

CITY OF VERO BEACH, FLORIDA
JULY 21, 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 Robert Weikart of Redeemer Lutheran Church gave the invocation.

C. Pledge of Allegiance

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

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

The Clerk pulled item 7-E) “Award of Bid No. 210-09/CSS – Roof Restoration at 3209 Dodger Road (Airport) off of the agenda.

The Clerk moved items 7G), 7-H) and 7-I) up on the agenda making them items 7-A), 7-B) and 7-C).

The Clerk asked that under Public Hearings items 3-C) and 3-D) be heard together. She noted that only one vote is necessary.

Mayor White made a motion to adopt the agenda as amended. Mr. Sawnick seconded the motion and it passed unanimously.

B. Proclamations

1. Rotary International Youth Exchange Day – July 21, 2009

Mayor White read and presented the proclamation.

2. Ivo David to present a painting to the City of Vero Beach

Mr. Ivo David was at today's meeting and presented the City with one of his paintings.

C. Public Comment

Mayor Abell stated that anyone who has any comments about any items located under City Manager's matters that this would be the time for them to speak.

Mrs. Barbara Middleton commented on the benefits of having a side walk (referring to the Royal Palm Sidewalk Project). She said when it rains hard that their streets flood in Royal Palm. She said that you can't even walk in the grass, you have to walk on the curb and for this reason it would be a lot easier if they had sidewalks. She said that by having sidewalks it would help their property values. She noted that if this project does not get approved this time that she will become active in getting these needed sidewalks the next time it comes up.

Mrs. Linda Hillman presented a small gift (chocolate cake) to the Planning Department to thank them for all of their hard work in getting the neighborhood plans done for Original Town and Osceola Park.

Mr. David Nolte started off by saying how could anyone be against sidewalks. He then gave a little history of Vero Beach. He said when looking at Royal Park there is a lot of traffic generated in that area. The only thing that the City is doing is lowering the speed limit from 35 mph to 30 mph. He would like to see some traffic calming done. He then mentioned the letter that was sent out by the City concerning the sidewalks and read excerpts from it. He felt that this is one of the worst economic times that they have seen in a long time and it makes no sense to put in a project that is going to bring transient traffic through a neighborhood.

Mr. Ken Daige noted that he spoke to the Public Work's Director this morning and thanked him for securing the CDBG grant. He then read a prepared statement (please see attached).

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – June 16, 2009**
- 2. Special Call City Council Minutes – June 1, 2009**
- 3. Special Call City Council Minutes – June 22, 2009**
- 4. Request for Final Payment – 69/13.8 kV Distribution Transformers for Substation #8 – Delta Star, Inc.**
- 5. Solid Waste Franchise Agreement – Circle H. Citrus dba All Haul**
- 6. Renewal of Solid Waste Franchise Agreement – Waste Management, Inc., of Florida**
- 7. Award of Bid No. 460-08/JO – Professional Continuing Services Contracts**
- 8. Award of Bid No. 190-09/PJW – Substation #11 Rip Rap Wall**

- 9. Award of Bid No. 200-09/CSS – Roof Restoration at 3120 Aviation Boulevard (Airport)**
- 10. Monthly Capital Projects' Status Reports**
- 11. Request from the Tree and Beautification Commission to spend funds from their account for additional Tree City USA Signs**
- 12. Purchase of Power Delivery Meters**

Mr. Fish made a motion to adopt the consent agenda. Mr. White seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

A) Parking Improvements at Riverside Park

Mr. Monte Falls, Public Works Director, explained that their Code requires a public hearing when any parking improvements are done in a City Park. He talked about some of the improvements being done at Riverside Park which includes a 15-foot diameter pavilion, concrete sidewalks, shoreline protection, mangrove trimming, landscaping, benches and additional parking. He would be happy to answer any questions that Council has.

Mayor Abell opened and closed the public hearing at 9:53 p.m., with no one wishing to be heard.

Mr. White made a motion to move forward with the project. 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, amending Section 74-4, Skateboards, of the Code of the City of Vero Beach to clarify the areas of the City where Skateboarding is prohibited and to modify the method of enforcement and penalty for violation, providing for severability and an effective date.

Mayor Abell read the Ordinance by title only.

Mr. Wayne Coment, Assistant City Attorney, explained that the need for this amendment was because the Clerk of Court's office is no longer accepting Florida uniform traffic citations for municipal ordinance violations. This change would keep the same \$15.00 civil penalty, but provide for enforcement pursuant to the City's Code Enforcement Ordinance through the issuance of a code enforcement citation.

Mrs. Fromang asked if they were going to give out warnings to the skateboarders first before issuing them a citation.

Mr. Coment explained that the citations are only issued to someone who is a repeat violator or someone who is giving the Police Officer a hard time.

Mrs. Fromang suggested also making sure that the parents are aware if their child is issued a citation.

Mr. Coment explained that was not in the Ordinance, but it could be made a policy by the Police Chief. He added that there was a State Statute that addresses skateboarding in the streets.

Mayor Abell opened and closed the public hearing at 9:57 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.

- C) An Ordinance of the City of Vero Beach, Florida, amending the Text of the Capital Improvements Element and Intergovernmental Coordination Element, and adopting a New Public School Facilities Element of the City of Vero Beach Comprehensive Plan; providing for an effective date.**

Mayor Abell read the Ordinance by title and noted that this Ordinance will be heard in conjunction with item 3-D).

- D) A Resolution of the City of Vero Beach, Florida, approving the Transmittal to the State of Florida Department of Community Affairs of a proposed City of Vero Beach Comprehensive Plan Amendment to Amend the Text of the Capital Improvements Element and Intergovernmental Coordination Element, and adopt a new Public School Facilities Element; providing for an effective date.**

Mayor Abell read the Resolution by title only and explained that both the Ordinance (item 3-C) and the Resolution would be heard together and only one motion is necessary.

Mr. Tim McGarry, Planning and Development Director, explained that if this Ordinance and Resolution is passed then it will be transmitted to the Florida Department of Community Affairs (DCA) for review. Subsequent to review and comments by DCA, City Council will then take action to adopt the proposed amendment with or without revisions at a public hearing. There are sign in sheets in the back of the room for anyone wanting to be notified on the amendment. Mr. McGarry explained that there are three elements going forward to be amended to the Comprehensive Plan and they consist of the Intergovernmental Coordination Element, the Capital Improvements Element and the Public Schools Facilities Element.

Mayor Abell opened and closed the public hearing at 10:02 a.m., with no one wishing to be heard.

Mr. Sawnick made a motion to adopt the transmittal Resolution and 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.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

None

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

- A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 73, Article I, Flood Damage Prevention of the City of Vero Beach Code; providing for changes to clarify and update the existing text; providing for standards and criteria for breakaway walls in coastal high hazard areas (V Zones) in Section 73.14; creating a new Section 73.19 Governing Appeals; providing for conflict and severability; providing for an effective date.**

Mayor Abell read the Ordinance by title only.

Mr. McGarry explained that the City's floodplain regulations were initially adopted in 1984 and have had no significant updates since that time. There is one major issue that was identified by staff and that was the need to revise the standards governing development in the Coastal High Hazard Areas ("V" Zones). The City's current regulations prohibit the use of "breakaway walls" to enclose below base flood elevation storage, parking, or entryways to buildings. A copy of the Ordinance was sent to FEMA to look at and there has been no reply from them. Mr. McGarry said that they have added further definitions which make the Ordinance stronger than what the County has. He said that the Planning and Zoning Board has approved the Ordinance and he recommended to Council that they move it forward to a public hearing.

Mr. White made a motion to approve the Ordinance and set the public hearing for August 18, 2009. 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, amending Chapter 70, "Subdivision Regulations," of the City of Vero Beach Code; providing for greater clarity in the text; providing for a Subdivision Plat Approval Process consistent with Florida Statutes and the City Comprehensive Plan; providing for Administrative Re-Subdivision, Major Re-Subdivision and Minor Subdivision, and Major Subdivision Approvals; eliminating Code Sections regarding development of**

regional impact; providing for conflict and severability; providing for an effective date.

Mayor Abell read the Ordinance by title only.

Mr. McGarry commented that he has been working with the Public Work's department and the City Attorney's office in drafting this Ordinance. He explained that the existing subdivision regulations fail to fully comply with the requirements of the Florida Statutes, and contain internal inconsistencies and incomplete procedures and review criteria. The existing regulations require that all subdivision and platting of land follow the procedures for obtaining preliminary and final plat approval. He said that was unnecessarily costly and cumbersome process for changes in the boundaries of existing platted lots that do not result in the creation of additional lots, new streets, or changes to existing streets. He will provide more details on the Ordinance at the public hearing. He invited the Council to individually come and see him if they had any questions. The Planning and Zoning Board approved the Ordinance and he recommended that Council move it to a public hearing.

Mr. White asked if Heritage Reserve would fall under this Ordinance. Mr. McGarry answered yes.

Mr. White made a motion to approve the Ordinance on first reading and set the public hearing for August 18, 2009. 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.

6. CITY CLERK'S MATTERS

A) Update on 90th Anniversary

The City Clerk gave an update on the City of Vero Beach 90th Anniversary planned for October 16, 2009.

7. CITY MANAGER'S MATTERS

***Please Note that some of the items were not heard as they appear on the agenda.**

A) Discussion of GoLine Transportation System

Ms. Karen Diegel, Senior Resource Director, gave a presentation on the GoLine transient bus shelter program. She said that ridership on their buses is increasing and they anticipate more trips this year. Their ridership consists of 90% who earn less than \$30,000 annually and the average age of people riding the buses is between 20 and 50. In 2008 they did a transient development plan and one of the observations in the plan was that there was not a bus shelter program in this County. Mrs. Judy Orcutt and Ms. Amy Thoma have been instrumental in getting this program underway. She then showed what

the bus shelter will look like. The color is green and they are planning on having solar lighted roofs. There are currently 340 bus stops in the County. They will consider just putting a bench at some of the stops if they can't put in a shelter and some may just have a light. Ms. Diegel explained that a number of their stops are on private property and they will work with the owners to see if they could have a shelter there. The stops that have high usage would be considered first. She currently has some funds allocated for the shelters. The shelters cost include laying the pad and being ADA compliant. The shelters will cost \$10,000 per shelter and it will be less if there is just a bench. The City and County have both agreed to assist them with waste disposal as part of their maintenance. If the shelter is damaged that would be the responsibility of Senior Resources.

Mayor Abell had some concerns about heavy rain. He also mentioned that the shelters that he is familiar with have "L" seating. He asked Ms. Diegel if they planned on putting the bus schedule at these different shelters. Ms. Diegel answered yes.

Ms. Diegel continued by saying that she has been putting some dollars into a fund for shelters. She has about \$98,000 to work with, but needs matching dollars and seed money to start with. She said that she would also talk to the manufacture of the shelters about the driven rain as mentioned by Mayor Abell.

Mr. Fish noted that the Marina is one of the top bus stops.

Ms. Diegel explained that Par 24 will get the first shelter because Kimley Horn and Associates has already paid for it. She has talked to the Hospital, College and 777 Building as being high on the list to obtain shelters.

**B) First Addendum to Amended and Re-stated Commercial Lease Agreement
Between the City of Vero Beach and Capcan, Inc., a/k/a CJ Cannons
Restaurant**

Mr. Eric Menger, Airport Director, reported that CJ Cannons Restaurant has become a veritable institution at the Vero Beach Municipal Airport beginning in 1984. Since that time the parties have entered into several leasehold agreements, the latest being the amended and re-stated commercial lease agreement dated June 28, 2007, which incorporated the lease terms of the 1996 lease and expanded the restaurant into newly renovated space at the Terminal Building. An integral provision of the amended and re-stated commercial lease agreement deals with the reimbursement of capital improvements made to the space by the City's contractor at the request of, and for the primary benefit of, the restaurant tenant, Capcan, Inc. Now that construction is complete and the actual costs of those tenant improvements have been determined, the principal balance must be adjusted/reduced to \$46,534.64 as of August 1, 2009, with payments thereon continuing at \$1,474.87 per month, including interest at 6% per annum, with a payoff date no later than June 2012. Final space needs are being reduced by 150 square feet and monthly rent payments are adjusted accordingly, insurance provisions have been clarified, and ad valorem tax provisions have been revised to meet the needs of the City and the tenant in

this landlord/tenant relationship. He sent copies of the lease to the Airport Commission, who had no problems with it.

Mr. Fish made a motion to approve the First Addendum to Amended and Re-stated Commercial Lease Agreement between the City and Capcan, Inc., a/k/a CJ Cannons Restaurant. Mrs. Fromang seconded the motion and it passed unanimously.

C) Award of Bid No. 150-09/JV – Water Treatment Maintenance Building and Field Services Complex

Mr. Rob Bolton, Water & Sewer Director, told Council that what they have in front of them is a bid for the Water Treatment Maintenance Building and Field Services Complex. He said that this was a part of the stimulus package and they will be saving over one million dollars on this project. He said that before they enter into a contract they will have to first get approval from the Department Environmental Protection (DEP) approval first.

Mr. White mentioned that with borrowing this stimulus money to do this project, they still have to pay the money back. He realizes that they have to do the deep water injection well. He asked how necessary these two new buildings were.

Mr. Bolton explained that the buildings were destroyed in the hurricanes and the employees are in a building that they are leasing. This new building will supply a place for them to go. It will put all the employees in one place instead of having them scattered around. He said that if they don't use this stimulus money, then they will lose it. He wasn't sure that if they did not use it that they would be jeopardizing the other projects that they planned on using some of the money for.

Mr. White felt that the deep injection well should be done first before these buildings.

Mr. Bolton explained that these projects have already been put out to bid and they are needed. The approximate total amount of dollars being borrowed for the Water & Sewer Department is right around 10 million dollars.

Mrs. Fromang expressed that this was not a surprise. She said that they must keep their enterprise businesses current. They have to have things kept up, modernized and efficient.

Mr. White reiterated that they should do the deep injection well first and do these buildings last.

Mr. Gabbard explained that once they found out that this stimulus money was available, that they put a list of projects together and applied for the funding. If they don't accept it, then it will go somewhere else and it will be gone as of October 1st.

Mr. White again expressed that this is a loan and it has to be paid back.

Mrs. Fromang made a motion to approve Award of Bid No. 150-09/JV – Water Treatment Maintenance Building and Field Services Complex. Mayor Abell seconded the motion and it passed 4-1 with Mr. White voting no.

D) St. Johns River Water Management District Cost Share Agreement

Mr. Bolton presented Council with a cost share agreement between the St. Johns River Water Management District (SJRWMD) and the City of Vero Beach for the construction of the City's proposed deep injection well. The agreement requires the City to construct the deep injection well and SJRWMD will contribute \$500,000.00 for the project.

Mrs. Fromang made a motion to approve the St. Johns Water Management District Cost Share Agreement. Mr. Fish seconded the motion and it passed unanimously.

E) Award of Bid No. 210-09/CSS – Roof Restoration at 3209 Dodger Road (Airport)

This item was pulled off of the agenda.

F) Standard Interconnection Agreement and Application

Mr. Jim Stevens, Power Plant Director, reported that the Florida Statutes requires each electric utility to develop the standards and application process for a utility customer to install customer owned generation equipment on their premise. He recommended that Council approve the Standard Interconnection Agreement and the Standard Interconnection Application or make any changes that they feel should be made.

Mr. Vitunac stated that he worked with Mr. Sloan on this agreement and has no problems with it.

Mr. White made a motion to approve, as official City policy, the Standard Interconnection Agreement and the Standard Interconnection Application. Mr. Fish seconded the motion and it passed unanimously.

G) Royal Palm Sidewalk Project

This item was heard first under the City Manager's Matters.

Mr. Monte Falls, Public Works Director, gave the history of this project, which started back in 2006. The sidewalk project was one of the four sidewalk projects, which were incorporated into a five year capital project for sidewalk improvements approved by Council in the 2007/2008 FY budget. The Royal Palm sidewalk project has been requested by residents in the Royal Palm area. There have been several meetings with the residents and response has been primarily positive with some concerns raised about the effect on crime rates, taxes and the need for the project. There were two public

meetings held to discuss the project. Prior to each meeting, notices were sent to the property owners in the project area. On February 10, 2009 they presented the concept for the project to approximately 18 attendees. Of those attendees, approximately 75% expressed their support for the project. They then had another meeting on May 18th. They mailed out letters to poll the residents regarding support for the project. He feels they have a vote of confidence for the project. He said that with this project there will not be any assessments, the money needed to do the project comes from the one-cent sales tax. They are ready to move forward with the project.

Mr. Fish was looking at both sides (residents for and residents against) and he mentioned another connective point by the railroad for the sidewalk near 23rd Street. He said that they have tried many things to slow the traffic down in McCansh Park. He referred to the survey and noted that the bulk of people who voted no are the people who are physically going to get the sidewalk on their side of the street. If he had property on Royal Palm he would be in favor of the sidewalk and the biggest reason is because the road is so narrow. He likes the concept of connecting the sidewalks together in different areas. He asked the Police Chief to look at the crime in the area and Chief Dappen told him that it is not an issue.

Mr. Don Dappen, Police Chief, stated that he pulled their police reports going back as far as one year and there has only been one theft in the that area since May. He said that his department does a lot of traffic control measures in this area. Also, speeding has not been too much of a problem in Royal Palm.

Mrs. Fromang asked Chief Dappen if he thought that if the sidewalk went in that crime will increase in the area.

Chief Dappen said that there is nothing that shows that crime increases or decreases if there are sidewalks in the area. From a safety point of view, they do make a neighborhood safer because pedestrian accidents are minimized.

Mayor Abell asked if bicycles were allowed to ride on the sidewalk.

Chief Dappen answered yes. He said that skateboarders are allowed on the sidewalk if they yield to pedestrians.

Mr. Falls announced that they would be looking at lowering the speed limit in this area and if that doesn't help they can look at some traffic calming measures. He again expressed that this project is before them at the request of the neighborhood.

Mr. Sawnick appreciated everyone's comments for and against the sidewalk. If he was a property owner he probably would not want it. He then asked how are the sidewalks in the City maintained.

Mr. Falls explained that they do a sidewalk inspection every year and there is money in his budget to do any repairs that need to be done. He said that if anyone sees a sidewalk that is in bad shape to let his department know.

Mr. Fish then brought up irrigation. He said that he has never seen any irrigation system in the Royal Palm area.

Mr. Falls said that he would work with the property owners on irrigation.

Mrs. Fromang referred to the survey where there was 25 residents against and 75 residents for the project, which is an overwhelming number in favor of the sidewalk.

Mr. White commented that the economy has taken a turn for the worse in the two years since they started discussing this sidewalk. He did not think that this was an emergency project and they did not need to do it right away. He said that since the money is coming from the one cent sales tax they can put it back and use it for capital improvements if they need to. He suggested postponing the project. He has been receiving calls all day from people who are irate about their utility bills and that everything keeps going up. He said that they have to be frugal with their capital projects and only do things that have to be done. He said that they are in a unique situation this year and he didn't want them to spend the money on this. He is not saying cancel the whole project, he is just saying to postpone it for a year. He cannot vote for a capital improvement project that is not an emergency or necessity at this time.

Mr. Fish felt that Mr. White had a different view point on this all together.

Mr. White continued by saying that tomorrow they are starting their budget hearings and suggested that they talk about this then.

Mrs. Fromang agreed that they were starting the budget hearings tomorrow and suggested delaying this until after the budget hearings. She doesn't want to kill it either, but wants to see what happens with their budget.

Mrs. Fromang made a motion to delay discussion of the Royal Palm Sidewalk Project until one or two meetings after they have had their budget hearings. Mr. White seconded the motion.

Mr. Falls commented that this money is coming from the one-cent sales tax and it is up to Council on how they want to spend it. He said if they don't spend the money that they don't lose it.

Mr. Sawnick saw no harm in waiting.

Mr. White suggested waiting until after the hurricane season.

Mrs. Fromang amended her motion to discuss this item at the August 18th Council meeting or at their budget hearings. Mr. White amended his second to the motion and it passed unanimously.

At this time a five minute break was taken and the Mayor reconvened the meeting at 11:00 a.m.

H) Vision Implementation Plan Program Update

Mr. McGarry reported that the neighbors from Osceola Park and Original Town have been reviewing the draft plans presented to them by their consultant. They have made some comments in the plan and it will be reviewed by the Historical Preservation Commission and the Architectural Review Commission. After this has been done then it will go before the Planning and Zoning Board.

Mr. McGarry reported that the overlay zone regulations will be coming to Council at their August 18th meeting. He said that they have been approved by the Planning and Zoning Board.

I) Briefing on Proposed Amtrak Rail Service

Mr. McGarry commented that there is an effort to resurrect the Amtrak program. The Treasure Coast Regional Planning Council is coordinating with FDOT to submit a pre-application to the Federal Railroad Administration this month for funds to construct eight Amtrak stations in the Florida's Amtrak/Florida East Coast corridor to provide passenger service between Jacksonville and Miami. He said that Vero Beach is one of the eight potential stations.

Mr. White recalled that back in December 2001, the State of Florida approved eight million dollars for FEC to continue railroad service and Vero Beach was picked as a station stop back then.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

Mrs. Fromang wanted to have a discussion as to whether or not the Representative from Indian River Shores and their only water expert on the Utility Commission may vote simply on the rate study. She said that these people have sat through all the meetings, they have heard the presentations and for this particular rate study if there is going to be a vote, she would like to have Council agree with her that those two representatives should

be able to vote on this issue. She made this in form of a motion. Mr. Fish seconded the motion.

Mayor Abell did not think that could be done unless they increased the size of the Commission. However, they could have an opinion from those two individuals.

Mrs. Fromang said that if she needs to make a motion to increase the size of the Commission with the Commission decreasing my attrition when someone leaves, she will change her motion to make that a new motion. She did not want to lose the opportunity to have input from the representative from Indian River Shores and Jane Burton who has a lot of water experience. She said that Mrs. Burton has been a part of all of the discussions. She said depending on what the pleasure of the Council is she would either increase the number of members on the Commission and the numbers drop by attrition just to allow them to vote on the rate study.

Mr. Vitunac explained that the cleanest way to do this would be to have the regular Commission vote and then each of these other people vote on their own and then Council consider all of it together. Then the Council could give what weight they wanted to the decision made by the Advisory Board.

Mrs. Fromang reiterated that if there is going to be a vote she wanted Mr. Cadden and Mrs. Burton to be allowed to vote.

Mr. Vitunac explained that they could not vote as a part of the Utilities Commission because they are not members. He said what needs to happen is a vote needs to come from Mr. Cadden and Mrs. Burton and then their vote is considered along with the Utility Commission.

Mrs. Fromang changed her motion to reflect the statement just made by the City Attorney. Mr. Fish seconded the amended motion and it passed unanimously.

Mr. Fish brought up the City electric bills and wondered if they should put out something identifying/explaining the different parts of the electric bill. He said that the public is confused.

Mrs. Fromang was in favor of doing anything that they could to get more information out to the public.

Mr. Fish wanted to see all the correct information put in a public announcement.

Mr. White wanted to know if the part of the electric bill charged by the County, for the charge that was added to the fuel adjustment to cover the fees being charged by Florida Power and Light (FP&L) to FMPA, could be taken out of their utility bills (six percent that they are charging).

Mr. Vitunac answered no. He said the public needs to know that when the fuel adjustment goes up that the City of Vero Beach does not make one dime off of it. However, the County makes an additional six percent because of the way that their franchise agreement is laid out. The fuel adjustment is a complete pass through for the City. The City has not raised its electric rate in many years. The cost has gone up because the cost of fuel has gone up. The only ones that are making more money are the ones that are providing the fuel and the County. The Press consistently prints that the City's electric rate is fifty percent higher than FP&L's, which is not true. In January their rates will come down. He noted that FP&L is looking at raising their rates thirty-percent right now.

Mayor Abell brought up another issue where people are quoting what their utility bill is, but should understand that their utility bill in a lot of cases consists of water, garbage and electric.

Mr. Vitunac continued by saying that the people should understand that the City Council recognizes the situation of these higher rates. They (City Council) took action four years ago to get out of their contract with FMPA and they have now entered into a twenty year contract with OUC. At this point there is nothing that Vero Beach can do between now and January, but wait. There is no way that they could sell the Power Plant to FP&L, because they have already contracted with OUC.

B. New Business

Mr. White noted that the County recently passed an Ordinance to provide a Local Preference Policy and Procedure for Local Businesses and he would like to see the City follow suit. Council instructed the City Attorney to put this Ordinance on their August 18th City Council agenda.

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Sabin Abell's Matters

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

Mayor Abell reported that he attended a Treasure Coast Regional Planning Council meeting, the workshop conducted by Representative Posey, the event where Frank Brogan spoke at the Royal Bank of Canada, an MPO meeting, he spoke to the Chamber of Commerce Leadership class, attended a Utility Commission/Finance Commission meeting and then on Friday a workshop where physicians discussed a concept that they are working on.

3. Comments

B. Vice Mayor Tom White's Matters

- 1. Correspondence**

2. Committee Reports

Mr. White attended a Senior Resource meeting, the Quarterly Budget meeting and Treasure Coast League of Cities meeting.

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, the Economic Development Council meeting, and the family practice meeting in Boca Raton (same meeting as Mayor Abell). She will be working on having the physician who spoke at that meeting come to a future Treasure Coast Council of Local Government's meeting and give his presentation. She urged the City Council to attend that meeting.

3. Comments

D. Councilmember Bill Fish's Matters

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

Mr. Fish reported that he attended the Quarterly Budget meeting via-telephone.

3. Comments

E. Councilmember Kevin Sawnick's Matters

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

Mr. Sawnick commented that he was looking forward to the budget hearings tomorrow.

3. Comments

11. ADJOURNMENT

Mr. Fish made a motion to adjourn today's meeting at 12:06 p.m. Mr. White seconded the motion and it passed unanimously.

July 21, 2009 Vero Beach City Council Meeting

I had a very positive conversation with Mr. Falls this morning.

I would like to express appreciation for the work and time involved in securing the Community Block Grant for the 18th Street project, Jacoby and Piece of Pie Parks, 19th Street sidewalk continuation and Budgeting the process to get the Most out of the Funds.

Mr. Falls, Mr.Slezak, Mr. DeMarzo and their staff have been most conscious of stretching the funds and have been available and helpful with the area residents on this project.

We also appreciate saving the trees along the 18th Street Project.

Submitted by Ken Daige
Osceola Park Neighborhood
569-9761

I respectfully request that these comments are recorded in the permanent minutes and in the on-line minutes. Thank you.