

**SPECIAL CALL CITY COUNCIL MINUTES
TUESDAY, JANUARY 26, 2016 - 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: 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 Vock, City Clerk

1. CALL TO ORDER

A) Pledge of Allegiance

Mayor Kramer led the Council and the audience in the Pledge of Allegiance to the flag.

B) Roll Call

The City Clerk performed the roll call.

2. PUBLIC COMMENT

None

3. ITEMS FOR DISCUSSION:

A) Procedures on Evaluating Charter Officers

Mr. Old said the City Council has three (3) people who report directly to them; the City Manager, the City Clerk, and the City Attorney (Charter Officers). He felt that Council needed to have a process written in stone for evaluating the Charter Officers. The City Council needs to know the Charter Officers' job description, they need to set goals for them and evaluate them every year. He said that he would circulate to Council a job description of each Charter Officer, past processes that were used, and evaluation sheets. He felt it was important that Council discuss this and agree on a process.

Mrs. Turner said this is something that Council has done in the past. They have asked the Charter Officers to present their goals, as well as give a final report on those goals. She said Council had approved their job descriptions. She said there were mixed responses from previous Councils on if they would or would not fill out evaluations on the Charter Officers. She agreed that it is important to give feedback to the Charter Officers.

Mr. Old asked what was the process used. He asked was there a particular date evaluations were done.

Mrs. Tammy Vock, City Clerk, reported that the Charter Officers' evaluations were done during the budget hearings in July.

Mr. Old said that he would work with Mrs. Vock to gather what they currently have for their job descriptions, the last evaluations that were done, and their goals. They will circulate them to Council to see if there are any changes or suggestions on that process. He said they could discuss it at their next meeting to see if they can agree on a way to do this.

Mrs. Turner suggested that they do the Charter Officer evaluations earlier than during the July budget hearings. She felt that because of the pressure on the budget, that could be a reason why evaluations have been delayed or neglected.

Mr. Old suggested that they evaluate the Charter Officers in June.

Mrs. Turner agreed.

Mr. Old said that he would put this on as an agenda item for their next City Council meeting.

B) Goals for 2016

Mr. Winger said that he has received considerable feedback from leaders of this community. He said one quote that he heard was that the City was being accused of “unintentional exclusion.” He said one issue was that there is no recording of votes taken listed on the City’s television station or on the City’s website. He said major issues are often missed by the press and there is a groundswell from the community that the City is unintentionally excluding information. He said it doesn’t do any good to have laws, to work on the STEP System, to have a proactive Police Department, to fix the fountain at Royal Palm Pointe, etc., if the public doesn’t know about it. He felt that the apathy comes from the fact that in effect they are not telling people the issues, concerns, what has been decided, etc. He did not think information was getting to the public the way it should. He said they want the public involved, but they are not giving the public a chance because the public has a hard time knowing what the issues are. He said this was something that they need to address. In discussing goals for 2016, this is something that needs to be addressed. Another concern is that the meetings are too ruckus, which he felt the Mayor would be putting forward a solution that he felt was a good idea. He said that he would be bringing this forward to the City Council as an agenda item.

Mrs. Turner said it sounds like Mr. Winger is trying to promote more public input and yet at the same time he is voting to exclude public input at the beginning of the meetings, which she felt would deter public comment.

Mr. Winger said a great many people feel one way or another the City Council has to get the 28-minute public comments at the beginning of the meetings out of the way. If the best way to do that is put Public Comment at the end of the meeting then so be it. He said what they were doing was preventing people with real business from coming forward. He said they cannot have a “round robin” of inappropriate and lengthy comments at the beginning of their meetings.

Mr. Old felt that what Mr. Winger was discussing was to get factual information out to the public on what is going on in the City, such as a synopsis of what went on in their meetings that is readily available so people can easily access it.

Mrs. Turner said minutes and videos of the meetings are available on the City’s website. She felt there was plenty of information out there. She thought the problem was general public apathy. She did not think there was a great need or interest in the community for getting this information.

Mr. Howle agreed with Mr. Winger in that they are here to represent the citizens of Vero Beach in the best capacity that they can. If citizens are not getting the information that they need then the City Council needs to make sure that they are.

Mr. Winger said the fact is that it is hard for the public to receive and understand the news. One problem they have is that the press seems to take one position or another. What he is proposing is that they make sure the facts get out to the press and are readily available on the City's webpage. He did not think the public was apathetic. He felt that they really do care. He said people in the modern world do not have time to read the minutes to figure out what the City Council did or what they should have done. He felt the public was engaged, but are being excluded from easy access to what is going on.

Mr. Old said the City demonstrates in many different ways that the public is anything but apathetic. In fact there are many active groups who are stepping up and improving Vero Beach on their own without going through the government. He said they are very engaged in the City. He felt that the City Council should try to get more factual information out to the public.

Mayor Kramer felt that Mr. Winger had the concurrency of the City Council that there is a messaging issue. The question is the mechanics on how they want to solve the issue.

Mr. Winger said that he would put this item on the next City Council agenda to be discussed. He will make specific proposals on what he thinks will make a difference. He said regarding the order of the agenda, Mrs. Turner might be right that public comment should not be at the end, but it should not be as it is now, a "carnival." He felt they were guilty of not getting information out to the public that needs to get out.

Mrs. Turner objected to the characterization of public comment as a carnival. She felt it was very important to have freedom of speech and have everyone heard, whether it is an opinion that they don't want to hear or don't agree with. She felt it was important to have open public comment.

Mr. Winger agreed with open public comment. His term "carnival" refers to a few people who get abusive to Council, take excess time, and do it for their own purpose. He said good public comment is a good thing.

Mr. Howle said if the public is not getting the knowledge they need then he agrees that they should come up with a way for the public to be more informed. However, he also felt that if you do not have apathy for the politics of the City and you want to be involved, there are current ways to get the information needed.

Mrs. Suzy Feeney, of the Heritage Center and the Steering Committee with Compassion Vero, said Compassion Vero was formed about one and a half years ago because of these exact issues. She said that she has always been a political junkie at heart and dabbled with the idea of going into politics, but they couldn't pay her to do it because she felt there is a loss of trust. She said when you lose that trust there isn't any desire to vote or to be a part of the process because they don't believe in it any longer. She offered to the City Council the opportunity to meet with Compassion Vero so they can show Council standards that other communities have adopted.

Mr. Mark Mucher referred to discussion on public input. He said that he has been accused of hogging the microphone and he hoped that Council valued his opinion. He thought that he heard today that the problem is with one or two people who speak too long on things Council does not want to hear. He said that might be true and it may need to be controlled, but because of those one or two people the City Council is in effect killing flies with a hammer because they would be making everyone else sit for hours before they can speak. He appreciated Council's openness to open public comment prior to votes and

on specific subjects other than the general public comment section of the agenda. He said that he would like to hear how Sebastian has solved some of the problems that Mr. Winger has mentioned. Mr. Mucher felt that the problem with watching the meetings live stream would be solved by being able to watch the meetings on YouTube. He encouraged Council to fix this problem.

Mr. Winger said Sebastian has a person working for the City Manager whose job is to be sure that all the information on what happens with the City Council gets out to the public.

Mrs. Turner asked how many employees does Sebastian have in the City Clerk's office. She said the City Clerk's office here has a staff of six (6) people, which if this is an activity they want done it could be done with the staff they have.

Mr. Winger said it is not the City Clerk's function. Reporting on what is going on with things, such as roads and streets, is the City Manager's problem. Not the City Clerk's problem.

Mr. Howle said that he would be interested in seeing if they have any options in making the live streaming better. He felt this would be something worth looking into. He felt the purpose behind what the Mayor recommended regarding their meetings was that they have business that needs to get done and there are times where lawyers are being paid to sit and wait for what sometimes is a long public comment period. He did not think it was Council's intention to quail or quiet public comments, but to get their business done first.

Mayor Kramer said that he was thinking of putting Public Comment before City Councilmember Matters on the agenda. He said that he is not trying to be hard on a few individuals because Council does work for them and needs to listen to them, but when people are sitting in the audience and are racking up costs the City Council needs to be cognate to them.

Mrs. Laura Moss, Utilities Commission member, said it was disheartening in speaking with some of the people during her campaign for City Council say that they don't think things would change. She did not know if she would call it apathy, but she felt they were right in trying to get more people interested. She suggested that when advertising the meetings in the paper that they include a simple agenda that covers the broad topic areas. She felt they needed to encourage more people to attend their meetings. She asked if the City's website is included in the newspaper notices.

The City Clerk reported that the City does not advertise the agenda in the newspaper because of the costs. She explained that at one time they did advertise the meetings, which included the City's website, but that was when it was required by law. Because of the costs and because it is no longer required by law they no longer advertise in the newspaper. She said that she would be glad to start doing this again if it is something that the City Council wants. She noted that the agendas are located on the City's website and are posted in City Hall.

Mrs. Moss suggested that they have a small blurb on the front page of the City's website that shows the agenda so people don't have to search for it and then after the meeting have an executive summary of the minutes listed. She suggested that Council consider having a small budget for small ads.

Mrs. Turner felt that utilizing the City's website more effectively was something to look into. She questioned if advertising in the newspaper was the wisest way to communicate with the public because subscriptions are down.

Mrs. Moss suggested that they focus on the City's website. She said once they have the website the way they want it they might want to consider a small print budget to direct people to the website for a short period of time.

Mr. Ken Daige agreed that they need to fix the live streaming of the meetings. He said that public input is important. He suggested that whatever they decide to do, such as the three-minute time limit that was previously used, that they stick to the rules. He said if someone has a particular item that is going to take longer there is a form that can be filled out and they can request the appropriate time needed. He said it is their meeting and they need to control it. He said the City has gotten busier and there are going to be more people attend their meetings who are going to want to speak. He said the City Council only meets twice a month. He asked that they be considerate. It is their call on where they want to have public input. He asked that they just stick to their own rules.

Mr. Howle felt that they need to either limit the time people can speak at the beginning of the meeting or change the time on the agenda when they can speak, but in either case he did not know if three (3) minutes was enough.

Mrs. Sue Dinneno suggested that they send something in the electric bill suggesting that they look at the City's website. She said that she was recently told there is always space on the City's television station for non-profits to advertise. She asked why couldn't they run their agendas on the station.

Mrs. Phyllis Frey encouraged people to come and speak to Council one on one. She found it to be one of the most meaningful ways to get advice or gain insight into something that they might not get at a public meeting.

Mr. James O'Connor, City Manager, clarified that it is the policy of the City not to allow non-profit organizations to run ads on City sites because once they open it up everyone will want to do it.

Mr. Old said that he would like to try to continue what they did last year, which was the five year plan. He felt this was very useful. He would also like to have on the City's website a 12-month calendar of meetings rather than month by month.

Mrs. Turner felt that 12-months was a bit ambitious. She felt a three-month window would be reasonable.

Mr. Old said it would be nice to know what is coming up so they can plan for time away or be aware of what they would be missing if they were away.

Mayor Kramer said if they do this they should put a disclaimer stating that the meetings are tentative or that they are subject to change.

Mrs. Turner would like to see them address OPEB. She said one thing that came to mind as they have been looking at the skate park issue was that they need to break up recreation projects and look at each one individually as to how they are funded, the revenue they generate, other costs, etc. An example would be to look at Leisure Square and look at facility costs, maintenance costs, personnel, what revenue they are generating, how many City residents they serve, etc. She would like to take that approach and look at all the facilities so they can maximize the use and benefit for the community.

Mr. O'Connor said they can do this. He noted that most of their users reside outside the City limits.

Mrs. Turner said that she would like to first focus on Leisure Square because that information will be vital when looking at a business plan for the proposed skate park. She hoped a skate park would be the answer to help make Leisure Square break even and be more profitable. But, until they have a good picture of the costs they will not know.

Mr. Winger would like to have the budget process done in three (3) days.

Mrs. Turner wanted to make sure they look at the Enterprise Funds to make sure the unfunded liabilities are being addressed. She said the Enterprise Funds have user fees and they should have a balanced pension fund.

Mr. O'Connor said the City does charge directly to the Enterprise Funds.

Mrs. Turner then asked they have no unfunded pension liabilities in electric, water and sewer, and that is the information that she wants.

Mr. O'Connor said they have a percentage of unfunded liability, but he can identify what is in each fund.

Mrs. Turner said that she wants to get into the 90% range in their Enterprise Funds.

Ms. Cindy Lawson, Finance Director, explained that some of the ways they address unfunded liabilities are governed by government accounting standards for pronouncements. In other words, the City does not have options as to how to report them. However, with OPEB, within two (2) years they are going to require that it be split out by funds. She said rather than wait until it is required she was probably going to implement that this fiscal year. The pension up to this point in time has been accounted for as a general governmental liability, which is partially because of the accounting requirements.

Mrs. Turner said despite how they present it in the CAFR, her theory is they have Enterprise Funds, which are supposed to be self supporting and they should not be carrying that pension liability in those funds. Those rates should cover their pensions.

Ms. Lawson said they do require each fund to pay its share of the unfunded liability towards the old pension plan. She said there is a new GATSBY pronouncement in the next year or so that is going to change the way they account for pensions and at that point it might allow them to take the unfunded liability and allocate it to the various balance sheets.

C) Discussion of Future Land where the Power Plant sits

Mr. Old said there were several in the community looking at the properties of the Power Plant, Water & Sewer, and the Postal Annex. The areas are under study by the Recreation Commission, Marine Commission and the Chamber of Commerce. He felt they had a unique opportunity to do something special with these properties. He felt it was important that they take their time and plan on what to do with these properties, such as if they should include all the properties, two of the properties, etc. He felt that they needed to take the time to plan in order to make sure they do the right thing with them. This is a one time opportunity.

Mayor Kramer agreed. He said that earlier he tried to separate the Postal Annex property and sell it. However, what happened was that a lot of developers and community leaders came together and felt all three properties should be combined into one piece of property. He felt having a Vision Plan for the sites would be in order. He had a chance to walk the property and in doing so he got a sense of the enormous size of the property and what could be done there. He said the view from the Power Plant property is very unique and the great thing is that there are not any mangroves in the area.

Mr. Old thought the two properties where the Plants are located consist of about 37 acres.

Mr. Howle said a lot of this is going to hinge on what they find to the extent of or the lack of pollution in the soil.

Mayor Kramer said it would depend on the use. The more they go towards residential the more cleanup would have to be done. But, if they stay towards public use and public recreation the clean up would not be as much.

Mr. Craig Dunlop, of Dunlop and Associates (the City's Financial Advisor), said that over the last three or four years he has taken a real interest on public/private partnerships. He said that he has been involved in several of these throughout the State and was available to give options if they decide to develop the property. He went over a few projects that he was involved in with one of them being City Place in West Palm Beach. He said that he would be glad to work with the City and share his experiences. He said that he was not sure what the City was planning to do with the Dodgertown property, but if he could be of any help he would be happy to.

Mr. Old asked has the City ever done any private/public partnerships.

Mr. O'Connor said they have not been very successful with private/public partnerships. He said the old Diesel Plant was an example.

Mrs. Turner felt that this opens up opportunities. She has concerns regarding CRAs and their failures and problems. She said if it would give them an opportunity to think out of the box and do something exciting for the community and come up with a great product, she would definitely want to explore it.

Mr. Dunlop said the structures that have had a lot of problems were the Community Development Districts (CDDs), not necessarily CRAs. He said this primarily occurred when the assessed values plummeted in 2008.

Mr. Winger felt the first thing that has to happen is they have to figure out what is in the best interest of the citizens of Vero Beach down the road. Then they can discuss CRAs. He said they need to figure out what should be there, which is going to involve some professional planning. The mechanisms can be discussed later.

Mr. Howle said it sounds like Mr. Dunlop could bring a lot of experience and knowledge to the table. He appreciated Mr. Dunlop's time today.

Mr. Dunlop agreed that first they have to define the best use of the property for the citizens. Whatever they decide, he is here to help.

Mr. Kramer said currently the RFP is for a real estate agent who will determine the marketability for the Dodgertown property.

Mr. O'Connor said that is correct. He explained it is their goal to find someone with the expertise to market and then see the marketing plan they can produce for the City.

Mr. Kramer felt that Council should meet with that person so they can see what the market potential is for that property.

Mr. Dunlop said when discussing selling the property, he has been involved in situations where that has occurred and it did not work out for the municipality because they lost control. He said by leasing the property the City maintains control.

Mr. O'Connor said one success story the City has had with public/private partnership is with Oculina Bank.

Mr. Howle asked what happens if the bank defaults.

Mr. O'Connor said the property and the building would revert back to the City.

Mrs. Sue Dinneno reminded the City Council that the Recreation/Marine Commission is holding a workshop meeting on the three (3) properties tonight at 6:00 p.m. in the City Hall, Council Chambers.

Mrs. Phyllis Frey asked Mr. O'Connor to define a public/private partnership.

Mr. O'Connor explained it is when two (2) parties go into a specific project with the defined assumption of risk of both parties in the contract. He said the City is looking for a tax paying, revenue generating partner who creates something that is a benefit to the community, but they assume the risk.

Mr. Howle said it is not the business of government to be in business.

Mrs. Frey said education, clarity, and transparency comes first.

Mr. Ken Daige said the Power Plant land is in the Charter and is protected. He said some things that work in other places may not work here in Vero. He said when the land was put into the Charter, people knew exactly what they were voting on and there was a big voter turnout. The property is to be used for public use. Public use means open to all, no fees. He asked the City Council whatever they decide that they make it very clear what they are doing. He asked if they are going to do public/private partnerships that they do them in phases. He noted that once waterfront property is gone, it is gone. If they open the land for public use they could bring several tourists to the area.

Mr. O'Connor clarified that they can charge fees on public land.

Mr. Old said Vero Beach is built out and the population is static. He said they would not be generating much more in a way of population or property taxes. He said they have to look forward in terms of other ways of raising revenue other than raising taxes. They have to be careful about how to use their land going forward. They have to be wise going forward in the development plan.

Mr. O'Connor encouraged the public to attend tonight's Recreation Commission/Marine Commission workshop meeting as it is the last meeting to get public input as to proposed uses of the sites. He hoped they would have a recommendation to go before the City Council at their second meeting in February. He said it is anticipated that they might recommend going to the Treasure Coast Regional Planning Council (TCRPC) for their assistance in identifying grant possibilities. He reported that he spoke with the Executive Director of the TCRPC who thinks there is availability of state and federal funding for what the City is trying to do.

Mr. Old said the City did a Vision Plan in 2004, which they have not followed through on. There has been some thought that the Vision Plan needs to be updated and implemented. He said the Vision Plan had a lot of great ideas and was very well done. He felt that it needed to be looked at.

D) Revisit the Visioning Plan

Mr. Old said that he has been speaking with people about the development of the waterfront properties and people have said they went through a thorough process of visioning in 2004 and very little has been implemented. He felt that the Vision Plan could be updated for little funds. He said it might coincide with what they are doing with the waterfront property.

Mr. Winger said that he has lived by the vision statement of the Vision Plan and felt most of them follow it. He then read the vision statement into the record.

Mr. Ken Daige said the plan for the Arts Village was completely funded by private funds. They didn't ask for grants or they didn't ask for anything from the City other than Council's permission. He felt it would be good to bring the Vision Plan back out into the open. One thing they found out when going through the Arts Village concept was that Vero Beach has not changed much. He said they like their open space and where things were going. He said the City is built out in lots of ways, but they are redeveloping and retrofitting. He said there are ways to fix properties and they are bringing people back to the City. The population is going up a little. He said they have done a lot from the Vision Plan, such as the Osceola Park and Original Town neighborhoods. Also the new Hampton Inn took elements from the Vision Plan. He said the Vision Plan is being used and it is a good idea to bring it back out in the open and let people know it is being used.

Mr. O'Connor said staff does use elements of the Vision Plan. He noted that often times when the Planning and Development Director recommends something to Council he talks about it being part of the Comprehensive Plan and the Vision Plan.

Mrs. Phyllis Frey said it is clear that the Economic Council, Cultural Council, TCRPC, and the City of Vero Beach are all networking closely to coordinate this vision. She said that she knows this City Council supports transparency. She said grants can be good, but grants have extreme strings attached to them and they will give up local decision making. She was just raising a caution flag because they have seen this before. It is nothing new. She said there could be things that might not fit in with keeping Vero/Vero. She asked Council to proceed with caution.

Mr. Winger suggested that the City Council take a few hours during the budgeting process to go over the Vision Plan to see if further action is needed.

Mayor Kramer suggested that they look at the Vision Plan at a time other than during the budget process.

Mr. Tim McGarry, Planning and Development Director, said staff has been using the Vision Plan. He said there are a lot of great things in the Vision Plan. There a lot of things the City cannot do with the resources they have and there are things they can do and have been doing. He said staff is working on incorporating the Vision Plan into the Comprehensive Plan. He noted that the Vision Plan does not have legal status, but the Comprehensive Plan does. He said this would be coming before the City Council in the next couple of months. He said that he could give Council a report to bring them up to date.

Mr. Old said that he has read a good portion of the Vision Plan, but he has not read all of it. He said that he would like some education on this.

Mr. McGarry noted that they have to rely on neighborhood commitment. He said there are a lot of things that have been done.

Mr. O'Connor said interpretation of the Vision Plan becomes a challenge.

Mr. Winger asked Mr. McGarry that when he brings the Comprehensive Plan before the Council that he ties it in with the Vision Plan.

Mr. O'Connor felt that a white paper with the highlights would be helpful.

Mr. McGarry said that he would work on it.

Mr. O'Connor reported that the City received three (3) proposals regarding the old Diesel Plant site. The Review Committee would probably request interviews and then make a choice of the three to recommend to the City Council. He felt they received very good proposals, which could turn into a private sector sustainable business.

Mr. Howle said they give a lot of well deserved recognition to several different groups in the City. He felt that they should give recognition to the volunteers who serve on their Commissions/Boards. He did not feel Council gives them enough credit.

Mrs. Turner felt that they could do a better job in recognizing their volunteers. After 30 years of service on the Tree and Beautification Commission, the paper proclamation handed to Mr. Zimmermann was an embarrassment.

4. ADJOURNMENT

Today's meeting adjourned at 11:22 a.m.

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