

**CITY OF VERO BEACH, FLORIDA  
OCTOBER 5, 2010 9:30 A.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 Tristen Holer of the First Covenant 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 items 9B-3) through 9B-10) off of the agenda because backup material has not been provided. Mr. Abell seconded the motion.

Mr. Heady wanted the record to show that the items being pulled off of the agenda are the items that he added to the agenda and those items are about to be removed.

Mr. Abell felt that it would be appropriate for Mr. Heady, who has been on Council close to eleven months, to provide more information with his items so that they could understand what he wants to talk about. After eleven months, Mr. Heady still refuses to address the issues. He continues to waste time, he doesn't do any research or talk to people to find out what he wants to know. Mr. Abell felt that some of Mr. Heady's items probably would not be taken off of the agenda if he would provide a little more information.

Mayor Sawnick added that the City Clerk would be happy to sit down with Mr. Heady to make sure that the correct information is being presented. He said that it really is not for the Council, but for the public.

Mr. Heady commented that when he used to come to the podium (before he was elected to Council) one of the things that he said was liars, cheats and thieves should not be in

charge of governing agencies. He was pretty clear what he meant by that. He said when you are on the public payroll, if your City staff, you have an obligation to tell the public who pays your salary the truth. He said that Council is on the public payroll and they also have an obligation to tell the public the truth and it would be nice if the Mayor and Vice Mayor would do that. He started with item 9B-3) that the Mayor wished to pull off the agenda.

Mayor Sawnick told Mr. Heady that they were not going to talk about each individual item.

Mr. Heady told the Mayor that if he is going to make statements that he (Mr. Heady) didn't provide documents then he feels that he has the right to counter that when the Mayor is just lying to the public. The Mayor needs to tell the public the truth. He (Mayor Sawnick) consistently lies to the public and he (Mr. Heady) thinks that is outrageous.

Mr. White called the question. Mayor White seconded it. The motion passed 4-1 with Mr. Heady voting no.

Mayor Sawnick reminded Council that there was a motion and second to remove items 9B-3) through 9B-10) off of the agenda. The motion passed 4-1 with Mr. Heady voting no.

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

## **B. Proclamations**

### **1. Mulligans to present a Check to the City of Vero Beach to help pay for the cost of this years July 4<sup>th</sup> Fireworks**

Mrs. Anjie Schepers, Representative from Mulligans, informed the Council that Mulligans would be making a donation of \$10,000 to be used towards the July 4<sup>th</sup> fireworks.

### **2. Rita Ziegler, President of the Arts Club, to present a Plaque to the City Manager**

There were three members from the Vero Beach Art Club at today's meeting to recognize Mr. Gabbard for his support of the Art Club over the years. They presented him with a plaque.

### **3. Certificate of Appreciation Presented to the City of Vero Beach in recognition of their contributions to the 3<sup>rd</sup> Annual Treasure Coast Waterway Cleanup**

Mayor Sawnick presented a Certificate of Appreciation to Mr. Tim Grabenbauer, Marina Director, recognizing his contributions towards the annual Treasure Coast Waterway Cleanup.

### **3. Plaque given to Jim Gabbard, City Manager**

The City Council presented Mr. Gabbard with a plaque for the years of service that he has served as the City Manager.

### **C. Public Comment**

Mrs. Honey Minuse, 27 Starfish Drive, realized that today was Mr. Gabbard's last meeting. She could not let this occasion pass without a public acknowledgement for everything that he has done for this City. She thanked Mr. Gabbard and wished him health and happiness in the future.

Mr. Robert Walsh, Vero Beach, wanted to speak on public dialogue. He asked is there anyone who thinks that this Council is not required to follow the rules and laws founded by Jefferson for Boards and Councils. He asked is there anyone who thinks that this Council is not following them. He said that it has been his past experience in speaking with the Council is like spitting in the wind and therefore he is turning to the public. He asked the public if they knew that they have been cheated of their rights to be included in the Councils' decisions for years. He said that Council does not want to bother dealing with the rules or with the public. He said the City Council fears public dialogue. If a meeting gets too long they hold a special meeting. First rule says constraints like three minutes must have their consent. The Board is to carry out will of govern as determined by them (them is you out there watching us right now). Honest representation requires talking to the govern something some members of this City Council don't do and don't get.

Mr. Joseph Guffanti, 441 Holly Road, said what Council just did to Mr. Heady's items and denying him of those items, they also denied him and all the people who voted for him to represent them. What they did was completely destroy the concept of democracy here. Anytime Mr. Heady wants to get some information to let the public know what is going on they act as little children in trying to keep the information from the public. What Mr. Walsh just stated was very true, but they can disregard it because after November it won't be necessary to think along those lines. He recalled Mr. Gabbard beaming when he told the public and the City Council that the price of natural gas had been locked in. Mr. Gabbard appeared to be proud of the contract that the power suppliers got involved with. But, as it turns out they got locked into a price that is three times what the price of natural gas dropped to. This ended up costing the taxpayers hundreds of thousands of dollars. He did not think Mr. Gabbard would be missed too much by the people who are paying those high power bills.

Mr. Gabbard said the issue that Mr. Guffanti was discussing was the hedging that was done by FMPA and it had nothing to do with his office or any Councilmember.

Mr. Stuart Kennedy, Chairman of the Taxpayer's Association Task Force, personally thanked Mr. Gabbard for his contributions towards the City. He wanted to speak briefly about the water and sewer negotiations. There was considerable discussion at their last meeting and there was concern that any immediate contact with Indian River Shores might be seen as agreeing in principle with the draft agreement. The minutes of that meeting showed a motion passed unanimously not do anything until it went before Finance and Utilities Commission. However, during the joint Finance/Utilities Commission meeting held yesterday, he heard that contact was made with Indian River Shores to make changes to the wording of the draft agreement to satisfy both parties. This seemed to be in conflict with the motion passed by Council. There were also comments made by the Commission members that extra wording should be included in the agreement to ensure that if there were any consideration of consolidation that this agreement should not disrupt that possibility. He hoped that this would be included in the agreement. He said that this whole issue gives him an uneasy feeling. He asked why were they being rushed and for what reason. He asked does it have to do with the fact that they are about to have an election and some people want a decision made before that happens. He expressed that Indian River Shores has until October, 2011 to make a decision. They don't know what Indian River Shores is going to decide and there is no data showing what the implications would be if they choose to go with the County. He asked what it would do to their rates. He said that they were told during yesterday's meeting that if the City was to lose the contract with Indian River Shores, the City might have to put two million gallons of treated wastewater down the Deep Injection Well each day until they find new customers. They were told that if the agreement moves forward, the City would not be able to charge impact fees for any development in Indian River Shores. He asked is this something that City taxpayers should feel comfortable with. They were also told during yesterday's meeting that if Indian River Shores goes along with this agreement, at the end of 99 years the City would give back all the facilities to Indian River Shores at no cost. He asked as Councilmembers, were they comfortable that they have been provided with all the financial implications for the City to continue working with Indian River Shores through this agreement or if they choose to go with the County. He hoped that they were not seeing an example of job protection and that they are working on doing what is right for the citizens. He said that the City Council is here to represent the people, whether they are voters or those who are required and have no option but to use City services. He found this entire matter confusing. He was not sure that Council has been given all the data to make a decision. He was perturbed that the public was not given full awareness of the meeting. He said that the City's website did not have any mention of yesterday's meeting or of today's meeting. He discovered this morning that this information was on the website, but it was in a different area. He asked what is the format for putting information on the website so that the public is aware of what is going on in the City.

Mrs. Tammy Vock, City Clerk, explained that the City was in the process of changing their Webmaster. She noted that they would be going back to the way they have been doing the website beginning tomorrow.

Mr. Heady thanked Mrs. Vock for answering the public's questions during the time when the question was posed. He said it is more meaningful to respond to the public when they have questions rather than waiting until the end of public comments and try to go back and remember what was said. This is a much more appropriate way to deal with the public.

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

Mr. Daige pulled item 2B-5) off of the consent agenda.

Mr. Heady pulled items 2B-1), 2), 3), 5), 6), and 7), off of the consent agenda.

Mr. White made a motion to approve item 2B-4). Mayor Sawnick seconded the motion and it passed unanimously.

#### **1. Regular City Council Minutes – September 21, 2010**

Mr. Heady referred to page two, next to the last paragraph. He said that he made the comment to Mr. Vitunac that if he wanted to pull the 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. He certainly did not tell them to pull his items off of the agenda. It was more of a question than anything else. Then on page five, Mr. Solari spoke and there was some dialogue that took place that he feels should be in the minutes. After Mr. Roman spoke there was some dialogue involving the Mayor, Vice Mayor and himself that needs to be added. He said that the Vice Mayor asked that the kids be removed from the meeting.

Mr. Abell interjected and stated that was incorrect.

Mr. Heady continued by saying that he felt that was offensive and the dialogue as recorded should be included in the minutes.

Mr. Heady continued making corrections to the minutes and went to page six, second to the last paragraph, and said that there was some dialogue between the City Manager and the Councilmember from Indian River Shores that needs to be added. On page 19, he said when commas are inserted that the meaning is changed. The meaning in the fifth paragraph, when he said "He would argue that if they send the Town a proposal and don't sign it, when they receive it back they will probably be in some legal trouble." Mr. Heady said that there needs to be some rearrangements of commas. What he said at the meeting was that you can make a legal argument that if they send something to Indian River Shores and they send it back signed that is a done deal. He said that this sentence needs to be corrected to indicate what he said.

Mr. Heady suggested postponing the approval of these minutes giving the Clerk time to make these changes and then bring them back at the next meeting.

Mr. Daige went back to Mr. Abell's comments on removing the children from the Chambers. He said that was not so and he did not hear Mr. Abell say remove the children from the Chambers. He did not want that in the minutes.

Mr. White asked Mr. Abell to tell them what he said. He recalled that Mr. Abell's microphone was not up to his mouth when he was talking and he did not hear that either. He said that Mr. Heady was talking very loud in his microphone and stated that is what Mr. Abell said. Mr. White recalled that there was some clapping and some talking going on and Mr. Abell was talking about the people who were being a little rowdy, which had nothing to do with the students present for their meeting.

Mr. Abell stated that he made a comment on the side to the Mayor to please bring decorum back in the meeting or throw the people out. He said that the people making the noise were not the students. He said that Mr. Heady, in his usual fashion, interjected what he wanted the people to hear and unfortunately an article was published in 32963 that was completely wrong. He asked Mr. Heady to be more careful about what he interjects at a meeting. As he said earlier today, Mr. Heady has been on Council for eleven months and has made no effort to find out anything in the City. All he does is make comments and try to stir up the "fire." In today's Press Journal, Mr. Russ Lemon addressed an issue that he heard occurred at the Florida League of Cities (FLOC) conference held in Hollywood, Florida. Mayor Sawnick interjected and asked Mr. Abell to stay on the topic that is being discussed. Mr. Abell said that he was trying to stay on the topic of Mr. Heady making incorrect statements, walking around this FLOC meeting saying that there is all kinds of corruption going on in Indian River County. He (Mr. Heady) is absolutely wrong.

Mayor Sawnick requested that the Clerk review this part of the meeting and make the corrections to the minutes.

Mr. Heady had some comments to make on what was just said. He said regardless of the explanations and the spin put on by Mr. Daige, Mr. White and Mr. Abell on what his comments were, the minutes are what they are and are a reflection of what happened. Mr. Abell can say now, as well as Mr. White and Mr. Daige, that was not what he meant, that's fine, and he can put into the minutes of this meeting the statements he just made, but the minutes of a meeting are what you said and not what you meant. The recording of the meeting demonstrates what happened and he wants in the minutes the transcript of what was said. He said it was pretty clear to the public what happened. These objections and the spin that they are hearing now were not made at the time that the instance happened.

Mayor Sawnick said that Mrs. Vock will review this and bring back accurate minutes at their next meeting.

Mr. Daige commented on the issue of "spin." He said that people are hearing this quite a bit now and there just was some spin up here on the dais. The City Clerk is going to go back and review the tape of the meeting and put in what was said at the meeting. He said

that anyone can review the DVD. The corrected minutes will be provided at their next meeting.

2. **Regular City Council Minutes – September 7, 2010**
3. **Special Call City Council Minutes – September 21, 2010**

Mr. Heady would meet with Mrs. Vock and give her the corrections that he would like made to the minutes. The corrected minutes will be brought back to Council at their next meeting.

4. **Humiston Park**

This item was approved under the consent agenda.

5. **Interim City Manager Work Agreement**

Mr. Daige pulled this item off of the consent agenda. He said that when they selected an Interim City Manager at their last meeting there was no contract indicating that the Interim City Manager would be requesting a raise in salary. He said that there are some demands in the contract that Mr. Monte Falls, new Interim City Manager, would like to have. It was his impression that when Mr. Falls was asked to be the Interim City Manager that he had no problems stepping up to the plate. He has a problem with giving a salary increase to Mr. Falls. His current salary is around \$128,000 a year and with this increase they are looking at about an additional \$6,000. When Mr. Gabbard was hired as Interim City Manager he took no salary increase and he was a very seasoned public servant and has never taken a salary increase. He felt right now it is bad timing to do any type of salary increases. They are trying to keep the budget down so he is not in favor of any increases. He said that this has nothing to do with Mr. Falls' work ethics. He just thinks that the timing is poor. If Mr. Falls wants to step up to the plate and work for awhile as Interim City Manager then it is doable. However, he will not honor this particular demand that Mr. Falls would like to see met.

Mayor Sawnick agreed with the points that Mr. Daige made. However, he felt that the five percent increase was in line with the additional work that Mr. Falls will be undertaking.

Mr. Heady apologized to Mr. Falls for having to listen to this. He said that Mr. Falls has not made demands, what he has done is offered to help the City and \$500 a month to do his current job and to do another \$200,000 a year job is not too much to ask for. If he (Mr. Heady) has any objections at all to this package it is some of the inclusions in the job description and the minimum requirements attached to it. He said that Mr. Falls has the education and abilities to add two pages of what is needed to do the job. He said that the vote of the Council was 5-0 at their last meeting to appoint Mr. Falls as Interim City Manager. They have all known Mr. Falls for years and they knew what they were doing when they appointed him.

Mr. Heady made a motion to give Mr. Falls the \$500 that he has asked for. Mr. White seconded the motion.

Mr. White commented that he has known Mr. Falls for a long time and he is a dedicated hard working employee and has done an excellent job for the City. He said that the five-percent increase is only temporary until a permanent City Manager is hired and then Mr. Falls can go back to his current position. He did not have any problems with any of Mr. Fall's requests as outlined in the agreement.

Mr. Abell felt that Mr. Falls does a great job. He said it is crucial that they have a person in this position that knows how the City operates. He has no problem with agreeing to the conditions outlined in the agreement.

Mr. Daige agreed that Mr. Falls is a hard worker. He said that as a Council they have asked their City employees to do extra work and double up on their duties. He said that everyone is working very hard. They have cut back on a lot of money that goes into the employees pockets and he will stand by his decision to not approve the five-percent increase. He said that every Councilmember is entitled to their thoughts on the matter and he does not think that any of them has a problem with Mr. Falls. He will stick to his guns on this. They have asked all the other employees to make sacrifices, they are doing extra work and that is the reason he is not approving the five-percent increase. He has no problem with Mr. Falls going back to his original position at his original pay and the rest of the items that he has asked for in this agreement. He thanked the Council for their consideration.

Mr. Heady asked Mr. Daige what employees have they asked to double up on their duties.

Mr. Daige said that it is people that they see out in the fields working.

The motion passed 4-1 with Mr. Daige voting no.

## **6. Blue Cross Blue Shield Administrative Services Agreement**

Mr. Heady pulled this item off of the consent agenda. He said that this is an agreement that they are being asked to enter into that is a long term agreement. The agreement is for four years and on page B-2 there is a \$100,000 penalty clause and his stance on signing agreements with a penalty clause is pretty clear. He cannot sign anything that gives the taxpayers of this community an exposure to a \$100,000 penalty.

Mayor Sawnick made a motion to adopt the Blue Cross Blue Shield Administrative Services Agreement. Mr. White seconded the motion.

Mr. White commented that if they don't sign the agreement then they have to pay an extra \$195,000.

Ms. Barbara Morey, Risk Manager, explained that if they don't approve the agreement then their rates would go up considerably.

Mr. Abell added that what he read in the agreement is that there is an opportunity to see a drop in the rates and the drop would add a savings of \$180,000 and if they don't sign the agreement then the rates would cost them an additional \$195,000.

Mr. Heady commented that Blue Cross Blue Shield was not the only organization that provides these types of services. He would agree to the contract without the \$100,000 penalty clause.

Ms. Morey explained that they would have a hard time keeping the three plans that they have now if they don't keep Blue Cross Blue Shield.

Mr. Heady suggested sending back the agreement to Blue Cross Blue Shield without the \$100,000 penalty clause. He would be surprised if they would come back and say "no thanks." He felt that there was no reason that they could not send this back with that exclusion.

Mr. Daige asked if the statements just made by Mr. Heady were accurate.

Ms. Morey explained that the penalty clause would come in if they decided to break their contract with Blue Cross Blue Shield, which is a four-year contract. She said that if they don't break the contract then they reap the awards of having \$180,000 less fees then they would if they broke the contract.

Mr. Heady brought up the health clinic that was discussed some time back, as well as other ways that were discussed to cut back costs. He said if some other company came to them offering a good plan at a lower cost then what they have now they could not take advantage of it because of this penalty clause. He again said send the agreement back to Blue Cross Blue Shield without the penalty clause. He did not have any problems agreeing to this contract if it did not include the penalty clause.

Ms. Morey understood Mr. Heady's concerns. However, with the employers that are in this community Blue Cross Blue Shield is their best option. She said as time goes by there may be another network that offers better rates and services then Blue Cross Blue Shield. However, at this point in time Blue Cross Blue Shield is their best option.

Mr. Heady made it clear that he was not suggesting that they leave Blue Cross Blue Shield. The only thing that he was suggesting was that this be sent back eliminating the penalty clause.

The motion to approve the agreement passed 4-1 with Mr. Heady voting no.

Mr. Abell asked Ms. Morey what was the total value of the contract over four years.

Ms. Morey thought that there would be a \$326,000 increase if this is not accepted. She thought that the total value of the contract was around six-million dollars.

**7. Administrative Services Agreement – Early Retiree Reinsurance Program**

Mr. Heady pulled this item off of the consent agenda. He asked how many retirees were on this plan.

Ms. Morey said that there is approximately 200 retirees and she would say that half of those people are under 65 years old.

Mr. Heady said that there are 200 retirees on the plan right now. He then asked what is the total cost in approving this.

Ms. Morey stated that the total cost to the City is zero.

Mayor Sawnick made a motion to approve the Administrative Services Agreement – Early Retiree Reinsurance Program. Mr. Daige seconded the motion and it passed unanimously.

**3. PUBLIC HEARINGS**

None

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

- A) A Resolution authorizing the City of Vero Beach, Florida, to enter into a Joint Participation Agreement with the State of Florida, Department of Transportation, to participate in a Parking/Access Improvements Project at Building #78 (FDOT #429255-1-94-01).**

Mayor Sawnick read the Resolution by title only.

Mr. White asked the Airport Director to explain to them where the building is located.

Mr. Eric Menger, Airport Director, showed some aerials on the doc cam (on file in the Clerk's office). He said that originally this was a World War II building. It has since been renovated. The roof was redone using FEMA funds. What is lacking on this particular site is decent parking. He said that it brings in about \$41,000 in revenue every year. The Resolution asks to approve a grant to pay for half of the proposed project. He then showed what improvements would be done. He said that the tenants of this building have been asking for additional parking spaces for years. A budget amendment is also requested to fund this project at \$200,000. He said that staff recommends approval.

Mr. Daige asked Mr. Menger what is the length that the tenants have been there.

Mr. Menger was not sure. He said that it has been for many years, but would get the exact number of years for Mr. Daige.

Mr. Heady asked Mr. Menger if it would be possible to include in the design the areas of parking that would allow drainage.

Mr. Menger answered yes. He said that during the design phase he will bring that up to see if it is feasible.

Mayor Sawnick made a motion to approve the Resolution and acceptance of the Joint Participation Agreement. Mr. Abell seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Heady yes, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

**B) A Resolution authorizing the City of Vero Beach, Florida, to enter into a Joint Participation Agreement with the State of Florida, Department of Transportation, to Construct an Operations Facility & Hangars (FDOT #420768-1-94-01).**

Mayor Sawnick read the Resolution by title only.

Mr. Menger mentioned that with this project it has been difficult to get all the funding together. He showed on the aerial where the property is located (on file in the Clerk's office). He then showed what this project will entail. He said that this project was initially approved in FY 2008. After the hurricanes three hangars at Airport North were destroyed and rather than replacing the hangars they chose to lease the property to a private party for redevelopment. FEMA approved the City's request to construct the alternate project in 2005 and the budget was approved in 2007, but FDOT funds were not available until recently.

Mr. White asked what will be put in the building.

Mr. Menger said that it would be used as a storage facility.

Mr. White asked if the request has gone before the Airport Commission.

Mr. Menger answered yes, during the budget review in 2008.

Mr. White wondered if Mr. Menger could take it before the Airport Commission for their review.

Mr. Menger explained that could be done, but he asked that the Resolution be approved because of the grant money and the time constraints that they are under.

Mr. Daige made it clear that the maintenance equipment used at the Airport will be stored in the facility.

Mayor Sawnick made a motion to approve the Resolution and acceptance of the Joint Participation Agreement. Mr. Abell seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Heady yes, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

Mr. Heady asked that once they get finished with item 4-C), could they move up item 9B-1) so that Mr. Zimmermann's matter could be discussed. Council had no problem with this request.

**C) A Resolution authorizing the City of Vero Beach, Florida, to enter into a Joint Participation Agreement with the State of Florida, Department of Transportation, to Rehab Sections of Runway 11R/29L and Taxiway C (FDOT #428512-1-94-01).**

Mayor Sawnick read the Resolution by title only.

Mr. Menger explained that this was a housekeeping measure to bring the FDOT funding in line with the newly accepted funding from FAA. He said that there was no change to the total project amount or the Dickerson bid amount as approved by City Council. He would recommend approval.

Mayor Sawnick made a motion to approve the Resolution. Mr. Abell seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Heady yes, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

At this time item 9B-1) Funding request from the Tree and Beautification Commission was heard.

Mr. Karl Zimmermann, Chairman of the Tree and Beautification Commission, requested permission from the Council to expend funds from the Tree and Beautification account in the amount of up to \$350.00 to purchase additional Hibiscus Plants. He explained that a prior request for funds was approved by Council at their June 15<sup>th</sup> meeting; however the original request was underestimated on the amount of plants and material that would be needed for the project.

Mr. Daige made a motion to approve the request as requested by the Tree and Beautification Commission. Mr. White seconded the motion and it passed unanimously.

Mr. Zimmermann offered his congratulations to Mr. Gabbard and wished him well in his retirement. He also wanted to announce when the next public forum for candidates would be taking place. He was told by the Mayor that announcement was not appropriate at a Council meeting.

Mr. White recalled that after reading the Tree and Beautification Commission minutes, he noticed that there was some discussion about a mission statement. He said if it would

help the Commission that Council could meet with him (Mr. Zimmermann) or his Commission to try and come up with some guidelines.

Mr. Zimmermann stated that any clarification would be helpful.

Council took a five-minute break at 10:58 a.m.

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

None

**6. CITY CLERK'S MATTERS**

**A) Reappointments to Commission/Boards**

**Airport Commission**

Mr. Peter Coxhead, Mr. Sid Greer, and Dr. James Stewart's terms on the Airport Commission expire on October 15, 2010. All members wish to be reappointed to the Airport Commission.

Mr. Daige suggested that in the future they look at adding two more members to the Commission who live in surrounding neighborhoods. He will bring something to Council in the future.

Mr. White made a motion to reappoint Mr. Coxhead, Mr. Greer, and Dr. Stewart to the Airport Commission. Mr. Abell seconded the motion and it passed unanimously.

**Board of Adjustment**

Mr. Dennis O'Brien, Mr. Steve Smith, Mrs. Nancy Cook, Mr. Al Turner and Mr. Nathan Goldsmith's terms on the Board of Adjustment expire on November 15, 2010. All members wish to be reappointed.

Mr. White made a motion to reappoint Mr. O'Brien, Mr. Smith, Mrs. Cook, Mr. Turner and Mr. Goldsmith to the Board of Adjustment. Mr. Abell seconded the motion and it passed unanimously.

**Planning and Zoning Board**

Mr. Charles Vogt, Mr. Ed Llerena, and Mr. Kevin Doty's terms on the Planning and Zoning Board expire on November 15, 2010.

Mr. White commented on the meetings that both Mr. Llerena and Mr. Doty have missed.

Mr. Heady suggested moving the two alternate members up on the Board and having Mr. Llerena and Mr. Doty serve as alternate members if they are having trouble attending all of the meetings.

Mrs. Vock said that she would relay to the members the importance that Council wishes that the members attend as many meetings as they are able to.

Mr. White made a motion to reappoint Mr. Vogt, Mr. Llerena, and Mr. Doty to the Planning and Zoning Board. Mr. Daige seconded the motion and it passed unanimously.

### **Marine Commission**

There are two openings on the Marine Commission. There is an opening for a full member and an opening for an alternate member.

Mr. White made a motion to appoint Mr. Brian Cunningham to the Marine Commission as a full member. Mayor Sawnick seconded the motion and it passed unanimously.

Mr. Abell made a motion to appoint Mr. Daniel A. Thomas as an alternate member to the Marine Commission. Mr. White seconded the motion and it passed unanimously.

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

### **A) Water and Sewer Service Negotiations with the Town of Indian River Shores**

Mr. Rob Bolton, Water and Sewer Director, reported that the City received the water and sewer agreement from the Town of Indian River Shores with a deadline of October 8<sup>th</sup>. He said that there have been some statements as to why they were in a rush. He explained that this process began one year ago and it was not a rush. He said that he reviewed the agreement, the firm of Gray Robinson reviewed it, and the City Attorney reviewed it. He reported that there was a joint Finance Commission/Utilities Commission held yesterday regarding the agreement, which there was a lot of discussion and questions asked. Mr. Bolton said there is a question regarding the impact fees. He explained that the existing Indian River Shores customers cannot be charged impact fees because they have already paid the impact fees. There also was a question of why would Indian River Shores get the utilities back after the 90 year lease. If they look at the appraisal of the utilities, their service life is 75 years. Therefore, at the end of the 90 years there is a zero value on those lines. Anything that the City replaces would become the City's assets. He reported that the Finance Commission and the Utilities Commission voted in favor of the agreement, with one exception, which was that they wanted to add some language and Mr. Vitunac came up with the language to include in the agreement.

Mr. Vitunac said that they would like to add the following sentence to the agreement, "Vero Beach reserves the right to sell all or part of its utility system to another qualified utility provider, provided that the buyer assumes all the obligations of the City of Vero Beach to the Town of Indian River Shores under this franchise agreement." He felt that

this would keep the options open if they wanted to enter into discussions with the County or someone else regarding selling the City's system.

Mayor Sawnick said there are a lot of people who are stating that the City is pushing this through too quickly. He asked Mr. Bolton to discuss the time frame of what is actually happening.

Mr. Bolton reported that he attended an Indian River Shores meeting and they would still like a response from the City by October 8, 2010. He noted that the response could be that the City conceptually agrees on the terms of the contract and includes comments from the City for Indian River Shores to review. Sometime after October 19, 2010, Indian River Shores would hold a Special Call meeting to discuss the City's response and the County's response. He noted that by the City Council voting on this today, they would not be voting on the agreement. What he would like is to have a letter sent to Indian River Shores from the Mayor stating that the City Council voted on the concept of the agreement and to request that they advise the City on the next steps.

Mayor Sawnick said that this could be going back and forth multiple times.

Mr. Bolton said that was correct. He said that each time he would present it to Council because he did not want to be criticized that this was being done by staff.

Mayor Sawnick asked Mr. Bolton if he was confident that nothing would be done within the next month.

Mr. Bolton said that Indian River Shores would not be meeting until the end of the month and they would have to respond back to the City. He did not see the City taking any further action until after the City Council election.

Mr. Daige asked how is Indian River Shores assessed for drinking water used for irrigation now and in the future with this possible agreement.

Mr. Bolton explained that Indian River Shores currently receives drinking water, sewer service and reclaimed water. The City also sells bulk reclaimed water to John's Island Water Management, who has their own irrigation system for all of John's Island. Outside John's Island on the north, receives potable water, sewer service and most of their irrigation is through potable water. When they look at conservation, they fall under the St. John's Water Management District for the north part. John's Island still has conservation issues because they are a regulated utility. The City deals with the north end, the center of the Town is dealt with by John's Island and the south end is not regulated.

Mr. Daige said when the City sends Indian River Shores treated water for irrigation, the City is guaranteeing two million gallons each day.

Mr. Bolton said that was correct.

Mr. Daige said that is the treated water. It is not supplemented with fresh water, where the rest of the City's customers would be penalized where their bills would increase.

Mr. Bolton said any supplementation the City does, they do as a whole. He said there are a lot of people who are seasonal and there is a large wastewater flow that the City has to treat and provide as reclaimed water. However, the drought occurs when the seasonal customers go back up north and therefore they are not generating any water. Those periods of the drought is where the City supplements and pump treated water into the tank and that cost is metered and charged against the reclaimed water system. All the reclaimed water customers pay for that supplementation.

Mr. Daige asked if he was correct that Mr. Bolton went over the appraised values of the assets that the City owns that is in the backup material.

Mr. Bolton answered yes. He said that it is in the agreement provided.

Mr. Daige did not have a problem with moving forward with the concept and language suggested by the City Attorney.

Mr. Abell made a motion that they move forward and that there be a letter created by the Mayor to indicate what the process is with the amendment of the new language included. Mr. White seconded the motion.

Mr. White said that they were not rushing through this. He felt that it was important that the City does respond because there is a deadline of October 8<sup>th</sup>.

Mr. Heady said that he attended the Joint Utilities/Finance Commission meeting that was held yesterday. He said that Mr. White stated there were statements made that he (Mr. White) could not believe. He asked Mr. White to identify the statements that were incorrect.

Mr. White said that he was not going debate with Mr. Heady. He said there were some comments made from the public that surprised him. He noted that the City does advertise their meetings and they were not rushing through this. What the City is doing here is trying to have a contract with Indian River Shores, who are balancing between the City and the County. He said that Mr. Everett did an excellent job chairing yesterday's meeting. He said that they have never left the public out. When someone wants to speak, usually Council allows them to speak. He noted that the Council does a lot of studying and tries to make sure that everything is done correctly and in the best interest for the City residents and ratepayers. He appreciated the time that Mr. Bolton has put into this. He felt that they were moving forward in the correct way.

Mr. Heady said this was the opportunity where Councilmembers get to debate an issue that is before them and Mr. White made the comment that he is not going to debate him on this.

Mr. White said that he would not debate on the comments made during the Joint Utilities/ Finance Commission meeting that was held yesterday. He said that he would debate the proposed agreement. They are here to look at the agreement, not what was discussed during a meeting that was held yesterday.

Mr. Heady said the meeting yesterday was the Utilities Commission and Finance Commission and they were to look at this and make a recommendation to Council. He said that Mr. White stated that he could not believe what was said.

Mr. White said ...

Mr. Heady asked to let him finish.

Mayor Sawnick asked to hang on one second.

Mr. Heady said that he wished Mayor Sawnick would hang on one second and let him finish his statement.

Mayor Sawnick said it might not be what was said, but how it was said. He said that they should always be polite and responsible. If Mr. White does not want to answer any questions, then they need to move on to Mr. Heady's next item for discussion.

Mr. Heady said that Mr. White stated that he couldn't believe what was said and what he (Mr. Heady) wanted to know was whether or not there was anything relevant to this issue that was said so that he would make a decision based on things that pertain to this issue. With respect to that statement on freedom of speech, whether or not those things were accurate or not to him was not important. When Mr. Glenn Heran was at the podium (during yesterday's meeting) and he was giving some facts about this issue and about rates and Mr. Bolton stating that he didn't know what it was, his (Mr. Heady) concern was that they have people in the public that have clearly demonstrated some abilities and when they have done studies, he would think that staff would take the time to meet with those individuals so they do know what those things were. He understood that Mr. White did not think that it is relevant and Mr. Bolton doesn't think that it is relevant, but as one of the decision makers he clearly felt that the rates are relevant to this discussion because they were talking about entering into an agreement with another political subdivision on water and sewer that is going to lock this City into an agreement for 30 years with two 30 year extensions for a total of 90 years. He said that if the City is going to lock themselves into a 90 year agreement then some of these things are relevant. He said that he would give some spread sheets to the City Clerk to have them attached to today's meeting minutes. He said asked Mr. Bolton to explain stranded assets.

Mr. Bolton stated that all the stranded assets were listed in the purchase.

Mr. Heady asked what the bottom line on the total purchase price is that the City buying into.

Mr. Bolton said it is 2.588724 and that is located in the agreement under item C), which states \$2,588,724.

Mr. Heady said the agreement calls for a reduction in the rates of 10%.

Mr. Bolton said yes, they would shut off their surcharge.

Mr. Heady said that is a decrease in the income. He asked annually, what is that dollar amount.

Mr. Bolton answered \$306,000 for 13 years.

Mr. Heady said that is close to \$4,000,000.

Mayor Sawnick said that paying for the purchase of the assets.

Mr. Bolton said that they (Indian River Shores) were financing it at a payment of 10%, which comes out to 13 years.

Mr. Heady said that the City was eliminating that percentage of income for 13 years. He said the elimination of the impact fee does not apply to existing homes or businesses because they have already paid an impact fee.

Mr. Bolton said the elimination “does” apply to the existing customer.

Mr. Heady thanked Mr. Bolton. He did mean to misstate that. He said as an example, if they live on a dirt road and the County or City decides to pave the road, there is going to be an impact fee applied to properties.

Mr. Bolton said there would be an assessment fee, which is different than an impact fee.

Mr. Heady asked if something happens on a particular street where the City had to replace all of the lines, then they would not have to worry about an impact fee because that would be an assessment fee.

Mr. Bolton said in the utility business replacement of assets is done through rates. The City budgets a certain amount of money to replace lines. The City assesses the lines to try to come up with a schedule and they replace the lines according to the schedule.

Mr. Heady said once the City owns the assets and the assets self destruct, the cost of replacement would then be spread over the rates, which includes the City ratepayers.

Mr. Bolton said that it would include all ratepayers.

Mr. Heady asked how much potable water on an annual basis does the City pump into the irrigation.

Mr. Bolton said the City pumps a maximum of 90 million gallons of potable water each year.

Mr. Heady asked in that 90 million gallons, do they (ratepayers) pay for the irrigation water.

Mr. Bolton explained that they (customers) pay the cost of the 90 million gallons through their rate structure. He said that the potable water sales to the reclaimed water system is under utilities as a line item in the budget. Therefore, all the electric cost plus the water and sewer bill is part of the expenditure. He stated that the ratepayer on the reclaimed water system is paying for the supplemented water.

Mr. Heady said that they pay a rate pay for irrigation water that is different than potable water.

Mr. Bolton said that was correct.

Mr. Heady asked if the rate they pay for irrigation water is lower than potable water.

Mr. Bolton answered yes.

Mr. Heady said in order to meet the demand there are times when the City has to pump in potable water into the irrigation water.

Mr. Bolton said that was correct.

Mr. Heady said when the City does this, the rate at that time doesn't change because the City is pumping potable water in and they are paying the irrigation rate.

Mr. Bolton said that was not correct. He that this is an expenditure.

Mr. Heady said there are times in the year where the City does not pump in potable water because there is plenty of reuse water to satisfy the demand. There are other times in the course of a year when in order to meet a demand, they have to pump in potable water. His question was that during those times, the rate doesn't change. The rate is a fixed rate per year.

Mr. Bolton said that was correct.

Mr. Heady said any time they enlarge something or they buy a water sewer district, anytime they change it in terms of customers, size, equipment, etc., they are going to change the asset. He said they are in the situation where they look at the projections for the average user and they look at the rates, by the time they get to the year 2013 they are

considerably higher. One thing that was a concern for the ratepayer is whether or not a consolidation with the County would be beneficial to the City and they are now locking the City into changing the asset. He felt that in consideration of the current mood to look into consolidation that for the City to tie themselves into a 90 year contract, even if it is assignable, it changes. He was not sure if this gives the City better leverage or if it hurts the City. He asked Mr. Bolton to answer that question before he votes on this.

Mr. Bolton said during the CCNAC process, they looked at consolidation. The CCNAC fell apart, but part of their discussions would have been the formation of a Utility Authority and at that point all of the assets would be either purchased by the Utility Authority or there would be different agreements that would take place. The City purchasing the assets doesn't change anything. Now, there would be discussion on two entities, three entities or even a private entity could come in and purchase the assets in the future. The language in the agreement allows for this transfer and whoever would purchase the system would have to pay the City.

Mr. Heady said whoever was looking to purchase this might look at the two point five eight million dollar asset and feel it is only worth one million dollars.

Mr. Bolton said that five years from now the City would have paid down a certain amount and there would be an appraisal done at that point.

Mr. Heady said the point is that a buyer of the City's system or if the City was to get into meaningful negotiations with the County in terms of consolidation, they might look at the value of these assets differently.

Mr. Bolton said it would be fair market value.

Mr. Heady said when they discuss fair market value in the electric for example; there are numbers all over the playing field as to what that might be. He felt that was something arguable. He said that this agreement, at a time when consolidation is a question, this agreement would tie the City into a 90 year agreement. There really is no rush for Indian River Shores. Their franchise agreement with the City is up in the year 2016.

Mr. Bolton explained that the City is only responding to a request made by Indian River Shores.

Mr. Heady said one of the things they should be responding to is the idea of consolidation with the County. His point is that he felt the City is entering into an area where the City is going to somewhat tie their hands and he was not sure if this gives the City better leverage with the County or if it hurts the City's leverage with the County. He said that the City ratepayers are paying more for water than the County residents. He said that it was like the electric issue.

Mr. Bolton disagreed that the City residents were paying more than County residents.

Mr. Heady had information on residential water.

Mr. Daige called for point of order. He asked Mr. Heady to site his source and what report he was reading from.

Mayor Sawnick asked Mr. Heady to please site the source of the information he was reading from.

Mr. Heady said that he was not reading from anything. He said the source was from yesterday's meeting. He said that Mr. Bolton cited a 30,000 gallon number that should be used during yesterday's meeting. He said that there was a 6,000 gallon number given during yesterday's meeting.

Mr. Bolton thought that what happened was that someone said to plug in some numbers, like 15,000 gallons and he (Mr. Bolton) stated that they should use 30,000 gallons. He said the City's water rates are lower than the County's over 6,000 gallons.

Mr. Heady said that is why a meaningful discussion with some of the members of the public is necessary, rather than state that they (staff) don't know about those things. He said the numbers he has seen showed at 6,000 gallons, the City residents are paying more. He said that there is a point which the sewer is no longer charged as part of the water. He said that it is assumed that the extra water is for irrigation.

Mr. Bolton said there are two different customers. Some customers have their own irrigation bill, so they would have two meters. They would have a water and sewer meter and an irrigation meter. He said that the County does not allow irrigation meters. Therefore, the people on the City's system benefits because they are not charged for sewer on the irrigation side.

Mr. Heady said the rates were kind of discounted as being meaningless during yesterday's meeting. He did not think that the rates are meaningless and they should be part of the discussion. He felt that maybe they should have a Special Call meeting for anyone in the public that has something could plug into the debate. He didn't think that they should be making a decision to tie the City into a bigger system until they know whether or not there is going to be meaningful dialogue between the City and the County regarding consolidation.

Mr. Daige said thanked the Utilities and Finance Commission members for their services. He said that the people on these Commissions are very qualified and are all volunteers. He felt that they got slammed during the meeting, but they did their job. He felt that they had the best interest of the City taxpayers and the ratepayers at heart. He said that the people who spoke at the podium were not experts in the field of water and sewer. They were strictly giving their analysis. He said that Mr. Bolton sites his source on how he reaches his figures. He said that Mr. Bolton is very well qualified in his field and he watches out for the City taxpayers and the ratepayers. For comments to come across that the Finance and Utilities Commission members were not concerned with rates and that

they are meaningless, they are very concerned with the rates. He said that this agreement is simply for the City, in concept, to see if the City is agreeable to it or if they want to add things to the agreement. Indian River Shores are good customers for the City and they have asked the City to look into this. They sent this paperwork with a time frame to the City. He felt that it was good business that the City responds. He said that nothing is locked into place. There is not enough time for this current City Council to make a rock hard decision. He said that consolidation is a nice large campaign, but it costs money. He said that consolidation is not free and the City's rates could go up. Anything that is going to be done in the future, they are going to have to look at how it is going to impact the people who are currently on the system. He said that he would like to see what the County has to say. The City is not signing a contract, it is a concept.

The motion passed 4-1 with Mr. Heady voting no.

Mr. Abell said that he received the minutes from yesterday's meeting this morning. He asked Mr. Bolton to address the issues of rates and give some comparisons.

Mr. Bolton said that he would send that information to Council.

## **B) City Manager Search**

Mr. Robert Anderson, Human Resources Director, did a Power Point Presentation entitled "Responses to Request for Proposals to Conduct a Search for City Manager" (attached to original minutes). The City issued the RFP on August 27, 2010 and the proposals were opened on September 9, 2010. There were seven firms that responded to the RFP. The question has been asked why retain a firm to conduct a search. Mr. Anderson felt that was best answered by The Mercer Group when they said that "The purpose for engaging the services of an executive search firm is to seek out and recruit experienced candidates and to assist the City in selecting highly qualified individuals who meet the profile and needs of the City and which might not otherwise apply." Mr. Anderson went over the factors used to evaluate the RFP's which were qualifications of the consultants, experience in conducting searches, similar recruitments previously done by the firm, proposed methodology for conducting the recruitment and selection process, timeline and estimated completion time, proposed fees for services and expenses, specific costs that will not be paid by the proposer, and guarantee of services. Mr. Anderson commented that the proposed methodologies of all the firms were remarkably similar. Some offered more intricate assessment techniques for additional services, but any of the proposed processes would work. On page five and six it listed the ratings of the respondents from the highest ranking to the lowest. His recommendation would be for Council to go with Colin Baeingzer & Associates, who are located in Wellington, Florida. Their fee is \$21,500, which includes all expenses and advertising. Council's options would be to select from one of the top four respondents, invite one or more respondents to make a presentation to the Council or look at other options.

Mayor Sawnick mentioned that the School Board has hired a firm to help them in hiring a new School Superintendent and they are only being charged a fee of \$6,000 and they are only looking in the State of Florida.

Mr. Anderson clarified that the School Board has contracted with an Executive Director of the School Board Association to do the search. He said that they offer this service to School Boards throughout the State of Florida, but they are not a search firm.

Mr. White asked Mr. Anderson how he came up with his ratings.

Mr. Anderson explained that he used rating sheets and then scored each firm. The higher the number the better.

Mr. Heady asked to see the work sheets where Mr. Anderson tallied this.

Mr. Anderson said that he would provide him with a copy because he did not have the rating sheets with him.

Mayor Sawnick felt that they should go with the top rated firm as suggested by Mr. Anderson and he recommended that they keep their search just in the State of Florida.

Mr. White wanted the company to also be located in Florida.

Mr. Anderson explained by limiting their search just to the State of Florida, it will not save them too much in expenses.

Mr. White also felt in order to keep costs down that they need to look at someone who has experience in the State of Florida.

Mr. Anderson made it clear that these fees do not include the costs of interviewing the applicants (transportation, lodging, etc.). He said that some of the consultants themselves also charge for their travel expenses.

Mr. Daige agreed to keep the search just in the State of Florida. He asked in doing the search, can the expenses be limited.

Mr. Anderson said that you can pay for whatever you want to pay for. He said that the fee for Colin Baeingzer & Associates would be no more than \$21,500 because expenses are included in that price.

Mr. Daige made a motion to go with the firm Colin Baeingzer & Associates. Mayor Sawnick seconded the motion.

Mr. Heady still wanted to review the worksheets to see what factors were used to come up with these ratings. Mr. Anderson has those worksheets in his office. He suggested taking a five-minute break to allow Mr. Anderson to go and get the worksheets. He also

commented that the Florida League of Cities sends out postings of different jobs throughout the State of Florida and it is free advertising. They could put out this job opening in the Florida League of Cities listing and see who applies for the job before they spend a lot of money. He noted that Mr. Falls has agreed to do the job until they find someone. He suggested putting off hiring a search firm for a month or month and a half and advertise the open position in the State of Florida.

Mayor Sawnick stated that he was prepared to vote on this item. The information that Mr. Heady would like to review is available.

At this time, Council took a short break so that Mr. Anderson could provide them with the rating sheets that he used.

Mr. Heady asked Mr. Anderson if this was the same consulting firm that recruited him.

Mr. Anderson answered yes.

The motion passed 4-1 with Mr. Heady voting no.

### **C) Ratification of Coastal Florida Police Benevolent Association Contract**

Mr. Anderson reported that the City and the Coastal Florida Police Benevolent Association (PBA) have reached a tentative agreement for the amendment of the provisions of wages and insurance in the current Collective Bargaining Agreement. They will be taking eight furlough days instead of twelve furlough days. He recommended that Council ratify the agreement.

Mr. White made a motion to ratify the agreement. Mayor Sawnick seconded the motion.

Mr. Daige wanted to make it clear that there would be no monies coming out of their reserves to supplement this.

Mr. Gabbard stated that there would not be.

Mr. Daige thanked the Police Department for working hard and making these cuts.

Mr. Heady referred to Section 24.04 (A) of the tentative agreement. He asked what is the cost estimate to that item (All employees who retire under the Vero Beach Municipal Police Officers' Retirement Plan and who are actively drawing an annuity from the Plan and all employees who would have been eligible for an immediate annuity had they been participates in the Retirement Plan at the time of retirement shall be eligible to continue their health care insurance under the City's group plan).

Mr. Anderson did not have the cost estimate on that. However, he told Mr. Heady that he would get that information for him.

Mr. Heady referred to Section 24.04 (B) and asked the same question.

Mr. Anderson explained that this was existing language in the contract.

Mr. Heady's only other question was in Section 32.03, where it states that the furlough days will occur during the months of January, February, May, June, July, August, and September, 2011. He asked why March was not included as one of those months.

Mr. Gabbard said probably because of spring break. He expressed that the Police Officers agreed not to take furlough days during the holidays.

Mr. Anderson added that this was their request.

Mr. Heady still wanted to see the dollar amounts to his questions in Section 24.04 (A) and (B).

The motion passed 4-1 with Mr. Heady voting no.

#### **D) Reserve Balances**

Mr. Steve Maillet, Finance Director, handed out a copy of the City of Vero Beach Summary of Investments dated 08/31/10 and City of Vero Beach Summary of Investments and Interest Earnings dated 08/31/10 (both on file in the Clerk's office).

Mr. Daige asked what is their current bond rating.

Mr. Maillet thought it was AA-.

Mr. Maillet said that the funds are where they need to be and he could sit down and show them how he came up with these calculations.

Mr. Heady felt that these summaries would be more meaningful if they could see a statement showing where they are today and where they were a couple of years ago. He said this way they could see what the trend is.

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

None

### **9. CITY COUNCIL MATTERS**

#### **A. Old Business**

#### **B. New Business**

#### **1. Funding Request from the Tree and Beautification Commission**

This item was discussed earlier in the meeting.

- 2. 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**

Mr. Maillet gave an update on the FEMA audits. He said that there are some people from FEMA (both State and Federal) working on closing some old projects. An audit is being done on monies approved by FEMA back in 2004 and 2006.

It was requested from Council that if any further documents came in that they be provided copies.

Items 9B-3) through 9B-10) were removed from the agenda and not heard.

- 3. 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**
- 4. 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**
- 5. Update of Federal lawsuit – Requested by Councilmember Brian Heady**
- 6. Interim City Manager – Requested by Councilmember Brian Heady**
- 7. Repeal of restrictions on Councilmembers – Requested by Councilmember Brian Heady**
- 8. Downtown Parking – Requested by Councilmember Brian Heady**
- 9. Advisory Committees – Requested by Councilmember Brian Heady**
- 10. Speed Bumps on City streets – Requested by Councilmember Brian Heady**

**10. INDIVIDUAL COUNCILMEMBERS' MATTERS**

- A. Mayor Kevin Sawnick's Matters**
  - 1. Correspondence**
  - 2. Committee Reports**
  - 3. Comments**

Mayor Sawnick reported that he attended a Mayor's beach cleanup day, he spoke to a third grade class at Glendale Elementary and he will be attending Coffee with the Council on October 8<sup>th</sup>.

Mayor Sawnick mentioned that the items taken off of the agenda under New Business were removed because backup material was not provided. The items that remained on the agenda had backup.

- 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**

Mr. White reported on his Beach & Shore's meeting. He requested that whoever replaces him on this Commission that they attend the meetings. He continued by reporting on the Florida Municipal Insurance Trust meeting that he attended and also the Treasure Coast Regional League of Cities meeting.

**D. Councilmember Brian Heady's Matters**

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

Mr. Heady commented that apparently there was some correspondence to him via email. He does not open any of his City emails, but this email made it to the front page of the newspaper. He doesn't have the time or desire to discuss it right now. He will discuss it on his television program when there is not a gavel coming down on his head. The comments that he would have is that once again the City Council limits the Councilmembers, the nonsense that there wasn't backup is just that. It is not true, but because the man with the gavel in his hand is allowed to gavel down and stop debate the public is led to believe something that is just not factual.

**E. Councilmember Ken Daige's Matters**

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

Mr. White excused himself from the meeting at 12:50 p.m.

Mr. Daige mentioned that he would have no problem serving on the Beach and Shores Committee when Mr. White is no longer on Council.

Mr. Heady commented that would be for the new Council to decide and he would only be eligible if he was elected.

Mr. Daige recalled that he sent Mrs. Amy Brunjes, Representative from FP&L, a letter with some questions that he had on some things that he heard. He said that the letter is on file in the Clerk's office. He proceeded to read some of the answers that he received back from FP&L.

Mr. Heady asked Mr. Daige what is his basis for making the statement that was a question or statement of his. He asked where he made the statement that FP&L was waiting for a new Council.

Mr. Daige explained that these questions stemmed from a taping of a show on a local television program. He mentioned that he also sent a copy of the DVD of this television program to Mrs. Brunjes so that FP&L could take a look at it in order to properly respond to his questions.

Mr. Heady asked him if he (Mr. Heady) made an affirmative statement that FP&L was waiting for a new Council to get elected.

Mr. Daige recommended that Mr. Heady go back and review the DVD.

Mr. Heady reiterated that his question to Mr. Daige was did he make that statement.

Mr. Daige again recommended to Mr. Heady that he go back and review the DVD.

Mr. Heady said that this is a yes or no question.

Mr. Daige continued reading the letter. All of his correspondence is on file in the Clerk's office.

A prepared copy of the meetings and seminars that Mr. Daige attended is attached to the minutes.

## **11. ADJOURNMENT**

Mayor Sawnick made a motion to adjourn today's meeting at 1:05 p.m. Mr. Abell seconded the motion and it passed unanimously.

/tv