

**CITY OF VERO BEACH, FLORIDA
MARCH 15, 2011 6:00 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 – Minister Steve Jones/Vero Christian Church
- C. Pledge of Allegiance

2. PRELIMINARY MATTERS

- A. Agenda Additions, Deletions, and Adoption
- B. Proclamations

- 1. American Red Cross Month – March 2011
- 2. A Day of Service – April 30, 2011
- 3. National Exchange Club Day – March 27, 2011

C. Public Comment

- 1. [Dr. Stephen Faherty and Mr. Glenn Heran to give a presentation on Regionalization of water/sewer/irrigation – \(backup provided\)](#)

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – March 1, 2011 – City Clerk
- 2. Regular City Council Minutes – February 15, 2011 – City Clerk
- 3. Special Call City Council Minutes – March 1, 2011 – City Clerk
- 4. Change Order No. 1 and Final Payment Request from Dickerson Florida, Inc., Contract No. 1512-C; Rehabilitate Sections of Runway 11R/29L and Taxiway C (FAA AIP No. 3-12-0083-034-2010 and FDOT No. 428512-1-94-01 – Interim City Manager
- 5. Request for Approval of Permits and Interlocal Agreements for Indian River Farms Water Control District – Interim City Manager
- 6. [Crestlawn Cemetery Columbarium – Recommendation of Final Pay – City of Vero Beach Public Works Project No. 2009-09 – Bid No. 240-10/JV – Interim City Manager](#)
- 7. [Monthly Capital Projects Status Reports – Interim City Manager](#)

(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

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

[A\) Institute for Elected Official's Municipal Officials](#)

7. CITY MANAGER'S MATTERS

[A\) North Central Beach Speed Limit Reduction – Assistant City Engineer](#)

[B\) Street Micro-Surfacing Annual Contract COVB PW Project #2010-22 Bid No. 030-11/JV – Assistant Public Works Director](#)

[C\) City Council Direction on Proposed Alternatives for amending the Comprehensive Plan regarding the Rezoning of Single Family Residential Districts within the Residential Low Future Land Use Classification – Planning and Development Director](#)

[D\) Proposed Lease Termination Agreement Requested by Southern Atlantic Supply Division, Corp.; Airport Building 96-Unit B – Requested by Airport Director](#)

8. CITY ATTORNEY'S MATTERS

9. CITY COUNCIL MATTERS

A. Old Business

[1. Performance Evaluations – Mayor Jay Kramer](#)

[2. Filling personnel vacancies in Finance Department – Vice-Mayor Turner](#)

[3. Utility Consultants – Vice-Mayor Turner](#)

[4. Status of GO Line buses moving to downtown City parking lot – Councilmember Carroll](#)

[5. Regionalization of WSI with County – Councilmember Carroll](#)

[6. FP&L Report – Councilmember Heady](#)

[7. OUC Contract – Councilmember Heady](#)

[8. Pension Benefits – Councilmember Heady](#)

[9. Sick Pay Benefit Update – Councilmember Heady](#)

[10. Vacation Pay Benefit Update – Councilmember Heady](#)

[11. Avoiding Federal Lawsuits Update – Councilmember Heady](#)

[12. Termination of City Attorney – Councilmember Heady](#)

B. New Business

1. [Presentation by Citizens on Water/Sewer Issues – Councilmember Heady](#)
2. [Consideration of Charter Officer Positions – Councilmember Heady](#)
3. [Discussion of City Manager’s salary – Councilmember Heady](#)
4. [Discussion of City Attorney’s salary – Councilmember Heady](#)

10. INDIVIDUAL COUNCILMEMBERS’ MATTERS

A. Mayor Jay Kramer’s Matters

1. Correspondence
2. Committee Reports
3. Comments

B. Vice Mayor Pilar Turner’s Matters

1. Correspondence
2. Committee Reports
3. Comments

C. Councilmember Tracy Carroll’s Matters

1. Correspondence
2. Committee Reports
3. Comments

D. Councilmember Brian Heady’s Matters

1. Correspondence
2. Committee Reports
3. Comments

A) Any item or items removed from meeting agenda

E. Councilmember Craig Fletcher’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.

**CITY OF VERO BEACH, FLORIDA
MARCH 15, 2011 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A. Roll Call

Mayor Jay Kramer, present; Vice Mayor Pilar Turner, present; Councilmember Craig Fletcher, present; Councilmember Brian Heady, present and Councilmember Tracy Carroll, present **Also Present:** Monte Falls, Interim City Manager; Wayne Coment, Acting City Attorney and Tammy Vock, City Clerk

B. Invocation

Minister Steve Jones of Vero Christian Church gave the invocation.

C. Pledge of Allegiance

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

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mr. Monte Falls, Interim City Manager, requested that item 4-A) be added to the agenda which is a MacWilliam Park Boat Ramp Reconstruction Resolution for a FIND Grant Application.

Mr. Fletcher made a motion to adopt the agenda as amended. Mrs. Turner seconded the motion and it passed unanimously.

B. Proclamations

- 1. American Red Cross Month – March 2011**
- 2. A Day of Service – April 30, 2011**
- 3. National Exchange Club Day – March 27, 2011**

Mayor Kramer read and presented all of the proclamations.

C. Public Comment

- 1. Dr. Stephen Faherty and Mr. Glenn Heran to give a presentation on Regionalization of water/sewer/irrigation – (backup provided)**

Dr. Stephen Faherty and Mr. Glenn Heran gave a Power Point presentation entitled “WSI Presentation to Vero Beach Council,” which is attached to the original minutes.

Mr. Heran said that if Council was motivated to discuss this further, he would suggest that they make a motion to have a joint meeting with the County Commission in two weeks to hash this out and see if they could move forward on this.

Mr. Heady made that in form of a motion. He would appreciate sitting down with the County Commission and going over these numbers at least two weeks out so that he has the opportunity to listen to staff after they review this. The motion died for lack of a second.

Mr. Heady said there was a comment that neither the City nor the Council could provide all of the reuse water in a combined system. He asked do they have enough reuse.

Mr. Heran answered yes. He stated that Mr. Eric Olson, Indian River Utilities Director, has made that comment many times over the past two years. Mr. Heran explained that the reuse issue for Indian River Shores is by a combined system (City and County). Therefore, he felt that was a nice benefit of regionalization because they could solve Indian River Shores problem as well. Not only would they all receive County rates, Indian River Shores would get their reuse water.

Mr. Heady asked when they say that neither the County nor the City could supply all the reuse water that is needed in the community and then they combine two systems that can't supply to individual customers, how is it that a combined system that could supply all that is needed.

Mr. Heran explained that they could not do it individually. However, if combined they could.

Mr. Heady said in the proposal before them tonight, there is a point regarding moving the Sewer Plant. He said that is huge dollars.

Mr. Heran said clearly that would be a goal. He felt that was something that might be studied for a while. He said there were some grants in previous years that the previous Councils did not take, so there are grants available.

Mr. Heady said it was his understanding that even without decommissioning of the facility; that they could put a pumping station in, which would eliminate the use of that facility. That would not be a huge expense.

Mr. Heran agreed, but felt those questions were more for County staff.

Mr. Heady said that was a question that could be addressed at a joint City/County meeting.

Dr. Faherty said they have the option of eliminating the Plant and moving the connection points to the old Post Office site.

Mayor Kramer asked regarding the connecting points, are they expecting the City to pay for this.

Dr. Faherty said those were the type of details that they have not gotten too. He said those are discussions that should take place between the County and the City. He said that they were before Council primarily to give a financial prompt to try to get the City and the County to sit down and discuss it.

Mayor Kramer said the last time this was discussed there was a figure of \$58 million dollars to do this.

Mrs. Turner said that was the total system. It was her understanding that the way this is proposed is that the City would do the initial connection at the site. Any distribution piping would be handled by the County.

Mayor Kramer said it was his understanding that the piping was not large enough to do that.

Dr. Faherty said that Mr. Olson, made three proposals that significantly reduced the proposal that the City received in 2006 or 2007, which the cost was up to about \$113 million dollars. He said about one and a half years ago County staff came in with proposals that were almost half that amount.

Mr. Heady said one of the hot button topics is the underfunded pension liabilities. He asked in their proposal, were they talking about the County taking this over.

Dr. Faherty said that was what they propose, but whether the County wants to do this is another issue.

Mr. Heran said in this proposal, he did not pick up the eight million dollars. If the County does pick up the eight million dollars as well as the \$20 million dollar net, that would basically push the bond payment off from 14 years to more like 20 years. Again, that was something that they would need to discuss with the County.

Mr. Heady asked was the eight million dollar figure basically a ballpark figure.

Mrs. Turner said that was the last figure that she received.

Mr. Heady said that he seen numbers as high as \$40 million dollars for the whole City, but he wondered if the eight million dollars was a chunk of that amount for the water and sewer system.

Mr. Heran said the City's rates were already 10% higher for their average meter. The City is going to lose the South Beach customers and more than likely they are going to lose Indian River Shores customers. He asked if the City loses 40% of their customers, how are they going to spread the remaining fixed cost to the remaining 60%. He said the City has a reality check here. He said what they are showing the Council is that the City is in bad financial condition and the County is in excellent financial condition. The County is making a tremendous offer.

Dr. Faherty said it is the responsibility of the City and the County under the State concept of Enterprise Funds that they are run as a business.

Mr. Heady said that he would like to see what staff has to say about this. He did not expect that they would do this tonight. He agreed that this was something that they should talk about. He made a motion that they do this and agree in principle and sit down with the County to discuss this. That they have the City Clerk check their calendars and no sooner than two weeks from now set up a joint meeting with the County and the City. Mr. Fletcher seconded the motion for discussion. He felt that they should have staff get together prior to the joint meeting so that they can present to Council what they think might be a possibility.

Mrs. Carroll said PRMG Consultants made a number of projected revenue requirements in their 2009 report. She said that they stated in the report that a number of increases were necessary in order to keep the water and sewer irrigation system floating. However, Dr. Faherty and Mr. Heran made a number of comments that the rates were not increased or lowered mainly due to a deferment of necessary maintenance.

Dr. Faherty read from the minutes of the June 15, 2010 City Council meeting under Mr. Rob Bolton's comments, "He came before them with some capital projects that were not needed or were being put off, which has enabled him to lower the rates. He modified his capital plan and in modifying his capital plan and eliminating the proposed administration building the rates were able to be lowered." Dr. Faherty said that Mr. Bolton also added at that meeting that there were employees that would not be funded in the budget, which also cut the expenditures.

Mrs. Carroll asked were there maintenance projects for the system as it is today that have been put off.

Dr. Faherty said there was never a crosswalk financially from what the PRMG figures were that was presented at the June 15, 2010 City Council meeting. He understood that some work was done after Council decided to eliminate the increases (the crosswalk between the PRMG increases and the reduction).

Mrs. Turner thanked Mr. Heran and Dr. Faherty for validating her concerns that she has had on the water and sewer system.

Dr. Faherty noted that their figures were from City and County reports. They were not made up numbers.

Mayor Kramer felt that some of the numbers were made up. He said that the revenues went down. He said there were a lot of red flags and he would like to have a professional opinion.

Mrs. Carroll asked the Mayor if he has been speaking with someone else regarding taking over water and sewer without the agreement of the City Council.

Mayor Kramer said that there was an individual who asked if there was a possibility for him to come to Council and make a presentation. He said that he would give Council the information that he has on this.

Mr. Heady was happy that the Mayor takes the initiative to speak to people and there is nothing wrong with any single Councilmember going out and speaking with anyone. No single Councilmember can make a decision for the Council. That would take a vote. He felt that it was heartwarming that there are Councilmembers who take it upon themselves to go out and find information to bring back to the Council. He thanked the Mayor for that.

Mrs. Carroll asked the Mayor to share any information that he has with the Council.

Mr. Fletcher said that he would like to see staff get together on this before a joint meeting of the City and the County is scheduled.

Mayor Kramer would also like to see the Finance Commission look at this.

Mr. Fletcher agreed.

Mr. Heady said that in his motion, he said the City Clerk could check their calendars and that they would have this meeting no sooner than two weeks, which would give City staff time to meet. He amended his motion to schedule it no sooner than three weeks. Mr. Fletcher seconded the amended motion.

Mrs. Carroll said the motion did not include the fact that they would like this to go to the Utilities Commission, Finance Commission, or both.

Mr. Heady said they have three weeks to do that.

Mayor Kramer said that they do not need a motion to do that. They could just ask them to meet.

The motion passed.

Mr. Charlie Myers stated that he was a 28 year employee of the City of Vero Beach and works at the Transmission and Distribution (T&D) Department. He said that he has heard the City Council discuss sick and vacation time and putting a cap on it. He said that sick time is something that they (employees) earn over the years. They do not abuse their sick days, they use them when they have to. They also earn their vacation time. Their vacation time is given to them, they fought for it, they have a contract, and it belongs to them. It is not something that Council can consider to take away. If Council wants to save money, there are other ways to do it. He then brought up the furlough days stating that he loses about \$3,000 a year.

Mr. Heady told Mr. Myers that if he listened to the last Council meeting, that he (Mr. Heady) never suggested that any benefits be taken away. What he said, and what he has been trying to do for a long time, is to make sure that the budget that Council passes pays for those benefits and that the money to pay for those benefits is locked away in a lockbox for the employees benefit so that some Council cannot take those benefits away as that money is locked away in a lockbox.

Mr. Myers said that Council discussed putting a limit on it.

Mr. Heady said that he has never mentioned putting a limit on anything. What he said was that any benefits that Council is going to give to City employees must be paid for in the year that they are earned so that later down the road the payment responsibility is not put on a future Council or future generation.

Mr. Myers told Council how his sick time is used.

Mr. Heady said that no one is complaining about him using his sick time. He said that Mrs. Turner has pointed out the total dollar amount of underfunded benefits that we have in this community because past Councils did not fund those benefits. This Council is looking and has given pretty clear direction to the City Manager, that whatever the benefits are, that they are funded in the year that they are earned.

Mr. Myers said that they are not going to see any blue collar worker leave the City with a \$53,000 check for sick and vacation time. He said it is the upper management that this happens with. That is where Council needs to make the changes.

Mr. Ken Daige said regarding the water and sewer issue, as Council moves forward he would ask that they keep in mind that it is very important that the customers do not receive any rate increase. He said that he was against the scheduled rate increases before he was back on Council and he did speak out against them. When he was back on Council he worked with the management team and they went back and revisited the model of the PRMG report. He said that the customers who are on the sewer system pay heavily and they cannot afford any rate increases. He said that Council needs to look at hard core data and ask the professionals what kind of impact this will have. In the event that they move forward with consolidating with the County, he felt that they should look at having a Water and Sewer Authority and take all the control out of both entities. He

asked that they look at having a Utility Authority to take these matters out of governments hands. He stated that “the devil is in the details.”

Mr. Heady asked how they would take it out of government’s hands by turning it over to a Utility Authority. He asked aren’t they (Utility Authority) government.

Mr. Daige answered that the elected officials would not be making the decisions.

Mr. Heady felt that the only way to take it out of the government’s hands would be to privatize it.

Mr. Vince Champion, President of the Coast of Florida Police Benevolent Association (PBA) and Representative of the City of Vero Beach Police Officers, felt that Mr. Myers (previous speaker) was referring to Mrs. Turner’s proposal that has come up. Mr. Champion said that the PBA has negotiated a contract with the City. He noted that for three years the Police Officers have not received a pay raise. He said there are terms and conditions that these Police Officers signed up for when they were hired by the City. They have taken cuts and have taken about as much as they can. He asked that the sick and vacation time is honored as it was when the Police Officers were hired.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – March 1, 2011 – City Clerk**
- 2. Regular City Council Minutes – February 15, 2011 – City Clerk**
- 3. Special Call City Council Minutes – March 1, 2011 – City Clerk**
- 4. Change Order No. 1 and Final Payment Request from Dickerson Florida, Inc., Contract No. 1512-C; Rehabilitate Sections of Runway 11R/29L and Taxiway C (FAA AIP No. 3-12-0083-034-2010 and FDOT No. 428512-1-94-01 – Interim City Manager**
- 5. Request for Approval of Permits and Interlocal Agreements for Indian River Farms Water Control District – Interim City Manager**
- 6. Crestlawn Cemetery Columbarium – Recommendation of Final Pay – City of Vero Beach Public Works Project No. 2009-09 – Bid No. 240-10/JV – Interim City Manager**
- 7. Monthly Capital Projects Status Reports – Interim City Manager**

Mrs. Carroll asked, under consent agenda item 2D-5) – “Request for Approval of Permits and Interlocal Agreements for Indian River Farms Water Control District,” is this a yearly request that comes before Council.

Mr. Monte Falls, Interim City Manager, answered yes. He explained that it is for the utility facilities that lie within the Indian River Farms Water Control District’s right-of-ways.

Mrs. Carroll pulled item 2D-7), “Monthly Capital Projects Status Reports” off of the consent agenda.

Mr. Fletcher made a motion to approve the Consent Agenda as amended. Mrs. Carroll seconded the motion and it passed unanimously.

**Item pulled off of the consent agenda
2D) - 7 Monthly Capital Projects Status Report**

Mrs. Carroll said that she received a number of questions from the community regarding the Indian River Drive east sidewalk construction and drainage as to when the completion date is expected on Mockingbird Drive.

Mr. Don Dexter, Interim Assistant Public Work's Director, said that they hope to finish the project by the end of this month or the first of April.

Mrs. Carroll said the project report on the storage reservoir and injection well pump station states that 86.9% of the work has been paid for. She asked is that project completed.

Mr. Rob Bolton, Water and Sewer Director, reported that the project is complete and now they are going through some instrument control items.

Mrs. Carroll asked is the project functioning.

Mr. Bolton said the project is operational.

Mrs. Carroll said then the final payout would be coming before Council soon.

Mr. Bolton explained that the process now is another payment, and then once they finish the punch list items Council would see it as a final payment.

Mrs. Turner asked that they standardize the format of these reports. She said that it is difficult at times to find information. She said that in many of the Airport reports they do not have any details on contract date, notice to proceed, completion schedules, etc. She felt that Council should be given the schedules for these different projects.

3. PUBLIC HEARINGS

None

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

A) Resolution for Assistance under the Florida Inland Navigation District Waterways Assistance Program

The City Clerk read the Resolution by title only.

Mr. Falls reported that City staff has been trying to get some improvements to the MacWilliam Park boat ramp. The design work is at the point where they can move forward with construction estimates and make an application for a Florida Inland Navigation District (FIND) grant.

Mr. Dexter said they are at the point where they need to apply for construction funding for the project and therefore what they are asking tonight is that Council approve the Resolution to apply for the grant. They will not know for sure if they receive the grant until late September or October. However, if they do receive the grant they will move forward with construction.

Mrs. Carroll asked if the Marine Commission voted to approve applying for the grant.

Mr. Falls said the Marine Commission was involved early in the first phase of the project, but this phase is for Council action to allow staff to apply for the funding. He said that it would be a 50/50 grant and it is included in the capital improvements program. If they do receive the grant they would then bring the project back before the Marine Commission.

Mrs. Carroll asked when the next Marine Commission meeting scheduled for.

The City Clerk said at this point there is not a scheduled Marine Commission meeting.

Mr. Dexter said that staff did meet with the Marine Commission and they looked over the plans and were overall happy with the design.

Mr. Heady made a motion to approve the Resolution. Mrs. Carroll seconded the motion and it passed 5-0 with Mrs. Carroll voting yes, Mr. Heady yes, Mr. Fletcher yes, Mrs. Turner yes and Mayor Kramer yes.

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

None

6. CITY CLERK'S MATTERS

A) Institute for Elected Municipal Officials

The City Clerk reported that Mrs. Turner, Mrs. Carroll and Mr. Fletcher would be attending the Institute for Elected Municipal Officials.

Mrs. Turner made a motion that Council approves the attendance of the Councilmembers to attend noting that they have the money in the Council budget under Schools and Meetings. Mr. Fletcher seconded the motion.

Mr. Heady thanked them for putting this on the agenda and making sure that Council was aware of this. However, as Mrs. Turner pointed out there is money in the budget and it is within the authority of each individual Councilmember to spend this money to attend these functions. He would not hesitate to approve it, but would hesitate to make it a policy that Council has to approve an individual Councilmembers decision to attend these functions.

The motion passed unanimously.

Mrs. Carroll said that Council approved the minutes of the March 1, 2011 City Council meeting (item on the consent agenda). She said that Council received two copies of the minutes. One was transcribed by the City Clerk's office and one had additions from Mr. Heady. She asked which set of minutes did Council approve.

The City Clerk said that the corrections made by Mr. Heady would be made to the minutes.

Mrs. Carroll was concerned that Mr. Heady added a lot of additions and she did not want them added to the official minutes unless the City Clerk's office goes back and reviews the tape to verify that was what was said.

The City Clerk said that she would review the tape and if there are any questions she would bring the minutes back before Council at their next meeting.

Mr. Heady reported that he would be going to Tallahassee (attending Legislative Action Day), which would be an expenditure from their Schools and Meetings account.

7. CITY MANAGER'S MATTERS

A) North Central Beach Speed Limit Reduction – Assistant City Engineer

Mr. Bill Messersmith, Assistant Engineering Director, said that this was another request for speed reduction in a neighborhood. He reported that the area was in the north Central beach area north of Beachland Boulevard and west of A1A. He said that this was another step to try to calm traffic down through the neighborhood.

Mr. Fletcher asked if this has been presented to the Police Department to see what their comments are.

Mr. Messersmith answered yes.

Mr. Falls said that they work hand in hand with the Police Department on these issues. He said they feel that 25 miles per hour (mph) was an appropriate speed limit in residential neighborhoods.

Mr. Heady said there are numbers that go back to 1992 in their report. He said that 85 percent of the speed was 42 mph and in 2010 the speed was 33 mph. Therefore, the speed limit has dropped in the residential neighborhood pretty dramatically. He said that it continues trending down. He asked if that is the case that it continues trending down, is this a necessary expense.

Mr. Messersmith said because this is a residential neighborhood, they feel strongly that a 25 mph speed limit is the appropriate speed limit.

Mr. Falls said that these were not actions initiated by staff. They are in response to requests from the neighbors themselves.

Mr. Heady said the backup shows that with an increase of speed the fatality rate is dramatic. He asked how many pedestrian accidents have occurred on the barrier island.

Mr. Messersmith did not know.

Mrs. Turner said there is traffic crash data included in the backup.

Mrs. Carroll said the area where Live Oak goes onto Indian River Drive is very heavily trafficked by bicyclists, walkers, and runners.

Mrs. Turner made a motion to reduce the speed limit in the north Central beach area from 30 mph to 25 mph as proposed by staff. Mrs. Carroll seconded the motion and it passed unanimously.

B) Street Micro-Surfacing Annual Contract COVB PW Project #2010-22 Bid No. 030-11/JV – Assistant Public Works Director

Mr. Dexter explained that micro-surfacing provides a wearing surface that would give the City five to ten years and cuts the cost of doing a paving project almost in half.

Mrs. Carroll asked is this contract specifically on volume and not necessarily a number of streets that have been identified that need it.

Mr. Dexter said a survey was done last year and staff picked out about 50,000 square yards of streets that fits this profile. He said that this contract does have renewal clauses, so they can renew it for two more years.

Mrs. Carroll said this contract was based on the need in the community.

Mr. Dexter said that is correct.

Mr. Fletcher made a motion to approve the Street Micro-Surfacing Annual Contract, Project #2010-22 Bid No. 030-11/JV as recommended by staff. Mrs. Turner seconded the motion and it passed unanimously.

C) City Council Direction on Proposed Alternatives for amending the Comprehensive Plan regarding the Rezoning of Single Family Residential Districts within the Residential Low Future Land Use Classification – Planning and Development Director

Mrs. Turner reported for the record that she resides in this area.

Mrs. Carroll reported for the record that she owns property in this area.

Mr. Wayne Coment, Acting City Attorney, determined that there were no voting conflicts for either Mrs. Turner or Mrs. Carroll in this matter.

Mr. Tim McGarry, Planning and Development Director, said Council asked staff to look into possible comprehensive plan changes for this neighborhood. He said that staff is working on some changes in the current zoning process, which would be going before the Planning and Zoning Board on March 17th and then before Council on April 5th. He stated that the Supreme Court case of Snider verses Brevard County established how rezoning is handled, via the comprehensive plan. The applicant seeking rezoning has a burden of proof that the rezoning is consistent with the comprehensive plan, as well as complies with the zoning Ordinance. He reported that staff evaluated the comprehensive plan to determine how well they could address the potential rezoning. They came up with two alternatives. The first alternate would be to create a new land use designation, such as RVL, Residential Very Low. The second alternative would be to amend the comprehensive plan to add policy for rezoning of RVL Parcels. He reported that this was brought before the Planning and Zoning Board and both staff and the Board feel that the second alternative has more of an advantage and this is the alternative that they recommend.

Mrs. Carroll said at the initial meeting with individuals of Saint Edward's school, she made the comment that she does not support spot zoning because she felt that it was wrong to create individual requirements for two properties within a neighborhood. However, alternative two takes that away by tying it to the contiguous properties and therefore she would approve alternative two.

Mayor Kramer agreed.

Mr. Fletcher also agreed. He made a motion to adopt staff's recommendation of using alternative two. Mrs. Carroll seconded the motion.

Mrs. Turner thanked staff for coming up with a reasonable alternative on this. She felt that they came up with a very workable solution.

The motion passed unanimously.

D) Proposed Lease Termination Agreement Requested by Southern Atlantic Supply Division, Corp.; Airport Building 96-Unit B – Requested by Airport Director

Mr. Eric Menger, Airport Director, reported that they have a ten (10) year contract with Allied Roofing and this is an extension of that lease. He said that the economic downturn has caused some stress on the company and therefore they have requested termination of the lease. He reported that the City would accept one year of advanced rent plus the security deposit (about \$123,000). They are asking that Council accept the proposed lease termination agreement.

Mr. Fletcher asked did they (tenant) build that structure.

Mr. Menger reported that the structure was an old warehouse that was built by the Navy.

Mr. Fletcher made a motion to approve staff's recommendation of the lease termination agreement between the City of Vero Beach and Allied Roofing. Mrs. Turner seconded the motion.

Mr. Heady asked what would be a good guess on the maintenance cost for this empty building.

Mr. Menger said that they may look at renovating the building or demolishing it and lease the land to a developer who wants to rebuild on the land.

Mrs. Carroll said this was effective March 1st. She asked if the tenants have vacated.

Mr. Menger answered yes.

The motion passed unanimously.

At this time, Council took a 15-minute break (7:39 p.m.).

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

1. Performance Evaluations – Mayor Jay Kramer

Mayor Kramer recalled that Council has talked about performance evaluations, but didn't finalize anything. He wanted to add some things to their performance evaluation, which was a section of putting goals into their performance evaluation so that when they grade

their Charter Officers there is some communication between the Charter Officers and the Council as to what their expectations are. This also sends a clear direction as to what the Council wants from them. Additionally, from his perspective he felt that it was very important that Councilmembers know from other Councilmembers what they expect from the Charter Officers. He said with five Councilmembers a Charter Officer can get pulled in many different directions with many different opinions. He said by putting goals down it would give other Councilmembers ideas of what their expectations are. He put some ideas in writing for Council to look at and his hope is that Council would adopt something like this or if they had a different format that they would like to use that could be adopted. In any case he thinks giving performance evaluations for their Charter Officers is a good idea. He thanked Mr. Fletcher for already doing this in the past.

Mr. Fletcher agreed with Mayor Kramer on the importance of setting goals. He said that is how you measure people. He said not only as to what they have done, but are they achieving a goal and do they even have a goal. If a Charter Officer does not have any goals then the Council needs to give them some guidelines as to what they should have as a goal. He said one of the only ways that they can measure a person's progress is through goals. As far as he is concerned a person that has no goals has no future. In his evaluation form he gave some instructions on how a Councilmember presents this to the Charter Officer and the communication needed between Council and the Charter Officer. This is a proactive step that will help the City one-hundred percent and hopefully it will trickle down to the other departments. Then when it comes to salary increases if the Charter Officer has received good reviews in the last two or three years Council will have a strong background on why they should receive an increase in pay.

Mrs. Carroll commented that the Charter Officer who comes into these meetings with a specific list of attainable goals that they have achieved over the year is much likely to be more set up for any type of increase that could be given.

Mr. Fletcher commented that this is a challenge at first and somewhat intimidating. He said the first two or three years that it is in place it will be somewhat of a culture shock and then after that it will be a wonderful tool for everyone.

Mr. Heady referred to the first couple of pages in the backup and said that they are pretty clear and easy to read. He would not have a problem with adopting the evaluation form. He asked the Mayor if they did adopt this did he have a time frame as to when the first evaluation from the Council would be done.

Mayor Kramer stated that this is something that Councilmembers do individually with staff. He would have a hard time making a motion to force a Councilmember to do this.

Mr. Heady commented that what they could do is adopt this form as a guideline for an evaluation and if Councilmembers wanted to do it they could.

Mr. Fletcher recalled that he used to do the Charter Officers evaluation after the budget was done.

Mr. Heady wanted it done before November so that he has the opportunity to do it at least once.

Mayor Kramer suggested doing it two times a year (every six months).

Mr. Heady made a motion to adopt the performance evaluations on a voluntary basis and anyone that cares to participate have this done prior to the fiscal year and have it turned in by October 1st. Mr. Fletcher seconded the motion.

Mr. Fletcher would make sure that Council gets a copy of the old reviews that he did for the Charter Officers. He also gave the Charter Officers a chance to rebuttle if they felt that he was unfair. He asked the Charter Officer to tell him where he was wrong. In order to have this done for all of the departments, a policy change would be necessary (amendment to personnel rules).

Mrs. Carroll wondered how did they want to conduct the evaluation, individually or by a group approach where the whole Council meets with the Charter Officers to establish their goals and objectives.

Mayor Kramer explained that when they do a group approach, they are able to look at each of the other Councilmember's goals that they have set for the Charter Officers.

Mr. Fletcher explained that the Charter Officer will share their goals individually to each Councilmember while doing this review.

Mr. Heady said that if they were going to individually do this performance review with each Charter Officer then one Councilmember's goal might be different than another Councilmember's goal for the Charter Officer.

Mr. Fletcher explained that it was not his goal. He said that the Charter Officers would be setting their own goals.

Mrs. Turner came up with some quantifiable goals for each of their Charter Officers and distributed her memo to Council. She suggested having something similar from each Councilmember that outlines what goals they would like for each of the Charter Officers. She said that her goals were basically financial in nature, but each Councilmember may have a specific area that they would like the Charter Officer to concentrate on.

Mr. Fletcher said that the last time he did this one of his goals was education and he expressed to the Charter Officer how important that was to him.

Mrs. Carroll commented that the reason she brought this up was because she was more willing to approve of a group setting than individual evaluations. She said that it would save time and each Councilmember may have different goals in what they would like to

see the Charter Officer do and that might be hard for the Charter Officer to accomplish their job with so many different goals.

Mayor Kramer felt that maybe they should do what Mrs. Tuner did and send out a memo on what they feel the goals are for each Charter Officer. Then they would have some understanding as to what each of the other Councilmembers think.

Mr. Fletcher commented that it becomes the Charter Officer's goals to achieve and not ours.

Mrs. Carroll brought up the time frame and felt this could be useful as far as any salary increases. She said in that case it would require that the reviews take place before the budget occurs. She suggested that the performance review be done the first week of June.

Mr. John Lee, Customer Service Manager, commented that because every year the Council could change he would suggest that two evaluations be done. He said that one could be done in November and then another one could be done in May.

Mr. Coment felt that sitting individually with Councilmembers was fine, but when it comes to goal setting to him that was almost like direction to the Charter Officer. He noted that the Charter states that direction comes from Council, which consists of three votes. He said Council may want to accumulate the goals and then do finalize the goals at a City Council meeting.

Mayor Kramer felt that there would be a reconciliation of those goals and priorities after City Council does their evaluations.

Mr. Coment was thinking of having a clear direction to the Charter Officer on what those goals are and what the Council as a collective body expects.

Mr. Heady amended his motion to have this on the 1st of June, but he was not ready to buy into twice a year. Mr. Fletcher seconded the amended motion and it passed 4-0 with Mrs. Turner voting no.

Mrs. Turner explained that she was opposed because she was still unsure of the evaluation they were using. She felt that the tasks were unclear.

Mayor Kramer was glad that Mrs. Turner sent the memo out concerning her thoughts. He said that prompted him to do his.

Mrs. Turner felt that to be fair to staff they need to have goals agreed on by the Council.

Mayor Kramer said that they would try this and if it doesn't work they could try something else.

2. Filling personnel vacancies in Finance Department – Vice-Mayor Turner

Mr. Falls reported that the new Assistant Finance Director will be starting on April 4th. They have received about 30 applications for the position of Finance Director and they have pulled out the top ten (10) applicants. He noted that they were receiving resumes everyday so he does not want to close the cutoff period. He said as they narrow the search they will begin telephone interviews.

Mr. Fletcher asked do they have a goal.

Mr. Falls said that he had a bit of a dilemma. Council has not hired a permanent City Manager and they are looking at hiring a Finance Director. If Council wants him, as Interim City Manager, to hire a Finance Director he would. But, the risk in that is picking someone that the new City Manager might not be compatible with or who might have made a different selection.

Mr. Heady noted that there was not a long term contract being offered to the candidate hired.

Mr. Falls said no contract is being offered.

Mr. Heady said if there were to be a new City Manager, then the new Finance Director would not be working under a contract, they would be working at the pleasure of the City Manager. He asked doesn't the Finance Director work under the City Manager.

Mr. Falls said just because a new City Manager might not feel compatible with the new Finance Director, this does not give him grounds to release him.

Mrs. Turner said Council has said that the Finance Director was a critical position and set this as a priority to have the position filled. She appreciated Mr. Falls' concern about filling this position, but if they were to bring in a City Manager from the outside he would have the same situation with every Department Head.

Mr. Falls said that he would be glad to move forward. He wanted to make sure that he had full confidence of the Council.

Mr. Heady felt that Mr. Falls did have the confidence of all the Council that he would make a good selection. What he has seen from Mr. Falls so far is that he makes pretty good choices.

Mr. Falls said that he and Mr. Robert Anderson, Human Resource Director, would begin the telephone interviews next week and would continue to review the applications as they come in. He hoped that they would have a decision made within a month.

Mrs. Carroll thanked Mr. Falls and Mr. Anderson for taking the direction of the Council on this issue. She noted that this was brought forward at the February 1st City Council

meeting and they are now looking at hiring the Finance Director. She said with the last search for a Finance Director between March 15th and June 28th there were 23 applicants. February 14th was when the Finance Director retired and now it has been one month and the City has already received 40 applications. She felt that this was very good work and she appreciated it.

3. Utility Consultants – Vice-Mayor Turner

Mrs. Turner said Council requested that GAI consultants prepare an estimate for the cost of the electrical system. She said that they need to move forward with technical, financial, and legal assistance in order to evaluate the electric. However, with the scope of this project she felt that they would be remiss if they did not investigate and invite other firms to submit their qualifications.

Mayor Kramer agreed. He said that if there are other consultants who would like to do this work then he would like to hear from them.

Mrs. Carroll asked is there a status report from GAI Consultants.

Mr. Falls said that Council authorized GAI Consultants to put together a proposal. They plan to bring the proposal before Council at their first meeting in April. If they are going to solicit other consultants, then he would suggest that they stop what GAI is doing because they should go through the competitive process to select a consultant. He said that they are bound by the CCNAC and if they don't follow those policies and regulations they are running the risk in the future of not getting qualified consultants. If Council is not comfortable with GAI Consultants then they need to let them know.

Mrs. Carroll commented that the City selected GAI Consultants in the past based on their qualifications.

Mr. Falls explained that GAI Consultants was selected by a joint group of members of the City of Vero Beach, the Town of Indian River Shores, and Indian River County. When they put together their scope of services they added electrical consulting. Mr. Falls said that he was comfortable with GAI Consultants putting this proposal together.

Mrs. Turner felt that the proposal would give them an idea on how much money they were looking at committing and it could behoove them even more to go out and consider options. She made a motion that Council requests staff to prepare an RFP for an electrical consultant for the draft scope of work attached to her memo (please see attached).

Mr. Heady asked isn't that something that they should look at after the proposal on April 1st. Then if Council is not happy they could move forward.

Mrs. Turner said the City Manager stated that if Council proceeds to April 1st and then they change their mind they might be acting in bad faith.

Mr. Falls explained that Council would not be acting in bad faith if they don't accept the proposal. He felt that if they start another process before they heard from what they authorized GAI Consultants to do was where they would be sending mixed signals.

Mr. Falls agreed with Mr. Heady. He said they could burn that rope when they get the magnitude of what the cost would be and they will know that on April 1st.

Mrs. Carroll also agreed with waiting until April 1st. She said that GAI Consultants could be watching tonight's meeting and it might influence the price that comes back to Council.

Mrs. Turner rescinded her motion.

4. Status of GO Line buses moving to downtown City parking lot – Councilmember Carroll

Mrs. Carroll said that she has been bringing this item forward since the January 4th City Council meeting. She asked for an update on the status of moving the transfer point.

Mr. Falls reported that City staff met with the Senior Resource Association and Indian River County on Friday, March 11th. He said that they (Senior Resources) submitted their preliminary site plan to them for their review and comment. Mr. Falls said that it was a good layout and meets all their needs. He noted that it did result in a loss of almost forty parking spaces and the City made some suggestions on how to recover some of those spaces. He said that they were going to tweak that preliminary site plan and hopefully bring it back to them next week and then he would bring it before the Council and then hold community meetings. He showed on the screen the preliminary site plan.

Mrs. Carroll understood that the small lot was not City property.

Mr. Falls said it is privately owned. He said that over the last four or five years they have tried to contact the property owners by certified letters, but have not received any response.

5. Regionalization of WSI with County – Councilmember Carroll

This item was discussed earlier in today's meeting.

6. FP&L Report – Councilmember Heady

Mr. Heady said that every meeting he has an update of the situation with FP&L so that the citizens know where the City stands regarding FP&L making the City an offer for part or all of the electric utility. He asked the Mayor to send a request to Mrs. Amy Brunjes, spokesperson for FP&L, inviting her to attend their next City Council meeting to

give them a status report. He asked Mr. Lee if all of FP&L's questions have been answered.

Mr. Lee reported that on March 2nd he received 35 additional questions from FP&L they were mostly about customer service and information technology. They also asked for permission to send an FP&L team to the City. On March 3rd seven members of the FP&L team arrived and they spent a few hours discussing those 35 questions. They left with a lot of questions answered. On Friday they sent additional questions. On March 8th the questions were answered and sent to FP&L. He read an email, which stated that FP&L was in the process of finalizing the fatal flaw analysis and they expect to have the results of the analysis shortly and a determination as to whether FP&L is prepared to move forward with a proposed transaction to purchase the City of Vero Beach electric system. Mr. Lee noted that FP&L has completed their due diligence as far as asking questions and receiving their answers.

Mrs. Carroll asked Mr. Lee to define fatal flaw.

Mr. Lee explained that "fatal flaw" basically means is there some problem that is so significant that it cannot be overcome. He felt that this conveys the interest in what they are doing.

Mr. Fletcher asked has the FP&L team been taken to the commander control center (T&D).

Mr. Lee answered yes.

7. OUC Contract – Councilmember Heady

Mr. Heady mentioned that they spoke about OUC at the last meeting and there was some concern that he never proposed any solution to the continuation of the OUC saga. However, he did propose a solution that he travel over with the City Manager and one of the City Attorneys to Orlando and meet with OUC. He said that was not well received with the Councilmembers. Instead there were some comments from the City Attorney as to the three possible choices that he felt that they have. Mr. Fletcher had said at that meeting that OUC is perfectly happy with the contract that they have so therefore there is nothing that they could do. Mrs. Turner said that it is immaterial to OUC that we think that we have a problem with their contract. Mrs. Carroll said she wanted him (Mr. Heady) to identify a list of the complaints that he has with the contract. He would agree that the topic has been discussed a lot (one of the Councilmembers described it as being discussed at nasium) and there are some things that nauseate him with respect to the contract. As an elected official he has to represent the people in this community and the City residents. On a larger scale he also has some obligations to represent all of those customers in the electric utility area. He understands that they are not within the corporate limits. As a Councilmember he also owes something to those customers. The effort to try to get him to delineate what his concerns are some would say, and he heard from people after the meeting, that he was just stonewalling Councilmembers by not

identifying specifically what his concerns are. He thought that he has done that over the course of a number meetings and he does not think it is all that hard to understand. Any elected body can enter into a contract with whoever after the majority of that elected body approves a contract. In the OUC example a City Council on April 15, 2008, approved the contract and voted in favor of it. That contract was available to the public in redacted form. That is the contract they voted on and that is the contract that should be attached to the signature page. He said some place along the line a different document was attached to a signature page with former Mayor Tom White's signature on it. When asked whether or not he signed the document that contained any changes he answered no. The only document in legal terms that can be supported is the document that Council voted on. He is not willing to saddle the ratepayers or the taxpayers in this community with different terms than what that Council agreed to. He said whether that is immaterial to OUC or not is not his concern so much as his concern is to protect those people that he was elected to represent. He thinks to do that the only contract that can be attached to the signature page, the only contract that is enforce and effect, is the one that was voted on. There are some concerns by certain Councilmembers that we have been operating since January 1, 2010 under a contract. He agrees that they have. But they have been operating under the contract that the Council voted for. He knows that as a citizen in April 2008, he was not provided with the information that was redacted out. After he became an elected official in November 2009, he was provided with some of the numbers that were redacted out and he looked at them and said that there is something wrong in this picture because the numbers don't fit under the redactions. The young Mayor at the time in 2010 told him and told the public that there were no numbers under those redactions that they were blank lines. The City Attorney at his last meeting, Charlie Vitunac, said there were not any numbers on there that were blank. He has been told many times that those numbers were blank. Other Councilmembers that voted on that contract said that they knew nothing of some of those numbers. If you look at the meeting and watch the replay of that meeting and listen to the consultants refer to the terms of the contract, nothing in any of the presentation indicated the significant numbers that are now in the City file attached to a signature page. He continues to contend that the only contract that can be enforced and in effect is the contract that was voted on by the City Council. He said maybe it is no concern of other Councilmembers, but it is a concern of his when somehow terms of a contract appear that will cause significant harm to the people that he represents. Mr. Heady said that there is no reason why we can't do as he suggested and that is to have him, the City Manager and one of the City Attorneys travel over to OUC and maybe they can find out where that document that is attached to the signature page came from. At this point no one has been willing to identify with specificity who put in those terms. He said that they are significant, they are material, and it was never voted on. He agreed that they are receiving power from OUC and they are paying for power. He is not suggesting that they try to get out of anything. He is suggesting that what can be enforced and in effect is the contract that the Council voted on.

Mayor Kramer told Mr. Heady if he would like to go to OUC that there is nothing that they can do to stop him. He said if there is an original contract, then he would like to see it as well. It just seems like they are exhausting an awful lot of energy and not finding

this. They are finding things that don't match. He doesn't have a problem with asking OUC for it.

Mr. Heady felt that he should go over and ask and he thinks that he should take the City Manager and one of the City Attorneys with him. He feels they should ask some questions and OUC can be on the record. At the last meeting he heard from certain Councilmembers that OUC thinks the contract in their file is the one that is being enforced and is in effect. He said that OUC has never said that to him. He doesn't know what OUC has in their file. He has never looked at it. He felt that it was pretty clear what the Council voted on. He said that is the only contract that he thinks is legally enforceable.

Mayor Kramer said so you would like the City Manager and City Attorney to go with you to OUC. Mr. Heady said to accompany him.

Mrs. Carroll referred to the minutes from the last meeting. She said that in the minutes that she made the motion that Mr. Coment and Mayor Kramer visit OUC and that Mr. Heady provide documentation of the information that he has shared with Council. The motion was seconded by Mrs. Turner. Then Mrs. Turner amended the motion and added that the items to be discussed with OUC are clearly delineated and distributed to the Council prior to the meeting. Then going through the rest of the discussion that took place a vote was never taken. She would feel more comfortable with the Mayor and Mr. Coment representing the City at that meeting. She would make that motion again that was not voted on at the last meeting.

Mayor Kramer stated that he does not want to get into the line of fire on this one. He feels that if he goes it still is not going to satisfy the person that is chasing this down. He will just become another person to question. He said that if Mr. Heady wants to go and do this that is fine. If he wants to take the City Manager and City Attorney then Council would have to give permission for that. They cannot stop Mr. Heady if he personally wants to do it.

Mr. Heady stated that he personally has gone over and talked to OUC and he has asked them some questions. He asked them specifically where some of the numbers came from and the Chief Counsel for OUC at the time told Mr. Heady that he did not know. He didn't know where those numbers came from. The testimony that they have had is that the numbers are blank. He said if that is what the Council approved then that is okay. But a blank line does not impose a huge fine on their residents. If the number on the line was zero, then the number on the line was zero. OUC is on record as saying they didn't put a number in there.

Mayor Kramer asked Council if they want to authorize the City Manager and the City Attorney to accompany Mr. Heady.

Mr. Fletcher was not in favor of the City Manager or the City Attorney going with Mr. Heady to OUC.

Mayor Kramer had his doubts also. He said that if Mr. Heady wants to go to OUC, he would like to hear what he has to say and what comes out of the meeting.

Mr. Heady wanted to at least go up there with someone else. He has pretty well told the Council what OUC has said to him and there seems to be no interest in other Councilmembers... Mayor Kramer said for him it is not that there is not an interest. He said if someone else believes that they have a legal contract it means that they are going to put some serious financial resources behind it. Mr. Heady asked him what legal contract they have. He asked the Mayor if he has seen the contract that is in their folder. Does he know what is attached to the signature page. Mayor Kramer just knew that OUC has confidence behind whatever they have. Mr. Heady said okay, but whatever OUC has is important. Mayor Kramer told him to go and find it. He told Mr. Heady to take a member of the Press with him if that would work. Mr. Heady was not interested in taking a member of the Press. However, he was interested in taking a responsible person and that would be the City Manager.

Mrs. Carroll asked Mr. Falls and Mr. Coment if they would be agreeable to going to OUC with Mr. Heady. She realized that they were both very busy.

Both Mr. Falls and Mr. Coment stated that they would do whatever Council asks them to do.

Mr. Lee recalled that he was requested shortly after some of this discussion came up to contact OUC and have them send to the City Clerk a certified copy of the contract that they had signed, was signed by the Mayor, signed by the City Attorney and all the representatives of OUC. It was delivered to the City Clerk in an enclosed envelope from OUC and opened in her presence. So they do have a contract that OUC believes is the contract that was signed.

Mrs. Vock verified what Mr. Lee just said was correct that she did receive the contract in a sealed envelope.

Mrs. Carroll asked Mr. Heady how OUC got the contract that they have in their file that they sent to the City a certified copy of.

Mr. Heady stated that they know what OUC had in their file because on April 8th they transmitted electronically a copy of what they agreed to and that document is very different than the one that is attached to the signature page. He said that they know exactly what OUC thought were the terms of the contract. It really is not the question and that can be proved easily because of the electronic transmission of that contract.

Mrs. Carroll told Mr. Heady that her question was who the last person to have their hands on the contract according to his timeline before it got into OUC's file.

Mr. Heady asked which contract.

Mrs. Carroll said the contract that OUC thinks is the contract.

Mr. Heady told Mrs. Carroll that OUC transmitted a contract on April 8th, which is on record. However, that is not the contract that is attached to the signature page. He said somewhere along the line it changed. His contention is and has been that the only contract that can be enforced and in effect is the contract that OUC and the City agreed to on April 8, 2008. He brought up who had the contract in their hands last was the consultant from Boston who flew back to Boston with the contract. She never left the original contract that she showed to the Councilmembers at City Hall. This has been a bone of contention and one of the concerns with the former City Attorney.

Mrs. Carroll asked Mr. Heady if he was alleging that the consultant did something to the contract. If so that could be a legal issue.

Mr. Heady did not understand what Mrs. Carroll doesn't understand. He explained that the City Council met on April 8, 2008 and discussed an agreement with OUC. At the end of the day the consultants notified OUC that the City Council was happy with the agreement and would OUC please redact anything that they felt was confidential. He said that OUC did that and they sent the contract back in electronic form. That was on April 7 2008. Then a Police Officer hand delivered the contract to the Finance and Utility Commission members and they met and reviewed the contract and gave their recommendation that the City Council approve it. At the April 15, 2008 City Council meeting the contract was approved and OUC representatives did attend that meeting. He said that is the contract that he contends that they are operating under.

Mayor Kramer told Mr. Heady that if he wanted to go to OUC to gather more information that the Council was okay with that.

Mrs. Carroll told the Mayor that they all were not okay with that. She asked Mr. Heady if he is under the impression that he is going to go to Orlando and sit down with the OUC officials and delineate what he has gone over with the Council numerous times and that they are going to change the contract, after talking to him, that it is no longer a valid contract.

Mr. Heady did not know what was going to happen, which is why they should send over a delegation and the delegation that he proposes go over is himself and the City Manager, along with one of the City Attorneys.

Mayor Kramer told Mr. Heady that they could not stop Mr. Heady as a private individual from going over to OUC, but he did not think that it was the best idea to have the City Manager and City Attorney go over there with him.

Mr. Heady understood that there was nothing that they could do to stop him from going there as an individual or as a City Councilmember. However, either one of those choices is not going to end this dilemma. What will end this dilemma is if the two parties agree

as to the contract, where it changed and to have OUC tell them if they sent something different back and tell them who added the numbers in. He reiterated that when he went up to see OUC in November 2009 they did not know who added those numbers to the contract.

Mrs. Carroll asked Mr. Heady if OUC said that they didn't know in 2009, does he think that now they do know.

Mr. Heady said maybe they do. He said that when bringing this up before the City Council that there have been answers that when originally asked were not answered. Also, over the term there have been answers that have "squeaked" out. He agrees that they do need to put this matter to bed. He said there are a couple of ways to do that and the least expensive way would be to go and sit down with OUC.

Mayor Kramer went on to the next item on the agenda.

Mr. Heady brought up this particular item and said that Council just wants to sit and continue to leave this in limbo. He said that doesn't make any sense.

Mrs. Carroll recalled the Mayor saying that Mr. Heady was more than welcome to go. If he would like to go that Council cannot stop him.

Mr. Heady understood that. He said there is not too much that they can do to stop him as an individual to do anything that is legal and it is certainly legal for him to go over there as an individual or as a Councilmember. If they want to resolve this then the way to resolve it is to go over and find out some of the answers and the least expensive way is the way that he has suggested.

Mrs. Carroll asked him if he would be doing that.

Mr. Heady said that he would go over there with the City Manager and the City Attorney or just the City Manager.

Mayor Kramer asked Mr. Heady if it would put the issue to "bed" if he did that.

Mr. Heady was hopeful that it would at least give them some answers and maybe it would put it to bed. He said quite frankly he is very tired of bringing this up, but he also is not willing to saddle people he represents with terms and conditions that no City Council have ever voted for and no Council ever approved.

Mrs. Carroll explained that her concern was if he went over to OUC with the City Manager or the City Attorney, it will become an official delegation and she was not comfortable in allowing him to represent the City as an official City delegation to the OUC.

Mayor Kramer felt that it was the consensus of Council that the City Manager and the City Attorney will not be going to OUC with Mr. Heady.

Mr. Heady commented that there has been some concern and talk by their legal counsel that by doing nothing they wind up accepting the terms of the document that is attached to the signature page. By this Council doing “zero” then they are saddling the ratepayers and the taxpayers in this community with a tremendous burden. He said that four of the Councilmembers have agreed that they want to look at a response from FP&L in terms of selling the utility. If the terms of the contract are the terms that were agreed to by the April 2008 City Council, then the FP&L offer could mean one thing. If the terms of the contract are what is in the file attached to the signature page, which is not what was voted on, and why they would want to saddle taxpayers and ratepayers with a huge term that was never agreed to is beyond him.

Mayor Kramer stated that he did not want to do that.

Mrs. Carroll pointed out it was not that they were not doing anything. His point of contention is that they are not doing what Mr. Heady wants them to do. They have told Mr. Heady that he is more than welcome to go over to OUC and talk to them. He does not like that option and wants to have an official delegation and Council is not agreeing to that.

Mayor Kramer said that they did not need to get too personal with this and they needed to move on. Again, he told Mr. Heady that he was welcome to go over there and if he found that there was issue that was discovered to induce them to do something later on that they could probably still do something then.

Mr. Heady stated that the inaction of this Council is going to cost the taxpayers and ratepayers of this community a tremendous burden and that is on their shoulders and not his.

8. Pension Benefits – Councilmember Heady

Mr. Heady commented that after the discussion at the last Council meeting about what they were doing with the pension he received some telephone calls and people stopping him on the street and he decided to put this clarification back on the agenda. The discussion that Council had from his perspective was that whatever the pension benefit is that they give to employees in the City that they need to pay for the benefit in the year that it is earned. Also, the dollar amount to pay for that benefit needs to go in a lockbox and that money is to be secured for the employees of the City and that the City Council would not kick that bucket down the road and let someone else pay for it and also because the money would be categorical and in a lockbox it would be there for the benefit of the employees and not to be used for anything else. He wanted to make this clarification so that the employees know exactly what it is that he is asking for. The City Council at the last meeting did by consensus, tell the City Manager that the budget that he

is going to present this year will include an amount of money necessary to pay for that benefit.

9. Sick Pay Benefit Update – Councilmember Heady

Mr. Heady stated that with the sick pay it is exactly the same thing. He said that there was an employee who spoke tonight under Public Comment who was concerned that someone was trying to take some benefits away from them. He said at the last meeting there was some discussion on “use it or lose it” but the consensus from this Council was that whatever that benefit is, the cost of the benefit, be put in the budget and that it be secured for the benefit of the employees. That it is put in a lockbox and that the money is not available for Council to spend on some other item. The benefit would be secured and paid for in the year that it was earned. He said that this consensus was approved and that the City Manager understood, but clearly from what he was hearing the public did not necessarily understand what the intent was. He wanted to bring this back up once again to let the public know that the intent is to pay for whatever benefits that they give the City employees, this Council is going to do the fiscally responsible thing and that is to pay for the benefit in the year earned. He knows that there was concern from certain Councilmembers that they need to see the numbers first and he understands that they need to be concerned about what the number is, but regardless of what the number is they can’t pass off the responsibility to future generations. The cost for the benefits that they are willing to give need to be paid for in the year earned and again the consensus from the Council was that yes that would be done. With the sick pay there was some concern with the use it or lose it. He said that Council has not gotten to that point. He felt that a sick pay benefit should be allowed to be banked and if it is not used and an employee works for 20 years and never takes a sick day and then winds up at the end of 20 years with some catastrophic illness that he/she has those banked sick days available to be used. His intent is to clarify that so employees know that it is not a “slush” fund that they are building up. It is to be used if they get sick.

10. Vacation Pay Benefit Update – Councilmember Heady

Mr. Heady brought up vacation pay and said that at sometime in the future they will be talking about vacation pay benefits and whether or not the employees use them or lose them. That determination will be made at some future date. However, that is not the reason that he put this item on the agenda. He wanted to clarify that the benefit change he wanted to make was that whatever vacation pay that they are willing to give, they know what the number is, the number of employees and how much vacation time they are given, whatever that dollar amount is that it be in the budget, and secure that for the employees. It is in a lockbox and to be used for that purpose only.

11. Avoiding Federal Lawsuits Update – Councilmember Heady

Mr. Heady commented that this item was removed from the last agenda. There were some 500 pages of backup documentation provided. He knows that the last City Council spent some \$30,000 to fight a Federal lawsuit because the Council treated one

Councilmember differently than the rest of the Council and they continued to remove things off of the agenda. The backup that was included in the last agenda item "Avoiding Federal Lawsuits" was some 500 pages that they agreed did not have to be reprinted again. That Council could bring those pages back with them to this meeting so that they could verify the statements that he makes. In those backup documents the first meeting that was held was the Organizational meeting where the new City Council was sworn in. He said if you look at the minutes of these meetings some things became very clear. At the Organizational meeting, Councilmember Fletcher said that he was going to try to keep Councilmembers quiet. He would submit to them that it is not Councilmember's Fletcher duty or job to keep other Councilmembers quiet. He said for good government to work there needs to be a flow of discussion from all Councilmembers. It is not any Councilmembers job to shut up another Councilmember. In every single one of those minutes, for each and every single meeting, you will find that Mrs. Carroll decided that she should be "agenda police" and remove items from each and every single agenda. He said that most of the items that she chose to remove from the agenda were his items because she did not like the form or the backup that he gave or thought that his agenda items were redundant and were included on other Councilmember...Mayor Kramer interrupted and said he needed to make a comment. He said at the December 7th meeting they all agreed to provide a one page document to support agenda items. He said that Mrs. Carroll was just following the policy that Council set. However, he did feel that this needs to be revisited to be a little more specific. He does not see anything wrong with a Councilmember reminding them of the policies that they have set in place.

Mr. Heady stated that at every single meeting when Mrs. Carroll tried to remove agenda items there was not a problem with him providing at least one page of documentation. They did agree that there should be some backup provided and the motion from the December 7th meeting included at least one page. In this particular example there were 500 pages, but it did not have the form that Mrs. Carroll designed so therefore did not fit her criteria. He said that this is the first meeting that Mrs. Carroll did not try to remove any of his items from the agenda. He thinks that in past meetings they have spent more time trying to remove his items than it took him to discuss his items.

Mrs. Carroll told Mr. Heady that was not correct. They have spent more time at those meetings trying to teach him the rules and trying to get him to follow the rules. She said that Mr. Heady makes a decision at each meeting to try to get by without following them. She chose today to just let them go through. She said that he did not follow the rules. She then read the addendum to the City Council meeting agenda that was filled out by Mr. Heady (please see attached). In the addendum it says the public need or issue addressed is saving legal fees. She said so what Mr. Heady is insinuating is that he is going to save the City money by not filing another lawsuit that in the past cost the City \$30,000. She continued reading the addendum.

Mayor Kramer wanted to keep this as a business meeting.

Mrs. Carroll said that she is responding to Mr. Heady's comments that he said that she continuously takes his items off of the agenda and she is responding to his continual incapability of following the rules.

Mayor Kramer did not want to see this get too personal. Mrs. Carroll told him that it is too late. Mayor Kramer apologized and said that he should have stopped this a little earlier.

Mayor Kramer reiterated that he does think that the motion made on December 7th needs to be revisited and needs to be a little more accurate. He has seen the value of having this information with the agenda item because he thinks that the public and Council needs to understand what is coming up on the agenda so that they can participate. He would like to be able to save legal fees in such a way that it does not single out one individual so that they can bring up a lawsuit.

Mr. Heady commented that when you make silly statements like it is your job to punish Councilmembers (remark made by Mrs. Carroll at their last meeting) it is border line ridicules. He expressed that everyone needs to be treated the same, which are constitutional issues. He said that when you remove a Councilmember's item from the agenda because there is no backup and then allow another Councilmember to add something to that same meeting that has no backup is not treating everyone alike. He pointed out that Mrs. Carroll did this at a former meeting. He said she fought to remove his items because he had no backup, then she added something to her agenda that didn't have backup at all. He said that he does not object to that. He thinks that they are here to do City business and anything at all that comes up as City business that they should talk about it. The response that the public needs time to address the issues, he said that there are times when they discuss things at these meetings where it probably would be inappropriate for them to take action and they should wait until the next meeting to give the public some time to digest what they had to say and then take action at the next meeting. He said if you want to avoid a Federal lawsuit then what you need to do is treat people the same and that has not happened and it needs to start happening or they will have a Federal lawsuit. He said that it will not necessarily be from him. He said any member of the public that they treat differently can initiate a Federal lawsuit and it will cost them a lot of money to fight it. The last time it cost \$30,000 to fight it and the City didn't win. He said that they didn't win at all. He said what happened was that the plaintiff decided not to appeal because there was an election and there were different Councilmembers elected who said what they wanted to do is to make sure there was transparency and discuss public business in the public eye.

12. Termination of City Attorney – Councilmember Heady

Mr. Wayne Coment, Acting City Attorney, reported that the City retained Attorney Helen Scott to advise them on the scenario involving now former City Attorney, Charlie Vitunac. The process was started by the City Council for termination of the City Attorney through the Resolution process. Mr. Vitunac had, through his attorney, requested a hearing which was initially scheduled for this morning. Then Mr. Vitunac

appeared in the Human Resources Department and completed all the paperwork for his retirement. He will receive whatever he is entitled to him as far as payouts on this Friday. The City also received a letter from Mr. Vitunac's attorney advising the Mayor and the Council that in fact Mr. Vitunac was leaving employment of the City by way of retirement, which was effective last Friday. This ended his employment relationship with the City of Vero Beach. Mr. Vitunac's attorney did point out in the letter that he sent that there was no need for the hearing and that it could be canceled. Mr. Coment explained that the hearing is for the benefit of the employee and the employees right to have a name clearing hearing. Mr. Vitunac has waived that right and he has retired and separated from the City. There are some concerns that Mr. Vitunac has retired and he can come back. He does not see that happening with a Council who voted 5-0 to go forward with the initial Resolution. He sees no way Mr. Vitunac would withdraw any of what he has done, a famous word brought forward by Mr. Heady, "estoppel" which Mrs. Scott also mentioned and estoppels would certainly stop him from now voiding the process of retirement. As of Friday Mr. Vitunac was no longer a City employee.

Mrs. Carroll asked Mr. Coment what is Mrs. Scott's recommendation in terms of any further discussion about Mr. Vitunac's termination or his retirement.

Mr. Coment stated that he did not speak directly with Mrs. Scott, but his recommendation has always been because Mr. Vitunac has not waived any rights for a claim it is important to not discuss things in case a claim was to be filed in the future. They don't want to give any basis through Council or City actions.

Mrs. Carroll noted that Mr. Coment was acting as their City Attorney and suggesting that they do not discuss any additional issues.

Mr. Coment felt that it was moot at this point and they do not need to go into it. His recommendation is not to discuss anything about the former City Attorney and his leaving the City.

Mrs. Carroll asked the City Manager if there was any recommendation from their hired consultant (Mrs. Helen Scott) on this issue.

Mr. Falls recalled that she met with each Councilmember individually and her advice was that she didn't see any claims that Mr. Vitunac may have that were not defensible. She did advise them to keep discussion to a minimum. She has indicated to Mr. Falls that she sees no reason why Mr. Vitunac could not retire and why they should not accept his retirement.

Mrs. Carroll said so really we have nothing to discuss.

Mr. Heady said that he has some things to discuss.

Mrs. Carroll asked Mr. Heady if he was planning to go against the advice that they were just given by Mr. Coment, which was to not discuss this issue.

Mr. Heady told her those were her words and not his.

Mr. Coment reiterated that he would recommend that they not discuss this any further.

Mr. Heady still had some questions. Mrs. Carroll asked him if he understands what Mr. Coment has just advised. Mr. Heady said that there was not a single word that he did not understand the definition of. Mr. Heady referred to Mr. Vitunac's official retirement notice (he had a copy of it). Then he had a letter from Mr. Vitunac's attorney asking that they cancel the public hearing, and also the letter from Mrs. Scott on this issue. He mentioned that there are employees who have retired from the City, but they are still employed and performing the same functions that they did before they retired (example given Steve Maillet). He asked Mr. Coment is it his legal opinion that the documents that he mentioned earlier also constitute not just his letter giving official notice for retirement, but it is also a resignation from his post.

Mr. Coment answered yes.

Mr. Heady pointed out that Mr. Maillet retired, but he continues to perform the same job functions. But in this example because of the contentions and what is going on and Resolutions that they approved it is Mr. Coment's legal opinion that these documents constitute a resignation in addition to his retirement.

Mr. Coment answered yes, that Mr. Vitunac has resigned/retired. He didn't think that it made a difference in how you phrase it. He said that he (Mr. Vitunac) has left the building.

Mr. Heady said fine as long as we have a legal opinion from their Counsel that this constitutes a resignation in addition to retirement. That Mr. Vitunac is no longer an employee of this City.

Mr. Coment stated that Mr. Vitunac has not been an employee of the City since last Friday.

B. New Business

1. Presentation by Citizens on Water/Sewer Issues – Councilmember Heady

Mr. Heady explained that he put this item on the agenda to allow Dr. Faherty and Mr. Heran to have an opportunity to make their presentation. This item was heard earlier in the meeting.

2. Consideration of Charter Officer Positions – Councilmember Heady

Mr. Heady mentioned that because of some concerns and conversations concerning financial questions that Mrs. Turner has brought up he wondered if there would be an

interest to add one more Charter Officer and that would be the Finance Officer. He said that the Charter Officers that they have now are the City Clerk, City Manager and City Attorney. He wondered if it would interest any Councilmember to add a Charter Officer and that would be the Chief Financial Officer of the City. He wasn't asking for any decisions to be made at this meeting, just something for the Council to think about. He thinks that is a position that they might want under their control along with the City Clerk, City Manager and City Attorney.

Mrs. Carroll commented that going forward she was going to ask Mr. Heady very nicely if he could please in the future be more specific in what his title is so that the rest of the Council can do the research on the issue and come prepared to talk about it, rather than him being able to make a big "splash" at the meeting and none of them are prepared.

Mr. Heady stated that he was not trying to make any splash. He expressed that he cannot talk to Council other than at a noticed meeting. He put the item on the agenda for discussion and something for Council to think about. He was not asking for anything but Council to listen to him for thirty seconds. It was not about whether he put it on the agenda the right way or not.

Mrs. Carroll asked Mr. Heady did he understand what she just asked. If he would be more specific then they would know what is going to be talked about and discussed.

Mayor Kramer agreed that this is a very interesting idea and he would like to have been able to think about it and have more discussion on it.

Mr. Heady expressed that is all this is, which is an idea that he has put out and if Council wants to discuss it further then they can bring it back for further discussion.

3. Discussion of City Manager's salary – Councilmember Heady

Mr. Heady mentioned that he saw some documents that came back from the Headhunter that they hired for the City Manager and he said that it is scary to him that they are putting out for public consumption that they are looking to pay a City Manager the kind of money that is in this research firm's paperwork. He doesn't remember any discussion at a meeting where they made a determination as to what they would be willing to pay the City Manager. He said that he has a figure considerably lower than what the consultant firm has put out.

Mrs. Turner explained that the document just referred to by Mr. Heady was circulated for Council's comments. She said that it is exactly the kind of input that Mr. Johnson/HR Dynamics was looking for and he would collect their responses tomorrow.

Mr. Heady said that he did write it down and he hoped that it would be duly noted by Mr. Johnson.

4. Discussion of City Attorney's salary – Councilmember Heady

Mr. Heady suggested that before they put out a lot of advertisements for a City Attorney, that maybe they could should sit and discuss what kind of payment structure they would be willing to look at. He said one thing that he would like to see is the advertised salaries be reduced considerably from what it seems the public perception is at this point.

Mayor Kramer asked for a copy of the City Attorney's job description.

Mrs. Turner expressed that she has requested a summary of all of the outside counsel that they have used for the past three years.

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Jay Kramer's Matters

1. Correspondence

Mayor Kramer reported that there has been some correspondence between himself and Governmental Services Group (GSG), which is a group who specializes in utility authorities and who are willing to look at their utilities, both the electric and the water side. He will give Council a copy of the information that he has received from GSG.

2. Committee Reports

Mayor Kramer reported that he was still doing taxes for the community at the United Way offices on Saturday mornings.

3. Comments

B. Vice Mayor Pilar Turner's Matters

1. Correspondence

2. Committee Reports

3. Comments

Mrs. Turner reported that she attended the business meeting of MainStreet downtown and enjoyed their hospitality. She attended a meeting where the pill mill issue was discussed; she attended Coffee with the Council, Every Woman for my Sister, which was an event/fundraiser for domestic abuse, the St. Patty's Day Parade, and the Vero Art Club Under the Oaks annual event.

C. Councilmember Tracy Carroll's Matters

1. Correspondence

2. Committee Reports

3. Comments

Mrs. Carroll reported that she spoke to a group about Woman's History month, she attended Coffee with the Council where they discussed that this event was no longer

being televised and no staff was attending. She thought that they might want to revisit that matter. She showed the new book that can be purchased at the Vero Beach Book store, which has pictures of old Vero Beach High School football teams, etc. She felt that the community would be interested in getting a copy of this book.

Mayor Kramer received consensus from the rest of the Council to request that the City Clerk look into televising the production “Annie” on Channel 13. The play is now being performed at the Theater Guild.

D. Councilmember Brian Heady’s Matters

1. Correspondence

Mr. Heady brought up an email that was sent to City Hall and there were some concerns from this particular citizen about who is in charge of the City. Is it the City Council, the County Commission or Dr. Stephen Faherty and Mr. Glenn Heran. He did not feel that Dr. Faherty, Mr. Heran or the County Commission were in control of the City. The citizen mentioned the data being put out by Dr. Faherty and Mr. Heran and said that Council should be irate and embarrassed about what is being put out. Mr. Heady said that he was neither irate nor embarrassed. He said when citizens come before Council and offer their opinion it does not mean that they are right or wrong, but this kind of criticism is way off base. Their job as Councilmembers is to represent the public and they can’t represent the public if they don’t listen to them. He appreciated this Council’s position to allow people like Dr. Faherty and Mr. Heran to come before them and make presentations. He said if all governing bodies were as willing to listen to citizens as this Council then some good decisions will be made.

Mr. Heady brought up another piece of correspondence that he received and that was from Mr. Frank Zorc. Mr. Zorc would like for them to encourage an EPA Representative to look into some issues that he claims are involving contaminations. He said that this may be an issue that needs to be looked at and he has asked Council to write a letter. Mr. Heady expressed that any Councilmember is free to write on City stationery, a letter asking this EPA Representative to review and investigate this complaint. He said it would probably be more meaningful if this Council considered that the Mayor send a request to this person asking him to at least look into the issue.

Mrs. Carroll said that she has not received a copy of this letter and requested a copy.

Mr. Heady thought that maybe at the next meeting they could continue discussion on this matter.

2. Committee Reports

3. Comments

A) Any item or items removed from meeting agenda

E. Councilmember Craig Fletcher’s Matters

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

Mr. Fletcher reported that the interested parties from downtown have met twice with Chris Mora, Indian River County Public Works Director and John King, Indian River County Emergency Services Director, concerning the twin pairs. He said that he will be working on setting up another meeting for this group to meet again.

11. ADJOURNMENT

Mr. Heady made a motion to adjourn the meeting at 9:51 p.m. Mr. Fletcher seconded the motion and it passed unanimously.

/tv

Vock, Tammy

2C-1)

From: Dr. Stephen J. Faherty, Sr. [fahertydoc@earthlink.net]
Sent: Tuesday, March 08, 2011 2:55 PM
To: Vock, Tammy
Cc: 'Glenn Heran'
Subject: March 15, 2011 City Council Meeting
Attachments: Presentation to COVB on WSI - 11-03-15.ppt

Tammy:

Attached are materials relating to presentation Glenn Heran and I would like to give at the City Council meeting on Tuesday, March 15, 2011, for 6:00 pm meeting.

Thanks

Steve Faherty

**WSI PRESENTATION TO
VERO BEACH CITY COUNCIL**

BY

**GLENN HERAN, CPA
&
DR. STEPHEN J. FAHERTY, SR.**

TUESDAY, MARCH 15, 2011

WSI MODEL ASSUMPTIONS

- **County Board notifies City by July 2011 it will take over WSI for current County customers of City in 2017 at latest**
- **City and County merge Reuse water systems in 2011 for benefit of Shores, City, and County customers**
- **City and Shores divide their infrastructure into what would exist as of November 2016**
- **In exchange for the County taking over City WSI debt and employee liabilities, City transfers its 2016 WSI infrastructure to County**
- **In exchange for the Shores participating in the consolidated WSI, lower rates, and not having to build infrastructure, the Shores transfers its 2016 infrastructure to the County**
- **City and Shores enter into 30 year water & sewer franchise agreements with County in 2011 with or without buyback**
- **County does not increase WSI rates for next 10 years**
- **Current County rates decrease 2% for ALL County (current and additional), City, and Shores customers.**

WSI MODEL ASSUMPTIONS CONTINUED

- **City customers pay additional 5% deferred maintenance adjustment charge for initial 5 years because of City deferred capital WSI projects**
- **Shores customers pay additional 5% deferred maintenance adjustment charge for initial 5 years because of City deferred capital WSI projects**
- **City removes Riverside sewer plant (City uses land as it sees fit but who pays for removal?) in 2013 and connects to County's sewer system at old Post Office site (17th St. & Indian River Blvd.)**
- **All new building impact fees are paid to County after franchise agreements are signed and current deposited impact fees for WSI are accounted for, and transferred to, County from City and from Shores**
- **County provides consolidated water & sewer operations, customer service, emergency response, etc., to County, City, and Shores.**
- **ALL customers have ability to vote for those running the County WSI system – the County Board!**

City of Vero Beach



2009 Water and Wastewater Rate Study Prepared on August 19, 2009

Presented By:

Presented By:

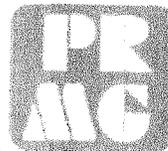
Public Resources Management Group, Inc.
Utility, Rate, Financial and Management Consultants

SUMMARY BILL COMPARISON

Residential Water and Wastewater Services - 5/8" Meter

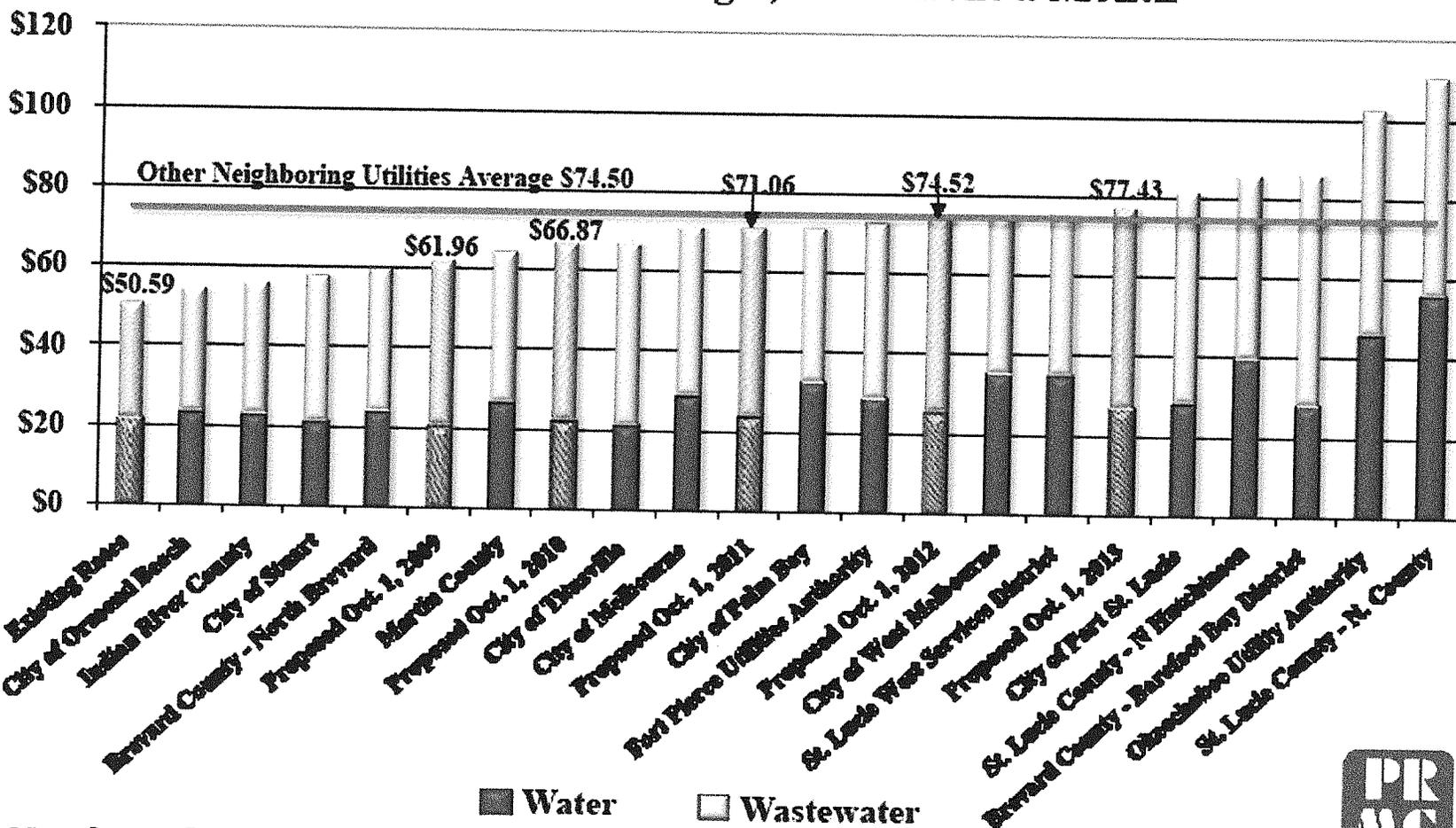
Monthly Usage (KGAL)	Existing	Proposed - Fiscal Year 2010			Proposed (Cumulative) - Fiscal Year 2014			Bills Rendered	
	Monthly Bill	Proposed Oct-09	Increase Amount	Increase Percent	Proposed Oct-13	Cumulative Amount	Cumulative Percent	Annually	Cumulative Percent
0	\$33.49	\$33.49	\$0.00	0.0%	\$37.49	\$4.00	11.9%	167	3.4%
1	33.49	37.91	4.42	13.2%	43.87	10.38	31.0%	277	5.7%
2	33.49	42.33	8.84	26.4%	50.25	16.76	50.0%	441	9.0%
3	33.49	46.75	13.26	39.6%	56.63	23.14	69.1%	647	13.2%
4	39.19	51.17	11.98	30.6%	63.01	23.82	60.8%	848	17.3%
5	44.89	55.59	10.70	23.8%	69.39	24.50	54.6%	1,073	21.9%
6	50.59	61.96	11.37	22.5%	77.43	26.84	53.1%	1,325	27.0%
8	61.99	74.70	12.71	20.5%	93.51	31.52	50.8%	1,682	34.3%
10	73.39	87.44	14.05	19.1%	109.59	36.20	49.3%	1,968	40.1%
15	86.39	101.34	14.95	17.3%	126.19	39.80	46.1%	2,580	52.6%
20	112.44	129.14	16.70	14.9%	159.39	46.95	41.8%	3,076	62.8%
30	164.54	184.74	20.20	12.3%	225.79	61.25	37.2%	3,668	74.9%
40	229.74	254.24	24.50	10.7%	308.79	79.05	34.4%	3,987	81.3%
50	294.94	323.74	28.80	9.8%	391.79	96.85	32.8%	4,183	85.3%

= Reflects the average monthly use per account.



Residential Combined Comparison of Neighboring Utilities

5/8" Meter Utilizing 6,000 Gallons a Month



Conclusion and Recommendation

- **The City's existing rates are not sufficient to fund the net revenue requirements of the water and wastewater systems through Fiscal Year 2014**
- **The City Council should adopt the proposed water and wastewater rates through Fiscal Year 2014 beginning with bills rendered on or after October 1, 2009**



FINANCIAL HEALTH

OF COUNTY

&

OF CITY

WATER/SEWER UTILITIES

IRCU WSI Balance Sheet 2007-2010 CAFR

	2006-2007 IRCU	2007-2008 IRCU	2008-2009 IRCU	2009-2010 IRCU
ASSETS				
Cash - Unrestricted	34,340,820	34,162,082	28,535,779	30,060,604
Cash - Restricted	72,673,728	41,030,999	32,218,164	30,092,298
Investments - Restricted	-	-	-	-
Total Cash & Investments	107,014,548	75,193,081	60,753,943	60,152,902
Accounts Receivable	3,158,307	3,095,009	2,531,648	5,159,949
Other Receivables & Assets	8,924,594	8,015,565	9,255,381	6,854,436
PP&E Non Depreciable	333,816,737	376,162,322	399,640,594	407,669,219
Accumulated Depreciation	(129,114,434)	(142,435,705)	(154,502,192)	(168,619,963)
Total Assets	323,799,752	320,030,272	317,679,374	311,216,543
LIABILITIES				
Payables & Other Liabilities	13,917,402	11,535,964	7,341,455	8,598,296
Bonds Payable S/T and L/T	59,908,097	57,285,080	56,123,413	53,016,509
Total Liabilities	73,825,499	68,821,044	63,464,868	61,614,805
NET ASSETS	249,974,253	251,209,228	254,214,506	249,601,738
Net Assets and Liabilities	323,799,752	320,030,272	317,679,374	311,216,543
% of Debt that could be paid off with cash	145%	109%	96%	98%
Assets/(Liabilities) net of PP&E	45,271,950	17,482,611	9,076,104	10,552,482

COVB WSI
Balance Sheet 2007-2010 CAFR

	2006-2007 COVB	2007-2008 COVB	2008-2009 COVB	Pre Audit 2009-2010 COVB
ASSETS				
Cash - Unrestricted	2,238,847	1,119,935	-	1,873,247
Cash - Restricted	986,056	636,037	1,056,411	1,357,689
Investments - Restricted	800,000	800,000	-	-
Total Cash & Investments	4,024,903	2,555,972	1,056,411	3,230,936
Accounts Receivable	2,494,726	2,225,172	2,493,916	2,790,818
Other Receivables and Assets	575,958	1,150,242	980,159	914,136
PP&E Depreciable	106,559,858	110,154,499	113,259,830	128,178,508
Accumulated Depreciation	(53,000,791)	(55,585,327)	(58,222,456)	(60,939,000)
Total Assets	60,654,654	60,500,558	59,567,860	74,175,398
LIABILITIES				
Payables & Other Liabilities	1,909,638	2,775,758	2,763,623	3,249,673
Bonds Payable S/T and L/T	14,285,809	14,833,000	14,398,000	24,233,287
Total Liabilities	16,195,447	17,608,758	17,161,623	27,482,960
NET ASSETS	44,459,207	42,891,800	42,406,237	46,692,438
Net Assets and Liabilities	60,654,654	60,500,558	59,567,860	74,175,398
% of Debt that could be paid off with cash	25%	15%	6%	12%
Assets/(Liabilities) net of PP&E	(9,099,860)	(11,677,372)	(12,631,137)	(20,547,070) 10

IRCU TO COVB WSI Balance Sheet 2010 CAFR COMPARISON

	2009-2010 IRCU	2009-2010 COVB
ASSETS		
Cash - Unrestricted	30,060,604	1,873,247
Cash - Restricted	30,092,298	1,357,689
Investments - Restricted	-	-
Total Cash & Investments	60,152,902	3,230,936
Accounts Receivable	5,159,949	2,790,818
Other Receivables and Assets	6,854,436	914,136
PP&E Depreciable	407,669,219	128,178,508
Accumulated Depreciation	(168,619,963)	(60,939,000)
Total Assets	311,216,543	74,175,398
LIABILITIES		
Payables & Other Liabilities	8,598,296	3,249,673
Bonds Payable S/T and L/T	53,016,509	24,233,287
Total Liabilities	61,614,805	27,482,960
NET ASSETS	249,601,738	46,692,438
Net Assets and Liabilities	311,216,543	74,175,398
% of Debt that could be paid off with cash	98%	12%
Assets/(Liabilities) net of PP&E	10,552,482	(20,547,070)

Rate Sufficiency Requirement Rate Components

Revenue requirements such that rate sufficiency is met must include the following items to be collected in rates for service:

- 1 Annual Operating Costs**
- 2 Annual ROUTINE Capital Replacement and Renewal**
- 3 Bond Interest**
- 4 Bond Principal**
- 5 5% Reserve for MAJOR Capital Replacement and Renewal**
- 6 5% Reserve for Regulatory risk**

IRCU Rate Sufficiency Cash Flow

Per IRCU CAFR	IRCU 2006-2007	IRCU 2007-2008	IRCU 2008-2009	IRCU 2009-2010
Inflows				
Charges for Service	27,541,849	27,876,971	26,957,649	25,946,003
Interest income	6,576,873	3,650,480	2,110,031	686,776
Other	11,626	221,345	338,069	2,258,944
Total Inflows	34,130,348	31,748,796	29,405,749	28,891,723
Outflows				
Operating Expense - Personnel	7,895,192	8,235,177	8,093,873	7,877,126
Operating Expense - Material & Supplies	8,331,465	9,245,600	6,555,119	8,129,992
Total Operating costs	16,226,657	17,480,777	14,648,992	16,007,118
Routine Renewal and Replacement	4,718,573	6,894,149	5,271,975	1,601,015
Interest Expense	3,031,300	2,912,579	2,807,964	2,556,605
Principal Payment	2,505,000	2,620,000	2,745,000	2,824,305
Total Debt Service	5,536,300	5,532,579	5,552,964	5,380,910
Reserve for Major Capital R&R 5% of Revenue	1,706,517	1,587,440	1,470,287	1,444,586
Reserve for Regulatory Risk 5% of Revenue	1,706,517	1,587,440	1,470,287	1,444,586
Transfers to General Fund	-	-	-	-
Total Outflows	29,894,565	33,082,385	28,414,506	25,878,215
Net Cash Flow/Rate sufficiency	4,235,783	(1,333,589)	991,243	3,013,508
Required rate decrease if positive	12%	-4%	3%	10%

COVB Rate Sufficiency Cash Flow

Per COVB CAFR	COVB 2006-2007	COVB 2007-2008	COVB 2008-2009	ESTIMATED COVB 2009-2010
Inflows				
Charges for Service	15,310,166	14,392,131	15,364,272	17,157,092
Interest income	238,316	113,571	133,778	127,109
Other	19,955	290,372	12,607	2,409,311
Total Inflows	15,568,437	14,796,074	15,510,657	19,693,512
Outflows				
Operating Expense - Personnel	-	-		-
Operating Expense - Material & Supplies	-	-		-
Total Operating costs	11,565,156	11,761,383	11,906,756	11,200,939
Routine Renewal and Replacement (net of Contributions)	1,715,759	2,791,837	3,063,514	3,063,514
Interest Expense	598,195	1,350,249	629,500	613,980
Principle Payment	768,001	94,000	435,000	900,000
Total Debt Service	1,366,196	1,444,249	1,064,500	1,513,980
Reserve for Major Capital R&R 5% of Revenue	778,422	739,804	775,533	984,676
Reserve for Regulatory Risk 5% of Revenue	778,422	739,804	775,533	984,676
Transfers to General Fund	1,085,100	867,193	859,950	859,950
Total Outflows	17,289,055	18,344,269	18,445,786	18,607,734
Net Cash Flow/Rate sufficiency	(1,720,618)	(3,548,195)	(2,935,129)	1,085,778
Required rate increase if negative	-11%	-24%	-19%	6%

IRCU to COVB WSI Rate Sufficiency 2006 - 2010 CAFR Comparison

Per IRCU & COVB CAFRs	4 Year Average 2006-2010 IRCU	4 Year Average 2006-2009 COVB
Inflows		
Charges for Service	27,080,618	15,555,915
Interest income	3,256,040	153,194
Other	707,496	683,061
Total Inflows	31,044,154	16,392,170
Outflows		
Operating Expense - Personnel	8,025,342	-
Operating Expense - Material & Supplies	8,065,544	-
Total Operating costs	16,090,886	11,608,559
Interest Expense	2,827,112	797,981
Principle Payment	2,673,576	549,250
Total Debt Service	5,500,688	1,347,231
Reserve for Major Capital R&R 5% of Revenue	1,552,208	819,609
Reserve for Regulatory Risk 5% of Revenue	1,552,208	819,609
Transfers to General Fund	-	918,048
Total Outflows	29,317,418	18,171,711
Net Cash Flow/Rate sufficiency	1,726,736	(1,779,541)
Required rate increase if negative	6%	-11%

REGIONALIZATION - IMPACT ON RATES

IRCU WSI Regionalization Plan

	43,000	13,374		NEW 56,374
# of Customers				
% increase with New Territory		31%		
	IRCU 4 year Average 2006-2010	Total COVB New Territory	Reduction for 30% Fixed Cost	Consolidated Revenue Requirement
Inflows				
Charges for Service	27,080,618	8,422,702		35,503,320
Other	707,496	220,048		927,544
Savings from New Territory				764,807
Savings from Fixed cost efficiency				(1,501,392)
Total Charges for Service	27,788,114	8,642,750		35,694,279
Interest income	3,256,040	-		3,256,040
Total Inflows	31,044,154	8,642,750		38,950,319
Outflows				
Operating Expense - Personnel	8,025,342	2,496,068	(748,820)	9,772,590
Operating Expense - Material & Supplies	8,065,544	2,508,572	(752,572)	9,821,544
Total Operating costs	16,090,886	5,004,640	(1,501,392)	19,594,134
Routine Renewal and Replacement	4,621,428	1,437,372		6,058,800
Interest Expense	2,827,112	821,883		3,648,995
Principal Payment	2,673,576	1,178,117		3,851,693
Total Debt Service	5,500,688	2,000,000		7,500,688
Reserve for Major Capital R&R	1,552,208	482,773		2,034,980
Reserve for Regulatory Risk 5% of Revenue	1,552,208	482,773		2,034,980
Transfers to General Fund	-	-		-
Total Outflows	29,317,418	9,407,557		37,223,582
Net Cash Flow/Rate sufficiency	1,726,736	(764,807)	(1,501,392)	1,726,736
Revenue Requirement Base/Consumption				
Rate per Customer per year	\$ 646.24			\$ 633.17
% Drop in Base & Consumption Rates due to Regionalization				-2%

WSI Regionalization Plan

Rate reduction due to Regionalization	-2%
Cost Reduction for Fixed Cost Sharing	30%
Deferred Maintenance Impact for County	0%
Deferred Maintenance Impact Shores	5%
Deferred Maintenance Impact City	5%
Debt Absorption City	2,000,000

Consumption	6,000	Gallons
Meter Code	0.625	
Meter Size	5/8	
Meter Code	Meter Size	
0.625	5/8	
0.750	3/4	
1.000	1	
1.500	1 1/2	
2.000	2	
3.000	3	
4.000	4	
6.000	6	
Number of Customers		
Existing IRCU	43,000	
COVB meter count	13,374	
Total combined customer count	56,374	
COVB City	7,489	56%
COVB County	2,942	22%
COVB Shores	2,942	22%
Total COVB Territory	13,374	100%

COVB Bond Amortization

Interest Rate

4.00%

	Year	Impact Payment	Interest	Principal	Net Debt Balance
					20,547,070
1	2011	2,000,000	821,883	1,178,117	19,368,953
2	2012	2,000,000	774,758	1,225,242	18,143,711
3	2013	2,000,000	725,748	1,274,252	16,869,459
4	2014	2,000,000	674,778	1,325,222	15,544,238
5	2015	2,000,000	621,770	1,378,230	14,166,007
6	2016	2,000,000	566,640	1,433,360	12,732,648
7	2017	2,000,000	509,306	1,490,694	11,241,953
8	2018	2,000,000	449,678	1,550,322	9,691,632
9	2019	2,000,000	387,665	1,612,335	8,079,297
10	2020	2,000,000	323,172	1,676,828	6,402,469
11	2021	2,000,000	256,099	1,743,901	4,658,567
12	2022	2,000,000	186,343	1,813,657	2,844,910
13	2023	2,000,000	113,796	1,886,204	958,707
14	2024	2,000,000	38,348	958,707	-

Residential Water & Sewer
Residential Water & Sewer Bills for Service (before Tax)
April 2010 to Oct 2016
IRCU Vs City

Meter Size	5/8								
Month		Apr	Oct						
Year		2010	2010	2011	2012	2013	2014	2015	2016
Consumption		6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Service									
Water & Sewer									
IRCU Today		55.94	55.94	55.94	55.94	55.94	55.94	55.94	55.94
Shores & County PRMG		68.20	73.55	78.16	81.97	85.17	85.17	85.17	85.17
City Inside PRMG		61.96	66.87	71.06	74.52	77.43	77.43	77.43	77.43
New IRCU		54.81	54.81	54.81	54.81	54.81	54.81	54.81	54.81
New Shores		57.60	57.60	57.60	57.60	57.60	57.60	57.60	57.60
New City		57.60	57.60	57.60	57.60	57.60	57.60	57.60	57.60

Residential Water & Sewer % Difference vs IRCU Today

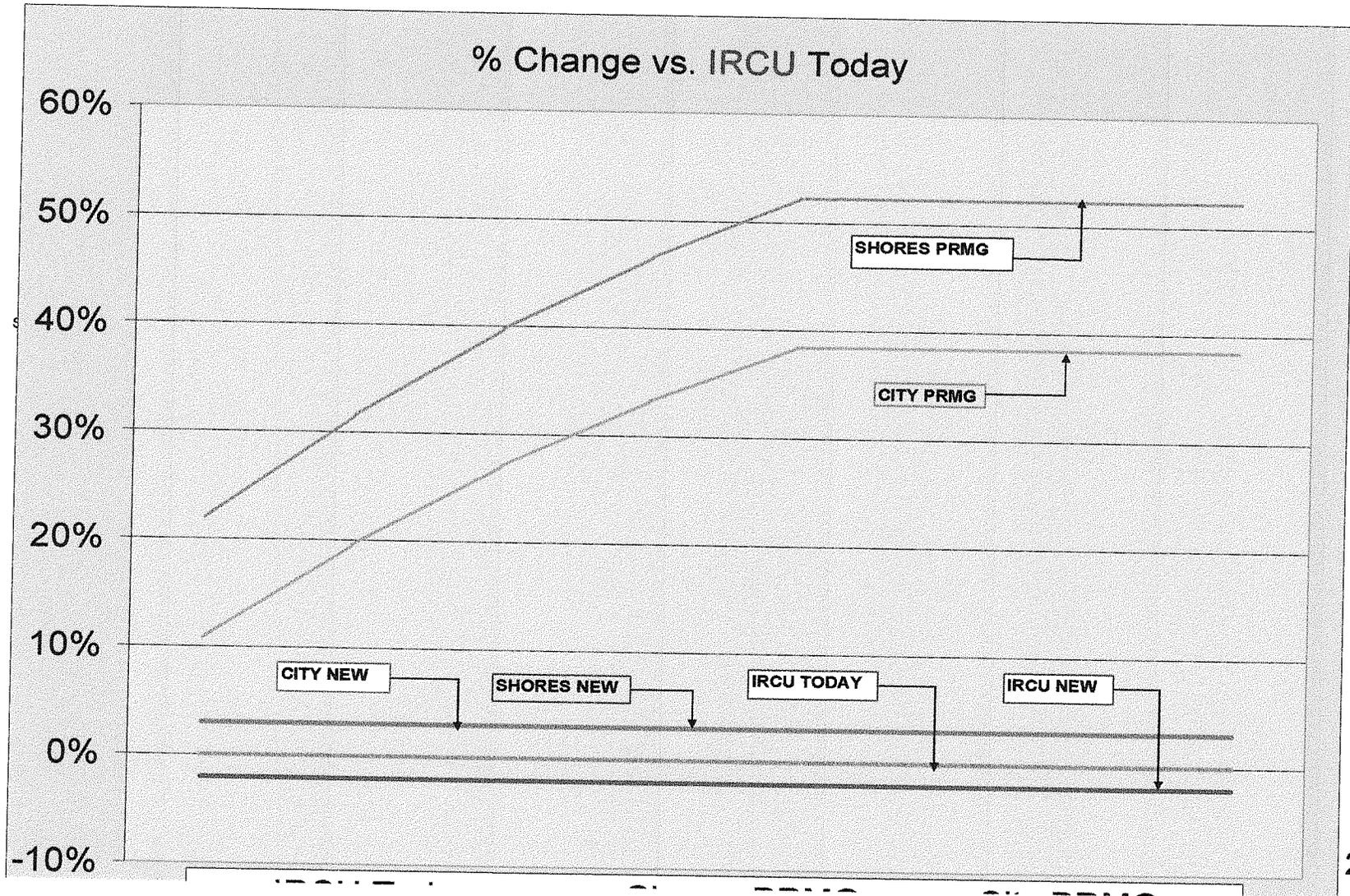
April 2010 to Oct 2016

IRCU Vs City (service before tax)

Meter Size	5/8								
Month		Apr	Oct						
Year		2010	2010	2011	2012	2013	2014	2015	2016
Consumption		6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
% Differences vs IRCU Today									
Water & Sewer									
IRCU Today		0%	0%	0%	0%	0%	0%	0%	0%
Shores & County PRMG		22%	31%	40%	47%	52%	52%	52%	52%
City Inside PRMG		11%	20%	27%	33%	38%	38%	38%	38%
New IRCU		-2%	-2%	-2%	-2%	-2%	-2%	-2%	-2%
New Shores		3%	3%	3%	3%	3%	3%	3%	3%
New City		3%	3%	3%	3%	3%	3%	3%	3%

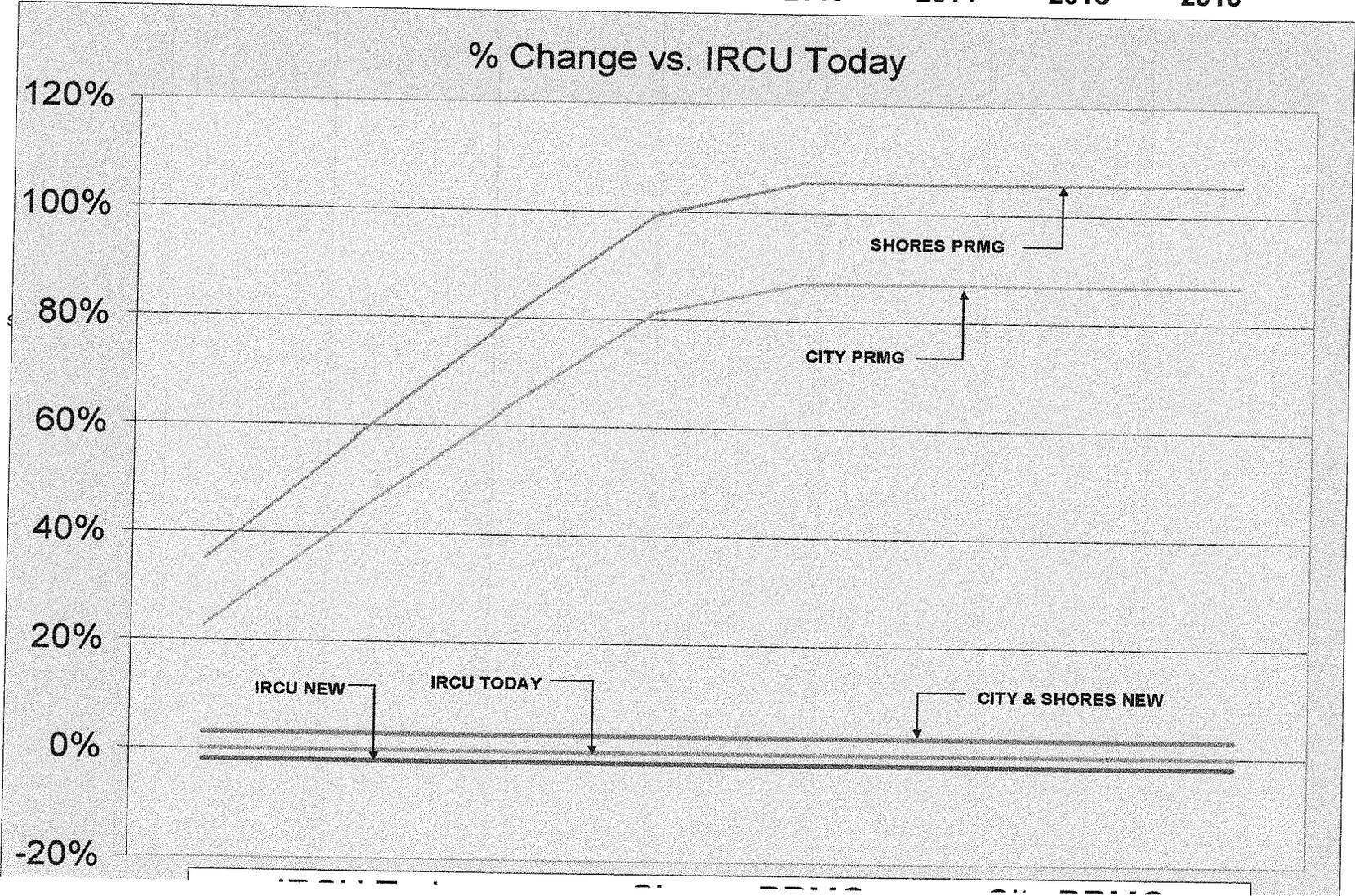
Residential Water & Sewer Bill Graph - April 2010 to Oct 2016
IRCU Vs CITY (service before tax)

Consumption Meter Size Month Year	6,000 5/8 Apr 2010	Oct 2010	Oct 2011	Oct 2012	Oct 2013	Oct 2014	Oct 2015	Oct 2016
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Residential Water & Sewer Bill Graph - April 2010 to Oct 2016
IRCU Vs City (service before tax)

Consumption	12,000							
Meter Size	1 1/2							
Month	Apr	Oct						
Year	2010	2010	2011	2012	2013	2014	2015	2016



THANK YOU!



2D-6)

City Council Agenda Item

Meeting of March 15, 2011

TO: Mayor Jay Kramer
Vice Mayor Pilar Turner
Councilmember Brian Heady
Councilmember Craig Fletcher
Councilmember Tracy Carroll

FROM: Monte K. Falls, P.E. - Interim City Manager

MKF 3/8/11

DATE: March 8, 2011

SUBJECT: Crestlawn Cemetery Columbarium – Recommendation of Final Pay – City of Vero Beach Public Works Project No. 2009-09 – Bid No. 240-10/JV

REQUESTED BY: Interim Assistant Public Works Director

The following is requested as it relates to the above-referenced agenda item:

- Request Council review and approval based on the attached supporting documentation.
 - Request Council review and possible action.
 - No action required. (Information only)
-



DEPARTMENTAL CORRESPONDENCE

TO: Monte K. Falls, Interim City Manager
DEPT: City Manager

VIA: Donald H. Dexter, Jr., Interim Assistant Director *DHDX 3/9/11*
DEPT: Public Works

FROM: Nanette Haynes, Grounds Maintenance Manager *NHaynes*
DEPT: Public Works

DATE: March 8, 2011

RE: **Crestlawn Cemetery Columbarium
Recommendation of Final Pay
City Of Vero Beach Public Works Project No. 2009-09
Bid No. 240-10/JV**

Recommendation:

- Place this item on the agenda for the March 15, 2011 meeting of the City Council;
- Accept the project as complete;
- Approve final payment of \$17,800.

Funding:

Funding for this project is from account number 603.3307.539.609002.

Background:

This contract was to provide and install eight (8) columbaria on the parcel of land located in the northwest corner of Crestlawn Cemetery. The project also included the foundation slab, installation of an irrigation system and landscaping for this area which was performed by City crews, with a contractor installing the trees/palms.

This project was approved in the 2008/2009 budget for \$260,000. The contract for supply and installation of the columbaria was awarded on July 20, 2010 to Brian Couture's Cemetery Lettering for \$178,000. The remainder of the budget was for the foundation, irrigation, landscaping and engineering/survey.

The contract portion of this project was completed on January 28, 2011, and we confirm it was constructed in accordance with the contract specifications and that \$178,000 represents the total amount of contract work completed. Therefore, we recommend final payment in the amount of \$17,800.00.

Upon Council's acceptance of this project the one-year warranty period will begin.

We have attached one copy of the final pay request and the contractor's final request for payment affidavit. By copy of this correspondence (with attachments) to Steve Maillet, Finance Director we are notifying him of this action.

Attachments

Cc: Steve Maillet, Finance Director
John O'Brien, Purchasing Manager
Brian Couture

NH/ntn

AFFIDAVIT

STATE OF Florida

COUNTY OF _____

Before me personally appeared the undersigned who, by me being first duly sworn, deposes and says:

The undersigned is a sub-Contractor under the prime Contractor under a Contract entered into by and between the City of Vero Beach, Florida, and

Brian Couture

for the performance of the following described Work:

The undersigned further deposes and says that said labor, materials, and/or services were of a total value of \$ 124,000 of which there remains due owing and unpaid the sum of \$ 0.- to the undersigned.

Corporate Seal

Brian Couture
Sub-Contractor

WITNESS:

[Signature]
L. Glinton

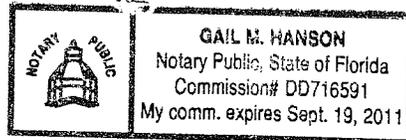
By: _____

Title: _____

Sworn to and subscribed before me this 7 day of MARCH, 2011.

Notary Seal

Gail M. Hanson
Notary Public State of Florida
at Large



20-7)



City Council Agenda Item

March 15, 2011

TO: The Honorable Mayor and Members of the City Council
FROM: Monte K. Falls, Interim City Manager *MKFALLS 3/8/11*
DATE: March 8, 2011

SUBJECT: **Monthly Capital Projects' Status Reports**
REQUESTED BY: Airport, Public Works, and Water and Sewer Department

The following is requested as it relates to the above-referenced agenda item:

- Request Council review and approval based on the attached supporting documentation.
- Request Council review and possible action.
- No action required. (Information only)

FAR PART 77 APPROACH SURVEYS AND OBSTRUCTIONS REMOVAL, PHASE 1

STATUS REPORT AS OF 04-MARCH-11

DEPARTMENT:
AIRPORT

ENGINEER:
URS CORPORATION



PROJECT #: FDOT - 405770-1-94-01
AIP-3-12-0083-033-2009

BID #: N/A

BID OPENING: N/A

COUNCIL APPROVAL: N/A

FUNDING: FAA/FDOT/AIRPORT

BUDGET: \$200,000.00

ACCOUNT #: 443.4000.542.607001

CONTRACTOR:
N/A

SCOPE OF WORK:

Complete GPS Aeronautical survey and design work needed to meet Federal Aviation Administration (FAA) requirements for obstruction removal in the approaches and transitional areas of all 3 runways at the Airport.

STATUS:

The survey and design work is complete. Consultant's sub-contractor will be retained to monitor the clearing/trimming in Phase 2 of the project.

FUNDING:

This Project has a budget of \$200,000.00. The Airport has a FDOT Grant in the amount of \$11,606.00, and a FAA Grant in the amount of \$131,927.00 which leaves \$11,606.00 for the Airport to fund. No General Funds were used for this project.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

	ENGINEER	CONTRACTOR	OTHER	TOTAL
ORIGINAL CONTRACT AMOUNT	\$144,139.00	\$0.00	\$0.00	\$144,139.00
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	\$0.00	\$0.00	\$0.00
ADJUSTED CONTRACT AMOUNT TO DATE	\$144,139.00	\$0.00	\$0.00	\$144,139.00
TOTAL COST OF WORK PERFORMED TO DATE	\$105,199.18	\$0.00	\$2,568.00	\$107,767.18
% OF WORK COMPLETE	72.98%	0.00%	0.00%	-
CONTRACT DATE	N/A	N/A	N/A	-
NOTICE TO PROCEED	N/A	N/A	N/A	-
TIME OF COMPLETION	N/A	N/A	N/A	-
CONTRACT DAY	N/A	N/A	N/A	-
CHANGE ORDER NUMBER	N/A	N/A	N/A	-
% OF CONTRACT TIME COMPLETE	N/A	N/A	N/A	-

**NO PHOTOS
(DESIGN ONLY)**

REHAB RUNWAY 11L/29R INCLUDING TAXIWAY F AND CONNECTORS AND LIGHTING

STATUS REPORT AS OF 04-MARCH-11

DEPARTMENT:
AIRPORT

ENGINEER:
WILBUR SMITH ASSOCIATES

CONTRACTOR:
RANGER CONSTRUCTION INC.



PROJECT #: FDOT - 416303-1-94-01
BID #: 440-09/CSS
BID OPENING: 16-Mar-10
COUNCIL APPROVAL: 6-Apr-10
FUNDING: FDOT/AIRPORT
BUDGET: \$3,000,000.00
ACCOUNT #: 443.4000.542.605001

SCOPE OF WORK:

This project provides for the pavement rehabilitation of Runway 11L-29R, Taxiway F and Connector Taxiways A, D, F1 and F2. Taxiway F and Connector Taxiways A, D, F1 and F2 will also be widened from 25 to 35 feet. Taxiway F will be reconfigured at the Runway 22 Approach. The Runway 11L-29R airfield lighting will be removed and replaced with Light Emitting Diode (LED) medium intensity runway and taxiway lights to include a new complete "can and conduit" system. The existing 2-box Precision Approach Path Indicator (PAPI) serving Runway 11L will be replaced with a new 2-box PAPI. The existing 2-box PAPI serving Runway 29R will receive a new power control unit. All existing incandescent taxiway edge lights throughout the airport will be replaced with LED medium intensity taxiway lights. Existing stormwater inlets and drainage pipe within the project area will be replaced. The soil within the Runway 29R Safety Area will be stabilized and resodded. Project also includes remarking primary Runway 11R/29L.

STATUS:

A new Precision Approach Path Indicator (PAPI) was installed in mid-February to replace the existing out-dated PAPI. The PAPI was tested on March 3, 2011, by the FAA to make sure it is working properly. The project is complete and the final close-out process is currently underway. The project has come in under budget, it is anticipated that the final change order to decrease the project amount and final pay request will go to City Council for approval in April.

FUNDING:

This Project has a budget amount of \$3,000,000.00, with a 80/20 split with the Florida Department of Transportation (FDOT). FDOT funded \$2,400,000.00 and the Airport funded \$600,000.00. No General Funds were used for this project.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

	ENGINEER	CONTRACTOR	OTHER	TOTAL
ORIGINAL CONTRACT AMOUNT	\$129,572.00	\$1,938,527.82	\$0.00	\$2,068,099.82
CHANGE ORDERS TO DATE (TOTAL)	\$301,018.64	\$464,934.00	\$0.00	\$765,952.64
ADJUSTED CONTRACT AMOUNT TO DATE	\$430,590.64	\$2,403,461.82	\$0.00	\$2,834,052.46
TOTAL COST OF WORK PERFORMED TO DATE	\$425,180.70	\$2,147,372.65	\$38,738.00	\$2,611,291.35
% OF WORK COMPLETE	98.74%	89.34%	0.00%	-
CONTRACT DATE	12-Mar-07	6-May-10	N/A	-
NOTICE TO PROCEED	N/A	1-Jun-10	N/A	-
TIME OF COMPLETION	205	205	N/A	-
CONTRACT DAY	205	205	N/A	-
CHANGE ORDER NUMBER	4	4	N/A	-
% OF CONTRACT TIME COMPLETE	100.00%	100.00%	N/A	-



Precision Approach Path Indicator (PAPI)



FAA - PAPI Testing

CONSTRUCT AN OPERATIONS FACILITY AND HANGARS

STATUS REPORT AS OF 04-MARCH-11

DEPARTMENT:
AIRPORT

ENGINEER:
URS CORPORATION



PROJECT #: FDOT - 420768-1-94-01
BID #: IN PROCESS
BID OPENING: IN PROCESS
COUNCIL APPROVAL: PENDING
FUNDING: FEMA/FDOT/AIRPORT
BUDGET: \$2,400,000.00
ACCOUNT #: 443.4000.542.608006

CONTRACTOR:
NOT YET SELECTED

SCOPE OF WORK:

This project will construct a new Airport Operations Facility for use in maintenance and upkeep of the public airfield. In addition, using local and Federal Emergency Management Agency (FEMA) funding encumbered since the hurricanes which impacted this area in 2004, 3 replacement hangars will be constructed.

STATUS:

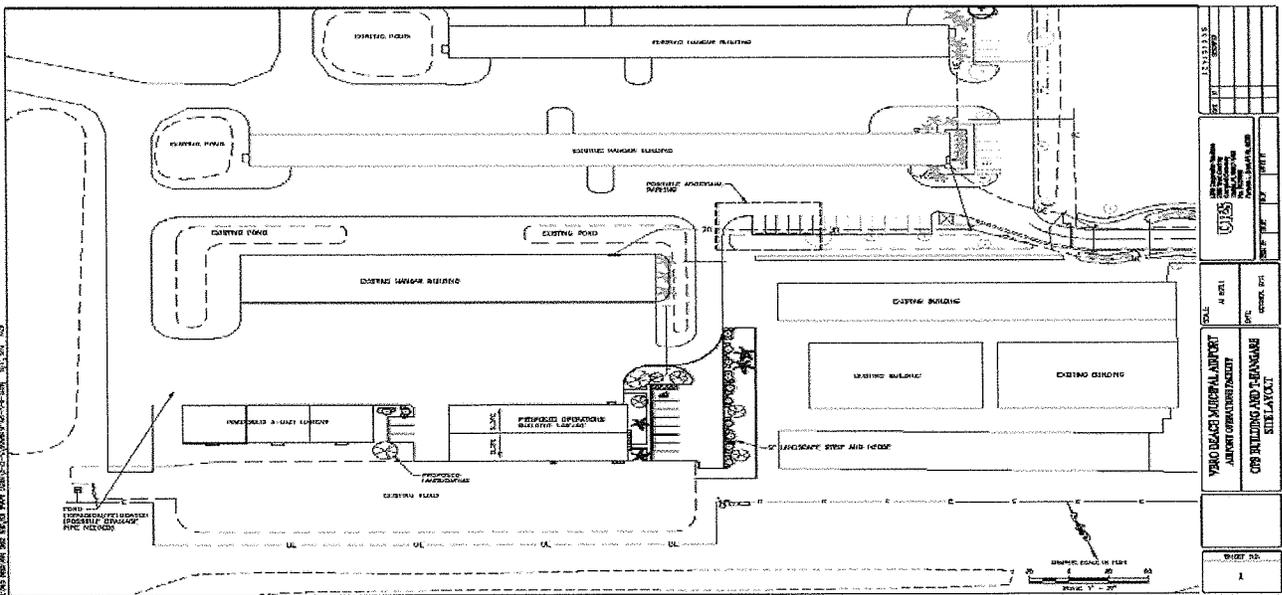
Airport staff has had several meetings with John Dean, the professional architect assigned to the project to begin design phase of the new operations facility and hangars.

FUNDING:

This Project has a budget amount of \$2,400,000.00, the Airport has a FDOT Grant in the amount of \$1,600,000.00, and FEMA money from the 2004 Hurricanes amount of \$400,000.00, leaving \$400,000.00 for the Airport to fund. No General Funds will be used for this project.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

	ENGINEER	CONTRACTOR	OTHER	TOTAL
ORIGINAL CONTRACT AMOUNT	\$199,096.00	\$0.00	\$0.00	\$199,096.00
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	\$0.00	\$0.00	\$0.00
ADJUSTED CONTRACT AMOUNT TO DATE	\$199,096.00	\$0.00	\$0.00	\$199,096.00
TOTAL COST OF WORK PERFORMED TO DATE	\$7,500.00	\$0.00	\$0.00	\$7,500.00
% OF WORK COMPLETE	0.00%	0.00%	0.00%	-
CONTRACT DATE	12-Mar-07	N/A	N/A	-
NOTICE TO PROCEED	N/A	N/A	N/A	-
TIME OF COMPLETION	N/A	N/A	N/A	-
CONTRACT DAY	N/A	N/A	N/A	-
CHANGE ORDER NUMBER	N/A	N/A	N/A	-
% OF CONTRACT TIME COMPLETE	N/A	N/A	N/A	-



OBSTRUCTIONS REMOVAL, PHASE 2

STATUS REPORT AS OF 04-MARCH-11

DEPARTMENT:
AIRPORT

ENGINEER:
URS CORPORATION



PROJECT #: 420769-1-94-01
BID #: IN PROCESS
BID OPENING: IN PROCESS
COUNCIL APPROVAL: PENDING
FUNDING: FAA/FDOT/AIRPORT
BUDGET: \$1,000,000.00
ACCOUNT #: 443.4000.542.611001

CONTRACTOR:
NOT YET SELECTED

SCOPE OF WORK:
Obstructions (tree) removal to meet FAA requirements.

STATUS:
The Airport is currently waiting for an approval from the Federal Aviation Administration (FAA) for the portion they will fund. An environmental review will also be needed before we can proceed. Project Engineer URS is currently working with the FAA to obtain this funding so the project can get underway.

FUNDING:
This Project has been budgeted at \$1,000,000.00. The City has accepted a FDOT Grant in the amount of \$25,000.00, and a FAA grant is pending.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

	ENGINEER	CONTRACTOR	OTHER	TOTAL
ORIGINAL CONTRACT AMOUNT	\$0.00	\$0.00	\$0.00	\$0.00
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	\$0.00	\$0.00	\$0.00
ADJUSTED CONTRACT AMOUNT TO DATE	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL COST OF WORK PERFORMED TO DATE	\$0.00	\$0.00	\$0.00	\$0.00
% OF WORK COMPLETE	0.00%	0.00%	0.00%	-
CONTRACT DATE	N/A	N/A	N/A	-
NOTICE TO PROCEED	N/A	N/A	N/A	-
TIME OF COMPLETION	N/A	N/A	N/A	-
CONTRACT DAY	N/A	N/A	N/A	-
CHANGE ORDER NUMBER	N/A	N/A	N/A	-
% OF CONTRACT TIME COMPLETE	N/A	N/A	N/A	-



SOME OF THE TREES TO BE REMOVED

REHAB SECTIONS OF RUNWAY 11R/29L AND TAXIWAY C

STATUS REPORT AS OF 04-MARCH-11

DEPARTMENT:
AIRPORT

ENGINEER:
URS CORPORATION



PROJECT #: FDOT - 428512-1-94-01
AIP-3-12-0083-034-2010

BID #: 260-10/CCS

BID OPENING: 8-Jul-10

COUNCIL APPROVAL: 17-Aug-10

FUNDING: FAA/FDOT/AIRPORT

BUDGET: \$807,368.00

ACCOUNT #: 443.4000.542.610003

CONTRACTOR:
DICKERSON FLORIDA INC.

SCOPE OF WORK:
Rehabilitate (mill, crack seal, install fabric, 2" overlay) a section of Taxiway C between C-4 and D to meet Pavement Condition Index (PCI) criteria. This project will also rehabilitate a recently discovered surface deviation in Runway 11R/29L. Includes marking and sodding, but no electrical.

STATUS:
The final change order and final pay request from the contractor Dickerson Florida Inc. has been placed on the March 15, 2011, City Council Agenda for approval. This project is currently \$177,011.73 under budget. Final project close out process is currently underway.

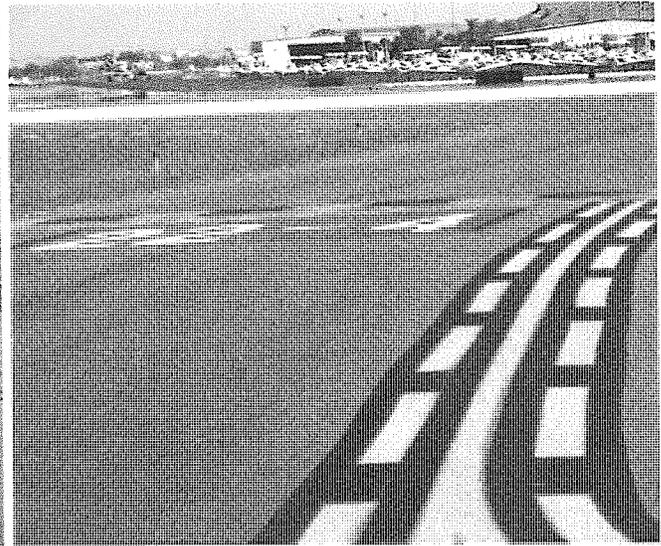
FUNDING:
This Project has a budget amount of \$807,368.00, the Airport has a Florida Department of Transportation (FDOT) Grant in the amount of \$20,184.00, and FAA Grant money in the amount of \$767,000.00 which leaves \$20,184.00 for the Airport to fund. No General Funds were used for this project.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

	ENGINEER	CONTRACTOR	OTHER	TOTAL
ORIGINAL CONTRACT AMOUNT	\$155,422.00	\$632,006.00	\$0.00	\$787,428.00
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	(\$177,011.73)	\$0.00	(\$177,011.73)
ADJUSTED CONTRACT AMOUNT TO DATE	\$155,422.00	\$454,994.27	\$0.00	\$610,416.27
TOTAL COST OF WORK PERFORMED TO DATE	\$122,055.97	\$409,494.84	\$4,663.00	\$536,213.81
% OF WORK COMPLETE	0.00%	90.00%	0.00%	-
CONTRACT DATE	12-Mar-07	27-Sep-10	N/A	-
NOTICE TO PROCEED	N/A	4-Oct-10	N/A	-
TIME OF COMPLETION	N/A	71	N/A	-
CONTRACT DAY	N/A	65	N/A	-
CHANGE ORDER NUMBER	N/A	N/A	N/A	-
% OF CONTRACT TIME COMPLETE	N/A	100.00%	N/A	-



New Pavement vs. Old Pavement



New Runway/Taxiway Markings

PARKING/ACCESS IMPROVEMENTS AT BUILDING 78

STATUS REPORT AS OF 04-MARCH-11

DEPARTMENT:
AIRPORT

ENGINEER:
CITY ENGINEERING DEPARTMENT



PROJECT #: FDOT - 429255-1-94-01
BID #: IN PROCESS
BID OPENING: IN PROCESS
COUNCIL APPROVAL: PENDING
FUNDING: FDOT/AIRPORT
BUDGET: \$200,000.00
ACCOUNT #: NOT ASSIGNED YET

CONTRACTOR:
NOT YET SELECTED

SCOPE OF WORK:

Parking lot safety and drainage improvements for Building 78, a revenue producing commercial structure. Project includes marking, lighting, and landscaping improvements as needed.

STATUS:

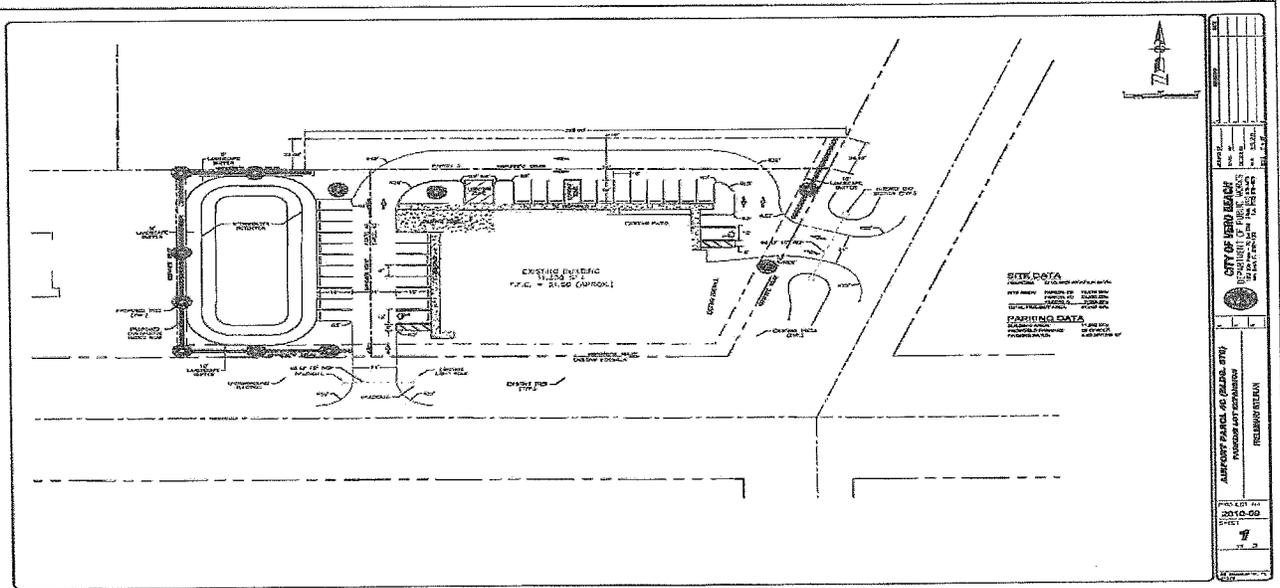
Design is being conducted in-house by the City Engineering Department and paid for by Airport fund. This project is partially funded by a Florida Department of Transportation (FDOT) grant to improve parking and ADA access at a multi-tenant facility at Airport Building 78 (NW corner of Aviation Blvd. and Piper Drive).

FUNDING:

This Project has a budget amount of \$200,000.00, this is a 50/50 grant with FDOT. FDOT will fund \$100,000.00 and the Airport will fund \$100,000.00. This Project as of March 4, 2011 has no construction contract or expenses. No General Funds will be used to fund this project.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

	ENGINEER	CONTRACTOR	OTHER	TOTAL
ORIGINAL CONTRACT AMOUNT	\$20,000.00	\$140,000.00	\$40,000.00	\$200,000.00
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	\$0.00	\$0.00	\$0.00
ADJUSTED CONTRACT AMOUNT TO DATE	\$20,000.00	\$140,000.00	\$40,000.00	\$200,000.00
TOTAL COST OF WORK PERFORMED TO DATE	\$0.00	\$0.00	\$0.00	\$0.00
% OF WORK COMPLETE	0.00%	0.00%	0.00%	-
CONTRACT DATE	N/A	N/A	N/A	-
NOTICE TO PROCEED	N/A	N/A	N/A	-
TIME OF COMPLETION	N/A	N/A	N/A	-
CONTRACT DAY	N/A	N/A	N/A	-
CHANGE ORDER NUMBER	N/A	N/A	N/A	-
% OF CONTRACT TIME COMPLETE	N/A	N/A	N/A	-



Mockingbird Drive Drainage Improvements

Prepared By:
CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS

PROJECT NO. 2004-19

Constructed by COVB Staff

For Period: 1/18/11 through 3/04/11

Project Description and Background: This project was one of several stormwater relief projects conceived after the 2004 hurricane season to alleviate flooding. Phase I of the project (PW Project No. 2004-19) was for improvements to the central Mockingbird corridor. Design and permitting for Phase II of the project (PW Project No. 2005-09) is complete and includes connecting the Mockingbird stormwater system to the Live Oak stormwater system. Phase II is expected to be advertised for bids in April, 2011. The Phase I improvements were completed by COVB forces in January and February 2011.

Funding: The estimated project cost of \$510,000 is included in the 5-Year Capital Improvement Program and budgeted for expenditures in both 2009-2010 (\$345,000) and 2010-2011 (\$165,000).

Project History and Current Status: The improvements to the north end of the Mockingbird system (Phase I) were completed by COVB forces in January and February 2011. The Live Oak Road improvements (Phase II) are scheduled to be discussed in more detail with the residents at a meeting scheduled for March 22, 2011, and are tentatively scheduled to be advertised for bidding in April 2011. Construction would begin June with construction scheduled for approximately 180 days.

This is an in-house project being constructed by COVB Public Works Department Crews

ORIGINAL BUDGET AMOUNT	\$510,000.00	Percent of Work Complete (Phases I & II)	15%
		Phase I Improvements are 100% complete	



18-Jan-11

Infiltration trench installation along Mockingbird Drive



07-Mar-11

Completed drainage installed on Mockingbird Drive at Conn Way

Date Palm Road Drainage Improvements

Prepared By:

PROJECT NO. 2006-15

CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS

Constructed by COVB Staff

For Period 11/1/10 through 3/04/11

Project Description and Background: This project was one of several Best Management Practice (BMP) projects conceived and submitted to the State for EPA 319 Grant funding. EPA 319 grants are grants for projects to reduce stormwater pollution. The project was awarded a grant in the amount of \$87,000 (\$55,000 for Type II sediment box and \$32,000 for water quality monitoring) based on a match of \$86,600 (for design, permitting, administration, water quality monitoring, and public education) for a total project cost of \$173,600. The Date Palm ditch is a stormwater ditch which drains a 40 acre watershed in the central beach area north of Beachland Boulevard. The project is to construct a Type II sedimentation box and associated stormwater piping and then to provide stormwater quality monitoring to determine the effectiveness of the facility in reducing pollution. The Type II sedimentation box is designed to remove both sediments and floatables from stormwater runoff. Sediment and floatables, such as leaves and grass clippings, have been demonstrated to be a major source of nutrient pollution in the Indian River Lagoon. The entire project was designed and is being constructed by Public Works staff. The required water quality monitoring for the project is being managed by Masteller & Moler, Inc. in conjunction with the Marine Resources Council. They were issued a work order (per the current continuing professional services contract) for the Water Quality Monitoring portion of the project in September 2010 in the amount of \$23,290.

Funding: The total project was budgeted at \$173,600 with \$87,000 provided by Grant funds and \$86,600 provided by COVB. Expended to date (94% complete) - \$163,648. Grant funds of \$51,290.33 have been received to date (4th Quarter 2010 billing).

Project History and Current Status:

The grant application was submitted in 2006 and approved in 2007. The Grant contract was executed in April 2008. The project was designed in 2009 and received required permit approvals in 2010.

Construction began in November 2010 and was completed in December 2010.

Pre and Post BMP Water quality monitoring is to begin immediately pending approval of the Quality Assurance Project Plan (QAPP) required by FDEP as a condition of the Grant funding. Final draft of the QAPP was submitted to FDEP for approval on December 13, 2010 and approved on December 21, 2010.

Water quality monitoring began in December and will continue through at least 7 qualifying storm events (> 0.2" and <1.5").

This is an in-house project being constructed by COVB Public Works Department Crews

ORIGINAL BUDGET AMOUNT	\$177,000.00	Percent of Work Complete	77%



Completed sedimentation box installed at Date Palm Outfall

Indian River Drive East Sidewalk Construction and Drainage

Prepared By:

PROJECT NO. 2009-02

CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS

Constructed by COVB Staff

For Period: 7/20/10 through 3/04/11

Project Description and Background: This project is to construct a pedestrian walkway from Greytwig Rd. to Beachland Blvd. along Indian River Drive East. The project was initiated by citizen request/petition in 2008, with near unanimous support from the abutting property owners. The project crosses several major drainage facilities at Date Palm, Greytwig and Fiddlewood and, therefore, required additional stormwater design and permitting. These stormwater modifications include construction of a Type II sedimentation box and associated stormwater piping. The Type II sedimentation box is designed to remove both sediments and floatables from stormwater runoff. Sediment and floatables, such as leaves and grass clippings, have been demonstrated to be a major source of nutrient pollution in the Indian River Lagoon. The entire project was designed and is being constructed by Public Works staff.

Funding: The sidewalk portion of this project will be funded from account number 304.9900.541.608005 – New Sidewalk Construction. Estimated sidewalk construction cost was \$102,000. Expended to date (80% complete) - \$49,716.67. The associated stormwater improvements required for this project will be funded from account number 304.9900.541.608003 – Stormwater Outfalls. Estimated construction cost for the stormwater improvements is \$75,000. Expended to date \$10,329.98.

Project History and Current Status:

This project was approved by City Council on July 20, 2010.

The sidewalk construction was begun in July 2010 at Beachland Blvd. and extended north to Fiddlewood Road where it was temporarily terminated pending permit approvals and construction of the proposed stormwater modifications.

The stormwater permit and dewatering permit have been approved, however, after review of field conditions, it was determined that the proposed stormwater piping is in conflict with existing water and sewer mains which will have to be relocated to accommodate the stormwater pipes. Utility relocation work was completed March 4, 2011.

Storm drain work is scheduled to begin on March 8 and all construction is expected to be completed by March 31, 2011.

This is an in-house project being constructed by COVB Public Works Department Crews

ORIGINAL BUDGET AMOUNT	\$177,000.00	Percent of Work Complete	50%



13-Sep-10

New sidewalk looking north toward Bob Summers Field from Beachland Boulevard



13-Sep-10

New sidewalk looking north from Date Palm Road

Crestlawn Cemetery Columbarium

Prepared By:
CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS
Constructed by COVB Staff

PROJECT NO. 2009-09

For Period: 7/20/10 through 3/4/11

Project Description and Background: This project is to construct an above ground, fixed location for the interment of cremation remains (cremains) at the Crestlawn Cemetery. The Columbarium consists of eight above ground, granite units set in a spoke configuration on a 63 foot diameter round concrete slab. Each unit provides 120 niches for cremains, for a total of 960 niches with room for up to two urns in each niche. The objective of this project was to provide much needed additional space in the Crestlawn Cemetery in a manner that will generate revenue without a corresponding increase in required maintenance cost. The entire project was conceived by Public Works staff. Design of the Columbarium foundation was performed by M.L. Engineering, Inc. The site preparation work for the Columbarium was also performed by Public Works staff. The furnishing and installation of the granite columbarium units was bid out.

Funding: The project is funded from capital account no. 603.3307.539.609002 budgeted at \$260,000. Expended to date on Foundation Slab (100% complete) and Irrigation (80% complete) - \$84,700
Expended to date on Columbarium (Contract \$178,000, 100% complete) - \$160,200.00 .

Project History and Current Status:

This project was included and funded in the 2008/2009 budget.
The foundation design was completed in February 2010 with final design details provided in September 2010. The site plan was approved in March 2010. City Council awarded the contract to furnish and install 8 columbaria units to Brian Couture's Cemetery Lettering of Groveland, FL in the amount of \$178,000 on July 20, 2010.
The building permit for the Columbarium foundation slab was approved in August 2010.
Public Works staff began construction of the foundation slab in September and completed construction in November 2010.
The columbaria installation was completed on January 28, 2011. As of March 4, 2011 (5) niches have already been sold.
Public Works grounds maintenance staff have installed the irrigation and the trees have been installed. Additional plantings and sod are to be installed in March 2011.

Original Budgeted Cost (Including City Staff Work)	\$260,000.00	Percent of Work Complete	90%
ORIGINAL OUTSIDE CONTRACT AMOUNT	\$178,000.00	CONTRACT DATE:	08/25/2010
CHANGE ORDERS TO DATE (TOTAL)	\$0.00	NOTICE TO PROCEED:	08/31/2010
ADJUSTED CONTRACT AMOUNT TO DATE	\$178,000.00	TIME OF COMPLETION	120 Days
TOTAL COST OF CONTRACT WORK PERFORMED TO DATE	\$178,000.00		
% OF CONTRACT WORK COMPLETE	100.00%		



07-Mar-11



07-Mar-11

New oak tree and palm plantings at columbarium

STORAGE RESERVOIR AND INJECTION WELL PUMP STATION

STATUS REPORT AS OF 3/7/11
CITY OF VERO BEACH WATER AND SEWER DEPARTMENT

Prepared By: Jerry A. Gilbert, P.E.
 Consultant: Arcadis, Inc.
 Contract Date: 30-Sep-2009
 Notice to Proceed Date: 13-Oct-2009
 Time of Completion: 395 Calendar Days
 Scheduled Completion Date: 12-Nov-2010

PROJECT NO: 280-09/JV
 FOR PERIOD: 1/1/11 - 2/1/11

Director's Signature



PROJECT DESCRIPTION:

The Work to be performed under this Contract includes the furnishing of all labor, materials, equipment, services and incidentals for the construction, startup and testing of a three million gallon pre-stressed concrete storage reservoir, injection well pump station and related appurtenances.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

DIVISION			
CONTRACTOR	Florida Design Contractors, Inc.		
ORIGINAL CONTRACT AMOUNT	\$2,694,375.00		
CHANGE ORDERS TO DATE (TOTAL)	\$791,836.36		
ADJUSTED CONTRACT AMOUNT TO DATE	\$3,486,211.36		
TOTAL COST OF WORK PERFORMED TO DATE	\$3,366,111.36		
% OF WORK PAID	86.90%		
TOTAL WORK COMP.	\$3,029,500.22		

Substantial Completion for this project was on January 19, 2011. The contractor is currently performing punch list items. Once all of the punch list items are complete final payment will be requested. The status of this project has not changed since the last report was submitted for the 2/15/11 Council meeting.

**FORCE MAIN FROM WWTP TO WTP, &
REUSE WATER MAIN FROM RPP TO COUNTRY CLUB DRIVE**

STATUS REPORT AS OF 3/7/11
CITY OF VERO BEACH DEPARTMENT OF WATER AND SEWER

Prepared By: Jerry A. Gilbert, P.E.
 Consultant: Morgan & Associates
 Contract Date: 11-Dec-09
 Notice to Proceed Date: 19-Jan-10
 Time of Completion: 270 Days
 Scheduled Completion Date: 15-Oct-10

PROJECT NO: 1483
 FOR PERIOD: 1/1/11 - 2/1/11

Director's Signature 

PROJECT DESCRIPTION:

The Work to be performed under this Contract includes the furnishing of all labor, materials, equipment, services and incidentals for the construction, startup and testing of a 24" PVC force main from the WWTP to the WTP, and a 24" PVC Reuse main from Royal Palm Point to Country Club Drive.

THE FOLLOWING IS A SUMMARY OF PROGRESS AND COSTS TO DATE:

DIVISION			
CONTRACTOR	S.P.S. Contracting. Inc.		
ORIGINAL CONTRACT AMOUNT	\$2,396,841.58		
CHANGE ORDERS TO DATE (TOTAL)	\$437,626.74		
ADJUSTED CONTRACT AMOUNT TO DATE	\$2,834,468.32		
TOTAL COST OF WORK PERFORMED TO DATE	\$2,834,468.32		
% OF WORK PAID	98.00%		
TOTAL WORK COMP.	\$2,777,778.95		

Council approved the final change order at the January 18, 2011 council meeting. Retainage was reduced to 2% at the same meeting. Final payment will be made when all paperwork has been submitted and approved by FDEP, anticipated to be in March. The status of this project has not changed since the last report was submitted for the 2/15/11 Council meeting.

6-A)

MEMORANDUM

TO: Mayor Jay Kramer and
City Councilmembers

FROM: Tammy K. Vock, MMC *Tammy*
City Clerk

DATE: March 10, 2011

SUBJECT: Institute for Elected Municipal Officials

The Institute for Elected Municipal Officials is scheduled for March 18-20, 2011. Vice Mayor Turner, Councilmember Fletcher and Councilmember Carroll have all been registered to attend the Institute.

I am notifying and requesting any approval from Council that would be necessary for them to attend the Institute.

Thank you for your help in this matter.

/tv

Vock, Tammy

From: Melanie Howe [MHowe@flcities.com]
Sent: Tuesday, March 01, 2011 3:54 PM
To: Vock, Tammy
Subject: March 2011 Institute for Elected Municipal Officials Registration Confirmation for Tracy Carroll

March 2011 Institute for Elected Municipal Officials

March 18th–20th, 2011
1714 SW 34th St.
Gainesville, FL 32607

Dear Tracy Carroll,

Thank you for registering for the March 2011 Institute for Elected Municipal Officials. We look forward to your attendance. Please do not hesitate to contact us if you have any questions prior to the event.

Contact Information:

Melanie G. Howe, CAE, CMP
Meeting Planner
(850) 222-9684
mhowe@flcities.com

Notes:

HOTEL INFORMATION: Reservations can be made by contacting the **Hilton at (352) 371-3600 and asking for the Florida League of Cities IEMO block**. Rooms are available for IEMO participants at the special rate of **\$144/night**. The hotel cut-off date for reservations is **March 4, 2011**. A credit card is required to guarantee reservations, and cancellations must be made 24 hours prior to arrival to avoid a fee of one night's charge.

SCHEDULE: IEMO training begins Friday, March 18, at 8:30 a.m. and ends Sunday, January 23, at 3:00 p.m. Meeting rooms may be chilly, so please bring a jacket or sweater.

Registrant Information:

Registration Date	01/31/2011
Name	Tracy Carroll
Nickname	Tracy
Title	Councilmember
Affiliation	Vero Beach
E-mail	cityclerk@covb.org
First-Time Attendee	Yes
Vegetarian	No
Kosher Meal	No
Special Needs	

Your Itinerary:

Registration Fee (1)	\$275.00
Total	\$275.00

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Vock, Tammy

From: Melanie Howe [MHowe@flcities.com]
Sent: Tuesday, March 01, 2011 3:56 PM
To: Vock, Tammy
Subject: March 2011 Institute for Elected Municipal Officials Registration Confirmation for Craig Fletcher

March 2011 Institute for Elected Municipal Officials

March 18th–20th, 2011
1714 SW 34th St.
Gainesville, FL 32607

Dear Craig Fletcher,

Thank you for registering for the March 2011 Institute for Elected Municipal Officials. We look forward to your attendance. Please do not hesitate to contact us if you have any questions prior to the event.

Contact Information:

Melanie G. Howe, CAE, CMP
Meeting Planner
(850) 222-9684
mhowe@flcities.com

Notes:

HOTEL INFORMATION: Reservations can be made by contacting the **Hilton at (352) 371-3600 and asking for the Florida League of Cities IEMO block**. Rooms are available for IEMO participants at the special rate of **\$144/night**. The hotel cut-off date for reservations is **March 4, 2011**. A credit card is required to guarantee reservations, and cancellations must be made 24 hours prior to arrival to avoid a fee of one night's charge.

SCHEDULE: IEMO training begins Friday, March 18, at 8:30 a.m. and ends Sunday, January 23, at 3:00 p.m. Meeting rooms may be chilly, so please bring a jacket or sweater.

Registrant Information:

Registration Date	01/31/2011
Name	Craig Fletcher
Nickname	Craig
Title	Councilmember
Affiliation	Vero Beach
E-mail	cityclerk@covb.org
First-Time Attendee	Yes
Vegetarian	No
Kosher Meal	No
Special Needs	

Your Itinerary:

Registration Fee (1)	\$275.00
Total	\$275.00

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Vock, Tammy

From: Melanie Howe [MHowe@flcities.com]
Sent: Tuesday, March 01, 2011 4:12 PM
To: Vock, Tammy
Subject: March 2011 Institute for Elected Municipal Officials Registration Confirmation for Pilar Turner

March 2011 Institute for Elected Municipal Officials

March 18th-20th, 2011
1714 SW 34th St.
Gainesville, FL 32607

Dear Pilar Turner,

Thank you for registering for the March 2011 Institute for Elected Municipal Officials. We look forward to your attendance. Please do not hesitate to contact us if you have any questions prior to the event.

Contact Information:

Melanie G. Howe, CAE, CMP
Meeting Planner
(850) 222-9684
mhowe@flcities.com

Notes:

HOTEL INFORMATION: Reservations can be made by contacting the **Hilton at (352) 371-3600** and asking for the **Florida League of Cities IEMO block**. Rooms are available for IEMO participants at the special rate of **\$144/night**. The hotel cut-off date for reservations is **March 4, 2011**. A credit card is required to guarantee reservations, and cancellations must be made 24 hours prior to arrival to avoid a fee of one night's charge.

SCHEDULE: IEMO training begins Friday, March 18, at 8:30 a.m. and ends Sunday, January 23, at 3:00 p.m. Meeting rooms may be chilly, so please bring a jacket or sweater.

Registrant Information:

Registration Date	01/31/2011
Name	Pilar Turner
Nickname	Pilar
Title	Vice Mayor
Affiliation	Vero Beach
E-mail	cityclerk@covb.org
First-Time Attendee	Yes
Vegetarian	No
Kosher Meal	No
Special Needs	

Your Itinerary:

Registration Fee (1)	\$275.00
Total	\$275.00

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413-4)

Addendum to the City Council Meeting Agenda

Author: BTH

Council Meeting Date: 3.15.2011

Priority ____ **of** ____

Title: Discussion of City Attorney's Salary

Summary: Discussion by Council

Public need or issue addressed: N/A

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A *To be determined*

Statement of the proposed solution to the public need or issue: *To be determined*

Additional attached documentation includes: None

7-A)



City Council Agenda Item

Meeting of March 15, 2011

TO: Mayor Jay Kramer
Vice Mayor Pilar Turner
Councilmember Brian Heady
Councilmember Craig Fletcher
Councilmember Tracy Carroll

FROM: Monte K. Falls, P.E. - Interim City Manager

*M. FALLS
2/25*

DATE: February 25, 2011

SUBJECT: North Central Beach Speed Limit Reduction

REQUESTED BY: William B. Messersmith, P.E. – Assistant City Engineer

The following is requested as it relates to the above-referenced agenda item:

- Request Council review and approval based on the attached supporting documentation.
 - Request Council review and possible action.
 - No action required. (Information only)
-



DEPARTMENTAL CORRESPONDENCE

TO: Monte K. Falls, Interim City Manager
DEPT: City Manager

FROM: William B. Messersmith, PE, Assistant City Engineer *W.B.M.*
DEPT: Public Works *2/24/11*

DATE: February 24, 2011

RE: **North Central Beach Speed Limit Reduction**



Recommendation:

- Place this item on the City Council's Agenda for March 15, 2011;
- Reduce the speed limit in the North Central Beach area from 30 mph to 25 mph.

Funding:

Cost for implementation is estimated at less than \$1,300 which includes thirteen (13) signs at approximately \$100 per sign to post the new speed limit. Salvage value for the existing speed limit signs is approximately \$600 which consists of twelve (12) signs at \$50 per sign. Therefore, the net cost is less than \$700.

Background:

The speed limit in the North Central Beach neighborhood is currently 30 mph. This is the posted speed limit on Mockingbird Drive, Live Oak Road, Indian River Drive East, Fiddlewood Road and Greytwig Road and is the default (un-posted) speed limit on the remainder of the neighborhood streets – Acacia Road, Banyan Road, Cypress Road, Date Palm Road, Eugenia Road, Holly Road, Indian Lilac Road and Conn Way (see attached map).

Since 1993, in response to neighborhood concerns about traffic and pedestrian safety, we have conducted several speed and volume studies in the subject area. Those studies showed the 85th percentile speed varied from 33 mph to 42 mph, exceeding the statutory speed limit of 30 mph. A copy of the summary page from those studies is attached for your reference. In response to those findings several streets were posted with 30 mph signs in accordance with State Statutes for residential streets.

Currently, Florida Statutes, Chapter 316.183 establishes the maximum residential speed limit in municipalities at 30 mph unless otherwise posted, but gives the local jurisdiction the authority to reduce that speed limit to 25 or 20 mph if “an investigation determines that such a limit is reasonable”. The Public Works Department has conducted an investigation of local speed limits and presents the following information:

- This neighborhood has a high volume of pedestrian traffic;
- Speed plays a major role in the pedestrian fatality rate;
- At 20 mph 5% of vehicular/pedestrian crashes result in fatalities;
- At 30 mph 50% of vehicular/pedestrian crashes result in fatalities;
- At 40 mph 80% of vehicular/pedestrian crashes result in fatalities;
- Florida’s fatality rate of 3 pedestrians per 100,000 population is twice the national average;
- The proposed request is consistent with the Vision Plan;
- Ticketable offenses are generally considered those where the measured speed is at least 5 mph over the posted speed limit;
- There have been a number of crashes on both Live Oak Road and Indian River Drive East which can be attributed to excessive speed.

In February 2011 we conducted a poll of the neighborhood property owners and residents. The results of the poll (attached) show a majority (70%) of the respondents (201 in favor out of 287 total respondents) is in favor of the speed limit reduction from 30 to 25 mph.

Based on this information we recommend that the speed limit be reduced from 30 mph to 25 mph as shown on the attached map.

Please feel free to contact us at 978-4870 if you have any questions.

Attachments

WBM/ntn

- 1- 2001 (out of control)
- 1- 2000 (fixed object)
- 1- 1997 (out of control)

1- 1999 (right angle)

1- 1999 (out of control)

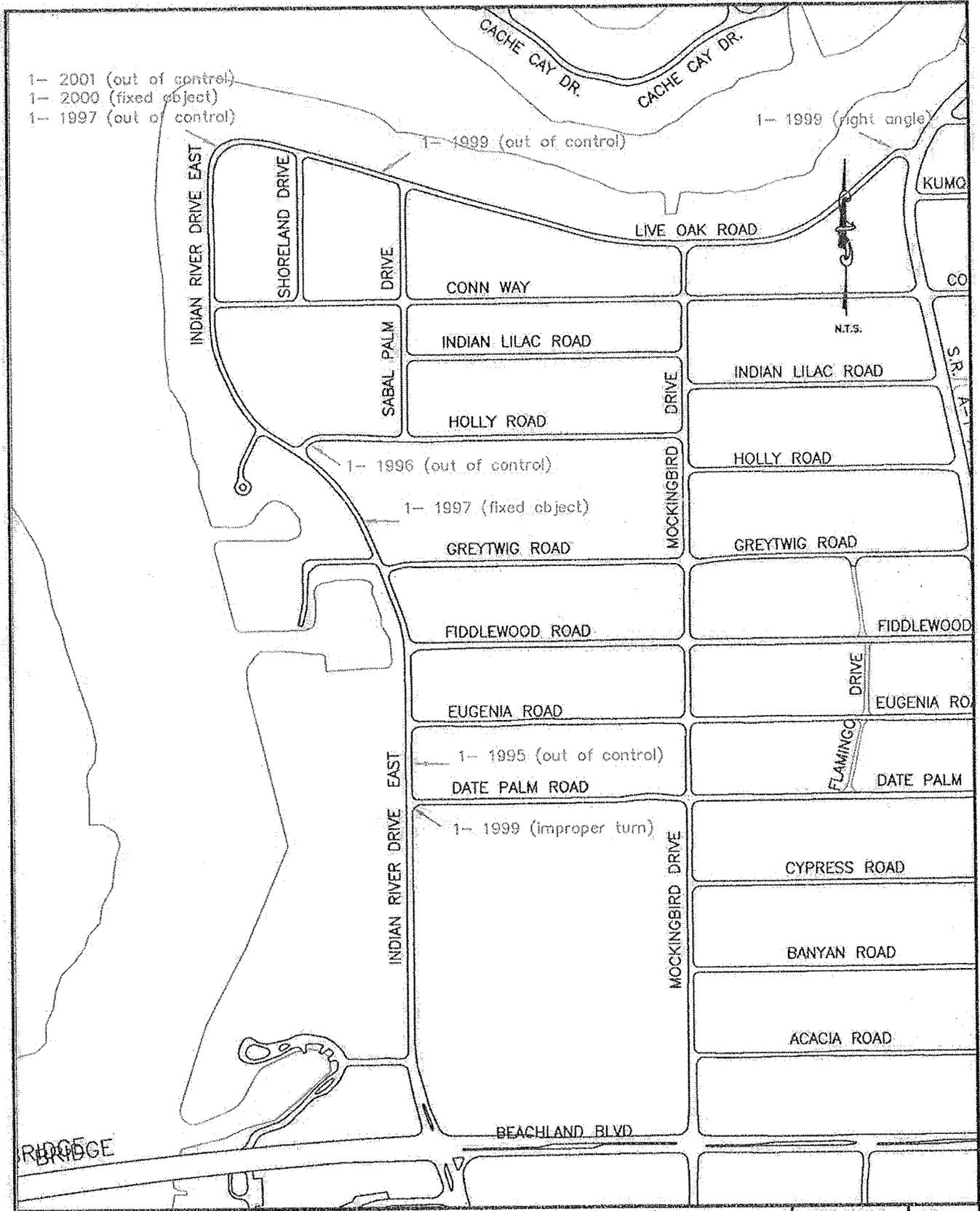
1- 1996 (out of control)

1- 1997 (fixed object)

1- 1995 (out of control)

1- 1999 (improper turn)

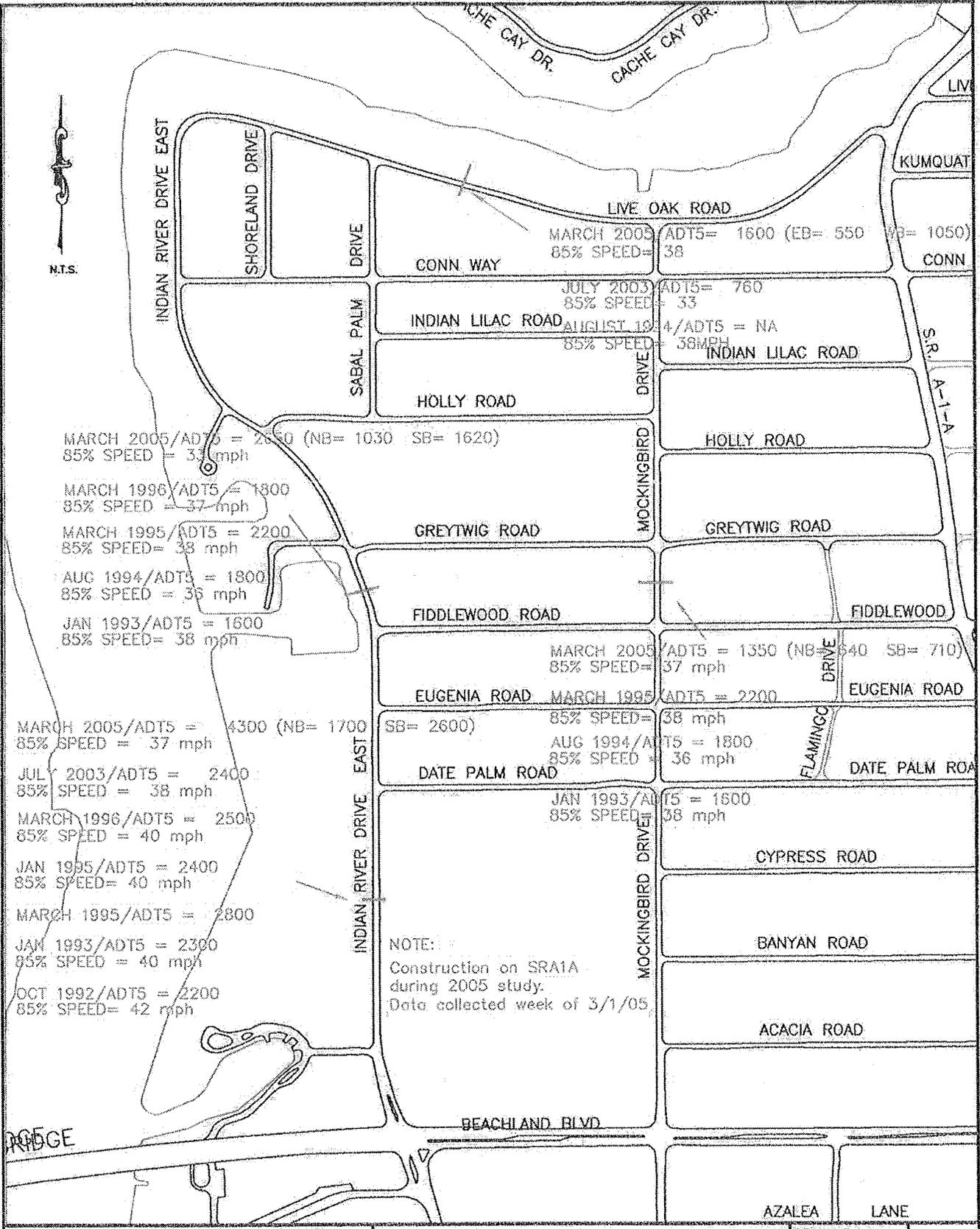
N.T.S.



CITY OF VERO BEACH
 DEPARTMENT OF PUBLIC WORKS
 AND ENGINEERING
 TRAFFIC ENGINEERING SECTION

TRAFFIC CRASH (ACCIDENT) DATA
 INDIAN RIVER DR. E/ MOCKINGBIRD DR.
 FROM 1995 THROUGH 2004

DRAWN BY: D.L.	DATE:
DESIGN BY: D.L.	3/9/05
ACAD: IRDR2005ACCIDENT	
PAGE 1 OF 1	



MARCH 2005/ADT5 = 2550 (NB= 1030 SB= 1620)
85% SPEED = 33 mph

MARCH 1996/ADT5 = 1800
85% SPEED = 37 mph

MARCH 1995/ADT5 = 2200
85% SPEED = 38 mph

AUG 1994/ADT5 = 1800
85% SPEED = 36 mph

JAN 1993/ADT5 = 1600
85% SPEED = 38 mph

MARCH 2005/ADT5 = 4300 (NB= 1700 SB= 2600)
85% SPEED = 37 mph

JULY 2003/ADT5 = 2400
85% SPEED = 38 mph

MARCH 1996/ADT5 = 2500
85% SPEED = 40 mph

JAN 1995/ADT5 = 2400
85% SPEED = 40 mph

MARCH 1995/ADT5 = 2800

JAN 1993/ADT5 = 2300
85% SPEED = 40 mph

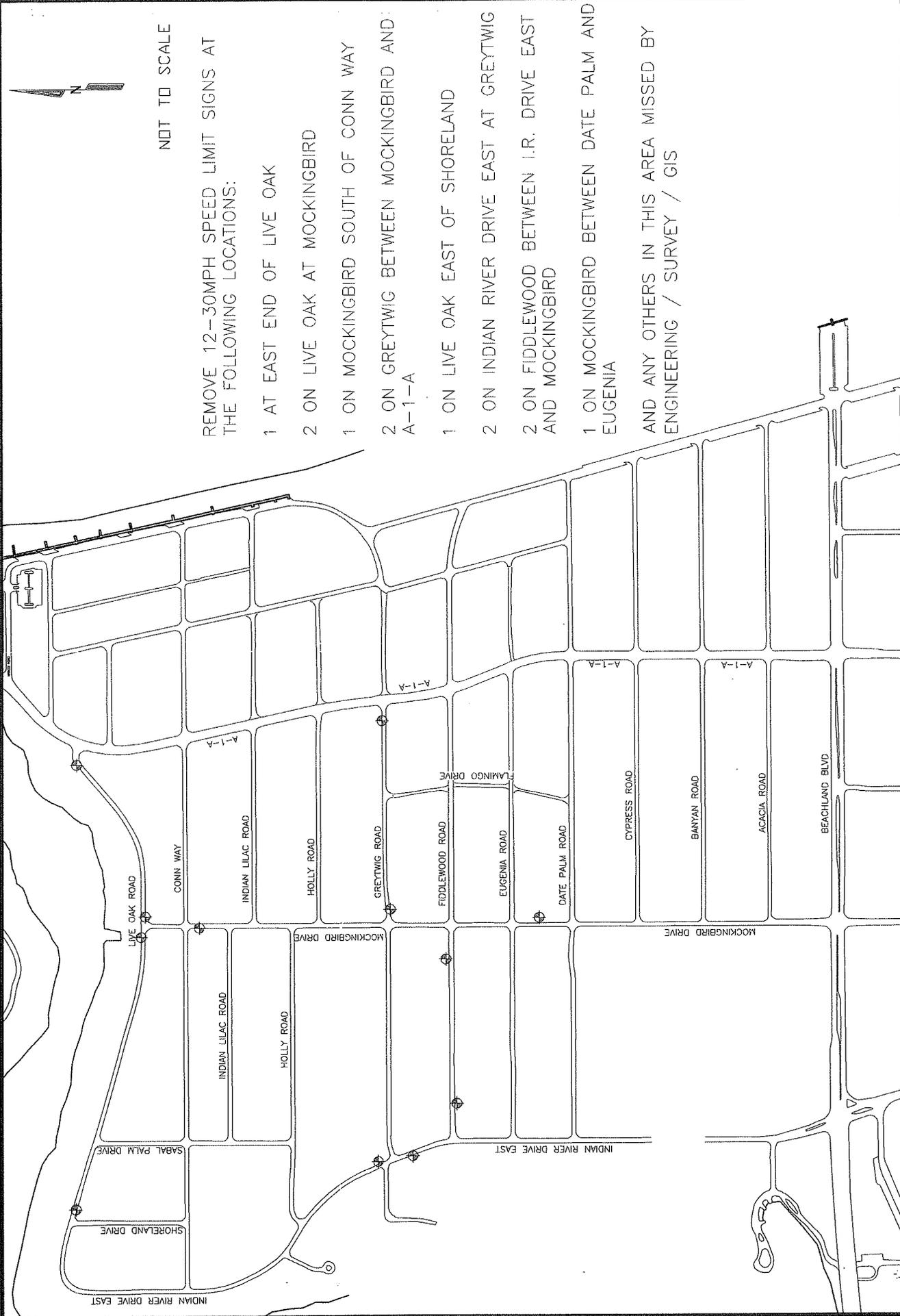
OCT 1992/ADT5 = 2200
85% SPEED = 42 mph

NOTE:
Construction on SRA1A during 2005 study.
Data collected week of 3/1/05

 CITY OF VERO BEACH
DEPARTMENT OF PUBLIC WORKS
AND ENGINEERING
TRAFFIC ENGINEERING SECTION

TRAFFIC DATA COLLECTION
INDIAN RIVER DR. E/ MOCKINGBIRD DR.
AVERAGE DAILY TRAFFIC/SPEED STUDIES

DRAWN BY: D.L.	DATE:
DESIGN BY: D.L.	3/9/05
ACAD:IRDR2005COUNT	
PAGE 1 OF 1	



NOT TO SCALE

REMOVE 12-30MPH SPEED LIMIT SIGNS AT THE FOLLOWING LOCATIONS:

- 1 AT EAST END OF LIVE OAK
 - 2 ON LIVE OAK AT MOCKINGBIRD
 - 1 ON MOCKINGBIRD SOUTH OF CONN WAY
 - 2 ON GREYTWIG BETWEEN MOCKINGBIRD AND A-1-A
 - 1 ON LIVE OAK EAST OF SHORELAND
 - 2 ON INDIAN RIVER DRIVE EAST AT GREYTWIG
 - 2 ON FIDDLEWOOD BETWEEN I.R. DRIVE EAST AND MOCKINGBIRD
 - 1 ON MOCKINGBIRD BETWEEN DATE PALM AND EUGENIA
- AND ANY OTHERS IN THIS AREA MISSED BY ENGINEERING / SURVEY / GIS



CITY OF VERO BEACH
DEPARTMENT OF PUBLIC WORKS
SURVEY DIVISION

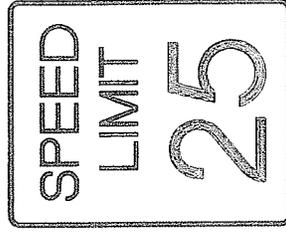
REMOVE 12- 30 MPH SPEED LIMIT SIGNS
NORTH CENTRAL BEACH
NORTH OF BEACHLAND/ WEST OF A-1-A

DRAWN BY: BMM
DATE: 2/14/11



NOT TO SCALE

INSTALL 25MPH SPEED LIMIT SIGNS
JUST WEST OF A-1-A



R2-1



INSTALL 25MPH SPEED LIMIT SIGNS
SOUTH END OF MOCKINGBIRD AND
INDIAN RIVER DRIVE EAST



CITY OF VERO BEACH
DEPARTMENT OF PUBLIC WORKS
SURVEY DIVISION

INSTALL 13- 25 MPH SPEED LIMIT SIGNS
NORTH CENTRAL BEACH
NORTH OF BEACHLAND / WEST OF A-1-A

DRAWN BY: BMM
DATE: 2/14/11

7-B)



City Council Agenda Item Meeting of March 15, 2011

TO: Mayor Jay Kramer
Vice Mayor Pilar Turner
Councilmember Brian Heady
Councilmember Craig Fletcher
Councilmember Tracy Carroll

FROM: Monte K. Falls, P.E. - Interim City Manager *MK FALLS 3/8/11*

DATE: March 8, 2011

SUBJECT: Street Micro-Surfacing Annual Contract
COVB PW Project #2010-22
Bid No. 030-11/JV

REQUESTED BY: Interim Assistant Public Works Director

The following is requested as it relates to the above-referenced agenda item:

Request Council review and approval based on the attached supporting documentation.

Request Council review and possible action.

No action required. (Information only)



DEPARTMENTAL CORRESPONDENCE

TO: Monte Falls, Interim City Manager
DEPT: City Manager

FROM: Donald H. Dexter, Jr., Interim Assistant Director *DH 3/7/11*
DEPT: Public Works

DATE: March 7, 2011

RE: **Street Micro-Surfacing Annual Contract
COVB PW Project #2010-22
Bid No. 030-11/JV**

Recommendation:

- Place this item on the City Council's agenda for March 15, 2011;
- Award the contract to Asphalt Paving Systems, Inc of Hammonton, N.J. with a Florida office in Ocala, FL in the amount of \$166,520.00 for the micro-surfacing of various streets.

Funding:

Funding will come from account no. 304.9900.541.665002 which currently has a balance of \$515,000.00.

Background:

The City of Vero Beach has an ongoing program to evaluate, repair and resurface streets and public parking areas in order to provide safe and reliable travel ways in the City.

In 2010 we contracted with KMS and Associates, Inc. to evaluate all the City's streets and parking lots and provide a standardized ranking to help us prioritize the repairs. In an effort to maximize the effectiveness of our budget we have investigated several alternatives to traditional asphalt resurfacing which extend the pavement life where ratings do not necessarily require resurfacing. One of those methods is micro-surfacing which places a thin wearing course on the existing roads and extends the pavement life between 5-10 years. The City installed this product on several roads in 1999 and it met performance expectations.

On February 1, 2011 the City of Vero Beach received 3 bids for this project. The low bidder was Asphalt Paving Systems, Inc. (APS). Copies of our bid tabulation and the bid summary prepared by the Purchasing Division are attached. We have also attached a map of the proposed streets for this project.

We have verified references with agencies that have used APS and received favorable responses. Therefore, we recommend that this contract for micro-surfacing be awarded to Asphalt Paving Systems, Inc in the amount of \$166,520.00.

Cc: Steve Maillet, Finance Director
John O'Brien, Purchasing Manager
Asphalt Paving Systems, Inc

Attachments

DHD/ntn

V:\LAND_PROJECTS\2010\2010-22 Microsurfacing\DOCS\Agenda_Award Contract_MFalls_Mar4 2011.docx

BID TABULATION
STREET MICRO-SURFACING ANNUAL CONTRACT
CITY OF VERO BEACH PROJECT NO. 2010-22
BID NO. 030-11/JV

Bid Opening : February 1, 2011

Bid Items		Roadway Management, Inc.		North Florida Emulsions, Inc.		Asphalt Paving Systems, Inc.	
Item No.	Description	Total Quantity	Units	Unit Price	Total Price	Unit Price	Total Price
1.	Double Course Microsurfacing (Type II)	50,000	SY	\$ 2.95	\$ 147,500.00	\$ 2.74	\$ 137,000.00
2.	Single Course Microsurfacing (Type II)	6,000	SY	\$ 1.65	\$ 9,900.00	\$ 2.00	\$ 12,000.00
3.	Rut Filling	100	TN	\$ 175.00	\$ 17,500.00	\$ 100.00	\$ 10,000.00
4.	Crack Fill - hot applied fiberized asphalt placed flush with crack. Include high pressure air cleaning of cracks.	500	GAL	\$ 14.50	\$ 7,250.00	\$ 17.00	\$ 8,500.00
5.	Remove thermoplastic striping by grinding before application.	500.00	SF	\$ 0.75	\$ 375.00	\$ 1.00	\$ 500.00
Total Bid (Items 1 thru 5)				\$	182,525.00	\$	168,000.00
							\$ 166,520.00

Certified by *Amal Duff*
Date 3/8/2011

Bid Tabulation
 City of Vero Beach - Bid No. 030-11/JV
 Street Micro-Surfacing Annual Contract

Vendor	Asphalt Paving Systems Hammonton, NJ	North Florida Emulsions Palatka, FL	Roadway Management, Inc. Celebration, FL
Bid Total	\$166,520.00	\$168,000.00	\$182,525.00
Questionnaire	YES	YES	YES
Equal Opportunity Report Statement	YES	YES	YES
Certification of Non- segregated Facilities	YES	YES	YES
Certification Regarding Debarment, etc.	YES	YES	YES
Drug-Free Workplace Compliance	YES	YES	YES
Non-Collusion Affidavit	YES	YES	YES
Local Business Certification	N/A	N/A	N/A
Bid Bond	YES	YES	YES
Addendum No. 1	YES	YES	YES

7-c)



City Council Agenda Item Meeting of March 15, 2011

TO: Mayor Jay Kramer
Vice Mayor Pilar Turner
Councilmember Brian Heady
Councilmember Craig Fletcher
Councilmember Tracy Carroll

FROM: Monte K. Falls, P.E. - Interim City Manager

*MK FALLS
3/8/11*

DATE: March 7, 2011

SUBJECT: City Council Direction on Proposed Alternatives for Amending the Comprehensive Plan Regarding the Rezoning of Single Family Residential Districts within the Residential Low Future Land Use Classification

REQUESTED BY: Planning and Development Director

The following is requested as it relates to the above-referenced agenda item:

Request Council review and approval based on the attached supporting documentation.

Request Council review and possible action.

No action required. (Information only)

DEPARTMENTAL CORRESPONDENCE

TO: Monte K. Falls, PE
Interim City Manager

FROM: Timothy J. McGarry, AICP
Director of Planning and Development

DATE: March 7, 2011

SUBJECT: **City Council Direction on Proposed Alternatives for Amending the Comprehensive Plan Regarding the Rezoning of Single Family Residential Districts within the Residential Low Future Land Use Classification**

Overview

The Planning and Development Department requests that the above item be placed on the City Council's next regularly scheduled meeting agenda. This item is in response to the direction of the City Council for staff to come up with possible alternatives for amending the Comprehensive Plan to improve the City's legal position regarding requests to rezone properties within the Residential Low (RL) future land use classification to a higher single family density within that classification.

The staff has prepared two alternatives to address this issue, including recommendations on a preferred alternative. The City Council is being asked to consider both alternatives and provide direction to staff on which alternative or alternatives that it wants the staff to pursue in preparing the appropriate amendments to the Vero Beach Comprehensive Plan.

Background

Subsequent to approving the change of the Future Land Use designation for the St. Edward's property in the Riomar neighborhood, the City Council directed staff to come forward with alternatives to address concerns raised by Riomar residents at the adoption hearing regarding rezoning of the property to a higher single family density. As three different single family residential zoning districts, R-1, R-1A, R-1AA, are consistent with the Residential Low (RL) designation, the City Council was concerned that the City may be placed in a difficult legal situation to deny any future request to rezone this and other property in the Riomar neighborhood from the current R-1AA (minimum 15,000 square foot lots) designation to R-1A (minimum 10,000 square foot lots) or R-1 (minimum 7,500 square foot lots).

In response to the City Council's direction, the focus of the staff's effort was on changes to the Comprehensive Plan; however, in a correlative, yet independent effort the staff has prepared a draft ordinance amending the City's Land Development Regulations that will further strengthen

and improve the City's legal position in the rezoning process by codifying the criteria applied in the evaluation of rezoning requests.

A public hearing on the draft ordinance is scheduled for March 17th before the Planning and Zoning Board. It is anticipated that the draft ordinance will be placed on the City Council's agenda for First Reading on April 5, 2011.

Legal Background

As established by the Florida Supreme Court in *Board of County Commissioners of Brevard County v. Snyder*, 627 So.2d 469 (Fla. 1993), if a property owner is seeking to rezone a property, the property owner has the burden of proof that the proposal is consistent with the jurisdiction's comprehensive plan and complies with all procedural requirements of the zoning ordinance. Although a demonstration of consistency doesn't entitle the property to such a use, once the property owner has met this burden, the burden shifts to the governmental board to demonstrate that maintaining existing zoning classification of the property accomplishes a legitimate public purpose.

In making this decision, the governing body must demonstrate that the decision is not arbitrary, discriminatory, or unreasonable supported by substantial, competent evidence. If the governmental body's decision meets this test, the application should be denied.

A decision by a local governing body regarding a change in a future land use designation or consistency with the policies of the Comprehensive Plan is considered legislative in nature governed by the "fairly debatable" standard of judicial review. Under this standard, it is easier for a local governing body to defend its denial of a request for a future land use change than the more strict "quasi-judicial" review requirements applied to a rezoning that is demonstrated to be consistent with the Comprehensive Plan. The decision to grant or deny a rezoning request must be based upon competent, substantial evidence subject to strict judicial scrutiny rather the more liberal "fairly debatable" standard used by the courts to review legislative decisions.

Policy Background

Policy 1.4 of the Land Use Element of the Comprehensive Plan establishes and describes the RL future land use classification. This designation is for low-density single family dwellings on individual lots along with supportive and complementary uses that serve this type of low-density development. Policy 1.14 adopts in Table 1.10, densities of up to 6 dwelling units per acre for RL designated parcels.

Policy 1.15 of the Land Use Element of the Comprehensive Plan establishes in Table 1.11 a matrix depicting which zoning districts are appropriate or consistent under each specific future land use classification. This table shows that R-1 (less than 5.8 units/acre), R-1A (less than 4.3 units/acre) and R-1AA (less than 2.9 units/acre) are consistent with the RL designation.

The RL designation is the predominate land use classification in the City of Vero Beach. However, the only areas currently zoned R-1AA are on the barrier island in the Riomar, Riomar Bay, Indian Bay, Indian Bay Point, Riomar Cove, and Pelican Cove subdivisions.

Based on available records, the location and acreage of RL designated properties within the City have not changed since the current Comprehensive Plan was adopted in 1992. Within R-1AA zoned areas, all properties are platted with single family lots, except for the Riomar Country Club and the former St. Edward's Lower School property. Few platted lots are vacant.

As far as the staff can determine, excluding the Dodger Pines property, the City has never had the occasion to consider a request to rezone any RL designated parcel to a higher density zoning classification within the RL designation during the 20-year term of the current Comprehensive Plan. Except for potential situations regarding unplatted lots in the R-1AA districts on the barrier island, it is unlikely that the City will have any cause to do so in the foreseeable future as most these properties are platted and developed with single family dwellings.

Evaluation of Current Procedures for Evaluating Consistency with Comprehensive Plan

If a property owner were to seek rezoning to a higher density single family district within the RL designation, the property owner would not have much difficulty in meeting the basic test that the proposed zoning designation is consistent with the RL designation as both R-1A and R-1 zoning districts are allowed under that designation. However, the applicant would still have the burden of proof to demonstrate consistency with other relevant Comprehensive Plan policies.

Although not specifically written to apply to rezoning situations, Policy 3.1 of the Land Use Element would be applied in this type of situation. In brief, this policy states that "residential neighborhoods shall be protected and/or buffered against encroachment from higher density uses."

However, this policy is written to support an objective (Objective 3) calling for the City to "establish and maintain land development regulations that will reduce and prevent land uses that are inconsistent with community character and incompatible with adjacent development." Although the staff believes one can make a convincing argument that any "rezoning" is an essential element of such "maintenance," this assertion may be subject to legal challenge in a court of law as the language lacks sufficient clarity.

Therefore, the staff believes that along with amendments to the rezoning process now under preparation by staff, specific amendments to the City's Comprehensive Plan are warranted to provide a firmer and more legally defensible decision making framework for evaluating the consistency of rezoning requests for RL designated properties with the Comprehensive Plan.

Alternatives

The staff identified two basic alternative concepts for addressing this issue. Each alternative may be either implemented separately or together.

Alternative #1: Create and Apply a New Future Land Use Classification. Under the first alternative, an entirely new future land use classification would be created for low density single family residential of less than 3 units per acre (R-1AA zoning district). By creating a new future land use classification, any attempts to rezone R-1AA properties to R-1A or R-1 would also require a future land use designation change along with the proposed zoning change.

Under this alternative, the future land use designation of all R-1AA zoned properties would be changed from RL to RVL (Residential Very Low). This change would require text amendments to establish the classification and other revisions in the Land Use element needed to accommodate the new designation and a major map amendment to change the designation of RL properties with R-1AA zoning to RVL. Such revisions may also require tweaking of the policy describing the RL land use to clearly differentiate its location requirements and predominate development characteristics from RVL properties.

As shown on the attached Zoning Map, the proposed change would affect over 370 parcels on the barrier island. Most of this area contains developed and platted single family subdivision lots, except for the old St. Edward's school site of 5.74 acres and the Riomar Country Club and golf course of 94 acres.

Although this alternative could be viewed as placing further restrictions on these properties, in reality this change would have little effect. The properties would be allowed to continue to be maintained or developed under the current R-1AA zoning district with no practical impact on use of these properties, thereby rendering moot claims to a "taking" or an "inordinate burden." The only significant change for a property owner would be that any request to rezone a property to R-1A or R-1 would require both a Future Land Use Map and Zoning Map change.

As any proposed change to a higher density single family residential zoning district would also require a change in the future land use designation of the property, the City would be able to render a proposed rezoning moot by denying the requested future land use change. The applicant would be unable or have extreme difficulty demonstrating that the proposed zoning being sought is consistent with the Comprehensive Plan without a change in the RVL designation.

Alternative #2: Create a Comprehensive Plan Policy for Rezoning of RL Parcels. Similar to a policy contained in the Indian River County Comprehensive Plan, a text amendment would be made to the Land Use Element of the Comprehensive Plan that establishes the parameters for denying or approving a rezoning even if the proposed zoning is consistent with the future land use designation.

To implement this alternative, the staff proposes to either amend Policy 1.15 or create a new Policy under Objective 1 that includes the following or similar language:

- o Every single family residential zoning district is not necessarily appropriate for every site within the RL designation;
- o A proposed rezoning of a parcel with a RL designation to a higher density single family zoning district is only appropriate if the property is adjacent to non-RL designated property or is adjacent to a residentially zoned single family district of the same or higher density as proposed for the subject parcel.
- o The City Council may deny a rezoning request for a change in a single family zoning district to a higher density single family zoning district even if the requested zoning district is consistent with the subject property's future land use designation or meets the criteria above, if the denial serves a legitimate public purpose.

Under this alternative, the applicant would also be required to demonstrate that the zoning district is consistent with the above location criteria established for re-zoning within the RL designation in the Comprehensive Plan. As proposed, this policy requirement would preclude "spot zoning," such as the rezoning of the former St. Edward's school site from R-1AA to either R-1A or R-1.

The policy also would contain language providing a basis for the City Council to still deny a rezoning, if it finds that denial serves a legitimate public purpose. The legitimate purpose for the decision would still need to be demonstrated based upon substantial competent evidence as part of the quasi-judicial process.

Evaluation of Alternatives

The staff believes that both alternatives would strengthen the City's legal position, since they would both expand the policy basis upon which decisions are rendered related to changes in future land use designations and consistency with the Comprehensive Plan. As such decisions are considered "legislative" in nature and subject to the "fairly debatable" standard under judicial, both alternatives would strengthen the City's position regarding legal challenges in the denial of requests to rezone R-1A properties to a higher single family density zoning classification.

With that said, the staff believes Alternative #2 has definite advantages over Alternative #1, which are discussed more fully below:

Alternative #1. RVL Future Land Use Classification. This alternative addresses the issue directly by establishing the RVL future land use classification for R-1AA properties which

would require that any rezoning of these properties to a higher single family density (R-1A or R-1) would also require a change in the future land use designation to RL. Without obtaining approval for the future land use change, it would be exceedingly difficult for an applicant to demonstrate that the re-zoning was consistent with the Comprehensive Plan.

While this alternative may provide a better legal defense framework than Alternative #2, it clearly has several drawbacks. To implement the alternative would require several text amendments to the Comprehensive Plan and a major map amendment to designate existing R-1AA zoned properties to the RVL designation, which make its implementation more complicated than those for Alternative #2.

Furthermore, as discussed above, the extent of the potential problem is isolated to two properties in the Riomar neighborhood, the former St. Edward's school site and the Riomar Country Club and Golf Course. To make such a comprehensive change to the Comprehensive Plan appears out of proportion to the extent of the problem.

Another downside to this alternative is a possible public perception issue. The relationship between a future land use designation and zoning designation under Florida law is not well understood by many in the public. Any comprehensive change in the future land use designation of so many properties may cause some real public relation issues and needs to be done with sufficient public notification and education efforts.

From a planning standpoint, the addition of another future land use classification further complicates the plan. It works to segregate and divide specific land uses from each other, which may or not be desirable over the long-term as conditions change and increased emphasis is placed on more compact development. Future land use designations are intended to be broadly applied to lands over the long term (20 to 30 year term of the Comprehensive Plan).

The creation of a single zoning district within a single future land use classification tends to work against this basic principle. It also may raise legal and planning issues as for all practical purposes its implementation is primarily to address the potential rezoning of two specific properties in the Riomar neighborhood.

Alternative #2 New Policy to Guide Re-zonings of RL Parcels. This alternative addresses the issue by requiring that any rezoning of RL parcels to a higher single family density would be required to be consistent with specific location criteria. It would preclude "spot zoning" of properties within the RL designation.

The alternative is more inclusive than Alternative #1, as it would also govern rezoning of R-1A properties to R-1. Therefore, it treats all RL properties in a similar manner without resorting to a new land designation that in reality is intended to address only the potential rezonings of two properties in the Riomar neighborhood.

Upon cursory examination, Alternative #2 may appear to be less effective than Alternative #1 as a proposed rezoning to a higher density rezoning would not require a change in the future land use designation; however, the staff believes that the specific location criteria for any rezoning in the new policy of the Comprehensive Plan makes this alternative as or nearly as effective as the other alternative.

This alternative is simple and straight forward. It only would require a single text amendment unlike the other alternative which would require various text amendments and a comprehensive map amendment.

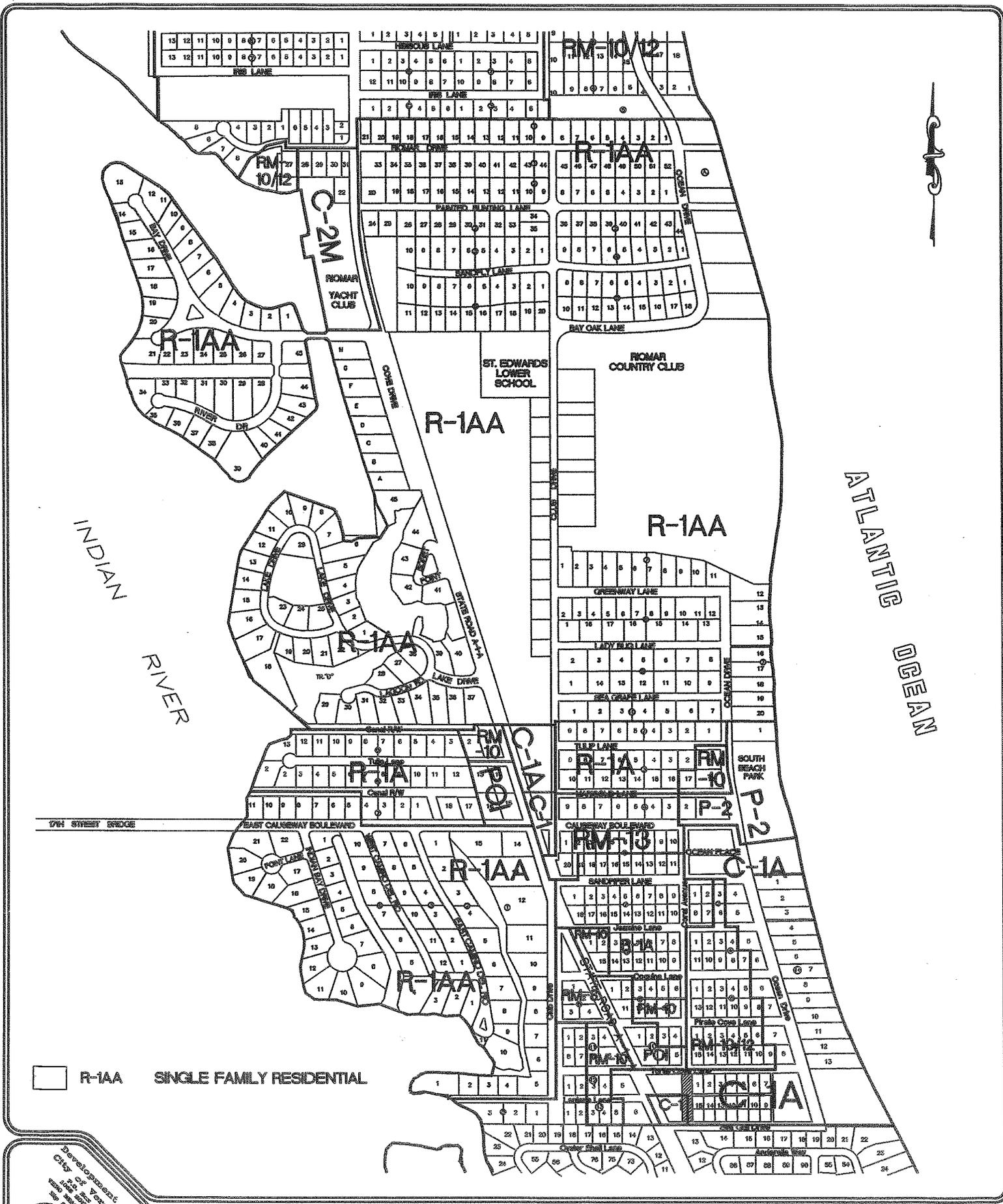
Planning and Zoning Recommendation

The Planning and Zoning Board discussed the alternatives at its March 3 meeting. Although both alternatives were acceptable, the Board preferred Alternative #2. The Board believed this alternative was simpler, more straight forward and less difficult to understand than Alternative #1.

Recommendation

The staff and the Planning and Zoning Board recommend Alternative #2 to the City Council as the preferred option. It is requested that the City Council indicate which alternative it supports and desires the staff to pursue, including providing any further direction it may deem appropriate to staff.

TJM/tf
Attachment



R-1AA SINGLE FAMILY RESIDENTIAL ZONING DESIGNATION
306.19 ACRES

DATE 02-22-2011
SCALE--NTS

7-D)



City Council Agenda Item Meeting of March 15, 2011

TO: Mayor Jay Kramer
Vice Mayor Pilar Turner
Councilmember Brian Heady
Councilmember Craig Fletcher
Councilmember Tracy Carroll

FROM: Monte K. Falls, P.E. - Interim City Manager *MkFalls 3/8/11*

DATE: March 8, 2011

SUBJECT: Proposed Lease Termination Agreement Requested by Southern Atlantic Supply Division, Corp.; Airport Building 96-Unit B

REQUESTED BY: Airport Director

The following is requested as it relates to the above-referenced agenda item:

Request Council review and approval based on the attached supporting documentation.

Request Council review and possible action.

No action required. (Information only)



CITY OF VERO BEACH
AGENDA ROUTING SLIP

Date: March 7, 2011

For City Council Meeting on March 15, 2011

- Originated by: (Check one)
- City Council, motion adopted on: _____
 - Council Member _____
 - City Manager
 - City Attorney
 - City Clerk
 - Airport _____ Department

Person to Contact: Ericson W. Menger, Airport Director

Telephone Number: 978-4930

Proposed Lease Termination Agreement Requested by Southern Atlantic Supply Division, Corp.: Airport Building 96 – Unit B

		<u>Initial/Date</u>
<u>Route for Signature to:</u> (Fill in Departments which should review this item.)	1. <u>Airport</u> Dept.	<u>M 3/7/11</u>
	2. <u>City Attorney</u> Dept.	<u>WPC 3/8/11</u>
	3. <u>City Manager</u> Dept.	<u>MKF 3/8/11</u>
	4. _____ Dept.	
	5. _____ Dept.	
	6. _____ Dept.	
	7. _____ Dept.	
	8. _____ Dept.	

- Return Completed Agenda Item and Slip to (check one):
- City Attorney's Office
 - City Manager's Office

cc: Tammy K. Vock, City Clerk (via email)

MEMORANDUM

TO: Monte K. Falls, Interim City Manager
VIA: Wayne R. Coment, Acting City Attorney
FROM: Ericson W. Menger, Airport Director
DATE: March 7, 2011
SUBJECT: PROPOSED LEASE TERMINATION AGREEMENT REQUESTED BY SOUTHERN ATLANTIC SUPPLY DIVISION, CORP.: AIRPORT BUILDING 96 - UNIT B

Attached, for your review and approval, are three copies of a proposed lease termination agreement requested by owners and management of Southern Atlantic Supply Division, Corp., (locally known as Allied Building Products), pertaining to 16,500 square feet of warehouse space in Airport Building 96 – Unit B.

BACKGROUND:

This parcel is located on Airport property at the corner of Piper Drive and Dodger Road, one block south of Aviation Boulevard and containing a warehouse with 24,000 square feet of space currently divided into two units, Unit A containing 7,500 square feet, and Unit B containing 16,500 square feet. On September 18, 2007, City Council approved a new ten (10) year lease which effectively continued the long term tenancy for this building material supplier. During the same time period this tenant leased another vacant Airport parcel across the street from this building and constructed a new warehouse facility to serve the majority of their normal business needs. The Tenant intended to continue using this older facility for storage, however, due to the substantial downturn in the regional economy and the minimal tropical storm activity in southeast Florida for the past several years, this tenant is experiencing substantial financial pressures and must revise its business plans to conserve operating capital or suffer unsustainable losses and possible closure of its Vero Beach facilities adding to the local unemployment rolls. The tenant has expressed their needs for immediate relief from the financial burdens of this leasehold obligation. This lease currently produces monthly rental income for the Airport in the amount of \$7,714.44 plus sales tax in the amount of \$540.01 for a total tenant obligation of \$8,254.45. Total annual rent and sales tax is \$99,053.38.

After several discussions with representatives from Southern Atlantic Supply Division, Corp., Airport staff negotiated the attached termination agreement. The agreement provides for termination of the existing lease to be effective March 1, 2011, upon timely payment to the Airport of one year rent in advance (\$99,053.38) including sales tax, due and payable on or before March 25, 2011. In addition, the Tenant has agreed to forfeit the security deposit in the total amount of \$23,172.19 to the Airport immediately upon the approval of this termination agreement by the City Council.

RECOMMENDATION:

I respectfully request that this matter be scheduled to be considered by the Vero Beach City Council on March 15, 2011. I recommend approval by the City Council and authorization for the Mayor to execute the termination agreement on behalf of the City.

EWM/jm
Attachments

cc: Airport Commission Members (via email and/or USPS)
Joyce Vonada, City Manager's Office (via email)

AGREEMENT TO TERMINATE COMMERCIAL LEASE
AIRPORT PARCEL 29 – BUILDING 96 – Unit B (16,500 sf)

This Agreement to Terminate Commercial Lease (hereinafter referred to as "Agreement") entered into the date last entered below by and between the **CITY OF VERO BEACH**, a Florida municipal corporation whose mailing address is P.O. Box 1389, Vero Beach, Florida 32961-1389 ("LANDLORD"); and **SOUTHERN ATLANTIC SUPPLY DIVISION, CORP.**, a foreign profit corporation, whose mailing address is 15 East Union Avenue, East Rutherford, New Jersey 07073 ("TENANT").

WHEREAS, LANDLORD owns certain real property located at the Vero Beach Municipal Airport commonly identified as Parcel 29 – Building 96 – Unit B, as more fully described in Attachment "A" to this Agreement; and

WHEREAS, the aforementioned real property is the subject of a commercial lease between LANDLORD and TENANT dated September 18, 2007, for an initial term of ten 10 years commencing on October 1, 2007, and terminating on September 30, 2017; and

WHEREAS, TENANT has informed LANDLORD that TENANT is experiencing severe economic hardship due primarily to the regional economic downturn, in addition to increased costs related to the recent development of another Airport parcel with a new warehouse and commercial retail center for its roofing materials business. TENANT is seeking relief from TENANT'S Lease obligation on the older warehouse which is no longer needed and for which TENANT has been unable to use since completion of their new facility; and,

WHEREAS, TENANT submitted a written request to LANDLORD dated February 10, 2011, requesting that LANDLORD terminate the Lease of 16,500 square feet within Building 96; and,

WHEREAS, TENANT will not dispute the forfeiture of the rent security deposit to LANDLORD and TENANT will also tender payment of one (1) full year rental, together with sales tax thereon, within ten (10) days after TENANT receives notice that this Agreement has been approved by the Vero Beach City Council; and,

WHEREAS, LANDLORD and TENANT have determined that it is to their mutual advantage to terminate the Lease on amicable terms.

NOW, THEREFORE, in consideration of the foregoing, LANDLORD and TENANT agree as follows:

1. TENANT shall forfeit the rent security heretofore deposited with LANDLORD in the sum

of \$23,172.19 immediately upon the approval of this Agreement by the City Council of Vero Beach.

2. TENANT shall pay LANDLORD one (1) year rent in the sum of \$99,053.38, which sum is inclusive of sales tax, no later than ten (10) days after the City Council of Vero Beach approves this Agreement.
3. TENANT shall pay any and all sums now due, or to become due, for utility, telephone, or other utility services billed directly to TENANT, and TENANT shall hold LANDLORD harmless for any such charges.
4. Termination of the September 18, 2007 Lease shall be effective in arrears to February 28, 2011, hereinafter "TERMINATION EFFECTIVE DATE," upon the approval of the Vero Beach City Council, and payment and performance of all other obligations enumerated herein by TENANT.
5. Should TENANT fail to fulfill all of its obligations enumerated herein in a timely manner, and no later than March 25, 2011, this Agreement shall lapse and be of no further effect and the Lease shall continue in full force and effect.
6. TENANT warrants that the Leased Premises are vacant, clean, in good condition and that damages to the building, if any, over and above damages that would be considered normal wear and tear, have been repaired.
7. Upon payment of the rent due hereunder and the Lease being terminated by the terms hereof, TENANT shall deliver all keys to doors, locks, and equipment to the Airport Directors Office no later than March 25, 2011.
8. TENANT hereby releases and forever discharges the City of Vero Beach, its elected officials, officers, employees, agents, representatives, volunteers, their successors and assigns (hereinafter "RELEASED PARTIES"), of and from any and all liabilities, claims, demands, damages, actions, costs or expenses of any nature, known or unknown, arising out of or in any way connected with the LEASE, termination of the leasehold, TENANT'S surrender of possession of the Premises, improvements and any other property left on the Premises as of the TERMINATION EFFECTIVE DATE, including any claims based on the negligence, actions or inaction of any of the RELEASED PARTIES and covers bodily injury, death and property damage or loss.

9. This AGREEMENT shall be binding upon, and shall inure to the benefit of, LANDLORD and TENANT, and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals this ____ day of _____, 2011.

LANDLORD – CITY OF VERO BEACH
(This section to be completed by Landlord only)

ATTEST:

LANDLORD:

Sign: _____

Sign: _____

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

Date: _____

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by Jay Kramer, as Mayor, and attested by Tammy K. Vock, as City Clerk of the City of Vero Beach, Florida. They are both known to me and did not take an oath.

NOTARY PUBLIC:

Sign: _____

Print: _____

State of Florida at Large [SEAL]

Commission No. _____

My Commission Expires: _____

**TENANT – SOUTHERN ATLANTIC SUPPLY DIVISION, CORP.,
an active foreign profit corporation
(This section to be completed by Tenant only)**

WITNESSED BY:

TENANT:

an

Southern Atlantic Supply Division, Corp.,
active foreign profit corporation,

Sign: Charles Egan
Print: Charles Egan

By: Robert Feury, Jr.
Robert Feury, Jr.
President/Director

Sign: Donald Heating
Print: Donald Heating

By: Frank Furia
Frank Furia
Secretary

STATE OF NEW JERSEY

COUNTY OF BERGEN

The foregoing instrument was acknowledged before me this 3rd day of March, 2011, by Robert Feury, Jr., as President/Director, and Frank Furia, as Secretary, on behalf of the corporation. They are personally known to me or produced as identification and did/did not take an oath.

NOTARY PUBLIC:

Sign: Melina Harvin
Print: Melina Harvin
State of New Jersey at Large [SEAL]
Commission No. 2328449
My Commission Expires: 5/3/2015

CITY MANAGEMENT

(This section to be completed by City Management Staff only)

Approved as to form
and legal sufficiency:



Wayne Coment
Acting City Attorney

Approved as conforming to
municipal policy:



Monte K. Falls
Interim City Manager

Approved as to technical
requirements:



Ericson W. Menger
Airport Director

EXHIBIT "A"
PROPERTY DESCRIPTION
VERO BEACH AIRPORT PARCEL #29
CENTRAL PORTION OF PARCEL #32-39-26-00011-0280-00001.0

Situated in the State of Florida, County of Indian River, City of Vero Beach, and being a portion of Section 3, Township 33 South, Range 39 East and being more particularly bounded and described as follows:

Commencing at the Northeast corner of Section 3-33-39, run North 89°45'39" West along the North line of said Section 3 for a distance of 1,445.64 feet to THE Point of Beginning;

Thence from the Point of Beginning, continue North 89°45'39" West along said Section line for a distance of 208.50 feet;

Thence South 00°17'33" West for a distance of 152.50 feet;

Thence South 89°45'39" East for a distance of 208.50 feet;

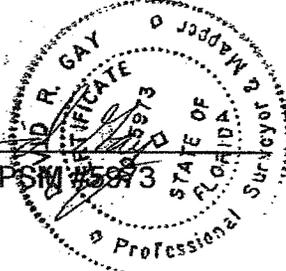
Thence North 00°17'33" East for a distance of 152.50 feet to the Point of Beginning;

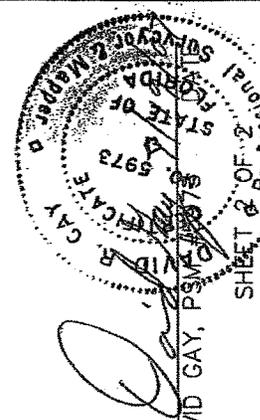
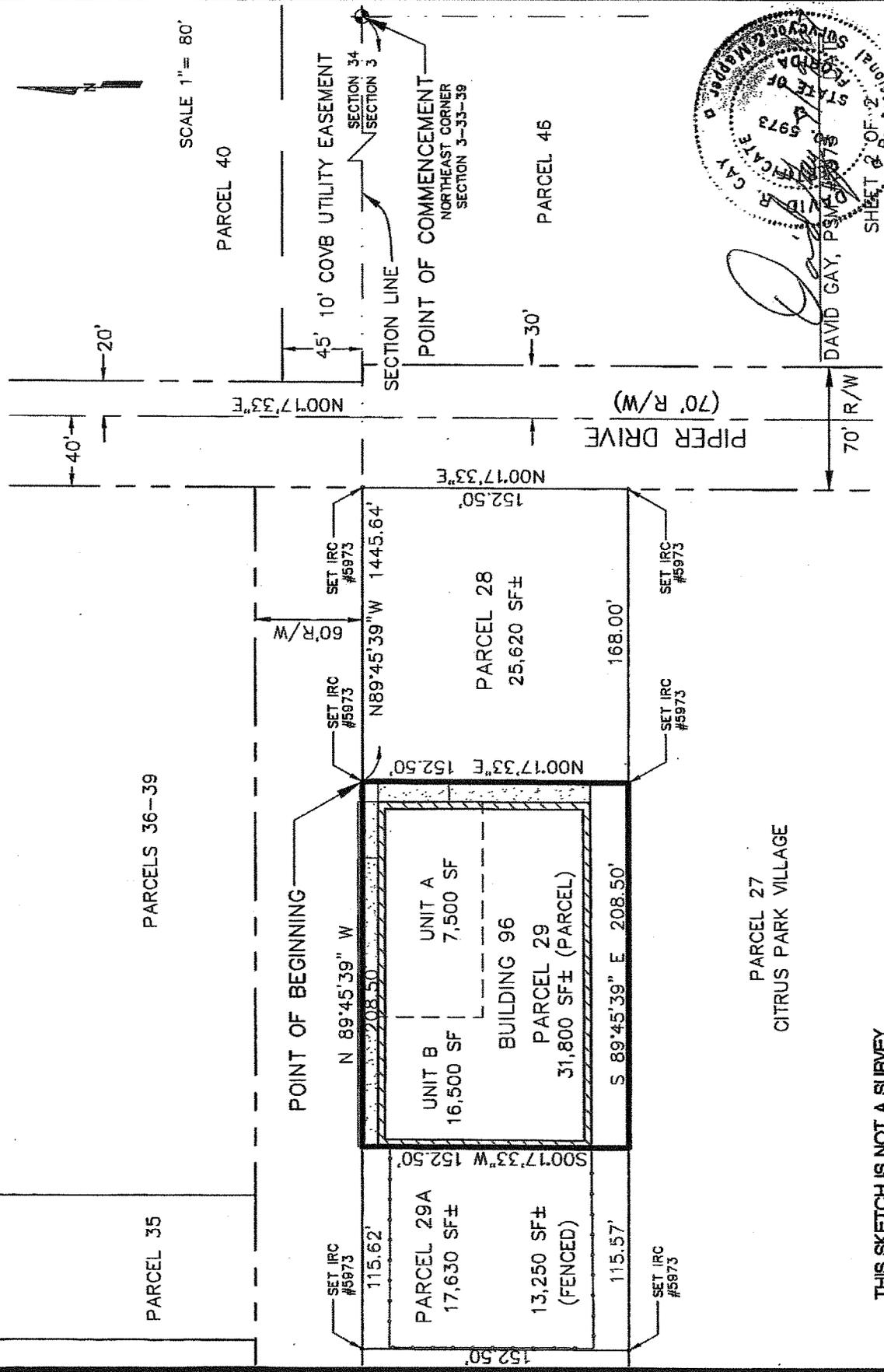
Containing 31,800 square feet more or less.

Note: Unit A of Building 96, Parcel 29, contains 7,500 square feet more or less;

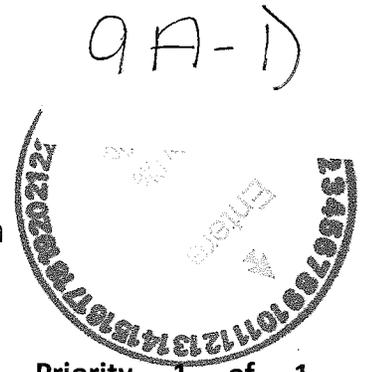
Unit B of Building 96, Parcel 29, contains 16,500 square feet more or less.

David R. Gay, PSM #5973





CITY PROJECT NO. 2007-16 DATE 07/2007 DRAWN BY DG CHKD BY MKF		ATTACHMENT "A" DRAWN BY DATE	REV. NO. APPROVED BY
SKETCH OF PROPERTY DESCRIPTION PARCEL 29 VERO BEACH MUNICIPAL AIRPORT		THIS SKETCH IS NOT A SURVEY	
CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY DIVISION		CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY DIVISION	



Addendum to the City Council Meeting Agenda

Author: Jay Kramer Council Meeting Date: Mar 15th, 201 Priority 1 of 1

Title: Performance Evaluations

Summary:

There are two systems to review an employee.

1. A performance evaluation system is where a person in a managerial position is rating another person [s].
In our case, a Charter Officer would receive from five Council Members an evaluation regarding how we individually believe they performing.
2. A performance review system on the other hand is a team approach where Council Members sits with a Charter Officer and together establish expected goals and objectives.

My proposal is to institute a process of reviewing our Charter Officers' using a performance Review system that would establish a consensus of goal [s] and objectives for Charter Officers.

Public need or issue addressed:

The public will have a better understanding of the relationship between the city council and charter officers. The publics input would also be welcomed in this matter.

Relevant City Charter, code references, legal:

This has not been a consistent practice policy in the past.

Dates of past decisions by Council relevant to the issue:

There have been several implementations of this in the past; I have attached as backup some of the evaluations.

Statement of the proposed solution to the public need or issue:

A motion that would induce a policy to conduct charter officer performance reviews on a regularly scheduled basis.

Additional attached documentation includes:

PERFORMANCE REVIEW

Participant's Name _____ Department _____

Job Assignment _____ City _____ State _____

Date: _____

DIRECTIONS:

- ◆ Team [evaluator and employee] completes evaluation and discussions within the first cycle timeline.
- ◆ All parties involved sign document.
- ◆ Evaluation with both signatures are sent to Human Resources Department for filing in personnel file
- ◆ A copy of evaluation is kept by evaluator and employee.

GOALS: {Identify the desired outcome}:

Usually one or two. Be specific on what the participant is to accomplish.

1. _____

2. _____

OBJECTIVES AND TIMELINES: {What you want accomplished}

Please list and define specific {what, time, resources} projects you assigned to participant to reach the goals.

GOAL 1

GOAL 2

1. Objective:	1. Objective:
a. timeline:	a. timeline:
b. resources	b. resources
2. Objective:	2. Objective:
a. timeline:	a. timeline:
b. resources	b. resources
3. Objective:	3. Objective:
a. timeline:	a. timeline:
b. resources	b. resources

ASSESSMENT:

Please use the following rating scale to rate the participant on aspects of performance listed below:

U = Unsatisfactory; P = Provisional; C = Commendable; S = Superior; E = Exceptional; NA = Not applicable

- _____ Completion of the assigned projects
- _____ Conducted all interactions in a positive and professional manner
- _____ Encouraged a cooperative working environment
- _____ Translated his/her personal experiences into valuable insights for the city, Vero Beach.
- _____ Worked independently
- _____ Works effectively with groups
- _____ Made effective use of time
- _____ Compiled organized, concise working papers that supported actions taken
- _____ Met the expectations of your organization.
- _____ **OVERALL PERFORMANCE RATING**

DIRECTIONS FOR ASSESSING COMPETENCIES:

Please rate the following competencies by the frequency the employee put the competency into practice. Circle the appropriate number on the 1-5 rating scale for each competency.

A rating of 1 = (rarely or 10-20% of the time) and 5 = (almost always or 80-100% of the time).

Check the N/A column if there was no opportunity for the interim to put the competency into practice.

See attached definitions of the nine competencies.

COMPETENCIES	Rarely 10-20%	Some times 20-40%	Often 40-60%	Very Often 60-80%	Almost Always 80-100%	N/A
LEADERSHIP COMPETENCIES						
Focus: The ability to identify an important goal or vision and to channel efforts at specific targets that support that goal or vision.	1	2	3	4	5	
Drive: The ability to persevere, sacrifice (<i>when necessary</i>) and expend high degrees of energy to reach high levels of performance.	1	2	3	4	5	
Perception: The ability to read the emotions and thoughts of others through the use of insight, empathy, and observational skills.	1	2	3	4	5	
Emotional Maturity: The ability to master emotions and cope with stress in a way that instills confidence, motivates, and enhances group effectiveness.	1	2	3	4	5	
Communication: The skill of communicating and relating to a broad range of people internally and externally.	1	2	3	4	5	
MANAGEMENT COMPETENCIES						
Demonstrates organizational citizenship	1	2	3	4	5	
Develops and grows financial/revenue sources	1	2	3	4	5	
Leads change effectively	1	2	3	4	5	
Leverages resources and demonstrates accountability	1	2	3	4	5	
Manages for continuously high performance	1	2	3	4	5	
Maximizes presence in the community	1	2	3	4	5	
Promotes effective board relations and governance	1	2	3	4	5	
Puts customer needs and services first	1	2	3	4	5	
Visionary	1	2	3	4	5	

Signatures/Comments

Signature of Employee

Date

Employee's comments:

Signature of Evaluator

Date

(indicates an evaluation and assessment has occurred, but does not imply agreement with content)

Evaluator's comments:

Guidelines for Evaluators During Review Process

- Look at performance during the entire assignment period
- Be specific and concrete in comments
- Use actual results and accomplishments to measure level of achievement
- Be candid in assessment of the results
- Do not let personal feelings cloud the accurate assessment
- Avoid allowing rater bias to influence the evaluation, such as:
 - Halo effect - successful performance in one area means all performance is successful
 - Horn effect - unsuccessful performance in one area means all performance is unsuccessful
 - Current effect - most current performance is used to account for performance throughout the interim period
- Obtain feedback from a variety of sources prior to completing the evaluation (e.g. employees, committee members, consultants, etc.)
- Meet expectations versus did not meet expectations
 - Common adjectives that would appropriately describe meeting the expectations of a work-related behavior include:
 - exceptional
 - superior
 - commendable
 - Common adjectives that would appropriately describe not meeting the expectations of a work-related behavior include:
 - provisional
 - unsatisfactory

Definitions Competencies

DEMONSTRATES ORGANIZATIONAL CITIZENSHIP:

Inspires commitment and dedication to the {city} mission, vision, values, principles, and traditions by incorporating them into personal behavior and visible actions and by using them as guides for decisions. Builds trust through demonstrating principled leadership, sound business ethics, and personal integrity. Reinforces commitment to "*One Organization*" by managing collaboratively within comprised entities for accomplishment of shared goals.

DEVELOPS AND GROWS FINANCIAL/REVENUE SOURCES:

Personally demonstrates revenue-generating ability on the {city} behalf. Effectively executes fiscal and fiduciary responsibilities. Works with the Council to ensure that the {city} has adequate and diversified financial resources to meet service delivery and corporate financial goals. Approaches fiscal responsibilities in terms of securing an investment base to underwrite the future of the {city} operations

LEADS CHANGE EFFECTIVELY:

Acts as a catalyst for needed change and motivates employees, leadership, committees, and the community to accept and implement new initiatives. Convinces others of the need for change due to critical organizational objectives and helps others adapt and remain effective. Strives to keep the Council and city "in front of the curve" on trends, including technology, changes in customers and competitors, structure, staffing, alternative service delivery models, shared services, streamlining procedures and outsourcing.

LEVERAGES RESOURCES AND DEMONSTRATES ACCOUNTABILITY:

Works across the community and organizational networks to obtain information, support, and needed resources for the {city}. Allocates resources according to objectives and strategic goals to best serve the city. Adheres to corporate policy and fiduciary requirements.

Manages for continuously high performance: Works to ensure that employees and volunteers understand and are committed to corporate expectations, objectives, and measures for individual, board, and state performance. Assesses current systems and their ongoing effectiveness and identifies opportunities for improved performance. Prioritizes and communicates roles and responsibilities concerning the business plan, strategic goals, and improvement initiatives.

Maximizes presence in the community: Promotes the {city} and its services to all external audiences. Develops and promotes a positive reputation for the city. Increases community commitment and participation. Uses collaborative relationships, partnerships, and informal networks to assert that the {city} is the most effective and efficient {city} in the community and state.

Promotes effective board relations and governance: Uses knowledge and experience of volunteer board governance to build and maintain positive and effective relationships with the leaders. Ensures that the Council learns about the business and actively supports their role in all levels of the organization and in all activities. Supports the Chair in leading the Council to meet its governance responsibilities for strategic planning, financial management, and adherence to corporate policies and procedures, and performance evaluations.

Puts {the city} needs and services first: Demonstrates dedication to community needs and responds effectively to the expectations and requirements of {Council and citizens}. Focuses consistently on serving the needs, concerns, objectives, and aspirations of {Council and citizens} by effectively communicating the direct benefits of services.

Visionary: Creates and expresses a clear and compelling vision for the {city's} direction. Inspiring others to pursue that same direction. Anticipates and communicates the future of the {city} structure, including future needs, potential options, and constraints. Identifies new product, service, and performance opportunities for the {city} and creates linkages between current and future activities.

Monday July 17th 2000


JUL 2000
CITY CLERK'S
Office

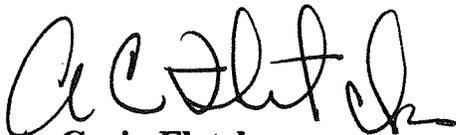
Mayor, City of Vero Beach

Dear Ms. Bowden;

I have developed a proposed "annual evaluation" for each of the Charter Officers of the City of Vero Beach. As a guide I have used the annual review from the Town of Indian River Shores, City of Sebastian, City of Vero Beach and my own experience from many years of work.

Since each Charter office is different, each has a separate review. These could be combined but I think keeping them separate would serve to allow each to develop into the separate characteristics of the offices.

I am submitting these with the thought that each Council member can mark up each review and submit suggested changes for each office so the City Clerk could combine them for review and adoption at a later date.



A. Craig Fletcher
Councilman, City of Vero Beach

ANNUAL EVALUATION

Note:

It is recommended that each evaluator keep a blank copy of these forms to record accomplishments and dissatisfactions observed over the rating period so as to have a ready reference of material to refer to when preparing the evaluation.

An additional page(s) for the evaluation should be supplied to give an extended explanation of any below or above average ratings given to the employee. Suggestions for overall or specific improvements should be entered to formally record any distinct shortcomings the evaluator(s) feel could be reason for formal reprimand.

CONDUCTING THE ACTUAL EVALUATION:

The following procedures should be followed when conducting the actual review.

- 1. After the forms have been completed the evaluation should be explained to the employee on a personal basis in a setting that will lend itself to as few interruptions as possible and in a neutral location and setting.**
- 2. The employee should complete a self-assessment using the same form as the evaluator and a comparison of the two evaluations with the possibility of revisions to each form should be considered.**
- 3. During the evaluation process the focus of the review should be based upon "observable" and "measurable" job related performance. Some areas may be to some degree "subjective" in nature and should be kept to a minimum.**
- 4. The rating scale ranges from one, (1) to five, (5). One, (1) being "Does not meet expectations," Two, (2) "Needs work," Three, (3) "Meets expectations," Four, (4) "Above expectations," Five, (5) Exceeds expectations in all categories."**
- 5. Each item should be reviewed and scored independently. At the end of the form a "comments" section should be added so the evaluator can document achievements or areas that need improvements.**

- 6. Another page(s) should be supplied for the employee to use to formally “SET THEIR GOALS.” Each goal should be defined in measurable terms and set in a format of “Short Term,” a goal to be achieved in under twelve calendar months. “Long Term,” a goal to be achieved in three or less years. These goals could be to complete a series of college courses or a degree. Perhaps to lower departmental cost, to increase efficiency in some form. They could reflect achievements regarding the completion of project as prioritized in their departmental goals from the previous year.**
- 7. It is suggested that initial goals be limited to no more than two, short-term and one long-term goal.**
- 8. Short-term goals will drop off each year unless they have not been successfully completed. Long term goals should be updated each year to reflect and document the constant growth of the employee and echo the changing environment of the job.**
- 9. If the employee fails to complete any goal in the suggested time frame they will be required to explain, in writing, why this goal was not completed. A required third short-term or long-term goal would be added to complete the task and assign their number one priority to this uncompleted goal. As you can see this could result in long list of documented failures and serve as the trigger if formal action needs to be taken against the employee. On the other hand if the reviews show consistent better than expected performance the employee would have a strong case to suggest an above average increase in salary. The employee would also have a documented trail of their accomplishments and project priorities as set and agreed to by the Council. If questions as to the priorities of a given project arise a record is available for review and any changes in priorities can be documented.**
- 10. The goals should reflect those policies the Council believes will achieve the objectives they have set for the future of the City of Vero Beach.**

CITY MANAGER EVALUATION

- 1. Goals: Sets and achieves goals that reflect City Council policy. Completes goals in a timely manner. _____**

- 2. Communication skills: Keeps City Council informed in an appropriate and timely manner of matters critical to the policy making role. Reports progress and or problems with capitol as well as other projects. _____**

- 3. Responsive: Follows up on Council members request for information or action. _____**

- 4. Availability: Is available to Council members for official business. Provides information to City Council members on an equal and timely basis. _____**

- 5. Planning: Develops and maintains appropriate planning as required by the City charter, Florida law and priorities as set by the City Council. (Five year plan) _____**

- 6. Communication, (written and verbal): Communicates with the Council, Public and department heads in a professional and effective manner. Demonstrates the ability to select, organize and present effective presentations with comprehensive backup in terms the general public can understand. _____**

- 7. Interpersonal skills: Demonstrates sensitivity to and for the opinions of others. Able to deal with people as individuals in an unbiased manner with a minimum of preconceived biases. _____**

- 8. Problem solving: Shows initiative and explores options in problem solving.** _____
- 9. Fiscal responsibility: Prepares budgets in a timely manner demonstrating a full knowledge of fiscal responsibilities for municipalities.** _____
- 10. Leadership: Sets examples for other to follow, commands respect and support of subordinates, selects qualified personnel for key positions. Prepares others to further develop their careers. Is able to motivate others.** _____
- 11. Personal Development: Continues to develop educationally and evolve in the diverse and rapidly changing modern environment of municipal governments.** _____
- 12. Recognizes and respects the sovereignty of other charter offices and officers and maintains a good working relationship with those offices.** _____

CITY ATTORNEY EVALUATION

- 1. Goals: Sets and achieves goals that reflect City Council policy. Completes goals in a timely manner. _____**

- 2. Communication skills: Keeps City Council informed in an appropriate and timely manner of matters critical to the policy making role. Reports progress and or problems with projects. _____**

- 3. Responsive: Follows up on Council members request for information or action. _____**

- 4. Availability: Is available to Council members for official business. Provides information to City Council members on an equal and timely basis. _____**

- 5. Communication, (written and verbal): Communicates with the Council, Public and department heads in a professional and effective manner. Demonstrates the ability to select, organize and present effective presentations with comprehensive backup in terms the general public can understand. _____**

- 6. Interpersonal skills: Demonstrates sensitivity to and for the opinions of others. Able to deal with people as individuals in an unbiased manner with a minimum of preconceived biases. _____**

- 7. Problem solving: Shows initiative and explores options in problem solving.** _____
- 8. Fiscal responsibility: Prepares budgets in a timely manner demonstrating a full knowledge of fiscal responsibilities for municipalities.** _____
- 9. Leadership: Sets examples for other to follow, commands respect and support of subordinates, selects qualified personnel for key positions. Prepares others to further develop their careers. Is able to motivate others.** _____
- 10. Personal Development: Continues to develop educationally and evolve in the diverse and rapidly changing modern environment of municipal governments.** _____
- 11. Legal: Demonstrates a command and knowledge of the law pertaining to municipalities in the State of Florida, County and the City.** _____
- 12. Recognizes and respects the sovereignty of other Charter offices and officers and maintains a good working relationship with those offices.** _____

CITY CLERK EVALUATION

- 1. Goals: Sets and achieves goals that reflect City Council policy. Completes goals in a timely manner. _____**

- 2. Communication skills: Keeps City Council informed in an appropriate and timely manner of matters critical to the policy making role. Reports progress and or problems with projects. _____**

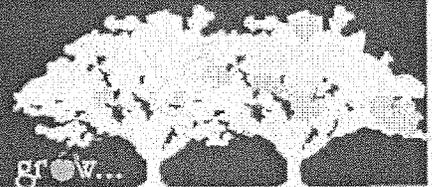
- 3. Responsive: Follows up on Council members request for information or action. _____**

- 4. Availability: Is available to Council members for official business. Provides information to City Council members on an equal and timely basis. _____**

- 5. Communication, (written and verbal): Communicates with the Council, Public and department heads in a professional and effective manner. Demonstrates the ability to select, organize and present effective presentations with comprehensive backup in terms the general public can understand. _____**

- 6. Interpersonal skills: Demonstrates sensitivity to and for the opinions of others. Able to deal with people as individuals in an unbiased manner with a minimum of preconceived biases. _____**

7. **Problem solving: Shows initiative and explores options in problem solving.** _____
8. **Fiscal responsibility: Prepares budgets in a timely manner demonstrating a full knowledge of fiscal responsibilities for municipalities.** _____
9. **Leadership: Sets examples for other to follow, commands respect and support of subordinates, selects qualified personnel for key positions. Prepares others to further develop their careers. Is able to motivate others.** _____
10. **Personal Development: Continues to develop educationally and evolve in the diverse and rapidly changing modern environment of municipal governments.** _____
11. **Records: Demonstrates a command and knowledge of the laws detailing the keeping and maintenance of the City records. Makes the City records available in a courteous and timely manner to those requiring access.**
12. **Elections: Conducts and supervises the City elections in concert with the laws of the State of Florida.** _____
13. **Recognizes and respects the sovereignty of other Charter offices and officers and maintains a good working relationship with those offices.** _____



Fellsmere

Performance Evaluation City Manager

Purpose

The purpose of the City Manager performance evaluation and development report is to increase communication between the City Council and the City Manager concerning the performance of the City Manager in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

Process

The City Council shall conduct a semiannual review and evaluation of the City Manager's work performance. This review encompasses the 12-month period from February 2008 to February 2009. The results of such evaluation shall commend areas of good performance and point out areas for improvement. The review shall also be the basis for contract extensions and compensation decisions.

1. Evaluation forms are distributed to all Council members
2. The City Manager prepares a memorandum to the City Council including his/her self-evaluation in a narrative form.
3. Each Councilperson completes the form, signs, dates and returns the form to the City Clerk.
4. The City Clerk will tabulate the results of the evaluation forms and prepare the summary evaluation form to be formally accepted by Council along with the Manager's self-evaluation.

Instructions

Review the City Manager's work performance for the entire period; try to refrain from basing judgment on recent events or isolated incidents. Evaluate the City Manager on the basis of standards you expect to be met for the job. Check the number (1 through 5) which most accurately reflects the level of performance for the factor appraised using the rating scale below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the "N/A" column next to factor.

City Manager Twelve-Month Performance Evaluation

Date: _____

Rating Scale Definitions (1-5)

- Unsatisfactory (1) The City Manager's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- Improvement Needed (2) The City Manager's does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- Satisfactory (3) The City Manager's performance consistently meets the standards of the position.
- Exceeds Job Standard (4) The City Manager's work performance is frequently or consistently above the level of satisfactory, but has not achieved an overall level of outstanding performance.
- Outstanding (5) The City Manager's work performance is consistently excellent when compared to the standards of the job.
- (circle one)

I. Performance Evaluation & Achievements

1. City Council Relationships

A. Effectively implements policies and Programs Approved by City Council.	1	2	3	4	5	N/A
B. Reporting to the City Council is timely, clear, concise, and thorough.	1	2	3	4	5	N/A
C. Accepts directions/instructions in a positive manner.	1	2	3	4	5	N/A
D. Effectively aids the City Council in establishing long range goals.	1	2	3	4	5	N/A
E. Keeps the City Council informed of current activities of administration and new developments in technology, legislation, governmental practices, etc.	1	2	3	4	5	N/A
F. Alerts the City Council to issues that could come before the City Council.	1	2	3	4	5	N/A

Comments:

2. Public Relations

A. Projects a positive public image.	1	2	3	4	5	N/A
B. Is courteous to the Public.	1	2	3	4	5	N/A
C. Maintains effective relationship with the media.	1	2	3	4	5	N/A

Comments:

3. Effective Leadership of Staff

A. Delegates appropriate responsibilities	1	2	3	4	5	N/A
B. Creates a positive working environment.	1	2	3	4	5	N/A
C. Communicates effectively.	1	2	3	4	5	N/A

Comments:

4. Fiscal Management

A. Prepares realistic annual budget.	1	2	3	4	5	N/A
B. Controls expenditures in accordance with approved budget.	1	2	3	4	5	N/A
C. Keeps City Council informed about revenues and expenditures, actual and projected.	1	2	3	4	5	N/A
D. Ensures that the budget addresses the City Council's goals and objectives.	1	2	3	4	5	N/A

Comments:

5. Communication

A. Oral communication is clear, concise, and articulate.	1	2	3	4	5	N/A
--	---	---	---	---	---	-----

B. Written communications are clear, concise, and accurate.	1	2	3	4	5	N/A
---	---	---	---	---	---	-----

Comments:

6. Personal Traits

A. Initiative.	1	2	3	4	5	N/A
B. Judgement.	1	2	3	4	5	N/A
C. Fairness & Impartiality.	1	2	3	4	5	N/A
D. Creativity.	1	2	3	4	5	N/A

Comments:

7. Intergovernmental Relations

A. Maintains effective communications with local, state, and federal agencies.	1	2	3	4	5	N/A
B. Financial resources (grants) from other agencies are vigorously pursued.	1	2	3	4	5	N/A
C. Contributions to good government through regular participation in local, regional, and state committees and organizations.	1	2	3	4	5	N/A
D. Lobbies effectively with legislators and state agencies regarding city programs and projects.	1	2	3	4	5	N/A

Comments:

II. Achievements Relative to Objectives for this Evaluation Period (March 2009 – March 2010):

III. Summary Rating

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, I would rate the City Manager:

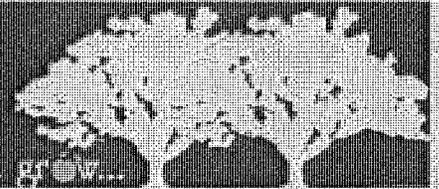
Unsatisfactory	Improvement Needed	Satisfactory	Exceeds Job Standards	Outstanding
1	2	3	4	5

(please circle one)

Comments:

IV. Future Goals & Objectives (March 1, 2009 – October 1, 2010)

Specific goals and objectives to be achieved in the next evaluation period:



Fellsmere

CITY CLERK EVALUATION

The enclosed Evaluation Form has been prepared for the City Council of the City of Fellsmere, Florida. The form includes five (5) major sections or areas of evaluation with criteria under each section as follows:

- | | |
|-------------|-----------------------------------|
| SECTION I | Relations with Governing Body |
| SECTION II | Office Management/Professionalism |
| SECTION III | Relations with the Public |
| SECTION IV | Legislative/Legal Relations |
| SECTION V | General Comments |

Procedures:

At the top of the first page of the evaluation form there is a rating scale that provides the basis for evaluating each of the twenty-nine (29) criteria which are included under the five major sections or areas. The scale ranges from "Does Not Meet Expectations", at the bottom of the rating scale, to "Exceeds Expectations". Number 3 corresponds to "Meets Expectations", and is the midpoint of the rating scale.

Each section should be reviewed as to the area being evaluated and each item scored independently. At the end of each area there is a comment section where the evaluator can document achievements accomplished by the City Clerk or areas that need improvement. In this area you are looking for strengths and weaknesses. In finalizing the evaluation it is recommended that you not add the twenty nine (29) criteria that have been recorded under the five (5) major sections or areas to arrive at an average score. You are not looking for an averaged combined score.

Note:

(It is recommended that each evaluator keep a record of accomplishments or areas of concern observed over the rating period so as to have a ready reference of material to refer to when preparing the annual evaluation. This would allow for a fair and impartial evaluation to take place).

The last page of the evaluation form provides for an "overall" rating entry for Governing Body members to record their comprehensive view or impression of the City Clerk's performance using the rating scale as justification. This is the section where the evaluator can document their suggestions for overall improvement, contentment of working performed and recommended a salary increase if warranted.

The following suggestions for conducting the actual evaluation are offered for your consideration. The evaluation form will be distributed to the members of the Governing Body approximately one (1) month prior to the anniversary date of the City Clerk. The Governing Body should complete the evaluation in four (4) weeks. Each member of the Governing Body should then return the completed evaluation to the City Manager. The City Manager will then schedule an evaluation review session with the City Clerk and the governing Body at the next City Council meeting. If there is a recommendation for a salary increase a motion can be made, this can be discussed and voted on at this time. Once Council has made their decision to approve a salary increase the City Manager will prepare the proper documentation and forward the same to the Finance Department.

Conducting the actual evaluation:

The following procedures should be used when conducting the actual evaluation review session.

1. The evaluation should be conducted in a setting where there are as few interruptions as possible, and where all participants are seated at the same level.
2. The City Clerk should be present during the session.
3. The City Clerk will have the opportunity to complete a self-assessment of his or herself using the same form as the members of Governing Body. (The City Clerk will also be given an evaluation form one month prior to his or her anniversary date).
4. The Governing Body members should complete their evaluations prior to the actual evaluation review session taking place.
5. It is recommended that a facilitator be used for this process and that he/she has had an opportunity to review and familiarize themselves with the body of the evaluations.
6. During the evaluation process discussion will take place between the Governing Body and the City Clerk. The focus of this review must be based upon observable and measurable job-related performance of the City Clerk rather than their personal traits or idiosyncrasies that may have been identified. The evaluation should be based on his/her performance over the past year and not just the past month or two. This process is recommended so as not to discourage discussion of some matter(s) with regard to a personal nature which may be affecting the City Clerk's relationship and/or effectiveness in a negative fashion.
7. To provide for a fair and impartial process the City Clerk will have the opportunity to ask for a semi-annual review with each of the Council members if he/she so desires. This will allow the City Clerk to sit one on one with each Council Member and review his/her past six months of employment.
8. The Evaluation should be returned to the City Manager in the allotted time frame. If a Council Member is unable to return the evaluation to the City Manager in the time allotted they should notify the City Manager at 571-1900 to advise of the delay. The City Manager will make adjustments for scheduling the evaluation review session.

**CITY OF FELLSMERE
CITY CLERK'S PERFORMANCE
EVALUATION**

1	2	3	4	5
Does Not Meet Expectations		Meets Expectations		Exceeds Expectations

**I. RELATIONS WITH THE GOVERNING BODY
Providing Information**

1. Prepares carefully for Council meetings? _____
2. Is responsive to concerns of the City Council? _____
3. Follows up promptly on request from Council members? _____
4. Anticipates problems affecting Council and takes or recommends appropriate action? _____
5. Prepares agenda packages that are clear, neat and concise? _____
6. Agenda information is complete, accurate and within the prescribed guidelines? _____

Comments: _____

II. OFFICE MANAGEMENT/PROFESSIONALISM

1. Delegates responsibility and authority to subordinates? _____
2. Implements and supports city policies fully? _____
3. Interprets Council policies to staff? _____
4. Prepares department budget and effectively explains and defends budgets to Council? _____

- 5. Is adept in personnel management? _____
- 6. Conducts employee relations skillfully? _____
- 7. Is effective in short and long range planning? _____
- 8. Anticipates problems and is effective in preventive actions? _____
- 9. Develops and implements plans to meet departmental objectives and organizes available resources to achieve those objectives. _____
- 10. Judgments, actions and decisions are sound? _____
- 11. Takes the initiative to establish new programs or procedures without prompting? _____

Comments: _____

III. PUBLIC RELATIONS

- 1. Handles media relations tactfully and skillfully? _____
- 2. Maintains good relations with local government leaders? _____
- 3. Deals tactfully, courteously and efficiently with the public? _____
- 4. Directs/monitors public relations, training and conduct of staff members? _____
- 5. Provides general information to the public with regard to City events, meetings and vacancies on staff and city boards? _____
- 6. Responds to routine requests for public records in a timely manner? _____

Comments: _____

IV. LEGISLATIVE/LEGAL RELATIONS

- 1. Is knowledgeable and up-to-date in legislative process and municipal law, trends and developments? _____
- 2. Is effective in working with state and local legislative leaders? _____

- 3. Works closely with the City Attorney on matters relating to City Code, Ordinance preparation, actions against the City, and other legal legislative matters? _____
- 4. Arranges for city elections, legal advertisements and dates of advertising within established guidelines? _____
- 5. Retains city records as outlined by state retention laws? _____

Comments: _____

V. GENERAL COMMENTS

List any goals, achievements, or objectives (strengths and weaknesses) that you have observed of the City Clerk over the past year. (If more room is needed to document continue on back page).

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

Overall Rating
 (Considering all items above) _____

Recommendation:

- _____ A performance salary increase should be granted. Percentage _____%.
- _____ A salary increase should not be give at this time. Employee should be reevaluated in _____ days.
- _____ A Salary increase is not recommended at this time.

 Print Name (Evaluator)

 Signature of Evaluator

Date: _____
 CLERKEVALUATION.DOC



Addendum to the City Council Meeting Agenda

Author: Pilar Turner

Council Meeting Date: March 15, 2011

Priority ____ of

Title:

Filling personnel vacancies in Finance Dept

Summary:

Open positions for Finance Director and Asst. Finance Manager

Public need or issue addressed:

Provide the financial management and reports to operate the City efficiently

Relevant City Charter, code references, legal:

Dates of past decisions by Council relevant to the issue:

Feb. 15 Council meeting set this as high priority

Mar. 1 Council Meeting City Manager reported close to making an offer for Asst. Finance Manager. Job posting for Finance Director placed Feb. 24.

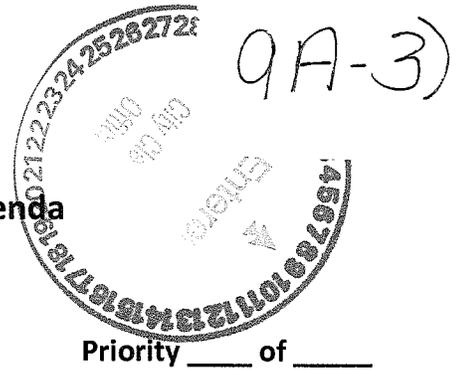
Statement of the proposed solution to the public need or issue:

Do we want to consider the use of an outside firm to assist in this search?

Additional attached documentation :

FAC Florida Association of Counties www.fl-counties.com	\$25.00 indefinitely
Florida League of Cities -- mrogers@flcities.com	free
Monster.com	\$250.00 – 30 days
Govjobs.com	\$125.00 – 60 days
www.fgfoa.org	free
www.aafa.org	waiting for response
Public Sector Job Bulletin	\$7.00 per line
City Website	
Channel 13 in Vero	
Channel 13 in Sebastian	
HR Lobby	
tcjobs.org	

Thursday



Addendum to the City Council Meeting Agenda

Author: Pilar Turner

Council Meeting Date: March 15, 2011

Priority ____ of ____

Title:

Electric Utility Consultants

Summary: Solicit qualifications and interest from firms providing electric utility consulting services

Public need or issue addressed:

Technical, financial, and legal assistance will be required to evaluate an offer from FPL. Due to the significance of this undertaking the City should explore all resources available before committing further funds.

Relevant City Charter, code references, legal:

Dates of past decisions by Council relevant to the issue:

March 1 requested an " order of magnitude " cost for system appraisal from GAI.

Additional attached documentation includes:

Proposed Scope of Work

Electrical Consultant Work Scope

- Electrical consultant shall report directly to City Council
- All consultant invoices will require City Council approval for payment

Phase I

- Appraisal of T&D system for complete sale; portion outside City limits for sale; identify assets outside City most advantageous to sell
- State method of evaluation to be used and reason
- Appraise Generator System; Estimate decommissioning for one (1) site cleanup costs
- Valuation & evaluation of purchase power contracts (FMPPA, OUC) as intangible assets of system and potentially transferable obligations

Phase II

- Evaluate FP&L offer from technical, legal and financial aspect (including cost of service to ratepayers and General Fund impact)
- Submit decision briefing document
- Prepare counter offer, if needed

Phase III

- Prepare and negotiate sale agreement

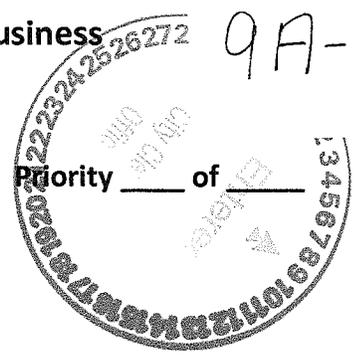
Evaluation Criteria

- Request resumes of proposed personnel: legal, technical and financial
- Availability to start
- Rate sheet
- Experience with utility sales, appraisals

- FMPA, any conflicts with OUC
- Florida Public Service Commission contracts

Addendum to the City Council Meeting Agenda - Old Business

9A-4,



Author: Tracy Carroll **Council Meeting Date:** 3/15/11

Priority _____ **of** _____

Title: Status of GO Line buses moving to downtown City parking lot

Summary: At numerous council meetings, community residents have discussed the possible movement of the transfer station to other city lots. Monte Falls has met with SRA staff, but we need to finalize this issue.

Public need or issue addressed:

Relevant City Charter, code references, legal:

Dates of past decisions by Council relevant to the issue:

The buses no longer park there overnight, but citizens continue to complain about vagrancy and safety. Discussed at 1/4/11 meeting and Mr Falls said the SRA was working with PZ.

Statement of the proposed solution to the public need or issue:

Move the bus transfer station to the City parking lot near the railroad track. Reconfigure the parking bumpers and striping to provide pull through for the busses. Discuss sanitary facility. Discuss the possibility of a downtown bus loop providing service every 15 minutes from County buildings, to City and Downtown to transport residents to needed services including health Department, Courthouse and City.

Additional attached documentation includes:

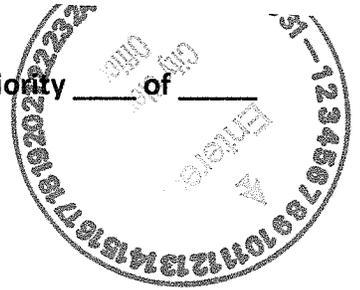
Addendum to the City Council Meeting Agenda

9A-5)

Author: Tracy Carroll **Council Meeting Date:** 3/15/11

Priority _____ **of** _____

Title: Regionalization of WSI with County



Summary:

The City WSI charges continue to be sustansially higher than those rates charge to County residents. With contracts expiring in the future and the possibility of a large percentage of customers exiting the City system, the rates will only go up. The City paid a consultant for a rate study which required large rate increases, which were initially passed on to customers then repealed during the last election cycle. Long-term maintenance is not being included in the budget in order to show a profit. The system is using funds for a transfer to the general fund without managing for its own future and cannot remain sustainable.

The County has excess capacity, and the financial capability to possibly take over the 20,000,000 debt the City WSI now carries.

Public need or issue addressed: A financially precarious WSI system. Rates 20 to 50% higher than County rates, dependent on meter size.

Relevant City Charter, code references, legal:

Dates of past decisions by Council relevant to the issue:

Statement of the proposed solution to the public need or issue: Plan meetings with the Ounty to begin discussion of how regionalization would take place.

Additional attached documentation includes: to be handed out at the presentation scheduled for earlier in the meeting by Glenn Heran and Dr. Steve Faherty



417-0)

Addendum to the City Council Meeting Agenda

Author: BTH **Council Meeting Date:** 3.15.2011 **Priority** ____ **of** ____

Title: Pension Benefit Update

Summary: Update

Public need or issue addressed: Clarification on benefit changes

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A

Statement of the proposed solution to the public need or issue: To be determined

Additional attached documentation includes: None



471-41

Addendum to the City Council Meeting Agenda

Author: BTH **Council Meeting Date:** 3.15.2011 **Priority** ____ **of** ____

Title: Sick Pay Benefit Update

Summary: Update

Public need or issue addressed: Clarification on benefit changes

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A

Statement of the proposed solution to the public need or issue: To be determined

Additional attached documentation includes: None



417-101

Addendum to the City Council Meeting Agenda

Author: BTH **Council Meeting Date:** 3.15.2011 **Priority** ____ **of** ____

Title: Vacation Pay Benefit Update

Summary: Update

Public need or issue addressed: Clarification on benefit changes

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A

Statement of the proposed solution to the public need or issue: To be determined

Additional attached documentation includes: None



4 15-11

Addendum to the City Council Meeting Agenda

Author: BTH **Council Meeting Date:** 3.15.2011 **Priority** ____ **of** ____

Title: Presentation by Citizens on Water / Sewer issues

Summary: Request

Public need or issue addressed: Saving consultant fees

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A

Statement of the proposed solution to the public need or issue: To be determined

Additional attached documentation includes: None



710-21

Addendum to the City Council Meeting Agenda

Author: BTH **Council Meeting Date:** 3.15.2011 **Priority** ____ **of** ____

Title: Consideration of Charter Officer positions

Summary: Discussion on possible changes

Public need or issue addressed: Public voice and control

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A

Statement of the proposed solution to the public need or issue: To be determined

Additional attached documentation includes: None



415-51

Addendum to the City Council Meeting Agenda

Author: BTH

Council Meeting Date: 3.15.2011

Priority ____ **of** ____

Title: Discussion of City Manager's Salary

Summary: Discussion by Council

Public need or issue addressed: N/A

Relevant City Charter, code references, legal: N/A

Dates of past decisions by Council relevant to the issue: N/A *reexamined*

Statement of the proposed solution to the public need or issue: To be determined

Additional attached documentation includes: None