

**CITY OF VERO BEACH, FLORIDA  
OCTOBER 25, 2016 6:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Chris Drinnon of Grace Baptist Church, followed by the Pledge of Allegiance to the flag.

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Jay Kramer, present; Vice Mayor Randy Old, present; Councilmember Pilar Turner, present; Councilmember Richard Winger, present and Councilmember Harry Howle, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

**2. PRELIMINARY MATTERS**

**A. Agenda Additions, Deletions, and Adoption**

Mrs. Tammy Bursick, City Clerk, removed item 3-3) Debris Removal Renewal Contract from the agenda.

Mr. Brian Heady requested that Council add an item on the agenda and discuss the current pentagon suspending efforts to collect hefty bonuses paid to the National Guard soldiers.

Mayor Kramer said that they would discuss this item under New Business.

Mrs. Turner 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. National Arts and Humanities Month – October 2016**

Mayor Kramer read and presented the Proclamation.

**C. Staff/Consultant special reports and information items.**

**D. Presentation items by the public.**

None

**3. CONSENT AGENDA**

1. **Regular City Council Minutes – October 4, 2016**
2. **Wage Re-opener Agreement between the City of Vero Beach and the International Union of Police Association**
3. **Debris Removal Contracts Renewal – Bid No. 260-13/JO**
4. **Renewal of Annual Service Contract 1622-C Advanced Control Systems**
5. **Lease Agreement by and between City of Vero Beach and Indian River Sports Complex, Incorporated**
6. **Contraband Forfeiture Fund**
7. **License Agreement for Temporary Use of City Real Property – Downtown 20<sup>th</sup> Street Parking Lot/Blue Agave Vero, LLC**

Mrs. Turner pulled item 3-5) off of the consent agenda.

Mr. Old made a motion to approve the consent agenda with the exception of item 3-5). Mrs. Turner seconded the motion and it passed unanimously.

Mrs. Turner referred to the lease agreement between the City of Vero Beach and Indian River Sports Complex. She noted that the lease was for 20 years.

Mr. James O'Connor, City Manager, explained that the lease is for 20 years giving the baseball program time in order to make capital improvements.

Mrs. Turner did not see any numbers attached to the backup material on what the costs were going to be to make these improvements.

Mr. Derek Muller, President of Indian River Sports Complex, Incorporated, explained that major donors don't want to donate if the lease is only a three or five year lease. He said they are looking at having two (2) new fields on the sand lots. He said by having a 20 year lease it shows their donors and the public they plan to be around a long time. They are raising approximately one-million dollars for their capital improvements.

Mr. O'Connor expressed the good experience that the City has had in working with Indian River Sports Complex and that they have done a good job in maintaining the fields for the last two (2) years.

Mr. Muller said that they would never turn a child away from playing baseball because they didn't have the money to pay the registration fees.

Mr. Howle asked if the lease includes that all of the maintenance has to be done by Indian River Sports Complex like they have in their other leases. He was told that is included.

Mr. Wayne Coment, City Attorney, reported that this is not just a new lease they are agreeing to, but also a lease termination agreement and a memorandum of lease.

Mayor Kramer opened up the meeting for public comments at 6:15 p.m.

Mr. Ken Daige asked if this organization does not deliver, what will happen. Mr. O'Connor explained that if the organization does not comply then they would be in violation of their lease. Mr. Daige asked if there were time frames put in place for the capital improvements to be made. Mr. Coment said that is not included in the lease.

Mr. Daige realized that this organization has been leasing from the County. He wondered if the City has talked to the County about what kind of tenant this organization is and why they would no longer be leasing their ball fields. Mr. O'Connor explained that the County has put the ball fields up for sale. He said that he has not spoke to anyone at the County about this.

Mr. Muller added that the County has put the property up for sale because they don't want to lease property that they own that is in the City. He said his organization is on a six-month lease option with the County until they sale the property. He said they can continue the lease agreement for another six (6) months with the County if there have not been any buyers for the property.

Mayor Kramer made a motion to approve the lease agreement between the City of Vero Beach and the Indian River Sports Complex. Mrs. Turner seconded the motion and it passed unanimously.

**4. PUBLIC HEARINGS**

None

**5. RESOLUTIONS**

None

**6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

None

**7. CITY CLERK'S MATTERS**

**A) Organizational Meeting**

Mrs. Bursick reported that she has been informed by the Supervisor of Elections that she will not be certifying the results of the November 8<sup>th</sup> Election until November 18<sup>th</sup>. The Organizational Meeting now has been set for November 21, 2016. There is a scheduled Council meeting for November 15<sup>th</sup>, which will either need to be rescheduled or cancelled. The Charter does not allow them to have a Council meeting until after the Organizational Meeting has been held.

The City Council agreed to reschedule their regular Council meeting for November 22, 2016 at 9:30 a.m.

## **8. CITY MANAGER'S MATTERS**

### **A) Approval of Agreement with Invoice Cloud and Cayenta for Utility Customer Service Improvements**

Mr. O'Connor reported that staff has found an electronic bill presentment and payment service that is cost effective and fully integrated with their existing Cayenta billing software. Since this technology upgrade will provide the most positive impact from the customer's viewpoint and is relatively easy to implement, staff will be moving towards doing this. The proposal is from Invoice Cloud, the e-billing and payment system software and is being recommended by staff. Invoice Cloud has partnered with Cayenta, their existing billing software vendor, to provide an integrated electronic payment solution that should dramatically increase their customer service quality and efficiency. There was no competitive bidding done on this contract because Cayenta would like to work with Invoice Cloud and recommends that approval be given in order for them to do so.

Mr. Old asked when this will be implemented.

Ms. Cindy Lawson, Finance Director, said it will probably take about six (6) months to have the program installed. They are looking to have completed all the installation work needed by late summer. She said their customers will be able to view their accounts and pay their bills online with debit and credit cards and checking accounts. Eventually the customer will be able to pay by text and they would like to have a kiosk where customers could make their payments at.

Mrs. Turner commented that this will provide an incredible amount of flexibility.

Ms. Lawson agreed that right now the system is cumbersome, but when the new system is complete, people can see their bills, enroll in paperless billing or even pay their bills by text. Now, when a customer pays by credit card they have to go through a third party, which is time consuming. She said the customer would just need to go on the City's website and they have the option to make a one (1) time payment or set it up for how they would like to make payments in the future. She said the customer can have their bill paid automatically every month. This is great for customers that don't live here all year around. She said customers still will be able to call in payments or pay in person at the Utility Department, but they will have better options in order to pay their bills. She said if the customer still wants a paper bill then they can have one. There are a tremendous number of people who still pay their bill in person. But this will allow customers to pay their bill without coming in and interacting with Customer Service.

Ms. Lawson reported that a similar system is used by Fort Pierce Utilities Authority, where the response has been overwhelmingly favorable. In Fort Pierce they have had the

system in place for a year now and it has grown to where online payments are the preponderance of what they take in. It is really geared to make it easy to sign up for e-billing. She said in the long run it will save the City money because of the cost of postage to mail out paper bills.

Mrs. Turner commented on what a terrific project this is and how fortunate they are to have it. She said they can learn from the experience that Fort Pierce has had in using it.

Mrs. Turner noted in the backup material that there was a \$100.00 per monthly access fee that will be waived if the contract is executed by October 30, 2016. She asked if they will receive that discount. Ms. Lawson said yes if the contract is approved tonight.

Mayor Kramer opened the meeting at 6:32 p.m.

Mrs. Laura Moss, Chairwoman of the Utilities Commission, stated that the technology sounds great. She said the Utilities Commission did not review this, but she watched the meeting where the Finance Commission discussed it. She asked if this was included in the existing budget. Mr. O'Connor told her that it was.

Mrs. Moss said that she would have appreciated having this brought to the Utilities Commission. She said while watching the Finance Commission meeting there were no questions asked and no discussion on the cost to implement this program.

Mr. O'Connor explained that this project has been discussed for many years now and there has been a demand made by the City Council to get it done.

Ms. Lawson explained that in November 2015, staff provided an update on the progress and future timeline for phased improvements to the City's Utility Customer Service. The third and final phase of these improvements was utility customer website upgrades in order to enable customers to perform many of the activities associated with their accounts online without support from customer service representatives. Since that time, staff found this billing software and was able to implement the third phase sooner than what they planned. She said that the Finance Commission has talked a lot about this.

Mr. Peter Gorry, Chairman of the Finance Commission, commented that this is a program that the City has been working on that will make the City more efficient.

Mr. Ken Daige agreed that this matter has been discussed a lot in the past. He hoped that they would move on this because there is a demand for it.

Mr. Winger made a motion to approve the agreements with Invoice Cloud and Cayenta for Utility Customer Service Technology Upgrades/Progress Improvements. Mr. Old seconded the motion and it passed unanimously.

Mr. Winger brought up the recent hurricane that they had and complimented staff for their hard work in getting everything up and running.

Mr. O'Connor commented that the hurricane cleanup was part of a team effort. He said before Mr. Fletcher could get a lot of the utility customers' electricity turned back on, some of the debris cleanup had to be done, which took a lot of organizing. He said there was a staff meeting three (3) weeks before the hurricane where they went over the preparations that needed to take place in case a hurricane was to hit Vero Beach. He said one area that they need to work on is communication. They are working on getting a system in place so that when there is a power outage a message will be sent back to the customer letting them know the status of when their utilities will be turned back on. He said during this hurricane they had a lot of support from other utility companies that came to help them. He said there was one (1) crew that came from Nebraska to help out. They received comments from some of their customers on how polite these crews were. He said when they opened the bridge back up they had police officers near the commercial buildings in the area to make sure everything was safe.

Mr. O'Connor explained that the City had a debris removal contract in place. There were contractors recruited to help with the removal of the debris. There has been an issue with the burning of the debris at the empty property near Dodgertown so now they are going to go through the grinding process to get rid of the rest of the debris. He said they hoped to have all of this done by Sunday. When they began this process they did notify the residents near this area that this would be going on. He mentioned that some of these big trucks picking up the debris could not fit on the canopy roads so they have made other arrangements to pickup the debris on these roads. They have been moving as quickly as they can. They estimated that it has taken a little over two (2) weeks to get the debris picked up. In order to meet FEMA regulations they have to have a consultant on site measuring the cubic yards of debris and it has to be certified. The contractor has been at the site for every day of the week and they have been picking up debris every day of the week.

Mrs. Turner commended staff on all their efforts in getting this cleanup work done. She said the main area of the City looks great. She felt some people needed to be a little more patient.

Mr. Monte Falls, Public Works Director, thanked Mr. Don Dexter for all the hours that he has worked in making sure that all the debris is picked up. He said on the City's website they have been updating where the debris is being picked up at. This gives the public an idea when someone will be in their neighborhood to pickup the debris.

Mr. Winger asked for the status of Conn Beach.

Mr. Falls explained that they are still waiting for the beach compatible test to come back. This will give them the details of the amount of sand that needs to be put back on the beach.

Mr. Howle agreed that staff did a great job in handling the cleanup after the hurricane.

Mrs. Turner referred to the memo that they received saying the County may be allocated up to \$492,000 from FEMA and the City has estimated damages costing close to \$3 million.

Mr. O'Connor explained that FEMA pays a percentage of the costs and the City has the possibility of getting 75% of the money spent back from FEMA.

Mr. Old expressed how many phone calls and emails have been received about the hurricane. He was very impressed on all the planning that went into the City recovering from this hurricane. He complimented the Police Department being out there in the early stages of the storm and what a good job they did.

Mr. O'Connor commented that he couldn't believe how many phone calls they received from people reporting that they did not have electricity. He thanked the Team that worked on answering the phone calls.

Mr. Ken Daige asked if someone's regular yard waste pickup is on Wednesday, will the Solid Waste department be collecting on that day. Mr. O'Connor said yes. The regular crews will be out running their normal routes. Mr. Daige agreed that having the debris burned the way it was probably was not a good idea. He asked if they were looking at bringing in a mulch cutter. Mr. O'Connor said that they were. Mr. Daige complimented the entire Council on a fine job in getting the City back to order. He said the crews sent from other areas were very nice and liked being in Vero Beach. The crews that Mr. Daige spoke with said they liked the lodging and the food that they were being served that was provided by the City. He said he heard very positive comments. He said in a time of crises, information is so important and the community was kept informed.

Mr. O'Connor thanked Dodgertown for allowing the utility crews to lodge there.

Mayor Kramer thanked everyone who helped with getting the lights turned back on and also thanked Dodgertown. He was very proud of the City employees who came together and worked before and after the hurricane.

## **9. CITY ATTORNEY'S MATTERS**

None

## **10. PUBLIC COMMENT**

Mrs. Laura Moss, Chairman of the Utilities Commission, commented that there have been some articles in the Press referring to the partial sale and the full sale of the electric utilities. She said the partial sale does not exist. It was voted on and failed 3-2 and it is a dead deal and expired on August 25<sup>th</sup>. The offer was not accepted. However, the contract to sell the entire electric utilities to Florida Power and Light (FPL) still does exist and remains effective through this calendar year.

Mr. John Westor said that he has been asked where the money goes if they were to sale their Indian River Shores utility customers to FPL.

Mr. O'Connor stated that the money would go into the electric utility fund. He said if they received \$30 million, then that money would be for a 30 year period. It wasn't meant to protect the City for the first five (5) years.

Mr. Howle mentioned other purposes that the money could be allocated for.

Mr. Peter Gorry, Chairman of the Finance Commission, mentioned that if they took \$30 million for the sale of Indian River Shores customers then it would be a short sale. He said revenues in the electric department would go down 10%, but expenses would only go down 7% and they would have to make up the difference. He said they would now have a shortfall and it would have to be made up by raising rates.

Mr. Ken Daige talked about the partial sale. He mentioned this is election time and there have been a lot of flyers that he has received from candidates running for City Council. The flyer said write a check to every single resident of Vero Beach for \$1,971.09. He said people have asked him about this and he has told people that it is just a number on a promotional piece of literature. He told people that were questioning him about this that the City Council approved a consulting firm to come in and run the numbers if they were to have a partial sale of the electric utilities. He also suggested to these people to go back and review the City Council meetings where this has been discussed. He said people need to look at how the candidates are being funded and who is supporting them.

Mr. Howle brought up taxation without representation. He heard the comment from Mr. Daige about where the money is coming from and he assumed he meant the campaigns of individuals running for City Council.

Mr. Daige stated that is not what he said. He said "any politician running for any race." He said if Mr. Howle wants to focus in on the City race that is his business. He said this is about a lot of races.

Mrs. Laura Moss, Chairwoman for the Utilities Commission, wanted to make it clear that she is in favor of the sale of the entire utilities system.

## **11. CITY COUNCIL MATTERS**

### **A. Old Business**

### **B. New Business**

Mr. Brian Heady stated that it is clearly not right cutting benefits to veterans after they have been promised things. He has worked with veterans for many years and has watched people that come into power cut the benefits of the veterans that are in need.

Mrs. Turner asked Mr. Heady if this was a Bill that was going forth that is going to remove this benefit.

Mr. Heady explained there has been a move where the veterans that signed on for an extra tour of duty and were promised additional pay for doing this are now being told there was a mistake made and the veterans have to give the money back.

Mrs. Turner commented that it sounds like it is an administration policy of the veterans.

Mr. Heady told Council what he was asking for because it doesn't matter whether it is an administrative policy or a law. He said what he thinks Washington DC and the people in charge need to know is that there needs to be a ground swell of support for our veterans. We all should be outraged when governing officials cut back on benefits that were promised to the veterans. He said what he was specifically asking Council to do is write a letter to send to the other cities in Indian River County and Indian River County itself, asking them to join the City in this effort. Also, this letter needs to be sent to their State Representatives, to their Congressional Representative, both Senators and the White House. They want all these people to know when they promise veteran's benefits that they stand behind that. He said the public is outraged over this. In the past several days there have been veterans in different parts of the Country that have been telling their stories on national news about how they are having to repay this money. He said rather than having the individual veteran having to go and seek legal counsel, which some of them cannot afford, that maybe at City level for the City veterans that are involved they could have the City Attorney do some research and find out the name of a law firm to refer these veterans to.

Mayor Kramer commented that his understanding was that there was a signing bonus that was offered to military personnel and then later in the years it was said that this was not authorized and now these military veterans are being asked to pay back that signing bonus with interest.

Mr. Heady told Mayor Kramer he was correct. These veterans signed up and received the benefit, spent the years doing the tour and now someone is saying a mistake was made and it was not authorized.

Mr. Coment commented that twenty minutes ago CNN posted a story that in 2006 the Pentagon needed to entice soldiers to remain in service so certain classifications were suppose to get these bonuses if they would re-up. He said according to this report it is only the California National Guard that is being affected. He said certain persons in charge of the program for the California National Guard basically committed fraud. He said some of these people (recruiters) have actually gone to jail. What the military has done is gone back against the soldiers that improperly received the bonuses and tried to collect the money back, which some veterans have paid the money back. He said Congress is looking at how to stop the forced payments and get the money back to veterans who have actually paid it.

Mrs. Turner commented that they still need more information on this matter.

Mr. Heady stated that whoever it is says the California National Guard is allowed to do this, then the next thing that you know it will be another National Guard doing it. He said what he is saying is that when they offer their veterans a benefit, regardless of the mistakes that were made, if a service personnel re-ups and receives a signup bonus for doing that then this Nation needs to support these veterans and send that clear message to Washington.

Mayor Kramer asked Mr. Coment to do some research to see if there was a resolution that they (City of Vero Beach) could join in with.

Mr. Coment said that it seems this matter was taken to Congress two (2) years ago. He said that this has been ongoing since 2006 and the Pentagon is working on getting it fixed.

Mr. Heady said if the Pentagon received a letter from every city in this country they would do something about this.

Mr. Howle commented that the way he understood it was there were certain individuals who signed up, were not qualified at the time to serve, but still received the money. He said those individuals then became dependent on that money. For the people who did not purposely defraud the military they should not have to give that money back and any veteran who has paid this money back should be refunded.

Mayor Kramer suggested sending a copy of their letter to the Florida League of Cities.

Mr. Coment would work on putting a letter together and bring it back to the City Council at their next meeting.

## **12. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Jay Kramer's Matters**

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

Mayor Kramer stated that he appreciated the crews that helped get power restored after the hurricane.

### **B. Vice Mayor Randy Old's Matters**

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

Mr. Old expressed that he was amazed at the efforts made after the hurricane to get everything back to normal. He was very proud of their City.

**C. Councilmember Pilar Turner's Matters**

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

Mrs. Turner reported that she attended the Metropolitan Planning Organizational (MPO) meeting where they discussed the safety campaign for bicyclists. She attended a fundraiser for the Humane Society, and the event was titled "Wine, Women and Shoes." She reminded the public that on Saturday there will have the annual United Way Day of Caring held. Also, on October 29<sup>th</sup> the City will be the annual Halloween parade and on October 29<sup>th</sup> and 30<sup>th</sup> the Autumn in the Park will be taking place at Riverside Park. Also, National Night Out has been rescheduled for November 1<sup>st</sup> and the Veterans Day ceremony will be held at Memorial Park beginning at 9:00 a.m.

**D. Councilmember Richard Winger's Matters**

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

Mr. Winger reported that he represents the City on the Energy and Environmental Committee and they are working on trying to get money from amendment one to be used for the Lagoon. He thanked Mrs. Bursick for serving as secretary for the Treasure Coast Local Governments Council this year. He said that he has served as Chair for this Committee for the last year and his last meeting to Chair will be in December. He said yesterday he was appointed Chair of the Indian River County Lagoon Coalition and now Mrs. Bursick will handle the secretary duties for that Committee. The next Indian River Lagoon Coalition meeting will be on November 18<sup>th</sup> in Sebastian and then the meeting after that one will be on December 18<sup>th</sup> in Sebastian. He hoped that the City will have projects in which they want to request grant money from the Indian River Lagoon Coalition. He will periodically be giving Council reports from the Indian River Lagoon Coalition. He mentioned the County at any time could step up and petition to be a part of the Indian River Lagoon Coalition. He said it would have to be approved by the other six (6) counties involved and the other government entities, but they are welcome to join.

**E. Councilmember Harry Howle's Matters**

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

Mr. Howle did not have any matters to report on.

**13. ADJOURNMENT**

Today's meeting adjourned at 7:30 p.m.

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