

**SPECIAL CALL CITY COUNCIL MINUTES  
TUESDAY, SEPTEMBER 3, 2013 5:10 P.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**1. CALL TO ORDER**

**A) Roll Call**

Mayor Craig Fletcher, present; Vice Mayor Tracy Carroll, present; Councilmember Pilar Turner, present; Councilmember Jay Kramer, present; and Councilmember Richard Winger, present  
**Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Vock, City Clerk

**2. PUBLIC HEARINGS**

**A) An Ordinance of the City of Vero Beach, Florida, Providing the Levy of Ad Valorem Taxes for the Fiscal Year 2013-2014 at a Millage Rate of 2.0336 which equates to \$2.0336 per \$1,000 of Assessed Property Value.**

Mayor Fletcher read the Ordinance by title only.

Ms. Cindy Lawson, Finance Director, explained that this meeting has been called to adopt the tentative millage for our tentative budget. She went over what requirements are to adopt the tentative and final millage/budget trim hearings (please see attached). She said the budget sits with about \$227,000 of unappropriated surplus. The reason staff is suggesting that they leave it this way is because they still have not completed Union negotiations. They may as they move from a Defined Benefit Plan to a Defined Contribution Plan, need to have the flexibility to do some matching of employee contributions.

Mrs. Carroll asked wouldn't that put the City in a disadvantage in bargaining with having a "pot" of money sitting there.

Mr. James O'Connor, City Manager, did not think it would.

Mayor Fletcher opened and closed the public hearing at 5:15 p.m., with no one wishing to be heard.

Mr. Kramer asked staff, do you want a motion to adopt the millage before they discuss the budget.

Ms. Lawson explained that Council must adopt this Ordinance before they can adopt the budget Ordinance. If they choose, they can set it aside and then open the public hearing on the budget Ordinance. But, this Ordinance must be adopted before the budget Ordinance.

Mr. Kramer was partial to going towards the rollback rate with having \$227,000 of unappropriated surplus. He would rather see the funds put some place in the budget, rather than just sitting there.

Mr. O'Connor explained that \$227,000 out of \$19 million dollars was a relatively small number of unencumbered balance to move forward, especially when they are in the process of negotiating with both the Police and the Teamsters. He said that they have been bargaining in good faith, but staff has been given the direction that Council wants to proceed in, which is the pension. He said that a budget is just a plan moving forward.

Mr. Kramer asked is there a timeline when the pension issue will be taken care of.

Mr. O'Connor said that he would like it done by October 1<sup>st</sup>, but he did not think it would be. He said there could be some challenges, such as an impasse.

Mr. Kramer asked would they start doing budget amendments at that time.

Mr. O'Connor said if it is required they would.

Mayor Fletcher liked having the flexibility of having this money in the budget. He made a motion to leave the millage rate at 2.0336. Mr. Winger seconded the motion.

Mrs. Turner said that despite all the efforts they have made in going through this budget, the proposed budget is not even one percent less than last year's budget.

Mr. O'Connor said there was a balance issue that took place on a debt service payment.

Ms. Lawson explained that back in 2011-2012 the City prepaid a big debt service. If they took the 2012-2013 adopted budget and added that debt service payment that should have occurred in that year, and compared it to this year's budget, the real savings was more like three point six percent.

Mrs. Vock read into the record, Section I, and Section II of the Ordinance.

The motion passed 3-2 with Mr. Winger voting yes, Mr. Kramer no, Mrs. Turner no, Mrs. Carroll yes and Mayor Fletcher yes.

**B) An Ordinance of the City of Vero Beach, Florida, Adopting the Annual Budget of the City for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014; Appropriating Funds for the Operating Expenses, Supplies, and Personnel, and otherwise appropriating funds for the Efficient and Effective Operation of the Government of the City of Vero Beach and its Departments; such appropriations being from anticipated revenue; Providing a means to amend the annual budget to carry forward the funding of Purchase Orders, Work Orders, and Grants outstanding as of**

**September 30, 2013; Providing a means to amend the Annual Budget to reflect grants received after September 30, 2013; and authorizing the Transfer of Funds appropriated so long as the total combined appropriations shall not be increased thereby; Providing an Effective Date.**

Mayor Fletcher read the Ordinance by title only and opened the public hearing at 5:23 p.m.

Mr. Ken Daige, 1846 21<sup>st</sup> Avenue, was concerned about the maintenance that the new contractor was doing (referring to cutting the grass). He said that a few days ago he sent an email to the City Manager, City Clerk, and City Council, dated August 27, 2013, regarding maintenance being done on the mainland (letter on file in the City Clerk's office). He said two areas he was talking about were Jacoby and Piece of Pie Park. As discussed in his email, neighbors got together because they wanted a safer, healthier, and more pleasant neighborhood and business districts. A lot of them worked hard to get some needed maintenance in their neighborhoods. They also discussed having greater police presence in their neighborhoods. They discussed having a proactive maintenance and sidewalk schedule, monitoring street lights, etc. He said that what they have not received, which has been discussed in the past, is irrigation in the Parks where needed. It was explained to them that with budget restraints it could not be done at the time. One of the things that they looked at was the Parks on the Island, which are very well maintained. He asked about this and was told that was because they were irrigated and more high priority Parks than the Parks on the mainland. He read the second page of his email (please see attached). He asked that Council not reverse the positive progress they have achieved in these neighborhoods and that they either find a more professional landscape company and pay them what it is worth or allow their City employees to do what they have been trained and do very well. He then referred to the maintenance contract. He asked can the City terminate the contract if they wanted to or do they have to renew it. It looks like the City has to renew it for an additional two years.

Mr. O'Connor did not think that they have to renew. If they find the contractor in default they can terminate the contract at any time.

Mr. Daige said that the contract states no close edging around playground equipment or sidewalk edging. Another thing in the contract is that their equipment is to be well maintained. While the contractor was mowing some of these areas, he watched to see what they were doing and there were a lot of misses and when they cut the grass there was big piles of it left on the playground. Another thing is if they wait too long and the grass is high, there are big humps of grass on the playground. He also found that they are leaving trash (palm fronds, wood, etc.) and chopping it up. The contract states that they are suppose to clean up the trash and they are not doing that. He said Jacoby Park is a small Pocket Park, which is also a bus stop. The grass is high again. His point is that the Park is being utilized and it is not fair to the children that it is not well maintained. When the City was taking care of it he didn't have to beg to have the Parks taken care of. The contract talks about low maintenance in certain areas where they mow once a month. He said that Jacoby Park and Piece of Pie Park are in the low maintenance category of only being mowed once a month.

Mr. O'Connor said they are not low maintenance Parks. He said there is a designation of low maintenance, which is in areas such as parking along the streets.

Mr. Daige asked Council to please either put the City employees back on the task or go to the next higher bidder or do whatever they have to do because right now it is not working.

Mrs. Carroll asked Mr. O'Connor to meet with Mr. Daige and maybe the Department Heads of Public Works and Recreation to see if there was something that could be done.

Mr. O'Connor said that they would do that. He said that they thought that improvements were being made.

Mr. Winger said that Mr. Whittall sent an email about the condition of Riverside Park. Mr. Winger said that last weekend there was brown grass that people were walking on and he was embarrassed for the City.

Mrs. Carroll asked if she correct that with this contract they were mowing less times per month then they were when they were using City staff last summer.

Mr. O'Connor answered no. He said they geared this contract based on what the City was doing.

Mrs. Carroll said then they were mowing the same number of times as the City did last summer. But, this has been a very wet summer.

Mr. O'Connor said that is correct. They did not anticipate the rainy days.

Mrs. Carroll asked does the City still own the equipment for cutting grass.

Mr. O'Connor answered yes.

Mr. Winger felt that they need an additional \$10,000 or \$15,000 in this line item. He said that they were making a mistake in not having more financing in case it is needed.

Mrs. Turner said there is \$270,000 of unallocated funds at this time that they could use through a budget amendment or at the discretion of the City Manager.

Mr. Monte Falls, Public Works Director, explained that the City could drop the contract at any time for nonperformance. He said that he reported to Council at their last meeting that they were having trouble with the contractor. The Contractor agreed to put more manpower and equipment on the job, which he has done. Staff has monitored this daily and it is getting better. He said there was unsatisfactory work with clumps of grass being left at Parks and it might not get better with one more mowing, but it is getting better. He said that Jacoby Park

and Piece of Pie Park are scheduled to be mowed tomorrow. He had great confidence in the private contracting policies that they have. Staff will continue to watch this closely and if the contractor doesn't perform he will be the first one to recommend that the City does something else.

Mr. Peter Gorry, Chairman of the Finance Commission, said that the Commission was not making any recommendations, but giving some observations. He said that the Commission looked at the budget for three quarters and one major revenue source that is underperforming is the investment income for both the General Fund and Enterprise Funds. The operating and administrative expenses were tracking lower than budgeted. He reported that the Finance Commission is discontinuing receiving bound copies of monthly reports, which are available online. He showed the documents that the Finance Commission receives, which he added up the number of paper stating that it comprises of over 13,000 pages. He said that he did not know what the impact would be on budget, but it should put a dent in it. He said that the Commission did recommend that they receive an overview of the budget after the CAFR is presented. He said that the Commission had an in depth analysis and review of the budget and the options. The Commission is scheduling a future presentation with their investment advisor and actuary to go over the options for the pension. They also would be reviewing the health insurance and the cost. The Commission did review the budget and they recommended no changes. He then read some of his memorandum dated September 3, 2013 (please see attached).

Mayor Fletcher closed the public hearing at 5:52 p.m., with no one else wishing to be heard.

Mr. Winger thought that the Police Chief was going to make a presentation.

Mr. O'Connor said at the request of the City Council, the Police Chief would be making a presentation on the positions that were cut.

Mr. David Curry, Police Chief, said when staff was asked to reduce their budget, the Police Department had to look at personnel to meet the request. They brought before Council at their Budget Hearings a proposal regarding Dispatch (10 employees) and the Animal Control Officer. Those positions have been retained. There were two clerical positions and one crime scene tech. He then gave a report on the crime scene department, such as the number of pieces of evidence, finger print comparisons, etc. He noted that it would be very tough to have only one crime scene tech, because of the workload. He would like to go back to having two crime scene techs.

Mrs. Turner referred to the benchmarking stating that the comparable cities have 12 civilian employees and we have 22 civilian employees.

Chief Curry noted that 10 of the employees were dispatchers.

Mrs. Turner said the civilian employee count is significantly higher than anyone else's.

Mr. Winger asked Chief Curry to explain what a crime scene inspector does that is different than a lieutenant, sergeant, etc.

Chief Curry said all officers that respond to scenes do process some of the scenes that don't take as much expense. Crime scene techs go to school for things, such as blood splatter, collecting of evidence, photography, etc. They have that special expertise.

Mr. Winger asked is it not true that with a crime scene tech gathering information on a crime that their chances in presenting it to Court are better than if the Chief did it.

Chief Curry answered yes, without question. He said that he has a Master's and Bachelor's Degree, but it is not in crime scene.

Mrs. Turner suggested that with the departure of one of the Captains, there are additional funds in the Police Department's budget, that Council leave it to the discretion of Chief Curry how he distributes it.

Ms. Lawson wanted to make sure that they adopt a budget that has a certain number of authorized positions.

Mrs. Carroll asked does the capability exist that they could do some type of sharing process with the County and utilize their crime scene investigators for specific high profile needs that they would have.

Chief Curry answered yes. He said that they already do that. They do not hesitate to call the Sheriff's Department.

Mrs. Carroll asked how are the fees allocated to the Sheriff's Department.

Chief Curry said the City pays their salaries and the Sheriff's Department pays theirs.

Mrs. Turner said that Mrs. George gave Council an extensive analysis on headcount, which stated that on August 24<sup>th</sup> there were 430 budgeted fulltime employees.

Ms. Lawson said in the proposed budget the positions that would remain are 402. She said the information that Mrs. George gave Council are the budgeted positions for fiscal year 2012-2013 with a total of 430. The budgeted positions they are proposing for 2013-2014 total 402. What staff was saying is that if they want to swap money out to make a crime scene tech position possible, this needs to be changed to reflect the authorized budgeted positions of 403.

Mrs. Turner said the actual filled positions were 399. Therefore, there is a difference from 402 to 399 positions.

Mr. Winger made a proposal that Council leaves it up to the Police Chief and the City Manager, but that they authorize 403 positions as long as the funding in the budget is not exceeded. Mayor Fletcher agreed. He said this was an issue for the budgeting office, the City Manager, and the Police Chief to work out.

Mr. Winger made that in the form of a motion (that Council leaves this up to the Police Chief and the City Manager, that Council authorizes 403 positions as long as the funding in the budget is not exceeded). Mayor Fletcher seconded the motion and it passed unanimously.

Chief Curry understood that the numbers and the budget are important. But, he also felt obligated to run an efficient Department based on what he sees is needed. At one time they had an administrative assistant with the operations, detective, and the support services divisions, which they no longer have. They also had three record clerks that they no longer have. They currently have two administrative assistants in the records department that are helping those divisions, as well as doing their job in the records department. They also have one desk clerk. If they went down to one records clerk and one front desk clerk, to him that would not be efficient. If they are faced with someone on annual leave and the other one calls in sick, they wouldn't have anyone at the front desk or in the records department.

Mrs. Carroll said based on the request made for the cuts and based on the good information that Chief Curry provided in terms of the importance of his employees, if they add these two positions back in then they did not make any cuts. She asked is that correct.

Chief Curry answered there would be one. He said that there were two clerical positions on the table. He said with the reducing in ranks and with replacing Captain Touchberry's position, the workload and paperwork could actually increase.

Mrs. Carroll said that they already agreed to keep the number of employees the same as reflected in the budget and let staff determine who they are, which she felt was sufficient.

Ms. Lawson thought the motion was to reinstate the crime scene investigator position and cover it with the savings from replacing the Captain with a lower level officer so that if they add one position back and there can't be an increase in the Police Department budget. She was told that is correct. She said then they would go to 72 authorized positions, but with no overall increase in the budget.

Mr. Kramer asked what is the difference in the dollar amount in having these positions.

Chief Curry reported that the starting salary for a crime scene investigator is \$28,080.00 and with benefits it comes to just over \$40,000. The starting salary for the records clerk with benefits comes to about \$35,000. The total for both positions is about \$75,847.

Mr. Kramer asked financially couldn't they replace those two positions with the salary of the outgoing officer.

Ms. Lawson answered no. She explained that if they went with round numbers it is \$40,000 for the crime scene investigator and \$36,000 for the records clerk and they were saving \$61,000, which leaves them about \$15,000 short.

Mr. Kramer asked does Council need to adopt a budget at today's meeting.

Ms. Lawson said that they have to adopt a budget. She said that they can adopt a budget with the amendment that Council just made. She said there would be another public hearing and a final budget adoption on September 17th.

Mr. Kramer made a motion to adopt the budget as amended. Mrs. Carroll seconded the motion and it passed 3-2 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner no, Mrs. Carroll yes and Mayor Fletcher voting no.

### **3. ADJOURNMENT**

Today's meeting adjourned at 6:12 p.m.

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