

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
FEBRUARY 12, 2008



A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Harry C. Goode, Jr.

1. Pastor Bill Anderson, Palmdale Presbyterian Church, gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Kathy Meehan	Vice Mayor, District 3
	Richard Contreras	Council Member, District 1
	Mark LaRusso	Council Member, District 2
	John Thomas	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Joanne Corby	Council Member, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Amy W. Elliott	Deputy City Manager
	Howard Ralls	Deputy City Manager
	Cindy Dittmer	Planning & Economic Development Director

4. Proclamations and Presentations

Council Member Joanne Corby referenced the Eau Gallie High School students who participate in the Advanced Via Individual Determination (AVID) program. She recalled that Council had the opportunity to hear a presentation from this group (reference May 8, 2007 minutes). Their program was interactive, informative and brought about change. Mrs. Corby thanked the students for their participation.

Mayor Goode presented a proclamation recognizing the Eau Gallie High School AVID program to Betsy Armstrong, EGHS teacher and AVID program coordinator. Additionally, the Mayor presented individual certificates to the students who participated in the May 2007 presentation to City Council.

The City of Melbourne received the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2006. City Manager Jack Schluckebier presented the award to Director of Finance Michele Ennis and Assistant Finance Director Sondra D'Angelo.

5. Approval of Minutes - January 22, 2008 Regular Meeting

Moved by Contreras/LaRusso for approval of the minutes.

Mrs. Corby attempted to ask a question about the minutes and the Mayor explained that this

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is not a discussable item. He asked Mrs. Corby if she had a correction to the minutes and she replied no.

The question was called. Motion carried unanimously.

Mrs. Corby referenced Page 8 of the minutes (where she asked the City Attorney if he was Council's parliamentarian) and asked who serves as Council's parliamentarian. Based on input from the City Clerk, City Attorney Paul Gougelman replied that he believes the Mayor is the parliamentarian by City Code. Mrs. Corby asked if this would also apply to the person acting as the chair and Mayor Goode replied yes.

6. City Manager's Report

Council Workshop Meeting to Review Council Policies: Council Member Mark LaRusso recommended that Council review several policies each meeting rather than waiting until July to conduct a special workshop meeting. Following discussion, the City Council decided to review its policies during regular meetings. Staff will provide background information to Council on the policies and indicate ones that are interrelated. Council Members will submit their written comments to staff by the end of March. Following that, five policies will be included on each regular agenda for review.

Eau Gallie Art District: Council Member Mark LaRusso commended staff for its hard work and effort in moving this Comprehensive Plan Amendment quickly through the process.

Negotiations with the City of West Melbourne: Council Member John Thomas asked for an update. The City Manager replied that no meetings have been held beyond what is indicated in the report. West Melbourne City Manager David Reynal has communicated twice since last week, and in a different direction than what has been discussed in the meetings. Melbourne staff will respond and we anticipate a meeting being held towards the end of the month. The City Manager added that progress has been made during the meetings.

Clean Water Act National Pollutant Discharge Elimination System: Council Member Joanne Corby asked staff to include information in the February 26 agenda package on how we intend to communicate the new regulations to the people who will be impacted by the ordinance.

In response to Mrs. Corby, Mr. LaRusso confirmed that he is holding a pre-budget workshop citizens forum at the Eau Gallie Library on February 19. He reported that he has hired at his expense clerical support so that minutes can be taken. Mr. LaRusso elaborated on the format of the meeting and stated that those minutes will be provided to City Council prior to the February 28 workshop meeting.

Mrs. Corby asked Mr. LaRusso if he would be willing to garner information from people in attendance, which would be helpful to Council during the budget process. She has three questions she would like asked. Mr. LaRusso said that he has his meeting framed;

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there's no room on the agenda. Discussion continued. Mayor Goode pointed out this is not a discussion item. He suggested that Mrs. Corby run a public meeting of her own if there is information she would like to obtain. Discussion continued. Mrs. Corby said that a Council Member is taking the lead on an initiative and other Council Members would like to grab some information.

Mrs. Palmer pointed out that because of the Sunshine Law, this is the only forum where Council Members can communicate with each other about City business. Mayor Goode said that Mr. LaRusso indicated that he would not have time in his meeting to accommodate Mrs. Corby's request. Beyond that, there's not much more to discuss.

7. Public Comments

William Miller, 2016 Grant Place, Grant Place Condominium Association, discussed an event that happened last Friday night in an area between the Henegar Center and the condominium. Around 2:30 a.m., gunshots were fired and a young person was severely injured. Mr. Miller detailed other events that have occurred in the area and stated that things are going on in Downtown Melbourne that have crossed the line. Activities are being influenced by Main Street Pub, 702 Downtown, Cleopatra's Palace, etc. 702 Downtown is probably in violation of its Certificate of Occupancy and Main Street Pub has not lived up to its commitment to be a high-end martini/food bar. Mr. Miller concluded by saying there are not enough police patrols in the Downtown area late at night.

During discussion, the City Council asked the City Manager to review the conditional use granted to 702 Downtown and talk to the owner about the problems that are occurring; and determine whether the Downtown police officer's hours can be adjusted. The City Manager added that he will also involve Main Street (organization, not the pub) in seeking solutions.

UNFINISHED BUSINESS

8. COUNCIL DISCUSSION RE: Direction on whether to proceed with Phase II of the Site and Facility Study for the Melbourne Auditorium. (Postponed - 11/13/07)

Mayor Goode reported that Council previously postponed this item until after the property tax referendum. The referendum passed; therefore, he believes this item is moot. The City Manager added that Council has indicated in the past that there wouldn't be a point in proceeding with a study if there wasn't a substantial capital pool to draw on to make those improvements. He suggested Council return to this item in 18 – 24 months.

Mayor Goode stated that if there are no objections, Council will revisit this item in 18 months. Mr. LaRusso recommended that during that period, staff seek options for public/private funding for revitalization of the Auditorium.

9. ORDINANCE NO. 2007-100 (LDR-2007-09/FOC-2007-10) DEVELOPMENT AGREEMENTS: (First Reading/Public Hearing) An ordinance amending Appendix D,

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Chapter 3, entitled “Concurrency,” by amending Article VIII as it relates to the maximum duration of developers agreements. (Applicant - City of Melbourne) (Postponed - 12/11/07)

Attorney Gougelman read Ordinance No. 2007-100 by title. Mayor Goode opened the public hearing; there were no comments.

Moved by Palmer/LaRusso to continue with the current regulations, unless there is a project involving a Development of Regional Impact. Motion carried unanimously.

(Note: By virtue of this action, consideration of the ordinance was declined.)

10. COUNCIL ACTION RE: Purchase of nine portable and three mobile 800 MHz radios for Fire Operations, Communications International, Inc., Vero Beach, FL - \$38,521.50. (Postponed - 1/22/08)

In response to Mrs. Corby, Fire Chief Paul Forsberg confirmed that these radios will be added to the City’s inventory. The radios that are replaced will be used during emergencies, although some may not be salvageable. Additionally, the radios that can’t be re-banded will be replaced through the Sprint/Nextel replacement program.

Mrs. Palmer pointed out that this equipment is widely used. She asked why it is listed as sole source. Chief Forsberg said that this is the vendor that services the County; they have the maintenance agreement for the entire system. It would not make sense to bring in other vendors.

Moved by Thomas/Contreras for approval of item 10 (purchase of nine portable and three mobile 800 MHz radios for Fire Operations, Communications International, Inc., Vero Beach, FL - \$38,521.50). Motion carried unanimously.

11. ORDINANCE NO. 2008-04 (Z-2007-1127) CARL C. GAY: (Second Reading/Public Hearing) An ordinance changing the zoning from R-1AA (Single-Family Low Density Residential) to R-P (Residential Professional) on a 0.58±-acre parcel, located on the north side of Sarno Road, east of Apollo Boulevard, and west of Kelmore Drive. (Owner/Applicant/Representative - Carl C. and Sylvia F. Gay) (First Reading - 1/22/08)

Attorney Gougelman read Ordinance No. 2008-04 by title. There were no disclosures by Council and no comments during the public hearing.

Moved by Meehan/LaRusso for approval of Ordinance No. 2008-04 based upon the findings and condition contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Contreras, LaRusso, Thomas, Palmer, Corby, Meehan and Goode

Motion carried unanimously

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12. ORDINANCE NO. 2008-05 (LDR-2007-10/FOC-2007-12) HISTORIC PRESERVATION BOARD: (Second Reading/Public Hearing) An ordinance amending Appendix D, Chapter 1, Article II, Section 1.15 of the City Code, to establish quasi-judicial authority for the Historic Preservation Board. (First Reading - 1/22/08)

Mr. Gougelman read Ordinance No. 2008-05 by title. Mrs. Palmer asked if the Historic Preservation Board is being given additional responsibilities. City Clerk Cathy Wysor explained that this ordinance does not amend the Historic Preservation Board's powers and duties. It amends Appendix D by expanding the list of actions in the City that are considered quasi-judicial.

The Mayor opened the public hearing. There were no comments.

Moved by Meehan/Palmer for approval of Ordinance No. 2008-05 based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Contreras, LaRusso, Thomas, Palmer, Corby, Meehan and Goode

Motion carried unanimously.

13. ORDINANCE NO. 2008-06 (FOC-2007-13) BABCOCK STREET COMMUNITY REDEVELOPMENT PLAN AMENDMENT: (Second Reading/Public Hearing) An ordinance amending the Babcock Street Community Redevelopment Plan. (First Reading - 1/22/08)

The City Attorney read the ordinance by title. There were no public comments.

Moved by Contreras/Meehan for approval of Ordinance No. 2008-06 based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Contreras, LaRusso, Thomas, Palmer, Corby, Meehan and Goode

Motion carried unanimously.

14. COUNCIL ACTION RE: Proposal to acquire real property in resolution of threatened litigation, Richard White vs. City of Melbourne, \$395,000. (Postponed - 1/22/08)

From the agenda report: Following negotiations, City staff, Mr. White and his attorney agreed to present to the City Council/Babcock Street CRA the following proposal:

- *The City/CRA will pay Mr. White \$395,000 for both the fee simple title to Mr. White's property and for a complete resolution of any and all claims that Mr. White has against the City/CRA.*

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The proposal has several contingencies, including approval by the City Council/CRA, acceptable inspection reports, an unconditional release of all claims, and closing of this transaction within 60 days of Mr. White's notice to his tenants regarding termination of their leases.

At the January 22, 2008 meeting, a motion to deny the recommendation failed by a 3 – 3 vote. Council postponed this item until the February 12 meeting with the understanding that there would be a full Council at that meeting.

Mayor Goode reported that he reviewed the record of this item. (He was not present at the January 22 Council meeting.)

Moved by Goode/Meehan to purchase the property for \$395,000.

Mayor Goode stated that the funding would be provided from the Babcock CRA. The City Manager confirmed for Mrs. Corby that the Babcock CRA has money in reserve; this would not involve a multi-year transaction with money being loaned from the General Fund.

In response to Attorney Gougelman, the maker/seconder agreed that the motion includes paying Mr. White \$395,000 for the fee simple title to his property and for a complete resolution of any and all claims that Mr. White has against the City/CRA.

Mrs. Palmer stated that this might save time in court, but it will set a bad precedent.

Mayor Goode said that he is not typically in favor of purchasing property; however, parking is a problem in this area. There is a willing seller and this was his rationale for proceeding.

Mrs. Corby asked the Mayor if his rationale includes payment of \$395,000 for 12 parking spaces. Mayor Goode agreed and pointed out that this property is large enough to accommodate 12 parking spaces that meet Melbourne's Code.

Mrs. Meehan said she is following the advice of the City Attorney. She doesn't believe we need to go to court, spend taxpayers' money, and possibly pay Mr. White's attorney's fees.

Mr. LaRusso said that this issue goes much deeper than settling the case in exchange for parking spaces.

Mr. Thomas stated that he believes it is an injustice to pay \$85,000 above the appraised price because a lawsuit was threatened.

Mayor Goode said he liked the offer made by Mrs. Corby and Mrs. Palmer at the last meeting (\$198,000); however, that is not a realistic price.

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Mr. Contreras offered that he views this as a taking of taxpayers' money. He noted that in his tenure on Council, the City has been on the losing end of a few lawsuits. During those issues, Council thought it was doing the right thing; however, the City wound up losing at the cost of thousands of dollars. The only reason he will support the motion is to stop the hemorrhage.

The question was called. The roll call vote was:

Aye: Contreras, LaRusso, Meehan and Goode

Nay: Thomas, Palmer and Corby

Motion carried.

NEW BUSINESS

15. COUNCIL ACTION RE: Contract award for the Grant Place Lift Station and Sub-Aqueous Crossing, Project No. 33905, Timothy Rose Contracting, Inc., Vero Beach, FL - \$575,664.70; and transfer of \$15,126 from Water & Sewer Capital Improvements Miscellaneous Projects to supplement this project budget.

City Engineer Jenni Lamb reported that the project consists of installing a new lift station at Grant Place, approximately 3,000 feet of sewer pipe along Melbourne Avenue, and a sewer pipe under Crane Creek to the Grant Street Wastewater Treatment Plant.

Moved by LaRusso/Meehan for approval of the construction contract with Timothy Rose Contracting, Inc. in the amount of \$575,664.70 for the Grant Place Lift Station and Sub-aqueous Crossing and a budget transfer of \$15,126 from Water & Sewer Capital Improvement – Miscellaneous Project No. 30099 to supplement this project budget. Motion carried unanimously.

16. COUNCIL ACTION RE: Contract award for Lorna Drive drainage improvements, Project No. 20004, Timothy Rose Contracting, Inc., Vero Beach, FL - \$128,947.

Mrs. Lamb pointed out that this project was identified in our stormwater master plan. Additionally, the bid came in under the projected budget for the project.

Moved by Palmer/Meehan for approval of the construction contract with Timothy Rose Contracting, Inc. in the amount of \$128,947 for the Lorna Drive Drainage Improvements. Motion carried unanimously.

17. COUNCIL ACTION RE: Task Order No. 4 for professional engineering services for the design of Lake Washington Reverse Osmosis Plant high service pump modifications, Project No. 30107, Hazen & Sawyer, P.C., Fort Fierce, FL - \$79,365.

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Mrs. Lamb confirmed for Council Member Corby that this project was funded by bond money.

Moved by Thomas/LaRusso for approval of Task Order No. 4 to Hazen & Sawyer, P.C. for the design of the Lake Washington Reverse Osmosis Plant high service pump modifications, Project No. 30107 in the amount of \$79,365. Motion carried unanimously.

18. CONSENT AGENDA:

Moved by LaRusso/Contreras for approval of the consent agenda. Motion carried unanimously.

- a. Supplement No. F014 to the Continuing Consultants Contract for engineering services to provide for Lipscomb Park Phase 2 Improvements, Project No. 00107, Frazier Engineering, Inc., Melbourne, FL - \$41,000.
- b. Supplement No. F015 to the Continuing Consultants Contract for engineering services to provide for Strawbridge Avenue medians, landscaping, and pedestrian improvements, Project No. 14006, Frazier Engineering, Inc., Melbourne, FL - \$27,500.
- c. Supplement No. F016 to the Continuing Consultants Contract for engineering services to provide for Fee Avenue stormwater pond and culvert replacement, Project No. 20007. Frazier Engineering, Inc., Melbourne, FL - \$39,000; and authorization to combine the Fee Drainage Improvements, Project No. 20007 and the Fee and Apollo Pipe and Box Culvert, Project No. 64207 into one as Project No. 20007.
- d. Supplement No. F017 to the Continuing Consultants Contract for engineering services to provide for subsurface utility locations work at the D.B. Lee and Grant Street Water Reclamation Facilities, Project No. 31507, Frazier Engineering, Inc., Melbourne, FL - \$18,000.
- e. Award of a concessionaire agreement for the snack bar and lounge concessions at the Mallards Landing and Crane Creek Preserve golf courses, Pubber's Enterprises, Inc., Indian Harbour Beach, FL - \$350 + five percent of gross sales per month for each facility and a \$200/month per site facility fee; estimated payment of \$20,760 for the first year of the agreement.
- f. Approval of agreements between the City of Melbourne and the Board of Trustees of the City of Melbourne Police Officers' and Firefighters' Retirement Systems concerning deduction from retirement benefits for qualified health insurance premiums; and authorization for the City Manager to execute the agreements.
- g. Contract award for Occupational Medical Services for City of Melbourne employees, Health First Occupational Medicine, Melbourne, FL – stated per unit prices - estimated annual cost of \$130,000.

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- h. Contract award for the purchase of automobile parts and supplies for Fleet Management Division, Cold Air Distributors, Ft. Pierce, FL - \$35,000; Napa Auto Parts, Cocoa, FL - \$15,000; Cold Air Distributors, Ft. Pierce, FL - \$40,000; and Auto Machine & Parts, Orlando, FL - \$15,000.
- i. Purchase of a Detroit Diesel Model 60DSEJB 60kw generator set with automatic transfer switch, Florida Detroit Diesel-Allison, Orlando, FL - \$22,700.
- j. Approval of an agreement between the City of Melbourne and the City of West Melbourne regarding Hammock Landing DRI, subject to minor changes by the City Attorney; and authorization for the City Manager to execute the agreement.
- k. Approval of a mutual aid agreement between the City of Melbourne and the City of Vero Beach for continued law enforcement assistance from January 1, 2008 - December 31, 2010.
- l. Lien Rescission CE-06-080: Approval of request for a lien reduction from \$68,250 to \$1,663.37 if paid within 60 days. (Phillip G.S. Sangha - 447 Pirates Moon Court)
- m. Resolution No. 2081: A resolution authorizing the City Manager to submit a grant application to the State of Florida Victims of Crime Act 2008-2009 Program for funding in the amount of \$40,955, with matching funds of \$10,239, to continue the Victim Services Program by funding the contracted victim advocate position for the Melbourne Police Department; and authorization for the City Manager to execute all related documents.
- n. Resolution No. 2082: A resolution authorizing the City Manager to submit a grant application to the State of Florida, Department of Health, Bureau of Emergency Medical Service for funding in the amount of \$105,000, with matching funds of \$35,000, for the purchase of four OC2 Oxygen Centers for the Melbourne Fire Department; and authorization for the City Manager to execute all related documents.
- o. Resolution No. 2083: A resolution approving an offer and purchase agreement for \$2,115,600 and related deed between the City of Melbourne and Melbourne Airport Authority as grantors and the Florida Department of Transportation as grantee on property located across from the western portion of the Melbourne International Airport runway; acceptance of the Deed of Release executed by the Federal Aviation Administration, subject to the acceptance of the restrictions by the Melbourne Airport Authority; and authorization for the City Manager to execute all related documents.

19. ITEMS REMOVED FROM THE CONSENT AGENDA

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20. RESOLUTION NO. 2084: (Public Hearing) A resolution approving the First Amendment to the Development Agreement for Mayfair between the City of Melbourne and Southern Homes of Melbourne II, LLC for property located adjacent to the intersection of Florida Avenue, Lipscomb Street, and Eber Road; and authorization for the City Manager to execute the agreement. (Authorized by Council - 12/07/07)

There were no comments during the public hearing.

Moved by Meehan/Contreras for approval of Resolution No. 2084. Motion carried unanimously.

21. COUNCIL ACTION RE: Approval of an amendment to the agreement between the City of Melbourne and Community Housing Initiative, Inc. to award an additional \$100,000 in Hurricane Housing Recovery Program funds for the Purchase Assistance Program; authorization for the City Manager to execute the agreement; and approval to transfer funds accordingly.

Moved by Palmer/Thomas for approval of an amendment to the agreement between the City and Community Housing Initiative, Inc. to award an additional \$100,000 in Hurricane Housing Recovery Program funds for the Purchase Assistance Program and authorization for the City Manager to execute the amendment document and adjust the HHR Program budget accordingly. Motion carried unanimously.

22. ORDINANCE NO. 2008-07 (A&V NO. 311): (First Reading/Public Hearing) An ordinance vacating a portion of the existing 30' wide utility easement at 215 West Drive.

Attorney Gougelman read the ordinance by title. Mrs. Lamb reported that the building was constructed within the City's easement. The applicant will provide the City with a new easement, which will be centered over the existing 36" water main. Overall, this is a better arrangement for the City.

The public hearing was opened and closed with no comments.

Moved by Meehan/Contreras for approval of Ordinance No. 2008-07. Motion carried unanimously.

Without objection, Council convened as the Melbourne Downtown Community Redevelopment Agency for the following items:

23. COUNCIL ACTION RE: Approval of funding for Campbell Park electrical improvements, not to exceed \$10,000.

Moved by Meehan/Palmer for approval of CRA funding for Campbell Park electrical improvements not to exceed \$10,000. Motion carried unanimously.

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24. COUNCIL ACTION RE: Approval of \$15,000 in funding assistance to the Henegar Center Board to provide for a re-use and financial feasibility analysis of the former Melbourne High School/Strawbridge building.

Mrs. Dittmer reported that the City has been working with the Henegar Center to help determine potential uses, funding sources and partnership opportunities. The Henegar Board determined that a professional analysis of the Strawbridge building would be a necessary first step in gaining community support and garnering the potential financial support from local organizations or grant sources.

Moved by Palmer/Meehan to provide \$15,000 in funding assistance to the Henegar Center Board to carry out a re-use and financial feasibility analysis of the former Melbourne High School/Strawbridge building.

Mrs. Dittmer confirmed for Mrs. Corby that the historic nature of the Henegar Center has been established. This study will look at potential future uses and partnerships with other agencies. Mrs. Corby asked that the study identify whether the goal is to preserve the building. The City Manager added that their intention is to find a partner to improve the building and better utilize the resources they have. It's a private group with a public purpose.

The question was called. Motion carried unanimously.

25. COUNCIL ACTION RE: Approval of an allocation of \$30,000 to expand the existing Facade Improvement Program for 2008 to be targeted exclusively within the South Expansion Area of the Melbourne Community Redevelopment Area.

Mrs. Dittmer reviewed the agenda report. Mrs. Palmer asked if there was a greater need in the south area for parking rather than facade improvements. Mrs. Dittmer replied that there are a few properties that lack parking, especially along the east side of U. S. 1; however, there are definitely a lot of facade opportunities.

Moved by Meehan/Contreras for approval of \$30,000 of CRA funding for the Facade Improvement Program to be transferred from the 2007-2008 Downtown CRA Budget #590340 (Reserve Future Projects) to CIP Project No. 31552-18099 (Downtown Facade Improvement Program).

Mrs. Corby asked if the expansion area has contributed to the CRA fund. Mrs. Dittmer replied that the funding goes into one tax increment financing revenue account. This will be the first project funded in the expansion area. Mr. LaRusso asked staff to confirm that the expansion area is not "pro-rated" and Mrs. Dittmer replied that is correct.

The question was called. Motion carried. Mrs. Palmer voted nay.

Without objection Council convened as the Olde Eau Gallie Riverfront Community Redevelopment Agency for the following item:

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26. COUNCIL ACTION RE: Approval of \$4,000 in funding assistance to the Brevard Cultural Alliance towards the purchase of four artistic bike racks for the Eau Gallie Redevelopment Area.

Moved by LaRusso/Contreras to provide funding to the Brevard Cultural Alliance not to exceed \$4,000 from the 2007-2008 Eau Gallie CRA Budget #590340 "Reserve Future Projects". Motion carried unanimously.

Without objection Council reconvened for the remaining agenda items.

Recessed: 7:52 p.m.

Reconvened: 8:00 p.m.

27. COUNCIL ACTION RE: Approval of employee health and other insurance benefits.

The following is an excerpt from the agenda report:

This is the fifth and final year of a five-year term that the City Council approved in 2003 for the various vendors of the employee benefits program. The Health Insurance Advisory Committee reviewed the various insurance benefit programs and made recommendations for City management and City Council consideration. The renewal date for the employee insurance benefits is April 1, 2008.

The Health Insurance Advisory Committee, composed of employees appointed by the City Manager and representative of various employee perspectives, reviewed insurance renewal issues on health, dental, short-term disability, long term disability, and life insurance, and the flexible spending program. The committee included representatives appointed by the three bargaining units. Since May 2007 the committee has been reviewing insurance products, listening to providers explain their products, participating in interviews, and ultimately making recommendations for benefit providers at its January 22, 2008 meeting.

No changes were proposed for the flexible spending program (tax savings program for medical and dependent care expenses), administered by Florida Combined Insurance Company, and the self-insured dental plan, administered by Dental Decisions. Changes were recommended to the life, long-term disability, short-term disability, and health insurance, which are summarized in the following paragraphs.

Life Insurance: The committee recommended joining the Brevard County/School Board consortium for purchase of life insurance and long-term disability insurance underwritten by Standard Insurance Company. The basic life insurance program would enable the City to provide an increase in life insurance coverage for employees from a flat \$25,000 to 1 x the annual salary at a substantially lower rate (\$.115 per \$1,000) than the current premium (\$.34 per \$1,000). This benefit is paid 100% by the City.

Employees may also purchase supplemental life insurance at 5 x the annual salary up to \$500,000 at age rated rates with credits for non-smokers as compared to the current

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\$150,000 coverage maximum. Further, employees have the option to purchase dependent life insurance for their spouse and children up to \$250,000 for spouses and \$10,000 for children at age rated rates with credits for non-smokers for spouses and at \$.07/\$1,000 for children. Existing retirees may continue to purchase up to \$25,000 of life insurance, but at an appropriate market rate of \$2.70/\$1,000. New retirees on or after April 1, 2008 may purchase a \$5,000 life insurance policy.

Long Term Disability Insurance: This coverage is available for purchase by employees. The premiums are age rated. The rates are an increase of 5%; however, they are guaranteed until January 1, 2011.

Short Term Disability Insurance: This coverage is available for purchase by employees. The committee evaluated five proposals and recommended that the current provider and low bidder, Florida Combined Insurance Company, continue to provide this coverage at a rate of \$.39/\$10 of monthly benefit as compared to the current rate of \$.49/\$10.

Health Insurance: The committee evaluated six proposals and recommended Health First Health Plans as the health insurance provider based on their low bid, which is a 1.73% decrease from the current health insurance premium and lower co-pays for the vast majority of employees. Last year premiums increased 19%, so a decrease in premiums is a substantial improvement. Additionally, Health First Health Plans offered a rate cap guarantee that rates will not increase by more than 10% (trend) upon renewal April 1, 2009 and free Pro Health Gym memberships to all covered employees. It should be noted that six committee members, including all three union appointed members, recommended Health First Health Plans.

The recommendation is to approve the employee insurance benefits package effective April 1, 2008:

	<u>City Cost</u>	<u>Employee Cost</u>	<u>Total Cost</u>
Flex Plan Adm.	\$ 4,374		\$ 4,374
Basic Life	51,336	\$ 28,998	80,334
Supplemental Life		103,469*	103,469
Dependent Life		19,181	19,181
Short Term Disability		102,888	102,888
Long Term Disability		155,004	155,004
Dental		290,995	290,995
Medical Insurance	<u>\$7,237,080</u>	<u>\$ 1,441,517**</u>	<u>\$ 8,678,597</u>
Total Cost	<u>\$7,292,790</u>	<u>\$ 2,142,052</u>	<u>\$ 9,434,842</u>

*Retiree life insurance cost

**Includes retiree medical insurance cost of \$533,609.

The Supplemental and Dependent Life are based on current coverage elections. Premiums may be higher since employees may purchase higher coverage limits effective April 1, 2008.

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Deputy City Manager Amy Elliott introduced the item provided an overview.

Mayor Goode stated that he was glad to see that three members of the nine-member committee included representatives from the unions. He is also pleased that the vote was six to three in favor of Health First. Mrs. Elliott agreed that six members favored Health First and that all three of the union appointed members favored Health First.

Moved by Contreras/Thomas for approval of the employee insurance benefits package effective April 1, 2008.

Council Member Mark LaRusso said it is his understanding that Aetna would match the rates if the City rolled its short-term disability and dental in with them. Mrs. Elliott replied that the committee chose not to recognize those decrements because the City did not go out for a bid on dental insurance. No one else had the opportunity to bid on that; it was an unfair comparison. Additionally, we would have been forced to accept a dental plan site unseen. Additionally, their short-term disability insurance, which is 100% paid for by the employee, is more costly.

Mrs. Elliott confirmed for Mr. LaRusso that Health First is a Brevard County company. Mr. LaRusso asked if they are for-profit or not-for-profit. From the audience, Risk Manager Ken Gray replied not-for-profit (see clarification later in discussion).

Mr. LaRusso said he travels a lot and there are retirees that may be living in other areas. He asked how Health First deals with agreements outside of Brevard County. He added that he understands emergency care is covered; however, if he breaks his leg in Boston while working there for a month on a project, he would like to know how Health First would handle the on-going physical therapy.

Mrs. Elliott said that representatives are available to answer that question. She added that emergency and urgent care would be provided for anyone out of the area.

Mr. LaRusso asked if anyone on Council or staff has had personal experience with Health First. Mr. Gray elaborated on personal experience that his wife had with Health First while needing medical care in Georgia. Through the Beach Street Network, she was able to see a doctor with no balance billing. Doctors in the Beach Street Network accept what Health First pays and they don't balance bill.

Mr. LaRusso said he has used his current doctor for 14 years and going with Health First would require him to change physicians. He pointed out that this is very disruptive to a family. The difference between Aetna and Health First is \$153,418 and the Aetna plan would include Wuesthoff doctors. He pointed out that there may be 35 employees or 350 employees who would have to change doctors. Mr. LaRusso asked how the committee reached a point of being okay with that decision.

Mrs. Elliott answered that the committee members felt Health First was the best product for the majority of employees – even though Wuesthoff isn't an affiliated hospital and there would be somewhat of a limitation on doctors. The committee also recognized

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there would be an inconvenience for some participants of the plan, but they felt it was a better plan for the majority because of the lower co-pays.

Mr. LaRusso pointed out that three of the committee members did not agree with the decision to go with Health First. He understands that the co-pays will be lower; however, Council has to decide whether the priorities are merely fiscal. For these reasons, he is not leaning towards Health First.

Mrs. Elliott stressed that it was a difficult choice for the committee. It would have been an easy choice to pick Aetna and say, "Who cares about the cost and who cares about the effect on employees' paychecks." The committee made its choice more for the lower co-pays than the \$153,000 savings to the City. They were considering the laborers and the people in the field, and they felt that a difference of \$5 to \$10 on a co-pay would determine whether someone would seek medical attention.

Continuing, Mrs. Elliott pointed out that the vote occurred prior to the January 29 referendum on the property tax reform. The committee expressed concern about the uncertain economy; the effect on employees' paychecks; whether there would be any money for raises; gasoline prices; and the cost of a gallon of milk. The bottom line is that the committee voted for Health First because they thought it was a way they could have some take home pay improvements for employees because of lower co-pays.

Mr. LaRusso stated that he doesn't see this as providing better service by not being able to provide the same doctor. He repeated that he has been with his doctor for 14 years and he is not looking forward to changing.

Angela Handa, Health First Health Plans, introduced herself.

Mr. Gray informed Council that the committee reviewed the top 50 providers and determined how many of the top 50 providers were available with each company. He noted that 90% of the employees will go to the top 50 providers. Of the top 50, Health First has 100% and Aetna has 92%.

Mr. LaRusso asked if this is a three-year contract. Mrs. Elliott replied that it's only a one-year contract subject to renewal if the City agrees that the rates are acceptable in future years. Mr. LaRusso asked if they are capping the increase at 10% the first year. Mrs. Elliott clarified that the first year would be a 1.7% decrease from our current premium. In the second year, they have agreed to a 10% cap on trend.

Mr. LaRusso asked if staff investigated what some of their trends have been after renewal. Mr. Gray said he called other cities and got the best information from Cocoa Beach. Since 1998 or 1999 they have had an average 8.3% increase, which is about three points lower than Melbourne's. Cocoa Beach has done very well with Health First.

Mr. LaRusso pointed out that changing doctors is very disruptive for a family and outweighs the five-dollar savings in a co-pay.

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Council Member Joanne Corby asked Mr. Gray if he only conducted a trend analysis with Cocoa Beach. Mr. Gray replied that he called several other cities, but Cocoa Beach was the only one that provided a good breakdown of their experience. Following a brief discussion, Mr. Gray confirmed that he did not conduct a trend analysis. He spoke to representatives from Cocoa Beach about their average rate increase in the past.

Mrs. Corby referenced the consultant the City hired for \$13,000 to help the committee. She read the following excerpt from the consultant's scope of services: "In addition to soliciting proposals for current benefit options we shall coordinate with the staff and the City Employee Benefit Committee on also asking for other options that might help the rising renewal cost." Mrs. Corby asked if a cost benefit analysis was done on being self-insured in the City.

Mr. Gray said a cost analysis was not done; however, the committee considered being self-insured and, based on (property) tax reform, the members did not feel it was a good option at this time. The members did not feel funds would be available to buy reinsurance in the event that we a bad claims year.

Mrs. Corby asked Mr. Gray to confirm that the City did not look at the details of the City being a self-insured agency. Mr. Gray replied that the City explored that option. Mrs. Corby asked again if the committee looked at the details of being self-insured.

Mrs. Elliott explained that the committee didn't do a formal scientific study, but it did evaluate the concerns. The committee met with a representative from Brevard County who manages the County/School Board consortium. The members weighed the pros and cons and expressed concern about the City's ability to retain the risk of a self-insured program. Committee members thought the time would be better spent going out for fully insured proposals. Mrs. Elliott concluded by saying that the consultant provided the committee with an information breakdown on how the self-insured program would work and what the exposure would be.

Mrs. Corby asked what AM Best NCQA rating CIGNA has. Mr. Gray replied that CIGNA is an A+ company. She asked the rating of Health First and Mr. Gray replied they are B-.

Mrs. Corby pointed out that we are downgrading. She asked Mr. Gray to elaborate on the grading. Mr. Gray replied that the rating reflects the financial ability/stability of the company. A higher rating means the company is more financially stable, solvent, etc.

Ms. Handa confirmed that their rating is B-. She explained that AM Best rates insurance carriers, and Health First is not an insurance carrier. It is a health plan, which is part of an integrated health care delivery system. The health plan is for-profit, while Health First is non-profit. The health plan is a wholly owned subsidiary of Health First, Inc., which is a one billion-dollar company that backs the health plan. They have the assets in their company, but don't want to move the assets from the non-profit company to the for-profit company and create a tax liability that would unnecessarily spend their dollars. They have not moved the dollars from one side to the other to simply buy an insurance carrier

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rating. And, if the one billion-dollar Health First company is not enough to back the health plan, the State of Florida backs all HMOs with an insolvency fund.

In response to Mrs. Corby, Ms. Handa stated that they guarantee they would not raise the rates by more than 10% in year two. She confirmed that they could raise them up to 10% and noted that medical trends run 12%.

Mrs. Corby stated that she views this as limiting options for our employees. We are driving them to one provider in the City – a City that has multiple options for healthcare. Additionally, she does not believe it is fair to ask our employees to change physicians, especially if they have built a relationship with a physician.

Mr. Gray confirmed for Mr. LaRusso that previously when he stated Health First (health plan) was non-profit, he answered incorrectly.

Mr. LaRusso asked where the health plan, in comparison with other plans in Florida, ranks in terms of profitability. Ms. Handa replied they are probably one of the lowest in profitability because they aim to make the minimum and pay the rest out in healthcare and services to their members.

Mrs. Meehan reported that Meehan's Stationery has had Health First for over a year and Health First has raised the 10% cap. She noted that she is concerned about the City's renewal and asked if that cap could be changed to a 5% or 8% guarantee after the first year.

Mr. Gray said that it is unusual to get any kind of a guarantee. Most companies won't guarantee health insurance rates.

Mrs. Corby recommended that since this contract is for one year, staff be directed to obtain a cost benefit analysis on moving towards being self-insured in the City. She pointed out that lots of large organizations are moving towards being self-insured, including Harris Corporation.

Mayor Goode asked Mrs. Elliott to elaborate on the one-year contract. Mrs. Elliott explained that the contract is for one year and it's subject to renewal in four subsequent years, subject to review by the City.

Mrs. Elliott continued and pointed out that Health First has offered a rate guarantee. No other firm offered a firm rate guarantee. The fact that a company provided a firm guarantee of a rate increase in the second year got the committee's attention.

A brief discussion followed on whether discussion on this item should continue.

Mrs. Corby said that the benefit of using the fitness center is great; however, she doesn't want Council to get the impression that this is a benefit with the proposal. Ms. Handa acknowledged that it is a benefit. Every Health First plan member has free membership if they are age 13 or older. Mrs. Corby pointed out that this is not an exclusive benefit for

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the City of Melbourne. There are advertisements in the community that anyone who signs up for a Health First health plan will be able to use the gym.

Mr. Contreras offered that his employer doubled its co-pays, which represents a significant chunk of money. With regard to free gym membership, he looks at that as a benefit relative to preventive measures. That's certainly a discriminator in terms of selecting a company. He pointed out that the members of the committee represented the majority of employees in the City. They have spoken and this is their decision; however, it's Council's position to question the various nuances of the plan. He agreed that changing primary healthcare physicians after so many years could be a troubling event for some, but you have to do your research, use the hotlines, and make your decision.

Mr. Contreras stated that he doesn't have any qualms with this decision, especially given the fact that the majority of the employees selected this plan. He noted that the reduction of \$5 or \$10 co-pay for each visit is money in the bank as far as he is concerned.

Mayor Goode asked the Health First representative to summarize.

Ms. Handa reported that they offered an HMO program and a point of service plan. The point of service plan has out of network coverage. If anyone is concerned about staying with a provider that is not in the network, they can choose the point of service option. For the HMO plan, they have contracted with the largest national PPO network called Beach Street. They've offered a special program for anyone who resides out of the area to use Beach Street providers in network under the HMO plan so that it won't present any challenges for people living out of the area. They have 70,000 people insured through their plan, including 6,000 Health First associates.

Ms. Handa pointed out that this past fall they were selected as the best health plan available in Florida for Medicare and second in commercial. That rating was posted in the U.S. News and World Report; it's based on customer satisfaction and the quality of care they provide to their members. She stressed that they beat Aetna, United, CIGNA, Blue Cross and all the national players. They came in with a benefits package that is better on co-pays, they've offered free gym memberships, and they've done it at a price that's less.

In response to Mr. LaRusso, Ms. Handa stated that they have 750 physicians. Some are closed and will only accept existing patients. However, that is done with all carriers. Mr. LaRusso asked if the listing provided to the City indicates which physicians are closed. Ms. Handa replied yes and said they identify that in their directory.

Discussion continued on whether to allow continued discussion.

The question was called. The roll call vote was:

Aye: Contreras, Thomas, Palmer, Corby, Meehan and Goode

Nay: LaRusso

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Motion carried.

The following discussion occurred during the roll call vote: 1) Mrs. Elliott confirmed for Mrs. Corby that the contract is for one year with automatic renewals proposed; each year it will return to Council. 2) The Mayor stated that the motion on the floor is for approval of the employee insurance benefits package effective April 1, 2008 (as outlined in the agenda package).

28. COUNCIL ACTION RE: 2008 Legislative Priorities.

From the agenda report: The Brevard Legislative Delegation is scheduled to meet on February 27 at 3:00 p.m. in the Brevard County Commission Chamber. At the January 8, 2008 meeting, the City Council denied the legislative priorities recommended by staff and asked that Council Members submit priorities to staff by February 1.

The following issues have been submitted by Council Members:

1. Work with the Tax and Budget Reform Commission on legislation for fair and equitable local property taxes to provide a stable and predictable tax base for local government revenues while preserving a municipality's ability to establish the millage rate necessary to provide the community's desired level of service.
2. Enact general legislation to permit the use of red light cameras for traffic enforcement.
3. Provide funding for the following capital improvement projects:
 - a. \$1.0 million for Pineapple Park master plan site improvements to include a public restroom facility, large and small pavilions, lighting, landscaping, and tot lot.
 - b. \$1.5 million for a pedestrian crossing at Crane Creek.
 - c. \$500,000 for medians and landscaping on Strawbridge Avenue east of the Florida East Coast Railroad to Livingston Street.
 - d. \$4.0 million for dredging the Eau Gallie River.
4. Double the thresholds for Florida Recreation Development Assistance Program (FRDAP) levels for local matching requirement as follows:
 - Projects of \$100,000 or less—no matching funds required
 - Projects of \$100,001 to \$300,000—25% local match required
 - Projects of \$300,001 to \$400,000—50% local match required

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5. Sponsor and support legislation to amend the pari-mutuel tax laws to improve distribution of such taxes to municipalities by amending Ch. 550.105(9), F.S. to increase the pari-mutuel tax on all forms of gambling (dog racing, horse racing, and jai alai, simulcasting and card rooms) at pari-mutuel facilities to \$250 a day and by amending Ch. 849.086(13)(h), F.S. to distribute funds from the Pari-mutuel Wagering Trust Fund to the municipality in which the card room is operating, regardless of which jurisdiction provided initial approval.
6. Support the Florida League of Cities' initiatives as identified in their 2008 Legislative Policy Statement.

(For information, the categories in the Florida League of Cities' initiatives include: Affordable Housing Trust Funds, Environmental Permits, Growth Management, Local Business Tax, Local Government Pension Plans, Mobile Home Park Closure, Municipal Indebtedness, Property Tax Reform, Transportation, and Water.)

Moved by Thomas/Meehan for approval of the legislative priorities and transmittal to the Brevard Legislative Delegation.

Mr. LaRusso stated that he would approve the entire package if the following three items were pulled out of the Florida League of Cities' priorities: Local Business Tax, Property Tax Reform and Water.

Following brief discussion, the maker/seconder amended the motion by removing those three items from the Florida League of Cities' priorities.

Mr. LaRusso stated that "Property Tax Reform" is not what it appears to be. It's not the tax reform he is seeking.

Mrs. Corby compared some of the City's priorities and asked whether we could re-word ours to tie in with the Florida League of Cities' priorities.

Mr. Schluckebier explained that Items 1 – 5 are local interest items with a local approach. Within Item 6, Mr. LaRusso has issue with several of the state league's initiatives.

Discussion continued on the Florida League of Cities' initiatives.

The question was called on the motion and the amendment. The roll call vote was:

Aye: Contreras, LaRusso, Thomas, Palmer, Meehan and Goode

Nay: Corby

Motion carried.

Mrs. Palmer asked if the City could send a letter to the Legislative Delegation voicing our opposition to the Florida League of Cities' water initiative ("...develop a process whereby

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all water user groups, including individual residential water well users, are required to pay for a proportionate share of the cost to develop alternative water supplies and sources...”) Without objection, Mayor Goode asked staff to draft a letter.

29. COUNCIL DISCUSSION RE: Development plan extensions.

From the agenda report: *This is a Council discussion item regarding the possibility of providing a time specific development plan extension due to the slow down in the development industry. If previously approved development plans expire, a substantial amount of City staff time and Planning and Zoning Board/City Council agenda time will be spent re-approving these plans. Additionally, applicants will be required to re-pay review fees for previously approved plans.*

There are three categories of development plans: plans with associated development agreements; plans approved prior to City Code changes in October 2006; and plans approved after the City Code changes in October 2006.

If City Council desires to enact extensions, staff will return with the appropriate mechanism (resolution).

Mayor Goode asked about the length of extension being proposed. Mrs. Dittmer explained that there are three categories of development approvals:

Development Agreements outline varying aspects of City Code requirements, including the expiration of the development plans. In most cases, these agreements are long-term and cover multiple years of approval. Due to the longer duration of these agreements, it would be reasonable to provide an additional period, such as up to a two-year extension for these projects, if they are amended to fall within the concurrency guidelines established by Code.

Development plans approved pre-10/2006 are allowed to continue through the development process as long as they proceed to the next step of the process without lapsing. These projects were not required to pay any capacity reservation fee and in most cases have not paid any amount towards impact fees. Due to the allowances under the former City Code regulations, it is difficult to pinpoint an exact expiration date for these projects. An additional one year allowance for plan approval on these projects with a requirement to pay the 10% capacity reservation fee at the end of the year or forfeit concurrency approval would allow the projects with potential to begin building during the next year.

The post-10/2006 development plans have paid the 10% capacity reservation fee and in some cases have come in to pay the 15% requirement for an additional year of approval. These projects are complying with the more stringent Code requirements already and could receive an additional year for development plan and concurrency adherence.

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Moved by Goode/Meehan to authorize staff to work with various types of development in recognition of market conditions and thereby strengthen City concurrency as well as avoiding re-permitting and rehearing of dozens of projects.

Mrs. Palmer pointed out that the motion is a general statement rather than specific direction. Mrs. Dittmer reviewed the information from her memorandum (outlined above).

The maker/seconded confirmed that the motion includes the specific detail from Mrs. Dittmer's memorandum.

Mrs. Dittmer confirmed for Mrs. Corby that if any project has a change that trips the threshold requirements, it would have to return for Council approval.

Regarding development agreements, Mr. Schluckebier clarified for Mrs. Palmer that the Code does make an allowance for up to seven years. It is an allowance, rather than a default time period. Most development agreements don't come anywhere near that time period.

The question was called. Motion carried unanimously.

30. COUNCIL ACTION RE: Board appointments

- a. Appointment of two regular members to the Architectural Review Board.

Moved by Palmer/Contreras to reappoint Joyce Miller and Thomas Wood. Motion carried unanimously. (Term: 2/26/2008 – 2/25/2011)

- b. Appointment of three regular members to the Melbourne Downtown Community Redevelopment Agency Advisory Committee.

Moved by Palmer/Contreras to reappoint Hazel Buggs, Wendy Brandon and Gerry Smith.

Mrs. Corby asked if future board appointment items could include information on how long an incumbent has served. The City Clerk replied yes.

The question was called. Motion carried unanimously. (Term: 2/23/2008 – 2/22/2011)

31. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mr. LaRusso thanked staff for the federal lobbyist report and asked that this be provided quarterly.

Mr. LaRusso referenced the recent shooting during a council meeting in Kirkwood, Missouri. Council observed a moment of silence in memory of the folks who were gunned down during the meeting.

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Mr. Thomas distributed information to Council regarding the Space Coast League of Cities Energy Efficiency Action Coalition, which would provide a forum for cities to communicate with each other on energy efficiency. He noted that he would like to bring this idea before the Space Coast League of Cities for consideration. A brief discussion followed.

Mrs. Palmer reported that Brighthouse Networks is requiring customers to have digital cable or purchase a box, which would enable them to view the government access channel. The Space Coast League of Cities would like all cities to send a resolution to Brighthouse asking them to not take any action that would limit access to televised government meetings.

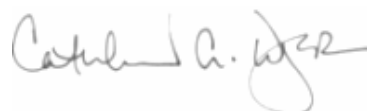
Mayor Goode asked staff to place this item on the next agenda. Mrs. Palmer said that time is critical and we need to let Brighthouse know now that we are opposed.

Without objection, Council directed staff to prepare a resolution. Mrs. Palmer confirmed for Mrs. Corby that the resolution would ask Brighthouse to not limit access to their customers for televised government meetings.

32. ADJOURNMENT

Moved by LaRusso/Contreras to adjourn. Motion carried unanimously.

The meeting adjourned at 9:35 p.m.



City Clerk – 2/21/2008

Approved by Council: _____