton Real Fund I, LP., which is now proposing to convey the leasehold interest to a newly formed limited partnership entity known as Bridgeton Real Fund III, LP. The existing long-term lease with the City will be the primary asset of the new business and will be funded and developed separately from other Airport developments managed by Bridgeton Properties, Inc. He recommended approval of this change.

Mayor White disclaimed that he rents from Bridgeton Real Fund I. He asked the Attorney if there would be any conflicts with him voting on this matter.

Mr. Vitunac told Mr. White that he was still required to vote on this item.

Mrs. Fromang made a motion to approve the assignment of lease agreements for Airport Parcels 17 and 19 between the City of Vero Beach and Bridgeton Real Fund I, LP., to Bridgeton Real Fund III, LP. Mr. White seconded the motion and it passed unanimously.

B) Award of Contract: Airport Access Control and Personnel Identification System (Airport Security Improvements, PH. 2); City Bid No. 450-08/CSS; FDOT #405771-1-94-01 and #409842-1-94-01

Mr. Menger reported that this Award of Contract was for the Airport Security project – Phase II. He recommended that Council approve the Award of Contract.

Mr. Fish made a motion to approve the Award of Contract. Mrs. Fromang seconded the motion and it passed unanimously.

C) Vision Implementation Plan Program Update

Mr. McGarry reported that next week the consultants would be holding another workshop for the Original Town neighborhood. He brought up the proposed commercial overlay districts before the Architectural Review Commission (ARC) who wanted to focus on building design. He then went over some of the matters that the Planning and Zoning Board will be discussing. The draft for the Tree Ordinance has been before the Tree and Beautification Commission and after some revisions are made it will be going before the Planning and Zoning Board. Mr. McGarry thanked the Public Works Department for helping him in completing the subdivision regulations. He felt that some of the changes were going to work very well. He hopes to bring that before the Planning and Zoning Board at their first meeting in February. He is just about done with the final revisions to the capital improvement elements in the comprehensive plan and should be moving forward in bringing them before the Planning and Zoning Board.

**D) Item Pulled off of the Consent Agenda
2D-10) Proposed Five-Year Commercial Lease Agreement between the City of Vero Beach and WNC, Inc., for a Building at the Vero Beach City Marina**

Mr. Tim Grabenbauer, Marina Director, presented Council with a proposed five year commercial lease of the Marina Building located at 3599 Indian River Drive to WNC, Inc., to be utilized as an insurance agency office. He said that this lease is based on the standard Airport leases that the City currently uses.

Mr. Fish referred to page 6 of the lease agreement where it talks about changes to the interior of the building. He wanted to make sure that this did not include structural things.

Mr. Joe Malfait, Airport Business Manager, explained that the changes allowed would be to change the size of someone's office or to upgrade and better meet their needs.

Mr. White brought up some questions mentioned by Mr. Daige earlier regarding the normal rent being less than what Mr. Grabenbauer had originally said.

Mr. Grabenbauer explained that he was talking about the gross rental rate and this is for the net rental. He said that the projected income for the next fiscal year is \$350,000.

Mrs. Fromang mentioned the article that appeared in the Soundings magazine. She said that was a nice article.

Mr. Fish added that the tenant would not be able to sublease the building without the approval of Council.

Mrs. Fromang recalled that the neighbors in the area have said that they would like to see less traffic than have more, such as if a restaurant went into the building.

Mr. White made a motion to approve the five-year commercial lease agreement between the City and WNC, Inc. Mrs. Fromang seconded the motion and it passed unanimously.

**E) Item Pulled off of the Consent Agenda
2D-4) Addendum to Existing Maintenance Memorandum of Agreement –
SR 60 Storm Drain Pipe – Kimley-Horn & Associates, Inc. Parc24
Project**

Mr. White explained that his reasons for pulling this item off of the consent agenda is because he has concerns that he doesn't want to see them putting more outfall into the Indian River lagoon. He had a problem with them wanting to put a direct pipe in the Indian River lagoon.

Mr. Falls explained that they are talking about the stormwater outfall that is associated with the Parc24 project that has received site plan approval and currently is under construction. He said that when they did the site plan review process the closest place for Parc24 to discharge water was the 23rd street ditch, which runs behind the old Publix and discharges out to the Indian River Lagoon. This ditch is at or near its capacity and cannot handle the additional runoff. At that time he informed this to the developers at the Parc24 site of this. They recommended putting the additional outfall into the lagoon. We worked with the developer to come up with a design that would meet their needs and environmental requirements from the St. Johns Water Management District who is the watch dog for water quality in the Indian River lagoon. He said that this has been approved by St. Johns Water Management District.

Mr. White mentioned that they approved a pump for Rockledge. He asked if they have done anything with that.

Mr. Falls said that they have done the design work, but have not moved forward.

Mrs. Fromang commented that what she is hearing is that this has been approved environmentally. If they don't do it then they will have flooding on Indian River Boulevard.

Mr. Falls said that there will be additional impact if this is not approved. He said that the discharge will have to go into the 23rd Street ditch, which is at its capacity now. He said since the ditch is flowing at capacity, any water from this site that has to go into it will just compete with the space to be discharged and will cause additional flooding upstream. He explained that at this time of the year the tides are lower so the sediments are high.

Mr. Falls said that a few minutes ago he spoke to Mr. Rick McDonald and was told by Mr. McDonald that he has not seen any additional sediment being deposited in the canals

since the State put the basins in. He attributes the sediment that is being revealed is because of the tides.

Mr. Fish wondered if there were mangroves at the head of these canals.

Mr. Falls said the amount of mangroves is very minimal.

Mayor Abell mentioned that the question was raised earlier about the maintenance agreement. He said in the memo it states that there will be a licensing agreement that stipulates that Kimley-Horn is responsible for all the maintenance.

Mr. Falls told him that was correct. He said that the Department of Transportation does not enter into maintenance agreements with private entities. They require the municipality to enter into the maintenance agreement. The City will make sure before a permit is issued to construct this that there is a license agreement in place that protects the City. If Kimley-Horn does not maintain it, then the City can maintain it and charge them for it.

Mr. White mentioned that FDOT just paved Indian River Boulevard and they are going under Indian River Boulevard with these pipes. He asked are they going to have to dig a trench.

Mr. Falls said that it would be a boring jack and that there will not be any excavation.

Mrs. Fromang disclaimed that she lives in Vero Isles, but does not think there are any problems with her voting on this.

Mr. White asked Mr. DeMattia if the Vero Isles Association has been informed of this.

Mr. DeMattia did not know because he was not at their December meeting.

Mrs. Fromang acknowledged that the Vero Isles Association knew that the pipes were going to go in.

Mr. White made a motion to approve the agreement. Mrs. Fromang seconded the motion and it passed unanimously.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

Mr. Fish mentioned that he went to Sexton Plaza over the weekend and there were a lot of people there.

Mr. White asked if they have received the permits for Humiston Park.

Mr. Falls said that he is in the process of making some modifications to the permits. He anticipates starting construction around the end of May and the work should be completed prior to the next season.

A photo of the dumpster at Sexton Plaza was shown to Mr. Falls from someone who said that the site is not being kept clean.

Mr. Falls said that he would look into that.

Mr. Fish asked if there were any plans for getting rid of the old dumpster location.

Mr. Gabbard explained that the City is trying to get them (Mulligans) to take it down voluntarily. At this point they are in the process of negotiating with them.

B. New Business

None

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Sabin Abell's Matters

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

Mayor Abell reported that he attended the Utilities Commission meeting, an MPO meeting, the City Service Awards Luncheon, the Treasure Coast Regional Planning Council meeting, the Royal Palm Pointe Tree Lighting and Boat Parade, the joint Interlocal meeting, their first quarterly budget workshop, the Public Works Christmas lunch and an Architectural Review Commission (ARC) meeting.

Mayor Abell brought up the Live Oak Award and mentioned that the ARC discussed maybe having the award nominations come from them.

3. Comments

B. Vice Mayor Tom White's Matters

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

Mr. White reported that he attended a Florida Municipal Insurance Trust meeting, the joint Interlocal meeting, the Treasure Coast Council of Local Government's meeting, Coffee with the Council at Riverside Theatre, the Christmas Tree Lighting ceremony and

Boat Parade at Royal Palm Pointe, a Beach and Shore Preservation Commission meeting, and their first quarterly budget workshop.

3. Comments

C. Councilmember Debra Fromang's Matters

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

Mrs. Fromang reported that she attended a Treasure Coast Council of Local Government's meeting. She also mentioned that one of their members from Okeechobee County recently passed away.

3. Comments

A) Discuss Jane Burton's Application

Mrs. Fromang realized that Council will be doing Board interviews next month. She asked that Council consider putting Jane Burton on the Utilities Commission as an alternate member because of the expertise that she brings.

D. Councilmember Bill Fish's Matters

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

Mr. Fish reported that he attended the joint Interlocal meeting, the Recreation Department Senior lunch and the Royal Palm Pointe Tree Lighting ceremony and Boat Parade.

3. Comments

E. Councilmember Kevin Sawnick's Matters

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

Mr. Sawnick reported that he attended a County Parks and Recreation Commission meeting and the joint Interlocal meeting.

3. Comments

11. ADJOURNMENT

Mr. White made a motion to adjourn the meeting at 11:45 a.m. Mrs. Fromang seconded the motion and it passed unanimously.

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