

**CITY OF VERO BEACH, FLORIDA  
SEPTEMBER 21, 2010 6:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Kevin Sawnick, present; Vice Mayor Sabin Abell, present; Councilmember Tom White, present; Councilmember Brian Heady, present and Councilmember Ken Daige, present **Also Present:** James Gabbard, City Manager; Charles Vitunac, City Attorney and Tammy Vock, City Clerk

**B. Invocation**

The invocation was given by Pastor Russell Johnson of Redeemer Lutheran Church.

**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**

Mayor Sawnick made a motion to remove item 9A-2) from the agenda. Mr. White seconded the motion.

Mr. Heady asked the Mayor to explain why he wanted to remove that item from the agenda.

Mayor Sawnick said because it has been discussed many times.

Mr. Heady made it clear that the video has never been played at a Council meeting.

Mayor Sawnick stated that if the majority of Council wants the video played then they will play it. But he did not think that the majority of Council wanted it played.

Mr. Heady asked if it takes the majority of Council to have other Councilmembers put items on the agenda.

Mayor Sawnick answered no. He said that it only takes a majority of Council to take an item off of the agenda.

Mr. Heady asked Mayor Sawnick if he had an answer to his question.

Mayor Sawnick answered that the majority of Council decides what agenda items are on the agenda, so therefore if you are in the minority then things may not go the way you would like. However, if the majority of Council agrees with you then your item will stay on the agenda.

Mr. Heady stated that it was not a question of going as he would like, it is a question of equal rights, it is a question of the Fourteenth Amendment, and it is a question of equal protection. He reminded Council that these things are being taken before the courts and it seems to him that the last thing that the City Council should be doing is adding to the evidence against themselves. It is costing the City thousands and thousands of dollars just to continue to remove these items from the agenda. They move approximately ten items off the agenda meeting after meeting and then finally decided after a Federal lawsuit was filed to put the items back on the agenda. If they had left them on the agenda in the first place then a cause of action would not have been necessary. But instead what they do is cost the City thousands of dollars in legal fees. At the last meeting when all the items remained on the agenda at the end of the meeting, Mr. Daige pointed out for the public record that it took approximately one hour and seven minutes for the items to be heard. It seems to him that twenty or thirty thousand dollars worth of legal fees is something that the taxpayers shouldn't have to pay for one hours worth of public discussion. Once again they have put this matter off of viewing the video. It is a matter of importance to the Council, and a matter of importance to the public. He thinks that when they have evidence that City staff is lying, cheating or stealing from them, that evidence should be presented and he thinks that this video speaks for itself. Once again this Council has no desire to allow for the opportunity for the public to see what it is he is talking about.

Mr. White told Mr. Heady that he has cost this City thousands and thousands of dollars. He then asked that item 9A-4) be pulled off of the agenda. The reason he wanted this pulled was because it deals with the Federal lawsuit filed by Mr. Heady and Council has been advised by their legal counsel not to discuss the matter.

Mayor Sawnick amended his motion to include item 9A-4).

Mr. Vitunac referred to item 9A-3), which is an overview of the documents supplied by the City Attorney for the Honest Services requirements. He asked if this was a presentation by Mr. Heady or by his office. He indicated that his office was not prepared to make a presentation.

Mr. Heady told Mr. Vitunac that if he wanted to pull that item off of the agenda to go ahead. They (Council) pulled off most of the other items that he put on the agenda so they might as well add that item also.

Mayor Sawnick amended his motion to request that items 9A-2), 9A-3), and 9A-4) be pulled from the agenda. Mr. White amended his second to the motion and it passed 4-1 with Mr. Heady voting no.

Mayor Sawnick made a motion to adopt the agenda as amended. Mr. White seconded the motion and it passed 4-1 with Mr. Heady voting no.

## **B. Proclamations**

### **1. Mental Illness Awareness Week – October 3-10, 2010**

Mayor Sawnick read and presented the proclamation.

## **C. Public Comment**

### **1. Dr. Steve Faherty and Mr. Glenn Heran to give an Electric Utility Presentation**

Before beginning the presentation, Mr. White asked Dr. Faherty and Mr. Heran if they would tell the public and viewing audience what their credentials are. Also, while they are giving the presentation, he wanted them to point out where their assumptions are, what they are and what basis that they made them under.

Dr. Faherty stated that he has a bachelors degree in biology, masters degree and triple major in accounting analysis management, doctrine in public administration, certified financial planner, certified retirement administrator and a certified retired counselor. He made it clear that he has no interest in Florida Power and Light (FP&L), he doesn't own stock in FP&L and he is not being paid by FP&L.

Mr. Glen Heran stated that he has an undergraduate degree in finance, masters degree in accounting, spent three years in public accounting and worked for one of the best firms in the world and he is an auditor.

Dr. Faherty thanked Council for the opportunity to make this presentation. He and Mr. Heran gave a Power Point presentation entitled "Electric Presentation to Vero Beach City Council" (attached to the original minutes).

Mayor Sawnick reported that they are having discussions with FP&L to see what they want to do. At this point they do not know when FP&L is going to come back to Council letting them know if they want to make an offer and if they do want to make an offer the Council will look at what that offer is. He told them if they would like to make a presentation before the Utilities Commission that they would need to make that request to the Chairman and if he wants them to make the presentation then there is not a problem. Dr. Faherty asked for the Mayor's assistance in setting up that meeting. Mayor Sawnick then asked if there were any comments from Council.

Mr. Heady stated that he had some comments and questions.

Mr. White commented that they usually don't make comments until the end of Public Comments. He encouraged them to move on with Public Comments.

Mayor Sawnick agreed with hearing comments from the Council at the end of Public Comments. He mentioned how long their agenda was for tonight's meeting.

Mr. Daige agreed with hearing from the rest of the public and then comments could be made at the end of Public Comments.

Mayor Sawnick said they will continue with public comments.

Mr. Heady wanted to ask the questions of the presenters at this time. He felt that it was more meaningful to ask the questions right after they have given their presentation. He would appeal the ruling of the Chair and ask that he be allowed to ask questions of the presenters. The appeal died for lack of a second.

Mr. David Gregg introduced himself and asked that the audience stand up and give Dr. Faherty and Mr. Heran a hand for presenting this presentation tonight.

Mayor Sawnick asked that the audience minimize the amount of noise that they were making.

Mr. Gregg continued by saying that he knows these two gentlemen and they have taken the opportunity to go over this data with him. He recalled back in 1996 that he and the City Manager at that time were involved with negotiations with FP&L in selling the utilities to them. At that time they were negotiating with the Senior Vice President and the Assistant Treasurer of FP&L. He said there was no Public Relations Officer. He personally has great respect for these two gentlemen and admired the time they have spent on this presentation that they made to Council tonight.

Mr. Larry Close was very delighted to notice the students in attendance at this City Council meeting. He said that this Council and previous City Councilmembers have stolen one million dollars per year from the students of Indian River County because of the high cost of City utilities.

Mrs. Lisa McKnight stated that she has lived in Vero Beach for over 16 years. She did not notice how high her electric bills were until after the hurricanes occurred. She said that there are businesses who are almost at the point of having to lay off employees in order to pay their electric bills. She said if selling the utilities to FP&L will bring the City more money then why not do it.

Mr. J. Rock Tonkel, was at tonight's meeting representing 1,000 people living in Grand Harbor. He mentioned that he has been away and now he is back and nothing has changed. The Council continues to successfully cut off Mr. Heady. Someone recently asked him the question as to why he got so involved. He said that the answer was very simple. It was to protect the interest of the public and taxpayers in getting fair

proposition. He has asked Council before to share their rationale and assumptions, which they have not. After what he has witnessed this past year there has been collective negligence with this City Council concerning this issue. The promise made by individual City Councilmembers has not materialized and is not going to materialize. Mr. Heran and Dr. Faherty are fine people and their character should not be attacked. He would like to see them come up with a counter argument and economic analysis and present it to the public.

Mrs. Tracy Carroll thanked Dr. Faherty and Mr. Heran for their presentation and told them they did a wonderful job and had some very important information to share. She said that every month she writes checks to cover her utilities (\$800 check for the utilities at her business and a \$600 check for her home) and it hurts. She first saw this presentation by these two gentlemen in January, which is what encouraged her to get involved with Clean Sweep Operation. She was astounded by the 1,000 petitions not signed by just utility customers, but by people who can't vote but have City utilities and have to write those checks. Then Mr. Heady came up to her and suggested having a non-binding referendum on the ballot in November. However, every time he tried to discuss it with Council they turned him down. The Council didn't want to discuss any of the items until their last meeting, which was too late for items to be placed on the November ballot. Voters have but one option and that is what will be determined in November.

Mr. Stuart Kennedy referred to item 7-B) on the agenda, which is the franchise agreement between Indian River Shores and the City of Vero Beach. He was very concerned about this item. He referred to the backup material and the different letters that have gone back and forth. He wanted to know why they were moving so fast on this item.

Mr. Bob Solari asked that no action be taken by the City Council in regards to item 7-B). He then read a prepared statement (please see attached),

Mr. Heady requested to ask some questions of Mr. Solari.

Mayor Sawnick reminded Mr. Heady that they were going to go through public comments first. He asked Council if they had any problems with that. They continued listening to people speak under public comments.

Mr. Roman (student) residing at 721 17<sup>th</sup> Place, requested to speak. He commented that once he turns 18 years old and gets a place of his own will he be able to afford the utilities. The next graduating class will also be facing the same problems. He suggested switching over to FP&L if it is going to save them money.

At this time there was clapping from the audience. Mr. Abell said something that was not picked up in the recording of the meeting. Mr. Heady stated "throw them out why"? Mr. Heady said that Mr. Abell wants to throw the students out because they made noise and the people that clapped; Mr. Abell wants to throw them out. Mr. Heady continued saying that is what Mr. Abell thinks about your appreciation of speakers.

Mrs. Leslie Khalaf, who is married to Dr. Khalaf, said that they were at the Council meeting a few weeks ago talking about their pain management clinic. She said that they would like to move into the building that they purchased almost two years ago. She has talked to Mr. McGarry who has informed them that this item will be heard at the next Council meeting. She said that when they were before Council a month ago they came away with the impression that they (Council) were lumping the doctors together who offer pain management clinics and who give out pain medication better known as "pill mills." She said that her husband is an intervention pain management physician. An intervention base office is a procedural office. She explained the difference between intervention pain management and pill mills. She talked about the new Florida Statute that will be going into effect to do away with pill mills. The law requires that in order to have a clinic you must own your building, which they do. Her husband's office sees between 12 and 14 patients a day. She expressed the dilemma that they are in right now is that they are paying rent and taxes on a piece of property that they cannot use. She invited anyone to come to their office in Sebastian or Ft. Pierce to witness what her husband does. If someone was to randomly call and ask for medication they would be told that they are not that kind of clinic.

Mr. Russ William, 1050 10<sup>th</sup> Lane, said that he has been seeing Dr. Khalaf for the last eight weeks. He was in a car accident some time ago and told Dr. Khalaf that he didn't want to be on medication, he just wanted his life back. Since he started seeing the Doctor his medication has been cut in half. He is now able to walk, he is not medicated, and he knows what he is doing.

Mr. Jimmy Smith commented that his grandfather was the first orthopedic surgeon in Vero Beach. His family moved away, but they came back because they love Vero Beach. He talked about the high utility rates and that it takes food off the table for many people because rather than buying food they have to pay their electric bill. He felt that with these high utility rates that a lot of people are going to be forced to move out of this community.

Mr. Dale Melton expressed that he has been seeing Dr. Khalaf for about five weeks now for chronic pancreas. His previous Doctor had him on over 100 pills a month including oxycodin. Dr. Khalaf was able to get him off of the medication that he was taking and it has changed his life. He felt that it would be a shame not to allow him to bring his service to this County.

Mr. Jerry Smith reported that he hurt himself in 1996 and has been going to different doctors ever since. He said that Dr. Khalaf has done more in the first two weeks then any doctor has ever done. He has changed his life. He can now walk without a cane because of this Doctor. He expressed that Dr. Khalaf is not a pill pusher.

Mr. Larry Close requested to speak again. He said that this time he was speaking about item 7-B) (agreement between Indian River Shores and the City of Vero Beach). He was also shocked when he saw this was on the agenda. He said that it looks like it is being

rushed through. He talked to one of the Councilmen from Indian River Shores who did not even know about it. He didn't want to see another OUC nightmare.

Mr. Jerry Weick, Councilmember from the Town of Indian River Shores, commented that Mr. Close called him and told him that the agreement between Indian River Shores and the City was on the agenda tonight. He said that this is the first time that he has heard about it. He doesn't know what is going on and would like to see a copy of the agreement. He said that he was in the dark. Mr. Heady stated so am I. Mr. Wick would like to see what the agreement is (Mr. White gave Mr. Weick his copy of the agreement).

Mr. James Gabbard, City Manager, explained to Mr. Weick that they will be going through the entire agreement under City Manager's matters and will answer all of these questions.

Mayor Abell made it clear that this agreement was not sent out by the City of Vero Beach. It was sent out by the Town of Indian River Shores with a date on it to respond.

Mr. Gabbard reiterated that the City of Vero Beach received a request from Indian River Shores to review the agreement and Indian River Shores requested a response back to them from the City by October 8, 2010.

Mr. Weick appreciated the comments made by Mr. Gabbard and said that he would have to go back to his Town Manager to find out what is going on.

Mr. Gabbard told Mr. Weick that he would recognize the names that are on the agreement and they will be talking about this later on in the meeting.

Mr. Jim Gillon stated that he lived in Miami Beach until 1996 and was an FP&L customer there. He recalls that there was never an FP&L office where you could go in and talk to someone about a power problem that you were having. Here in Vero Beach, we may be paying a little bit more, but we have wonderful services. There is an office where you can go and talk to people or there will be a live person to answer the telephone. The last utility bill he received was \$137.00. He expressed that this is a wonderful community because of the wonderful services that are offered here.

Council took a five-minute break at 7:35 p.m.

Dr. Faherty asked to comment on item 7-B), which is the water and sewer agreement. He said that there are two separate agreements. There is one with the consultant firm GAI and one with the Town of Indian River Shores. He would never negotiate a contract where the consultant was representing both parties. He thought that there could be some ethical issues. There is a cause for concern because of the way that this is being pushed through so fast and there does not appear to be any financial analysis to back it up.

Mayor Sawnick noted that only Mr. Heady has questions on the presentation given by Mr. Heran and Dr. Faherty. He asked Mr. Heady to try to limit his questions to ten (10)

minutes and then they would move onto the other agenda items that they need to discuss. He asked if that seems appropriate.

Mr. Heady said if he was asking him if he thinks that it is appropriate, he said no of course not.

Mr. Heady noted that the Mayor would not allow him to speak to Mr. Solari after his presentation, but based on his presentation and raising several of the issues he has regarding the water and sewer agreement, he (Mr. Heady) made a motion that they put this agreement before the Utilities and Finance Commission before they move any further on it.

Mayor Sawnick explained to Mr. Heady that the appropriate time for a motion would be the time that they discuss the item later on in the meeting. The Chair was not going to recognize the motion.

Mr. Heady made a motion that the electric presentation given to them by Dr. Faherty and Mr. Heran go before the Utilities and Finance Commission.

Mayor Sawnick explained that can be done without a motion.

Mr. Heady wanted to make a motion whether one is needed or not. He restated his motion that they direct the Utilities and Finance Commission to hear this presentation and come back to them with a recommendation.

Mr. White stated that you cannot make motions under Public Comments.

Mayor Sawnick asked if there was a second to the motion. Seeing none the motion died for lack of a second.

Mr. Heady referred his questions to both Dr. Faherty and Mr. Heran. He said in the presentation Dr. Faherty mentioned 39%. He (Mr. Heady) asked if that also was a load requirement. Dr. Faherty explained that they have not been able to get figures from the City as to the usage. They have been told that they cannot determine the taxes paid, the six percent franchise fee by the County, the ten percent tax charged by the City, and the access charge by the Town of Indian River Shores. He said apparently there is no way the billing system can correlate the revenue received from the three jurisdictions. He said that if that is the case then he does not understand why they can still be able to tax appropriately.

Mr. Heran added that they have had some verbal discussions with Mr. Lee and felt that this was a very good approximate of load requirements. Mr. John Lee, Acting Electric Utilities Director, agreed with this.

Mr. Heady brought up the slide presentation (page 13) where it covered the Vero Power Source Origination and showed a pie chart of Vero having 10%, FP&L 11% and OUC

79%. He asked if this OUC figure of 79% includes the base load generations that they own in both Stanton 1 and Stanton 2. Dr. Faherty said it is 44% of that as well as 45% of OUC. Mr. Heady pointed out that in one of the slides it was showing a rate lower than OUC. He asked how they could sell a rate at lower than what OUC is charging. He said something does not make a whole lot of sense. He said if Dr. Faherty gets any response back from staff, he would like to have this answer. Mr. Heady then referred to the no transfer option that they listed to do a rate comparison and they are showing it to be \$109.68. He asked if this was no transfer of the \$5.9 million to the General Fund. Dr. Faherty said that was correct. Mr. Heady then referred to page 9, and noted that these numbers show the different dollar amounts if they had been charged what FP&L charges currently and in the one column it is showing \$8,351,515, which is the City alone. He asked if the transfer was \$5.5 million. Dr. Faherty said that it is \$5.6 million. Mr. Heady said then there is \$3 million dollars in savings. Mr. Heady went to page 12, and said that the FMPA base load of 45% is from Stanton 1 and Stanton 2 and St. Lucie. He asked if the City owns those rights to that portion of the generating capacity. Dr. Faherty explained that FMPA purchased a portion of those three generating plants and the City of Vero Beach is included in the makeup of fourteen different partners. He said that the City owns a portion of what FMPA does, which provides 45%. Mr. Heran told Mr. Heady that if he went to page 16, the figures in purple show the amount of megawatts that each of those generate. Mr. Heady continued by saying that FMPA carries the ownership entirely on their books and Vero shows no value for that. He asked if that was a function of government accounting. Mr. Heran answered yes. He said that there is no equity from a book standpoint. He said that the City's share in the replacement cost is \$63 million total combined over the three assets. He said that it is a crazy argument that these assets are worth nothing. He explained that as partners whoever leaves the utility business, the last "man standing" receives it all.

At this time Mayor Sawnick informed Mr. Heady that his ten minutes had passed. Mayor Sawnick asked the Council if they wanted to extend this time limit.

Mr. White felt that Mr. Heady could meet with Dr. Faherty and Mr. Heran to go over this. He could also meet with someone in their Electric Department, who has some electrical engineering knowledge to answer these questions.

Mr. Daige agreed with moving on. He said that their agenda was very lengthy.

Mr. Heady stated that once again he would appeal the ruling. He said that these gentlemen are here, as well as the public, and he would like to finish his questions. If the Mayor is not going to allow him to do that, that is fine but he appeals his ruling. Mayor Sawnick asked if there was a second to the appeal, seeing none the appeal failed for lack of a second.

#### **D. Adoption of Consent Agenda**

- 1. Regular City Council Minutes – September 7, 2010**
- 2. Monthly Capital Projects' Status Reports**

Mayor Sawnick made a motion to approve the consent agenda. Mr. Abell seconded the motion.

Mr. Heady requested that item 2D-1) be pulled from the consent agenda. He said that he just received the minutes on Monday afternoon and has not had a chance to review them. He asked that they be put back on the next agenda for approval.

Mayor Sawnick made a motion to adopt the agenda as amended. Mr. Abell seconded the motion and it passed unanimously.

### **3. PUBLIC HEARINGS**

#### **A) An Ordinance of the City of Vero Beach, Florida, providing the Levy of Ad Valorem Taxes for the Fiscal Year 2010-2011 at a Millage Rate of 1.9367 which equates to \$1.9367 per \$1,000 of Assessed Property Value.**

Mayor Sawnick read the Ordinance by title only.

Mrs. Jackie Mitts, Assistant Finance Director, reported that this Ordinance will adopt the millage rate and adopt the annual budget for fiscal year 2010 – 2011. She said that both were advertised in the newspaper and the Ordinance was changed as directed by Council to set the millage rate at 1.9367.

Mayor Sawnick opened and closed the public hearing at 8:03 p.m., with no one wishing to be heard.

Mr. White made a motion to approve the Ordinance. Mayor Sawnick seconded the motion.

Mr. Heady wanted it made clear that this is the same rate as last year, but the values of property have decreased, which means fewer dollars to the City.

The Clerk polled the Council and the motion passed 5-0 with Mr. Daige voting yes, Mr. Heady yes, Mr. White yes, Mr. Abell yes and Mayor White 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, 2010 and ending September 30, 2011, 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, 2010; providing a means to amend the Annual Budget to reflect Grants received after September 30, 2010; and authorizing the**

**transfer of funds appropriated so long as the total combined appropriations shall not be increased thereby; providing an effective date.**

Mayor Sawnick read the Ordinance by title only.

Mayor Sawnick opened and closed the public hearing at 8:05 p.m., with no one wishing to be heard.

Mayor Sawnick made a motion to approve the Ordinance. Mr. White seconded the motion.

Mr. Heady mentioned that there are several items within the budget and at the budget hearings that were held in July a couple of things did not happen. He recalled that the Council on a regular basis, when he has questions, decide to just throw them off the agenda or if he asks too many questions then discussion is ended. There are several items within the budget that he feels should have been discussed in a more appropriate manner. Also, they have Advisory Commissions and last winter he specifically asked for the Advisory Commissions to have a part of this process and that has not happened. It seems to him that when you have Advisory Commissions and you don't take advantage of them then you will wind up with items in the budget that may or may not have been able to decrease the cost of things to the taxpayers. Other things in the budget, and he has said this before, that anytime they pass anything he feels that they have an obligation to fund everything in that particular year. The constant passing the buck and expense on to their kids and grandkids needs to stop at all levels of government.

Mr. Abell commented that he did not know what Mr. Heady was talking about.

The Clerk polled the Council and the motion passed 4-1 with Mr. Daige voting yes, Mr. Heady no, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

**C) An Ordinance of the City of Vero Beach, Florida, Providing and Establishing Revisions to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2009 and Ending September 30, 2010, by increasing the General Fund by \$1,216,448; by increasing the One Cent Sales Tax Fund by \$6,994,783; by increasing the Electric Fund by \$9,172,719; by increasing the Water and Sewer Fund by \$366,877; by increasing the Airport Revenue Fund by \$650,282; by increasing the Marina Fund by \$122,100; by increasing the Solid Waste Fund by \$156,100; by increasing the Self Insurance Trust Fund by \$15,100; by increasing the Confiscated Property Trust Fund by \$7,200; All From Revised Revenue and Expenditure Estimates; by increasing the Debt Service Fund by \$2,500; by increasing the General Construction Fund by \$12,790,832; by increasing the Electric R&R Fund by \$2,622,719; by increasing the Water & Sewer R&R Fund by \$13,354,213; by increasing the Airport Construction Fund by \$4,221,768; by increasing the Recreation Fund by \$270,100; by increasing the Recreation**

**Construction Fund by \$85,000; All From Revised Expenditure and Transfer Estimates.**

Mayor Sawnick read the Ordinance by title only.

Mrs. Mitts reported that this Ordinance catches them up with the actual expenditures occurring in the current fiscal year. She said that this year they only had one amendment to the budget, which occurred in February.

Mayor Sawnick opened the public hearing at 8:11 p.m.

Mrs. Pilar Turner commented that in reviewing this Ordinance she noticed there were over \$650,000 of adjustments made for salaries and she just wanted to make sure that there were no salary increases, just accruals.

Mrs. Mitts said that this was just for accruals. She also said that they had a lot of retirements this year and their payout of vacation and sick time came out of the salary accounts.

Mayor Sawnick closed the public hearing at 8:12 p.m., with no one else wishing to be heard.

Mayor Sawnick made a motion to approve the Ordinance. Mr. Daige seconded the motion.

Mr. Heady did not think the comment made that there was no increase in any salaries is totally accurate. He said that there have been increases along the line. He said that if you look at the details you will find several increases in salaries and not just accruals. He said that there have been increases along the line. He said that what they need to do is change the budget by millions of dollars worth of income and expenditures. There is no real meaningful explanation that the public ever gets where millions and millions of dollars changed from the approval of the budget.

Mr. Abell asked Mr. Heady to prove his point.

Mr. Daige asked the City Manager if the point that Mr. Heady just brought up about increases in salaries was correct.

Mr. Gabbard needed to hear if there was a specific issue. Mr. Heady would need to show him what he is talking about. Mr. Gabbard made it clear that there were no across the board salary increases authorized.

Mr. Heady heard Mr. Gabbard say that there were no across the board salary increases. He asked if any City employee received an increase.

Mr. Gabbard said that there may have been some promotions given so in that case salary increases were given.

The Clerk polled the Council and the motion passed 4-1 with Mr. Daige voting yes, Mr. Heady no, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

**D) A Resolution of the City Council of the City of Vero Beach, Florida, adopting the Evaluation and Appraisal Report for the City of Vero Beach Comprehensive Plan; stating the Intent of the City Council to amend the Comprehensive Plan based upon recommendations contained in the Report; approving Transmittal of the Report to the Department of Community Affairs in accordance with Section 163.3191, Florida Statutes; providing for an Effective Date.**

Mayor Sawnick read the Resolution by title only.

Mr. Tim McGarry, Planning and Development Director, gave a Power Point presentation (attached to the original minutes) on the Evaluation of the Appraisal Report (EAR).

Mr. Heady wanted to know if the Power Point presentation had been provided to Council in their backup.

Mr. McGarry told him no. He then continued with the Power Point presentation.

Mayor Sawnick opened the public hearing at 8:31 p.m.

Mr. Peter Jones, Vice President of Main Street Vero Beach, reported that his Board voted unanimously to approve the EAR report and that it be transmitted to the Department of Community Affairs. He appreciated and enjoyed a wonderful and prosperous relationship with the whole Council.

Mayor Sawnick closed the public hearing at 8:33 p.m., with no one else wishing to be heard.

Mayor Sawnick made a motion to approve the Resolution. Mr. Daige seconded the motion and it passed 4-1 with Mr. Daige voting yes, Mr. Heady no, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

#### **4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING**

None

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

None

## **6. CITY CLERK'S MATTERS**

None

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

### **A) Electric Utility Discussion**

Mr. John Lee, Acting Electric Utilities Director, went over the history of why he is speaking to them tonight. He said that it has been more than a year since the Cost of Service Study was completed. The Cost of Service Study looked at the operations of their electric and water and sewer departments. He would just be talking about the electric side. The matter was discussed before the Utilities Commission many times and it was also brought to the City Council. The Cost of Service Study was approved by the City Council and new electric rates and tariffs were designed. The City Council then voted to send those new rates/tariffs and the Cost of Services Study to the Public Service Commission (PSC) for their review. The comments came back from the PSC at the end of 2009, with the Cost of Service Study being approved and the new rate tariffs being approved. Then the City Council approved those same documents. He said that with the rate tariffs, they first went into effect January 1, 2010, which was when the OUC contract kicked in. In the Cost of Service Study it was recommended that twice a year they look at the rates in April and then again in October. They looked at the rates first in March because a refund as they exited the FMPA contract had an impact on the rates and they were able to lower them. Then they looked at the rates again in April and lowered them again. Now they are looking at their rates for October. He showed them the impact of those rate changes that are going to go into effect on October 1st (on file in the Clerk's office). He commented that FP&L has the lowest rates in the State of Florida and in the nation, so it makes perfect sense that they would be working with them to see if they wanted to purchase their utilities. However, it is not a simple process and he is doing everything that he can to lower the utility rates when he can.

Mr. White briefly mentioned some places where the utilities rates are higher than the City's rates. He said that FP&L is looking at getting approval for a huge rate increase, which will bring their rates up considerably.

Mr. Abell requested that Mr. Lee get a copy of the graph of the comparisons that was shown sometime in 2000 and 2001 for FP&L and the City of Vero Beach. He said that the graph was provided to them by FMPA. The public should know that FP&L has said that this will be a long process.

Mr. Lee expressed that as far as FP&L purchasing the City's system, that they are still in the discovery stage and at some point they will do an appraisal of the system.

Mr. Abell made it clear that the utilities are owned by the taxpayers of the City of Vero Beach. He said that there is no guarantee that anything will come out of this. He also mentioned the reliability factor.

Mr. Daige commented that when this rate increase went into effect he was not on the Council and spoke out against it. He has challenged their City Manager and his staff to bring the utility bills down. Moving forward he has expressed to the City Manager the business plan and the way they do business has to change. He knows that as far as the base rate goes, that the City Council cannot legally reduce the rate. What they could do now is get the bottom line of the bill down. He pointed out that if they were still with FMPA their bills would be very high. It was time to exit and at least with OUC they have some flexibility. He thinks that the commercial businesses and property owners will appreciate that their utility bills are going down and they did not raise taxes. They are here to help their residents, but there is still more that they have to do. He commented that FP&L has been provided with all the documentation that they have needed up to this point and again the City is moving forward to reduce the utility bills.

Mr. Heady noted that the Council stopped him from asking more questions to Dr. Faherty and Mr. Heran. His questions involve the FP&L rate increase and they just heard from Mr. Abell about the FP&L rate increase. They put a rate calculator on an overhead that shows with the rate increase they would have been \$99.22 and even with the decrease in the City's electric they are still at \$117.10. He said even if FP&L had received their entire rate increase they would still be about 27% lower.

Mr. Lee said that is correct. He did not know if the numbers presented by Dr. Faherty are accurate or not, but he will say based on the filings that FP&L has before the PSC, if they would have received everything that they asked for, originally those numbers would be correct.

Mr. Heady also thought that FP&L entered into an agreement with PSC where they have a rate freeze until 2012. Mr. Lee did not know if the agreement lasted until the beginning or end of 2012, which is only one year away.

Mr. Heady asked with the new proposed rate, was the tax strictly on the base rate or also on the fuel charge. Mr. Lee explained that the 10% utility tax is on the base rate. The 6% County franchise fee is on the entire bill. For city customers, the tax is on the base rate and the base rate is going to go up.

Mr. Heady mentioned that they have the flexibility of adjusting the fuel cost based on fuel cost.

Mr. Lee said that it can be done at a minimum of twice a year. He said that any time there is a dramatic change he will bring it before Council. He wanted it made clear that they are not unregulated.

Mr. Heady commented that once they approve this rate it will be higher. Mr. Lee said that is correct. Mr. Heady continued by saying that the fuel cost is going to be a component of what happens with the fuel. Mr. Lee answered yes. Mr. Heady ended by saying that the tax is on the base rate and the tax is going to go up because the base rate is going to go up. Mr. Lee said that was also correct.

Mr. Daige clarified that Council already approved allowing the rate to go up.

Mr. White commented that he spoke with Mrs. Amy Brunjes, FP&L Spokesperson, who told him that FP&L cannot guarantee that if they purchase the utilities that the old City customers will get the same rate as all of the other FP&L customers.

Mr. Lee knew that it was the goal of FP&L to offer the same rate as their other customers receive.

Mr. Heady asked Mr. Lee if he knew if FP&L charged a different rate to any of their customers throughout the State of Florida.

Mr. Lee answered no.

Mr. Heady felt that it would be highly unusual if they were to charge Vero Beach a different rate than what they charge all of their other customers. He has been assured by FP&L that all the customers throughout the entire State pay one rate. So this constant allegation that Vero Beach is somehow going to be different than anyone else in the State just does not make a great deal of sense to him.

Mr. Lee expressed that this is the first time that FP&L has ever contemplated purchasing a system.

Mr. Daige agreed that there was no guarantee from FP&L that the customers of the City of Vero Beach will get the same rate that they charge their other customers.

Mr. Heady noted that Mr. Abell talked about the reliability factor. He asked Mr. Abell if he was referring to outages and getting electricity turned back on. Mr. Abell answered yes. That he was talking about how many outages that FP&L has in a period of time. He said that it is monitored by FMPA and information that has been at City Hall for at least two years. Mr. Heady continued by saying that when he researched this it showed that after an outage it takes the City in a range of between forty and seventy-five minutes to get the electricity back on. He said with FP&L it takes them an average of seventy-three minutes. He said so in terms of outages and getting power turned back on there is not a huge difference between FP&L and the City of Vero Beach. The other question that comes up is in the event of a hurricane that there are rules that all power companies must follow as to whose electricity must be turned on first, etc. There are priorities that the utility companies have to abide by. Such as getting the hospital's electricity turned back on first.

Mr. Daige clarified that with the hurricanes that occurred in 2004, the City had the capacity to generate and go right back into their system.

**B) Asset Purchase and Franchise Agreement between the City of Vero Beach and Town of Indian River Shores**

Mr. Rob Bolton, Water and Sewer Director, recalled that a couple of months ago they approved a consultants proposal for the south beach area and they disclosed that the consultant would be working for the Town of Indian River Shores and disclosed to the Town of Indian River Shores that they would be working with the City of Vero Beach. So everyone knew at the time that they would be working for both entities. He said that this is not an uncommon thing that consultants will do work for two different entities. The Attorney that the City hired Mr. Thomas Cloud, with Gray Robinson is the firm that they have used in drawing up this agreement. They received a letter dated September 13<sup>th</sup> from Gerald Hartman, Vice President of GAI Consultants, which attached the franchise agreement asked that they receive comments back by October 8<sup>th</sup> (letter is in the City Clerk's office). Mr. Bolton reviewed all 24 pages of the document in one day. The City Attorney and their Special Counsel have both looked at the agreement concerning legalities. Mr. Bolton then sent a letter to Mr. Gabbard on September 14, 2010 concerning the asset purchase and franchise agreement. He mentioned the memo sent by Mr. Gabbard to Council on this item did have a typo in it concerning the date that it was sent out. Mr. Bolton wanted to be transparent and go over all the changes so that they are on the record. His changes are in blue, Mr. Cloud's are in red and Mr. Vitunac's are in purple. He forwarded his changes to the firm of Gray Robinson on September 15<sup>th</sup> and today here are the final changes that were made by Mr. Vitunac. What they have before them is both versions. What he wants to do tonight is review all of the changes made and then send the document to the Town of Indian River Shores.

Mr. Heady referred to the documents that Council just received before tonight's meeting and asked if those were the documents that they were going through.

Mr. Bolton answered yes.

Mr. Vitunac explained that they are not asking that the document be signed tonight just that a conceptual agreement is given for the terms in the document.

Mr. Bolton went through page by page all the changes made in the document (both documents one with changes and the clean copy) are on file in the Clerk's office.

Mr. White didn't like the fact that they were under the shotgun to have this back by October 8<sup>th</sup>.

Mr. Bolton explained that what Council is being asked to do is approve the changes made and agree to the terms stipulated in the document.

Mr. Daige asked if they have seen anything from the County as to what they are going to offer.

Mr. Bolton said that he has requested what was submitted to the County and has not heard anything. He will provide that document to Council.

Mr. Daige asked if they were to waive the franchise charge, would they have to pay interest on that money.

Mr. Vitunac explained that if they had money in the reserve fund to pay this, what they would lose is the other money they would make off of the two-million dollars, which would be around five percent.

Mr. Bolton added that in this situation by not making a payment and by waiving the surcharge the benefit goes to the customers who are the ones that deserve the benefit.

Mr. Vitunac recalled when the CCNAC Committee was first formed and a meeting was held at the Richardson Center with all the interested entities involved, the Mayor of Indian River Shores announced that he wanted a decision of what the Town plans to do by October 2010, which is where they are now.

Mr. Heady asked Mr. Bolton for the short version as to why this agreement would be beneficial to the City.

Mr. Bolton stated that it would continue a long standing good relationship between the Town and the City which they have had since the early 60's and it stabilizes their rates for the next thirty years.

Mr. Heady then asked what the harm would be if they didn't adopt this agreement.

Mr. Bolton explained that they could continue with the franchise for the next six years and have discussions with the Town about staying with the City or going with the County. If the Town went with the County it would have a great impact on their current ratepayers and they would probably need to reduce staff.

Mr. Heady commented that they were spending a couple million dollars in order to bribe the Town not to leave.

Mr. Bolton expressed that he was not bribing anyone. This is a letter that he received from the Town of Indian River Shores.

Mr. Heady asked that if they declined this generous offer in giving Indian River Shores a couple million dollars and they (Indian River Shores) decided to go with the County, will they receive money on the assets they are going to take. He said that it looks like the real downside would be that they have to reduce staff.

Mr. Bolton commented that if they sold the assets they would have to look at how they could operate in the long term with the reduction of customers. He said that it is more beneficial to keep your customers in order to keep your rates stable.

Mr. Heady commented that if it was up to him he would reduce the debt. However, if he made that recommendation it probably would fail 4-1.

Mr. Bolton stated that his professional opinion is they have an operating water and sewer system that was first started in 1923 for water and 1926 for sewer and it has operated very well for that period of time. The City of Vero Beach has had the lowest rates in this County up until this year when they slightly went above the County for the first time. Now they are being scrutinized for everything that they do.

Mr. Heady felt that in government you should always be scrutinized for everything that you do. He said that the projections going forward with the County and City rates on a graph that he saw showed that the City would be increasing their water rates. Mr. Bolton did not know what Mr. Heady was talking about.

Mayor Sawnick made it clear that they were not approving anything at this time. All they are doing is reviewing the agreement and it will be going back to the Town of Indian River Shores.

Mr. Bolton was asking the Council to approve the changes that they have made and submit those changes back to the Town for their consideration.

Mayor Sawnick said that just by accepting this agreement and approving it doesn't mean that it is going to happen. Mr. Bolton said that the Mayor was not signing his name to this document. They are just approving the changes. They are trying to be transparent and keep this whole agreement out in the open for the public to see. Mayor Sawnick added that it will be the Town of Indian River Shores to decide whether or not they wish to stay with the City. He asked in going forward, what do they need to do to make sure that this agreement gets back to the Town for their review.

Mr. Vitunac instructed Council to say that they are giving conceptual approval to the ideas expressed in this draft document and will look at it when it comes back from the Town of Indian River Shores. At that point Council will consider signing the agreement and making it official.

Mayor Sawnick made a motion to accept the conceptual idea with the changes that staff and legal counsel has made. Mr. Abell seconded the motion.

Mr. Heady referred his comments to Mr. Bolton. He said that the Town was asking for approval of this proposal. If Council approves this proposal and Indian River Shores approves it and sends back a signed contract what happens. Mr. Bolton said they would bring it back to Council for approval and signature. Mr. Heady explained that when they send this agreement to Indian River Shores they have basically agreed to the terms. Then

when they send it back with their blessings he does not think that they could tell the Town that they have changed their mind.

Mr. Vitunac stated that if Council passes this Resolution and the Town sends it back without one word change then they would not be legally obligated to sign it, but if they are not willing to do that then they should not approve this agreement tonight. He said that the motion made is a serious motion and means that they are serious about this agreement and that they like the terms and conditions and if it is brought back in proper form then they will sign it. If any Councilmember has a problem with that then he suggested that they vote no to the motion.

Mr. Heady felt that the Mayor is making it sound like what they are doing is not a big deal. They are just putting an offer on the table and it is no big deal because they don't have to sign it when it comes back. He would make a legal argument that if they send the Town a proposal and they send it back signed then it is a done deal. Mr. Heady continued by saying that they are being asked to approve this agreement that will bind them for 99 years when the final copy was on their desk when they walked into the Chambers tonight. It seems to him that you just write "OUC" right across the front of this document.

Mayor Sawnick stated just to make it clear, because things are being stated that is not the truth.

Mr. Heady asked the Mayor what he said that was not the truth.

Mayor Sawnick restated the motion which is that they received the agreement and looked it over so now Indian River Shores can look over the changes and it can come back in final format to them. Mr. Bolton added that they agree to the terms and conditions as outlined. He said whether or not the Town makes any changes to the agreement it will come back to Council for final approval. They are not binded by what they are approving tonight.

Mr. Vitunac made it clear that Council was not going to be legally bound tonight to sign this agreement if it comes back from the Town without any changes. If it does come back with changes then it would be like a new counter offer. Again, if Council does not like this deal then they should not send it by saying they like it. What they should say is that in concept they like it and when it comes back they will consider it more formally when they have had more time to review it and see the final copy with the exhibits. He agreed that this was presented to Council at 7:00 p.m. tonight because he did not finish making the changes until 5:00 p.m.

Mr. Daige stated that he could live with what Mr. Vitunac just outlined. He said this way the City was not committing themselves to this document. He has not looked at anything from the County and this is a lot of information for them to digest tonight.

Mayor Sawnick commented that the outline of the agreement has not changed from what they received last week in their package.

Mr. Heady brought up the OUC contract that Council received and the document attached to former Mayor White's signature page, which had hundreds of changes and the City Attorney thought that it was no big deal. Now he is saying if there is one change to this document that it doesn't count. He felt that you can't have it both ways. He then asked the Mayor what he said earlier that was inaccurate.

Mayor Sawnick said when Mr. Heady referred to the agreement stating that it was binding right now.

Mr. Heady said if they agree to this contract and they send it to the Town of Indian River Shores and they send it back signed then the City is pretty well stuck with the document.

Mr. Vitunac did not agree with Mr. Heady. He was saying no they were not.

Mr. White commented that they have been doing similar things like this for years and normally they would send a matter like this to their Utilities and Finance Commission to look over.

Mr. Bolton stated that an agreement like this one only comes every 30 years so it is not a normal event. He is trying to respond to a letter that they received by the deadline date of October 8<sup>th</sup>.

Mayor Sawnick suggested compromising and doing nothing with the agreement right now, which would give them two weeks until their next meeting to see what the County has offered and then go from there. It would also give the Council more time to look over the agreement and ask questions of staff or whoever they want to ask questions. At their October 5<sup>th</sup> meeting (which is still before the deadline of October 8<sup>th</sup>) they can make their decision.

Mr. White wanted the Council of the Town of Indian River Shores to review it also.

Mr. Daige suggested that both the Utilities Commission and the Finance Commission meet to discuss this agreement.

Mr. Heady made a motion that this gets sent to the Finance Commission and the Utilities Commission before they do one thing.

Mayor Sawnick reminded the Council that there was already a motion on the floor.

Mr. Heady said that he was amending the Mayor's motion to say that they send this to the Finance and Utilities Commission before they move forward.

Mayor Sawnick withdrew his motion and Mr. Abell withdrew his second to the motion.

Mr. Heady made a new motion to send this to the Finance Commission and the Utilities Commission before they do anything. Mayor Sawnick seconded the motion.

Mr. Heady wanted these Commissions to meet when it is convenient for City Councilmembers to attend.

Mr. White felt that the Commissions should meet when it is convenient for them, not the Council.

Mr. Heady interjected that the Clerk has their calendars and he would like the meetings scheduled when the Council can attend the meetings.

Mr. Daige asked the Clerk to include his minutes of the meeting that he had with staff on this matter in the packages that will be sent out to both of these Commissions.

Mr. Abell felt that it was proper to send this information to the Town so that they can review it.

Mr. Bolton said that the Town can look at whatever they want, but to send this to them and then go before two entities who may have changes does not make sense.

The motion passed unanimously.

Mr. Gerry Weick, Councilmember from the Town of Indian River Shores, apologized for being blindsided by this. He would have thought that the proposal sent to this Council would have come to the Councilmembers of Indian River Shores. He now understands what is going on. He then asked Mr. Bolton if the City has to give a 90 day notice if they wish to raise the rates.

Mr. Bolton said that any time rates are raised a 90 day notification will be given.

Mr. Weick corrected Mr. Bolton when he brought up the year that the original agreement was signed. He noted that they still have until October 2011 to make a formal agreement. He also heard for the first time that they only have to give the City notice if they want to continue to be served and the City gives notification to the Town if they want to continue serving them.

Mr. Dick Kennedy hoped that there were a lot of citizens watching this meeting tonight and he thanked the Council for putting a stop to this and giving time for it to be reviewed. Having a document given to them the night that they are suppose to act on it does not give them enough time to review it.

Mayor Sawnick mentioned that it is now 10:22 p.m. He asked Council if they wanted to adjourn tonight's meeting and discuss the rest of the items at their next Council meeting or continue with the meeting.

Mr. Daige mentioned all of the meetings that he has tomorrow and said that he was in favor of postponing the rest of the items on the agenda.

Mr. Abell wondered if they should talk about selecting an interim City Manager (item 9A-5).

Mayor Sawnick made a motion to talk about the Interim City Manager and table the remaining items on the agenda. The motion was seconded and passed unanimously.

**C) City Limits Signage**

**D) Assistant Finance Director to discuss Reserve Balances Citywide**

**E) Human Resource Director to discuss the Selection Firms for the New City Manager Search**

These items will be heard at the October 5, 2010 City Council meeting.

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

None

## **9. CITY COUNCIL MATTERS**

### **A. Old Business**

**1. An update of the FEMA audits and the Homeland Security audits which have been conducted with respect to hurricane expenditures and reimbursements – Requested by Councilmember Brian Heady**

This item will be discussed at the October 5, 2010 City Council meeting.

**2. The playing in the public of a video of the 8/12/08 County Commission meeting which I supplied to the City Clerk several months ago. Discussion to follow. – Requested by Councilmember Brian Heady**

This item was removed from the agenda.

**3. An overview of the documents supplied by the City Attorney of the Honest Services requirements under Federal Law and Supreme Court decisions – Requested by Councilmember Brian Heady**

This item was removed from the agenda.

**4. Update of Federal lawsuit – Requested by Councilmember Brian Heady**

This item was removed from the agenda.

## **5. Appointment of Interim City Manager – Requested by Mayor Sawnick**

This item was heard at 10:24 p.m.

Mr. White wanted to hear what the Range Riders have to offer. He asked the Clerk if they have heard back from them. She said that they have not.

Mayor Sawnick mentioned that they have some staff members who have worked for the City for a long time and could fill in until they hire a permanent City Manager.

Mr. Daige suggested calling Mr. Tom Nason to see if he would be interested in serving as the Interim City Manager. Everyone knows Mr. Nason and he has filled in as Interim City Manager in the past.

Mr. White said that Mr. Nason goes back and forth to the mountains, so he was not sure if he would be available.

Mr. Abell felt that there were other people that they could consider.

Mayor Sawnick brought up Monte Falls and mentioned how closely that he works with Mr. Gabbard.

Mr. White did not think that Mr. Falls was interested in the position of being Interim City Manager.

Mayor Sawnick spoke with Mr. Falls who told him that he was not interested in being the permanent City Manager.

Mr. White asked Mr. Falls if he would be willing to serve as the Interim City Manager if they appointed him.

Mr. Falls commented that he has spoke to a number of Councilmembers and told them that he would do the best that he could for the benefit of the City until Council decides what they want to do. He would serve as the Interim City Manager after he talked to the Human Resource Director about some details.

Mayor Sawnick noted that they need to make a decision at the next Council meeting, because it would be Mr. Gabbard's last meeting before he retires on October 15<sup>th</sup>.

Mr. Gabbard mentioned that October 15<sup>th</sup> was going to be here soon and there are a lot of issues that he needs to discuss with the Interim City Manager to make sure that he is up to speed. He did not suggest waiting another two weeks before they make their selection.

Mr. White asked Mr. Gabbard in his opinion who would be the best choice for the position.

Mr. Gabbard answered Monte Falls.

Mr. White made a motion to appoint Monte Falls as the Interim City Manager and that the City Manager starts training him. Mr. Abell seconded the motion.

Mr. Daige had no problem with Mr. Falls being appointed as the Interim City Manager. He realizes that Mr. Falls has indicated that he is not interested in the full time City Manager position. He wanted to move forward and make this transition as smooth as they could.

The motion passed unanimously.

Tonight's meeting adjourned at 10:35 p.m.

- B. New Business**
  - 1. Consideration and discussion of a new filing of old complaints in State Court – Requested by Councilmember Brian Heady**
- 10. INDIVIDUAL COUNCILMEMBERS' MATTERS**
  - A. Mayor Kevin Sawnick's Matters**
    - 1. Correspondence**
    - 2. Committee Reports**
    - 3. Comments**
  - B. Vice Mayor Sabin Abell's Matters**
    - 1. Correspondence**
    - 2. Committee Reports**
    - 3. Comments**
  - C. Councilmember Tom White's Matters**
    - 1. Correspondence**
    - 2. Committee Reports**
    - 3. Comments**
  - D. Councilmember Brian Heady's Matters**
    - 1. Correspondence**
    - 2. Committee Reports**
    - 3. Comments**
  - E. Councilmember Ken Daige's Matters**
    - 1. Correspondence**

2. **Committee Reports**
3. **Comments**

**11. ADJOURNMENT**

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