

**CITY OF VERO BEACH, FLORIDA
DECEMBER 1, 2009 9:30 A.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 Kent Hawkins/Cornerstone Christian Church
- C. Pledge of Allegiance

2. PRELIMINARY MATTERS

- A. Agenda Additions, Deletions, and Adoption
- B. Proclamations
 - 1. Santa’s for Seniors Day – December 18, 2009
- C. Public Comment
 - 1. Maria Kovachek, Main Street Director
- D. Adoption of Consent Agenda
 - 1. Regular City Council Minutes – November 17, 2009
 - 2. Request for Approval of Permits and Interlocal Agreements for Indian River Farms Water Control District
 - 3. Fiscal Year 2009/2010 Vehicle and Equipment Purchases
 - 4. Request from the Tree and Beautification Commission to fund a new Program
 - 5. Solid Waste Franchise Agreement – Anytime Waste Systems, Inc.

(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, amending Title VI Zoning, Article III, C-1A, C-1B, B-1, and C-1, Commercial District Sec. 62.35 to add Places of Worship as a permitted use in the B-1 Zoning District; providing for conflict and severability; and providing for an effective date.
- B) An Ordinance of the City of Vero Beach, Florida, abandoning all that portion of 17th Street right-of-way lying between Highland Avenue and Old Dixie Highway, South of Block 18 and North of Block 19, Highland Park Subdivision.
- C) A Resolution of the City of Vero Beach, Florida, adopting certain new rates, fees, and charges for the Vero Beach Municipal Electric System; providing for an effective date of January 01, 2010.

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 West 3 feet of Lot 78 and the East 3 feet of Lot 77 of Block 21, Royal Park Subdivision.
- B) A Resolution of the City of Vero Beach, Florida, Endorsing Employer Support for the National Guard and Reserve, in furtherance of our Country's Service Members and their families during time of need; further instructing the City Clerk to transmit same to the Chairman of the National Committee for Employee Support of the Guard and Reserve.

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 the Definition of "Restricted Sales and Services" of Chapter 60, Appendix, Definitions, of Part III, Title VI, Vero Beach Code; Limiting Retail and Personal Service Stores to 4,000 Square Feet of Floor Area; excluding Stores with Warehousing, Health and Fitness Clubs, and Stores that sell Motor Vehicle Parts; excluding Hardware Stores with Outdoor Merchandise Displays and Dry Cleaning Stores with On-site Cleaning and Clothing Repair Services; excluding Stores with Drive-in, Drive-up, or Drive-through Facilities and Stores that offer for sale Predominately Pre-Packaged Food Products, Beverages, and other frequently or recurring needed household items between the hours of 11:00 P.M. and 6:00 A.M., including deliveries between this same time period; providing for conflict and severability; providing for an effective date.

B) An Ordinance of the City of Vero Beach, Florida, amending Chapter 72, Landscaping and Tree Protection, of the Code of the City of Vero Beach, relating to Landscaping Requirements, Tree Classification and Protection; Providing for Definitions; Providing for Tree Grades and Standards; Providing for Tree Removal Permit Procedures; Providing for Protection of Trees before and during Site Development; Providing for Pruning Guidelines; Providing for Enforcement and Penalties; Providing for Conflict and Severability; Providing for an Effective Date.

C) An Ordinance of the City of Vero Beach, Florida, amending Article III, Section 2-119, of the Vero Beach Code of Ordinances relating to Eligibility for Appointment to the Utilities Commission; providing for an effective date.

6. CITY CLERK'S MATTERS

7. CITY MANAGER'S MATTERS

A) Florida Design Contractors – Storage Reservoir and Injection Well pump-Station-Change Order No. 1 for Wastewater Treatment Reclaimed Water Booster Station

B) Field Services Building Structural Hardening – Summit Construction Management, Inc.

8. CITY ATTORNEY'S MATTERS

9. CITY COUNCIL MATTERS

A. Old Business

1. Request of Orlando Utilities to agree to an amendment to the Orlando Utilities and Vero Utilities contract eliminating the penalty clause
2. Vote to agree to actively consider a sale of the Vero Electric Utility under certain circumstances
3. Issue a written invitation to FP&L to express their interest in purchasing Vero Utilities as stated during the workshop of November 16, 2009
4. Motion to direct staff to prepare a financial comparison showing the relative pro's and con's of a. continuing to operate under the OUC Contract b. contract to operate by an outside source c. sale of all electric assets including timeline, benchmarks, and obstacles including proposed solutions to those potential difficulties

B. New Business

1. Officially eliminate the three minute rule and substitute the will of the chair which can be overridden by council majority to cut off or extend

comments. Also provision to allow public comments under old business, new business, City Manager's matters and City Attorney's matters

2. Travel by Council to require prior approval by the Council except in the case of an Emergency which may be approved by the Mayor and brought before the Council for information

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

- A. Mayor Kevin Sawnick's Matters
 1. Correspondence
 2. Committee Reports
 3. Comments
 - A) Tax Abatement
- B. Vice Mayor Sabin Abell's Matters
 1. Correspondence
 2. Committee Reports
 3. Comments
- C. Councilmember Tom White's Matters
 1. Correspondence
 2. Committee Reports
 3. Comments
- D. Councilmember Brian Heady's Matters
 1. Correspondence
 2. Committee Reports
 3. Comments
 - A) Request for Staff
 - B) Contract law/arbitrary
 - C) Matters by the Public/Advisory
 - D) Meeting times: January/February/March
 - E) Workshops/Councilman Expenses
 - F) Council Travel
 - G) Council Pay
 - H) Golf
- E. Councilmember Charlie Wilson's Matters
 1. Correspondence
 2. Committee Reports
 3. Comments
 - A) City Attorney to give an update on red light cameras and contract

- B) Request to City Attorney to discuss the redaction of penalty clause in OUC Contract
- C) City Attorney to discuss the Ordinance defining residency for City Election, Proceed with changes
- D) Contract with current City Attorney

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.