

**CITY OF VERO BEACH, FLORIDA
JANUARY 19, 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 Mr. James Gabbard, City Manager.

C. Pledge of Allegiance

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

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

The Clerk requested that an item be added on to the agenda under City Manager's Matters. The item will be 7-A) Update on Amtrak Project.

Mr. Charles Vitunac, City Attorney, requested that under his matters that he would like to add "Going over the OUC contract and explaining the contract." This would be item 8-A).

Mr. Heady requested that under his matters that he would like to add item (F) "Lifestream of Council meetings.

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

B. Proclamations

1. Plaques to be presented to former Councilmembers Bill Fish and Debra Fromang

Mayor Sawnick presented former Mayor Sabin Abell and former Councilmembers Bill Fish and Debra Fromang with plaques thanking them for the services that they provided to the City of Vero Beach.

C. Public Comment

1. Mr. John Little to speak to Council on utility issues

Mr. Little was unable to attend tonight's meeting.

Dr. Steve Faherty read some comments on behalf of Mr. John Little (please see attached). He said that Mr. Little is in favor of selling the electric utility directly to Florida Power and Light (FP&L). He said that this should have been done 15 years ago before getting involved with FMPA. He then went over the benefits of selling the electric utilities. Dr. Faherty brought up the OUC tour that both Mr. Heady and the Mayor, City Manager and City Attorney took. He said that in Mr. Heady's trip report the visit to OUC cost him approximately \$160.00. In comparison to the tour of OUC that staff and the Mayor took the estimated cost is over \$2,000.00 (which includes salaries). He asked if the City has sent out a letter of written questions to OUC as stated in the Press Journal and what the answers are.

Mr. Gabbard explained the reason for the trip to OUC. He said that they just had an election and Mayor Sawnick was nominated as the Mayor and Mr. Heady was a new member on the Council. At that time OUC invited both the Mayor and Mr. Heady to tour the facilities. About that same time the issue came up to send a letter to FP&L and other utility providers as to whether or not they would be interested in purchasing their electric system. He was given direction to prepare a letter and deliver it to OUC. The question we needed to determine from them was by asking FP&L to purchase the utilities would it trigger the damage clause in the OUC contract. We were concerned about making sure that the language that the Council wanted was given to them (he used the exact motion from the minutes). He said that was their main purpose for going to the OUC facility. They did not want to do anything to interrupt or trigger the contract. He felt that Dr. Faherty's comments about the amount of money spent for all of them to go to Orlando was absurd.

Dr. Faherty complimented Mr. Heady for being on the Council only a short time and being able to generate questions to OUC and getting them answered.

Mr. Heady commented that when Mr. Little makes comments they have some impact on the community because of his past with the City. When you start out with a conclusion, such as sale the Plant then that is where you head. He thinks that the Utility Advisory Commission meeting today went along ways to getting the ball rolling to put facts on the table. He doesn't have a problem selling the Plant if it is in the best interest of the City taxpayers. He requested from staff to know what the value of their utilities is. He knows that Sue Hersey, Consultant, gave them some of the answers about transferring some of the assets because of the difference between the municipal power authorities and the

investment owned. He understands that there could be some differences in respect to where they sell them. He once again made a request, as a Councilmember that he wanted to see from the appropriate staff whether it be the City Manager or Utilities Director, what the value is. He said that if they were to put a mailer in the mail today he thinks it would be a slam dunk that the ratepayers would want to sell the Plant. He also thought that they needed to give this process some time and lets get some answers to find out if it is even possible before they invest any money.

Mr. Daige referred to the comments just made by Dr. Faherty and asked him if he was ever provided with the information that he requested approximately four months ago. He also asked him if he submitted them in writing and what was the date that he submitted them.

Dr. Faherty said that he did submit the questions in writing, but does not remember the date. He said that it was about four months ago.

Mr. Daige asked the City Manager if he received the questions and why has it taken so long to get the answers for Dr. Faherty.

Mr. Gabbard explained that they respond to questions like what Dr. Faherty asked for if they have the information. His questions were very complex and they don't have a value of the electric system. If this is something that the Council wants them to answer then they will need to hire someone to give them an evaluation.

Dr. Faherty commented on what his three questions were.

Mr Gabbard stated that they purchased the right to buy electric from this consortium with FMPA.

Mr. Daige asked Mr. Gabbard if he got back to Dr. Faherty in writing.

Mr. Gabbard answered no.

Mr. Abell told Mr. Daige that this information was given to Dr. Faherty and Mr. Heran some time ago by Mr. Sloan in response to a written declaration that they had as to the value of the electric utilities. He said that they put a monetary value on these assets and there was a problem if they were going to sell to an investment owned utility. He said these assets cannot be transferred.

Dr. Faherty said that he did not receive this information.

Mr. Gabbard told Dr. Faherty that he would do his best to try to get this information to him.

Mr. Heady asked to be copied with that information.

Mr. Glen Heran asked Mr. Abell if he was talking about the verbal conversation that Mr. Sloan had at a public meeting that the base load generation investments have value. Mr. Abell explained that if the system is sold to an investor owned utility it only has value if it is transferred somehow to a municipal. Mr. Heran said that was new information. Mr. Abell argued that he has been told that by Mr. Sloan.

Mayor Sawnick stated that the City Manager will get these questions answered and will get back to Dr. Faherty and Mr. Heran.

Mr. Heran continued speaking saying FP&L's rate increase was denied. He said now they are right back to where they were prior to summer time. The City of Vero Beach is not competitive, the rates are not less than or equal to FP&L, and they have not been competitive with FP&L for over the last ten years. He said that they need to sell their electric utilities to FP&L. There are two phases, One they could have Indian River Shores and the County be released from the franchise agreement. The second phase is if they want to stay in business then let the voters decide. They need to have information. He wondered if someone could call FP&L and have them come over to start generating data necessary for them to start evaluating the situation. He believes the way to move forward is to get this information and have a jurisdictional committee formed in which they evaluate this data. However, he knows what Council will say that they have an OUC contract and there is a 50 million dollar penalty. He raised a couple issues concerning the OUC contract. In the section where the penalty is discussed it is only effective if they choose to buy their wholesale supplier from someone else. He didn't see there being any danger having FP&L come over here. They said that they would provide this information for free. He said that jobs would not be lost because FP&L would pick up the City employees.

Mr. Heady responded to making the call to FP&L. He said at the Utilities Commission meeting today they talked about putting together some questions and if they follow through with the process then that process is about making the call that Mr. Heran requested. He stated that all of the City Councilmembers were at the different meetings and workshops held and he recalls that the restrictions on the municipal versus the investor owned were about the bonds. He said if they paid the bonds off then everything went away and changed the dynamics about if there really was value.

Mr. J Rock Tonkel, Grand Harbor, wanted to briefly talk about the idea and notion that he keeps hearing from some of the Councilmembers that this is simply just a political exercise. He said it is much more than that. It basically represents a group of concerned citizen's view of the economics and the long term strategic implications of how the City can best serve the ratepayers in the County. He said that tomorrow they will be sending a formal petition to the Mayor, Council, State Delegation, and Public Service Commission (PSC) concerning the Vero Power Utility. The petition states that the 994 Grand and Oak Harbor residents and Gold and Beach Club members who are using Vero Beach Utility for electric power are petitioning the Mayor, Council, State Delegation and PSC to do the following in order to obtain sustained, competitive electric rates: place City electric utility with FP&L under the PSC, end the cycle of all customers, City, County, and

Indian River Shores being represented only by the City of Vero Beach, seriously evaluate the sale of utility assets, immediately stop using cash generated by the Electric Utility to fund other cost centers within the budget and that City Council do everything to eliminate the 50 million dollar contract penalty with OUC. Mr. Tonkel said that the Board of Directors of the Grand Harbor Community Association and the 42 Community Associate Presidents and Advisory Board members representing 994 Vero Utility customers and the Grand Harbor Golf and Country Club have signed this petition.

Mr. Charles Wilson congratulated Mr. Daige on his seat. He said that hopes he remembers what the seat represents. The voters sent a clear message to the Elected Officials in the last election. He thanked people on Council who assisted him and tried to get some answers in moving forward. There are some challenges that this Council will have to look at. He pointed out that in his short time on Council he believes that progress was made. He felt that the electric issue was not just a political issue. He said that everyone in this County pays the City through their taxes.

Mr. David Gregg stated that he has been a resident and ratepayer of the City of Vero Beach for over 39 years. He negotiated the sale of the utilities to FP&L many years ago. He doesn't think that any of them (City Council) looked back at those minutes to see what was done.

Mr. White commented that they did look at the information back when we were talking about selling the Plant seven years ago.

Mr. Gregg expressed that they got as far as signing the contract, but the Federal Government stopped it. He recalled that he came to a meeting several months ago and a representative from FP&L was at the meeting and said if someone would formally ask them they would do a study. He asked the Mayor if this has been done.

Mayor Sawnick reported that a letter was sent to FP&L as well as other electric providers. He has initiated what FP&L required in order to study this system.

Mr. Gregg requested that the public keep informed on their relationship with FP&L.

Mr. Kurt Royce, Oakmont Park, commented that he hasn't heard one person say if you sold the electric company how much their property taxes would go up.

Mayor Sawnick noted that he requested that information and the City Manager has provided it. He will get that information to Mr. Royce.

Mr. Royce continued by saying that the City was the first to get the electric turned back on during the hurricanes.

Mr. Heady said one thing that upsets him is when people fuel the fire of discontent. The City tax rates are low and have been low. He said that Mr. Heran has put together some numbers and the reality is that this kind of rederick makes people think that their tax bill

would double or triple. He said that the average house in Oakmont Park would have an approximate \$100.00 increase in their taxes for a year.

Mr. White told Mr. Heady that he used the wrong word “rederick.” He said that they have facts of what effects there would be if they did sell the Power Plant. He said taxes will probably go up without selling the Power Plant because they are going to have to subsidize the funding somewhere and it will have to be taxes.

Mr. Heady explained to Mr. White that the rederick that he was talking about was from the speaker trying to make it sound like that the property taxes would go out of site, which is not true.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – January 5, 2010**
- 2. Award of Bid No. 460-08/JO – Professional Continuing Services Contracts for the Water and Sewer Department**
- 3. Final Payment Request: Contract #1481 (Bid #200-09/CSS) – FEMA Roof Damage Mitigation Project – Building 78/3120 Aviation Boulevard; Jurin Roofing Services, Inc.; FEMA-FL-DR-1545/PW #630**
- 4. Monthly Capital Projects’ Status Reports**

Mr. Daige pulled item 2D-4) off of the consent agenda. Mr. Heady pulled item 2D-1) off of the consent agenda.

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

3. PUBLIC HEARINGS

- A) An Ordinance of the City of Vero Beach, Florida, amending the definition of “Restricted Sales and Services” of Chapter 60, Appendix, Definitions, of Part III, Title VI, Vero Beach Code; limiting Retail and Personal Service Stores to 4,000 square feet of floor area; excluding stores with Warehousing, Health and Fitness Clubs, and Stores that sell Motor Vehicle Parts; excluding Hardware Stores with Outdoor Merchandise Displays and Laundry and Dry Cleaning Stores with on-site Cleaning and Clothing Repair Services; excluding Stores with Drive-In, Drive-Up, or Drive-Through Facilities and Stores that offer for sale predominately pre-packaged food products, beverages, and other frequently or recurring needed household items between the hours of 11:00 p.m. and 6:00 a.m., including deliveries between this same time period; providing for conflict and severability; providing for an effective date.**

Mayor Sawnick read the Ordinance by title only.

Mayor Sawnick opened and closed the public hearing at 6:53 p.m., with no one wishing to be heard.

Mr. Heady asked the Clerk to make sure on page four that Mayor Sawnick and Mr. Daige's names were correctly inserted on the signature page.

Mr. Daige made a motion to approve the Ordinance. 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) An Ordinance of the City of Vero Beach, Florida, amending Chapter 77, Architectural Review, Section 77.04 by creating New Paragraph (I); providing that Building Elevations, Construction of Site Plans, Design Drawings, or similar materials submitted as part of an Architectural Review Application be prepared by a State Licensed Design Professional, if required by the Florida Statutes or Florida Building Code for Submittal of a Building or other Development Permit Application; providing for conflict and severability; and providing for an effective date.

Mayor Sawnick read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, explained that they have clarified the Ordinance since it first came to Council for first reading. He said that this Ordinance came about because of issues from the Architectural Review Commission (ARC).

Mayor Sawnick opened and closed the public hearing at 6:55 p.m., with no one wishing to be heard.

Mr. Heady put a rendering on the doc cam so the public could see what they were talking about. He said that this rendering was not done by a licensed architect. If they pass this Ordinance then what they are doing is restricting job opportunities from graphic designers, etc. He noted that this project is moving forward without the Architectural Review Commission's approval and pointed out what a beautiful project that it is going to be (referring to the rendering). He felt by passing the Ordinance it would add a cost and layer that they didn't need.

Mr. McGarry explained that if you had a graphical designer to come in and flesh it out then the ARC would probably not complain about that. What they are saying is the intellectual design that goes into this would have to be done by a licensed architect. He said that it would be a violation of the architects sitting on the Committee's ethics if they were to approve something done by an unlicensed architect.

Mr. Heady did not think that was what this Ordinance does. This Ordinance prevents an illustrator from putting a proposed project on the table and asking the ARC what they

think. He realizes then they would have to hire licensed people. In this City they should be trying to find ways to be business friendly.

Mr. Daige did not have a problem with this Ordinance. He felt that the members of the ARC were looking out for the community.

Mr. Daige made a motion to approve the Ordinance. Mr. White seconded the motion. The motion 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

- A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 58 "Personnel and Retirement," Article II, Division 4 of the Code of Ordinances of the City of Vero Beach to provide for compliance with Chapter 2009-97, Laws of Florida; providing for repeal of all Ordinances in conflict herewith; providing for severability; providing for codification and providing for an effective date.**

Mayor Sawnick read the Ordinance by title only.

Mr. Charles Vitunac, City Attorney, reported that there is an independent Police Pension Board that operates by State law. He said that the State has changed seven or eight different sections pertaining to their personnel and retirement. He said that Mr. Pusher was at tonight's meeting to explain the changes they want made in their local Ordinance to effect those mandated State law changes.

Mr. Dave Pusher, Chairman of the Police Pension Board, explained that the State Legislation changed the law that governs their pension board and in order for them to continue to receive their chapters money they have to make these changes to the Ordinance.

Mr. White made a motion to approve the Ordinance on first reading and set the public hearing for February 2, 2010. Mr. Abell seconded the motion.

Mr. Daige asked when did the Ordinance have to be in place.

Mr. Vitunac said that it needs to be implemented as soon as possible.

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 Sawnick yes.

6. CITY CLERK'S MATTERS

None

7. CITY MANAGER'S MATTERS

A) Update on the Amtrak Project

Mr. McGarry gave an update on the Amtrak project. He said that the FDOT submitted their applications to the Federal Rail Administration for the funding of this project. It is anticipated that the Federal Government will issue grants at the end of this year. This month FDOT will be issuing advance notification for project development and an environment study for the project and there is a 45 day review period. They anticipate it will be about April when they receive the comments back and then they will send copies of the comments out to the places where the train locations are being proposed. He said that once he receives the comments from FDOT he will prepare a Resolution for Council's approval.

Mayor Sawnick was excited about this. He asked Mr. McGarry if he had to guess a percentage does he know what it would be.

Mr. McGarry felt that they do have a shot at it. But, he could not come up with a percentage.

Mr. Gabbard went over the three potential sites that they are looking at and he felt that they should know something in early spring.

B) Item pulled off of the consent agenda 2D-4) Monthly Capital Projects' Status Reports

Mr. Daige pulled this item off of the consent agenda and referred to the Part 77 Survey and asked Mr. Menger to supply him with what has been done so far on the aerial and ground surveys that have been completed.

Mr. Eric Menger, Airport Director, reported that they have just finished putting together the graphics. They will first go before the Airport Commission for approval and then he will bring them before City Council.

Mr. Daige asked Mr. Menger if he had something that he could show him. Mr. Menger said yes. Mr. Daige said that he would set up an appointment to meet with him.

Mr. Daige made a motion to accept the Monthly Capital Projects Report. Mr. White seconded the motion and it passed unanimously.

C) Item pulled off of the consent agenda

2D-1) Regular City Council Minutes – January 5, 2010

Mr. Heady referred to page 13, last paragraph, “Mr. Vitunac stated that he called the attorney in Tallahassee and told him not to call off the motion to dismiss.” The word not should be removed from the sentence.

Mr. White made a motion to approve the minutes with this correction. Mr. Heady seconded the motion and it passed unanimously.

8. CITY ATTORNEY’S MATTERS

A) Explaining OUC Contract

Mr. Vitunac commented that at the last Council meeting he was asked to review the changes that were made to the OUC contract. He has reviewed those changes and provided Council with a copy of the agreement which addresses what the changes were. He is prepared tonight to go over those changes, line by line. Once he has done that if the Council is happy with the changes made then he would like Council to retroactively approve them. If they do not like the changes then they could do the same type of vote and he would contact OUC to see if they could put the language back in the way it was. It is still his position that none of these changes are material in the sense that it changes the contract. He would prefer to keep the clean version, but that would be Council’s choice.

Mayor Sawnick suggested giving Council some time to review the document and then bring it back up at their next meeting.

Mr. Vitunac said that he would be happy to bring this back at the next meeting. He invited Council to come to his office to review the contract if they have any questions. Also, he would be happy to email a copy of the contract to anyone in the public that wants to review it.

9. CITY COUNCIL MATTERS

A. Old Business

None

B. New Business

None

10. INDIVIDUAL COUNCILMEMBERS’ MATTERS

A. Mayor Kevin Sawnick’s Matters

1. Correspondence

2. Committee Reports

Mayor Sawnick reported that he spoke in front of the Realtors, he attended the Special Call meeting on January 14th, he spoke at the Veterans Council and he walked in the Martin Luther King Parade.

Mayor Sawnick also mentioned that he has been discussing with staff about holding a Special Call meeting in March to discuss downtown and inform the public that we (City Council) are doing things for the downtown area.

Mayor Sawnick recalled that a few council meetings ago they approved to move forward with a tax abatement program. He said that the City Attorney provided them with a copy of what Sebastian's Ordinance looks like and he also would like to see the County's Ordinance once they have adopted theirs. He asked Mr. Vitunac what steps do they have to take in order to have this issue on the November ballot.

Mr. Vitunac explained that they would need to pass a Resolution to put this item on the ballot. He said that they have plenty of time to do that. He said that he would provide Council with two different Ordinances on tax abatement for them to review and then they could go from there.

Mayor Sawnick asked Council for their thoughts on having a box put in the lobby for people to drop off supplies to help the people in Haiti. He knows of a local organization who would pick up the supplies and make sure that they are flown to Haiti. Council had no problem with this. He requested that the City Clerk do an announcement to this effect and put it on Channel 13 and on their website. Mr. Abell mentioned that the biggest thing that he has heard is that they need money. The Clerk would make sure that they supply the correct information on where people can send their monetary donations.

3. Comments

B. Vice Mayor Sabin Abell's Matters

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

Mr. Abell reported that he attended an MPO meeting and a Utilities Commission meeting.

C.

- 1. Comments**

D. Councilmember Tom White's Matters

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

Mr. White reported that he attended a MANWAC Committee meeting and a Beach and Shores Committee meeting.

3. Comments

A) Ordinance for Pet Friendly Restaurants

Mr. White commented that he was at the Greenhouse Café restaurant located across from the Post Office and he was talking to the Property Owner who told him that some of her customers eat on the patio area and they like to bring their dogs with them. The Health Department came by and said in order to be allowed to have animals on the premises that there must be a control Ordinance adopted by the City and we do not have one. The Health Department told her that it is State mandated.

Mr. Vitunac recalled that this same topic was discussed about a year ago and the information that they received showed that it would be too costly to adopt. He said that it requires a lot of involvement by the City Code Enforcement Department to make sure that the Ordinance is properly being met.

Mr. White said that he understood that if the City did not have this Ordinance in place then it couldn't be done. He noticed that there were some restaurants that were allowing it to occur. He was told that they are doing it illegally.

Mr. Wayne Coment, Assistant City Attorney, explained that there is a State Statute that authorizes localities to do this. He said that it is very restrictive and their Ordinance must reflect the minimum standards. He said that most of the Ordinances that he has seen that have adopted to allow this even go some steps further to help protect the public. He said that as an attorney he would make sure that proof of insurance by the Property Owner is required and that their insurance is going to cover dog bites. He said that the State Statute requires numerous things that the restaurant owner would have to comply with and they would have to be incorporated into the Ordinance. He said that a lot of things have to do with sanitation to make up for the exemption. He said that first of all a very distinct area has to be located in the restaurant for animals, sanitizer must be displayed at each of the tables, there has to be signs stating all the rules and regulations for both the employees and the patrons. He suggested that if they do an Ordinance that they make it clear what must be said in the signs. After every patron leaves the restaurant the table they were sitting at, the floors, and chairs have to be sanitized and there is strict rules concerning the employees handling food and petting dogs, etc. He said that he would be happy to bring a draft Ordinance back to Council. He mentioned that this will also have to be put in the Land Use Code of the City. That would go before the Planning and Zoning Board for their recommendations.

Mr. White brought up a seeing eye dog and asked if there was anything to cover that.

Mr. Coment answered no.

Mr. White asked Mr. Coment to provide them with a copy of the proposed Ordinance to review. He then asked what the Property Owner at Greenhouse Café said when she was told that she would have to comply with the Ordinance.

Mr. McGarry explained that she did not consider it to onerous of the things that she had to do. She wanted to move ahead. He said if they adopt this Ordinance it will have to be enforced throughout the City and staff will be obligated to go after a restaurant if they are in violation.

Mayor Sawnick instructed Mr. Coment to get Council a copy of the Ordinance for them to review. He also wanted them to have a copy of the Statute that covers this and copies of Ordinances from other municipalities that have already passed a similar Ordinance.

Mr. Heady was not in favor of adopting this Ordinance. He said that they should not be adding any more layers of government. It is a waste of time and they should let sleeping dogs lie.

At this time, Council took a five-minute break.

E. Councilmember Brian Heady's Matters

1. Correspondence
2. Committee Reports
3. Comments

A) OUC Contract

Mr. Heady said that the City Attorney has given the contract to them in a form that is clear, easy to read and understandable. He appreciated getting it in this format.

B) OUC Request

Mr. Heady mentioned that at the last meeting he asked the question as to who requested the changes to the OUC contract and he was told it was Sue Hersey.

Mr. Vitunac stated that he did not think that any of the changes were requested by City staff. If there are some questions he could ask Sue Hersey and R.B. Sloan to be at their next meeting.

Mr. Heady felt that whoever requested the changes that there should be some paperwork acknowledging that.

Mr. Vitunac stated that he has emails from Ms. Hersey, which actually do have word changes and time and dates from when they were requested. He can make a copy of the emails for Council. He said that there are approximately 400 pages.

Mr. Heady said that he does not need him to copy 400 pages for him. He said that the two of them can sit down and go through the 400 pages.

Mr. Vitunac said that he could email them to Council and they could read them on line if they would like.

Mr. Heady said that would be helpful. He will reserve all of his comments for the OUC contract until their next meeting.

Mr. Heady brought up the questions that he had submitted to OUC and the answers that he received back from them. He said that in their letter they requested that they would like Council to designate a point person. He asked to be designated as that point person, but was met with a lot of resistance. He was going to again make the request that he be named as the Council point person for OUC for Council questions. He made that in the form of a motion.

Mayor Sawnick felt that they first needed to decide if it should be a staff person or a Councilperson.

Mr. Heady stated that this is a request from OUC on Council questions. He said rather than involve staff and spend a lot of money it seems to him that if a Councilmember has questions why can't they ask the questions. He clearly has demonstrated the willingness to do that.

Mr. Daige wanted to reserve the right to ask his questions of OUC. He was also interested in finding out when their Commission meetings are held. He would like to attend their public meetings and does not want to be restricted from doing so.

Mr. Vitunac said that any and all Councilmembers can attend the OUC meetings as long as they don't discuss things that may come before them.

Mr. White knew that FMPA had regular monthly meetings. He asked if with OUC do they have a vote or seat on any sort of Board.

Mr. Gabbard answered no. He said that they were invited to attend their meetings, but it is structured much differently than FMPA.

Mr. White didn't think that Council should be restricted from attending any OUC meeting. He felt that it was important that they go and listen and know what is going on. He suggested that if they hire a new Director of Utilities that he be the point person.

Mr. Daige asked if they as individual Councilmembers have questions and they want to call OUC is what he is hearing is that they would not be able to do that.

Mr. Vitunac had the impression that OUC did not want to be inundated with five Councilmembers calling them and asking questions. If they have any questions then they should be coordinated through the point person.

Mr. Gabbard added if there are 40 or 50 questions that each Councilmember has that what OUC would like is to have them put it in one package and have it submitted by one person. They did not want to be inundated with 250 questions or so.

Mr. Daige liked the idea of putting their questions in writing. He said that through the proper channels the rest of the Councilmembers see them and they will get their questions answered back in writing.

Mr. Heady's motion failed for lack of a second.

Mr. Abell made a motion that the point person (liaison to OUC) would be the Utilities Director and in this particular case it will be the Interim Utilities Director. Mr. White seconded the motion and it passed 4-1 with Mr. Heady voting no.

C) Taxpayer Guarantee

Mr. Heady brought up that there is a new member on Council and he thought that he would bring up again the taxpayer guarantee for groups that decide that they want to put together Hibiscus Festivals or anything else. He thinks that it is wrong for the City Council in tight budget times to be guaranteeing some business group that they are going to make money or it is not going to rain. Since they have a new Councilmember he wanted to see if he could generate any interest from the new Councilmember into seconding a motion that they not do such things.

Mr. Daige declined to second the motion if one was made.

D) Joint Committee on Electric

Mr. Heady stated that they needed to continue down the path to put facts on the table about the electric utilities. He attended the Utilities Advisory Commission meeting held this morning and a lot of progress was made. They are going to put together a list of questions and they wanted to funnel the questions through the City Council and get the City Council's approval. He told the Utilities Advisory Commission that he would make a motion tonight that they do not need Council's approval to ask questions. They can ask whatever questions that they want. He did not think that they should be restricting their Advisory Committees from asking questions.

Mr. White asked Mr. Heady when he attends these Advisory Committee meetings is he speaking on behalf of Brian Heady or as an Elected Official.

Mr. Heady said that clearly he was speaking as an Elected Official.

Mr. White stated that it is not their position as City Councilmembers to tell these Advisory Committees what they can do and what they can't do. He brought up that Mr. Heady spoke before the County Commission today and no one here knew that he was going to do that. He told Mr. Heady that when he does something like that he should take it before the City Council first.

Mr. Heady felt that it was unfortunate that Mr. White thought to get answers on the electric utilities is grandstanding by a Councilmember.

Mr. White asked him why he needed to go before the County Commission. He did not see what they have to do with City utilities. He said that they have done a lot of research and we (City Council) are responsible no matter what happens. We need as a group to figure out what we are going to do and where we are going.

Mayor Sawnick agreed that whatever decision that they make they need to have the facts.

Mr. Heady stated that they are where they are today because there was a resistance by this Council to ask questions. He felt that it was important to allow their Advisory Committees to truly advise them. He felt that the Utilities Commission meeting held today was a productive meeting and the Commission felt that they had discussed the item and resolved that they were going to go forward with getting facts on the table. They were going to include questions from citizens who are critics. Those questions need to be answered and that is what all of this is about. Once we have the right questions we can get the facts out and this Elected Body can make the right decisions.

Mr. Heady made a motion to tell the Utilities Commission that they are free to ask whatever questions that they see fit. Mr. Abell seconded the motion.

Mr. Daige commented that he is very impressed with their Utilities Commission. He feels that their Committees should have freedom to do whatever they need to do. He likes that they have public input and there is no time limit placed on anyone speaking. He said that people are looking for relief in their utility bills so all options need to be on the table and the Utilities Commission should not be restricted.

The motion passed unanimously.

E) Remainder of Year Meeting Change

Mr. Heady commented that at a prior meeting they changed for the months of January, February and March to hold their meetings on the first Tuesday at 9:30 a.m. and the third Tuesday at 6:00 p.m. He made a motion that we do this for every month in this year. Mayor Sawnick seconded the motion.

Mr. White counted that there were 13 staff members attending tonight's meeting. He said that they are taking 5% of their salary (furlough days) and now they are also asking them to attend night meetings. He said that if a matter needs to be discussed at a night meeting

then they could hold their meeting at night. They have adopted an Ordinance allowing them to hold Council meetings at any time. He said that if they are going to have evening meetings that they either be held at 5:00 p.m. or 7:00 p.m.

Mr. Heady made it clear that this request had zero to do with him. He said that it is at the request of the citizens. He said that this is not being done to accommodate him.

Mr. Abell added that when they have something that comes up and it needs to be held at night they will hold a night meeting. He feels that more people show up at their day meetings then they do at their night meetings. He would prefer to have their meetings held during the day.

Mr. Daige was under the impression that they would hold their first meeting of the month in the morning and their second meeting of the month in the evening. He always thought that staff was not paid overtime to attend Council meetings. As he understood it, that was part of their job. He doesn't have a problem with what they are doing now.

Mr. Heady amended his motion to change the time of the evening meeting from 6:00 p.m. to 7:00 p.m.

Mr. Abell requested that the meetings start at 5:00 p.m. He said that they could still continue to have a meeting in the morning and one in the evening for a couple of months and see how it is going.

Mayor Sawnick suggested trying this out for three more months. He is in favor of having night meetings.

Mayor Sawnick asked Mr. Heady if he would withdraw his motion and they would bring this item up again in March for further discussion.

Mr. Heady reminded him that January, February, and March have already been changed. He withdrew his motion.

F) Livestream of Council meeting

Mr. Heady instructed the Clerk to look into what it would cost to have their Council meetings done live stream.

Mrs. Vock mentioned that she had looked at doing this over a year ago and it was quite costly. However, she will look into it again and bring back the information to Council.

Mr. Heady thought it might not be so expensive to do it now.

Mr. Daige requested since she was looking into this that she also look into having closed caption meetings for the hearing impaired.

- F. Councilmember Ken Daige's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

11. ADJOURNMENT

Mr. Abell made a motion to adjourn tonight's meeting at 8:16 p.m. Mr. White seconded the motion and it passed unanimously.

/tv