

**CITY OF VERO BEACH, FLORIDA  
SEPTEMBER 15, 2009 4:00 P.M.  
REGULAR CITY COUNCIL MEETING  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**A G E N D A**

**1. CALL TO ORDER**

- A. Roll Call
- B. Invocation – Pastor Alan Neiman/Lakeside Fellowship Church
- C. Pledge of Allegiance

**2. PRELIMINARY MATTERS**

- A. Agenda Additions, Deletions, and Adoption
- B. Proclamations
  - 1. Constitution Week – September 17-23, 2009
- C. Public Comment
  - 1. Charlie Cox wishes to speak about the electric utilities in the City of Vero Beach
- D. Adoption of Consent Agenda
  - 1. Regular City Council Minutes – September 1, 2009
  - 2. Property, Casualty and Workers' Compensation Insurance Renewals
  - 3. Monthly Capital Projects' Status Reports
  - 4. Transmittal of Electric Rate Study to Public Service Commission

(The matters listed on the consent agenda will be acted upon by the City Council in a single vote unless any Councilmember requests that any specific item be considered separately.)

**3. PUBLIC HEARINGS**

- A) An Ordinance of the City of Vero Beach, Florida, providing and establishing revisions to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2008 and ending September 30, 2009, by increasing the General Fund by \$891,960; by increasing the One Cent

Sales Tax Fund by \$5,073.914; by increasing the Electric Fund by \$9,801,440; by increasing the Water and Sewer Fund by \$4,653,803; by increasing the Airport Revenue Fund by \$867,824; by decreasing the Marina Fund by \$429,600; by increasing the Solid Waste Fund by \$5,500; by increasing the Confiscated Property Trust Fund by \$30,300; All From Revised Revenue and Expenditure Estimates; by increasing the General Construction Fund by \$9,683,214; by increasing the Electric R&R Fund by \$9,801,440; by increasing the Water & Sewer R&R Fund by \$4,509,803; by increasing the Airport Construction Fund by \$4,664,146; by increasing the Recreation Fund by \$187,450; by increasing the Cemetery Trust Fund by \$9,200; all from Revised Expenditure and Transfer Estimates.

- B) A Resolution of the City Council of the City of Vero Beach, Florida, changing Monthly Water and Wastewater Rates; changing Water and Wastewater Impact Fees; changing Miscellaneous Charges for Customers Inside and Outside the City limits; providing for definitions; providing for an effective date.
- C) An Ordinance of the City of Vero Beach, Florida, providing for Levy of Ad Valorem Taxes for the Fiscal Year 2009-2010 at a Millage Rate of 1.9367 which equates to \$1.9367 per \$1,000 of Assessed Property Value.
- D) An Ordinance of the City of Vero Beach, Florida, adopting the Annual Budget of the City for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, appropriating funds for the Operating Expenses, Supplies, and Personnel, and otherwise appropriating funds for the Efficient and Effective Operation of the Government of the City of Vero Beach and its Departments; such appropriations being from anticipated revenue; providing a means to amend the Annual Budget to carry forward the funding of Purchase Orders, Work Orders, and Grants outstanding as of September 30, 2009; providing a means to amend the Annual Budget to reflect Grants received after September 30, 2009; and authorizing the transfer of funds appropriated so long as the total combined appropriations shall not be increased thereby; providing an effective date.
- E) An Ordinance of the City of Vero Beach, Florida, requested by Shiva 17<sup>th</sup> Street, LLC, to amend the official zoning map by changing the zoning designation from RM-10, Multiple-Family Residential to POI, Professional, Office, and Institutional, for the property located between 17<sup>th</sup> and 18<sup>th</sup> Streets and 5<sup>th</sup> Avenue and Indian River Boulevard, including a portion of Lot 1, Block 2, of Dr. Richard E. Bullington's Subdivision, Parcel I.D. Number 33-39-01-00027-0020-00000.9, containing 0.88 acres, more or less; and providing for an effective date.

- F) An Ordinance of the City of Vero Beach, Florida, amending Chapter 62, Article II, Professional, Office, and Institutional (POI) District, Section 62.18 and 62.29 of the Vero Beach Code; adding Health and Fitness Clubs as a permitted use in POI District for Developments of at least 50,000 square feet in floor area and limiting size of Health and Fitness Clubs to 7,500 square feet; providing for required parking for Health and Fitness Clubs of one space per 200 square feet; providing for conflict and severability; providing for an effective date.
- G) An Ordinance of the City of Vero Beach, Florida, amending Chapter 64, Article II, “Nonconforming Uses” of the City of Vero Beach Code by creating Sections 64.29 and 64.30; providing regulations governing nonconformities with the City’s Land Development Regulations resulting from Eminent Domain Proceedings and Annexations of unincorporated lands; providing for conflict and severability; providing for an effective date.
- H) An Ordinance of the City of Vero Beach, Florida, amending the Future Land Use Map by changing the Land Use Designation of Annexed Land from Indian River County designation of C/I (Commercial/Industrial) to a Comparable City of Vero Beach designation of C (Commercial) for three separate contiguous properties, located between 43<sup>rd</sup> Avenue and 44<sup>th</sup> Avenue; South of State Road 60, including Lots 1 and 2,3,4 and 25 and a portion of Section 4, Township 33 South, Range 39 East, Pinewood Subdivision, 1.29 acres, more or less; and providing for an effective date.
- I) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the designation of annexed land from Indian River County designation of CG (General Commercial) to a comparable City of Vero Beach designation of C-1B (General Commercial Trades and Services) for three separate contiguous properties, located between 43<sup>rd</sup> Avenue and 44<sup>th</sup> Avenue, South of State Road 60, including Lots 1 and 2, 23, 24, and 25 and a portion of Section 4, Township 33 South, Range 39, East Pinewood Subdivision containing 1.29 acres, more or less; and providing for an effective date.
- J) An Ordinance of the City of Vero Beach, Florida, amending the Future Land Use Map by changing the Land Use designation of annexed land from Indian River County designation of L-2 (Low Density Residential-2) and C/I (Commercial/Industrial) to a comparable City of Vero Beach designation of RM, Residential Medium, for the property located Northeast of 12<sup>th</sup> Avenue and 12<sup>th</sup> Street including a portion of the Southwest quarter of the Northwest quarter of Section 12, Township 33 South, Range 39 East, containing 7.75 acres, more or less; and providing for an effective date.

- K) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the designation of annexed land from Indian River County designation of RM-6 (Multiple-Family Residential) and CL (Commercial Limited) to a comparable City of Vero Beach designation of RM-8 (Medium Density Multiple-Family Residential) for the property located Northeast of 12<sup>th</sup> Avenue and 12<sup>th</sup> Street including a portion of the Southwest quarter of the Northwest quarter of Section 12, Township 33 South, Range 39 East, containing 7.75 acres, more or less; and providing for an effective date.
- L) An Ordinance of the City of Vero Beach, Florida, amending the Future Land Use Map by changing the Land Use designation of annexed land from Indian River County designation of C-2 (Conservation-2) to a comparable City of Vero Beach designation of ES (Environmentally Significant) for the property consisting of three separate parcels, located between 45<sup>th</sup> Street and Gifford Dock Road along the Western Shore of the Indian River, including a portion of Government Lot 3 lying in Section 24, Township 32 South, Range 39 East, containing 16.7 acres, more or less; and providing for an effective date.
- M) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the designation of annexed land from Indian River County designation of RM-6 (Multiple Family Residential) to a comparable City of Vero Beach designation of R-1AAA (Single Family Residential), for the property consisting of three separate parcels located between 45<sup>th</sup> Street and Gifford Dock Road along the Western Shore of the Indian River, including a portion of Government Lot 3 lying in Section 24, Township 32 South, Range 39 East, containing 16.7 acres, more or less; and providing for an effective date.
- N) An Ordinance of the City of Vero Beach, Florida, amending the Future Land Use Map by changing the Land Use designation of annexed land from Indian River County designation of C-2 (Conservation) to a comparable City of Vero Beach designation of CV (Conservation) for the property located along the Western Shore of the Indian River, South of 45<sup>th</sup> Street including Government Lot 1 and 2 together with the Northwest ¼ of the Southeast ¼ and the North ¼ of the Southeast ¼ of said Section 25 lying in Section 25, Township 32 South, Range 39 East, containing 124 acres more or less; and providing for an effective date.
- O) An Ordinance of the City of Vero Beach, Florida, amending Chapter 62, Article II, Professional, Office, and Institutional (POI) District, Sections 62.18 and 62.29 of the Vero Beach Code; adding Health and Fitness Clubs as a permitted use in POI District for Developments of at least 50,000 square feet in floor area and limiting size of Health and Fitness Clubs to 7,500 square feet; providing for required parking for Health and Fitness

Clubs of one space per 200 square feet; providing for conflict and severability; providing for an effective date.

- P) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the designation of annexed land from Indian River County designation RM-6, Multiple Family Residential to a comparable City of Vero Beach designation of RM-8, Medium Density Multiple Family for the property North of the Intersection of 33<sup>rd</sup> Street and 13<sup>th</sup> Avenue, including a portion of the Northeast quarter of Section 35, Township 32 South, Range 39 East, containing 22.17 acres, more or less; and providing for an effective date.
  
  - Q) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the designation of annexed land from Indian River County designation of RS-1 (Single Family Residential) to a comparable City of Vero Beach designation of P-1 (Park-Conservation) for the property located along the Western Shore of the Indian River, South of 45<sup>th</sup> Street including Government Lot 1 and 2 together with the Northwest ¼ of the Southeast ¼ and the North ¼ of the Southeast ¼ of said Section 25 lying in Section 25, Township 32 South, Range 39 East, containing 124 acres more or less; and providing for an effective date.
  
  - R) A Resolution of the City of Vero Beach, Florida, approving the Transmittal to the State of Florida Department of Community Affairs of three proposed large scale amendments to the Future Land Use Map of the City's Comprehensive Plan; providing for an effective date.
- 4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING**
- 5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING**
- 6. CITY CLERK'S MATTERS**
- 7. CITY MANAGER'S MATTERS**
- A) Request for Approval of Amendment No. 1 to Work Authorization No. 2 for Construction Services with ARCADIS, Inc. – Deep Injection Well Storage Reservoir (Tank) and Pumping Station at the Water Treatment Plant
  
  - B) Vision Implementation Plan Program Update
- 8. CITY ATTORNEY'S MATTERS**

## **9. CITY COUNCIL MATTERS**

- A. Old Business
- B. New Business

- 1. Royal Palm Pointe Fountain – Debbie-Kay Whitehouse, Recreation Commission Chairman

## **10. INDIVIDUAL COUNCILMEMBERS' MATTERS**

- A. Mayor Sabin Abell's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
- B. Vice Mayor Tom White's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
- C. Councilmember Debra Fromang's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
- D. Councilmember Bill Fish's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments
- E. Councilmember Kevin Sawnick's Matters
  - 1. Correspondence
  - 2. Committee Reports
  - 3. Comments

## **11. ADJOURNMENT**

Council Meetings will be televised on Channel 13 and replayed.

This is a Public Meeting. Should any interested party seek to appeal any decision made by Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.