

CITY OF PALM BAY, FLORIDA

REGULAR COUNCIL MEETING 2020-23

Held on Thursday, the 2nd day of July 2020, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida.

Pursuant to Section 286.011, Florida Statutes, and Executive Order 20-69, this public meeting was conducted via communications media technology (teleconference/video conference).

The meeting was called to order at the hour of 7:04 P.M.

Councilman Santiago gave the invocation which was followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

MAYOR:	William Capote	Present
DEPUTY MAYOR:	Kenny Johnson	Present
COUNCILMEMBER:	Harry Santiago, Jr.	Present
COUNCILMEMBER:	Jeff Bailey	Present
COUNCILMEMBER:	Brian Anderson	Present
DEPUTY CITY MANAGER:	Suzanne Sherman	Present
CITY ATTORNEY:	Patricia Smith	Present
DEPUTY CITY CLERK:	Terri Lefler	Present

CITY STAFF: Present was Chris Little, Utilities Director; Traci Hildreth, Business Operations Manager, Public Works Department.

ANNOUNCEMENT(S):

Deputy Mayor Johnson announced the following vacancies and solicited applications for same:

- 1. Four (4) vacancies on the Community Development Advisory Board (represents 'for-profit provider', 'actively engaged in home building', 'employer within the City', and 'advocate for low-income persons').++**

This item, announced under Agenda Revisions, was withdrawn.

- 2. One (1) vacancy on the Community Development Advisory Board can represent one of the following: ('for-profit provider', 'actively engaged in home building', 'employer within the City', or 'advocate for low-income persons').++**
- 3. One (1) vacancy on the Youth Advisory Board (represents youth board member 'at-large' position).++**
- 4. Four (4) vacancies on the Disaster Relief Committee.++**
- 5. One (1) vacancy on the Citizens' Budget Advisory Committee (represents 'at-large' position).++**
- 6. One (1) vacancy on the Police and Firefighters Retirement Pension Plan, Board of Trustees.+**

AGENDA REVISION(S):

1. Ms. Smith advised that an amendment to the Employment Agreement for Lisa Morrell, City Manager, was added as Item 3, under New Business.
2. Mrs. Lefler announced that:
 - a.) Item 1, under Announcements, was withdrawn from the agenda.
 - b.) Item 4, under Consent Agenda, was inadvertently placed under the "Miscellaneous" category and should be reflected under "Award of Proposals". Additionally, the vendors under this item should reflect both Wade Trim and Infrastructure Solution Services.

CONSENT AGENDA:

All items of business marked with an asterisk were considered under Consent Agenda and enacted by the following motion:

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, that the Consent Agenda be approved with the removal of Items 3, 4, 6, 10, 11 and 12, under Consent Agenda, from consent. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

1. Award of Bid: Liquid Sodium Hypochlorite, Purchase/Delivery - IFB 57-0-2020 - Utilities Department (Allied Universal Corporation - \$175,576 (estimated annual expenditure)).

Staff Recommendation: Approve the award for liquid sodium hypochlorite, purchase/delivery, to Allied Universal Corporation (Miami), in the estimated annual amount of \$175,576, for a one-year term with the option to renew for an additional four (4) one-year terms, not to exceed five (5) consecutive years.

The item, considered under Consent Agenda, was approved as recommended by City staff.

2. Award of Bid: Culvert Pipe Replacement (Units 24 and 25) - IFB 60-0-2020 - Public Works Department (Timothy Rose Contracting, Inc. - \$273,270 (Unit 24); \$404,493 (Unit 25)).

Staff Recommendation: Approve the award for culvert pipe replacement in Units 24 and 25 to Timothy Rose Contracting, Inc. (Vero Beach), in the amounts of \$273,270 (Unit 24) and \$404,493.50 (Unit 25).

The item, considered under Consent Agenda, was approved as recommended by City staff.

3. Award of Bid: Mowing, City Parks - IFB 61-0-2020 - Parks and Recreation Department (Global Greenz, LLC - \$163,218).

Staff Recommendation: Approve the award for mowing of city parks to Global Greenz, LLC (Palm Bay), in the amount of \$163,217.73, for a one-year period with the option to renew for two (2) additional one-year terms; and approve a budget transfer of \$23,082 from Undesignated Fund Balance to cover Year 1 annual contract cost.

Bill Battin, resident, asked why the City would hire an outside company if it just purchased new mowers. Ms. Sherman said the City handled numerous mowing projects in-house, but said it was more cost feasible to outsource for these projects.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to approve the award for mowing of city parks to Global Greenz, LLC (Palm Bay), in the amount of \$163,217.73, for a one-year period with the option to renew for two (2) additional one-year terms; and approve a budget transfer of \$23,082 from Undesignated Fund Balance to cover Year 1

annual contract cost. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

4. Miscellaneous: Continuing Consultant Engineering Services - RFQ 36-0-2020 - Utilities Department (Wade Trim, Inc.).

Note: The item, announced under Agenda Revisions, was corrected to reflect the following: the agenda heading should be under “Award of Proposals” and not “Miscellaneous”; and the awarded vendors should reflect both Wade Trim and Infrastructure Solution Services.

Staff Recommendation: Approve the award for continuing consultant engineering services to Wade Trim, Inc. (Palm Bay), and Infrastructure Solution Services, LLC (Melbourne), in the estimated annual amount of \$600,000; and authorize staff to negotiate Master Consultant Agreements and establish hourly rate schedules for each.

Robert Reiss, President of Reiss Engineering, submitted a virtual comment. He said that his firm was one of three firms that were short-listed for this contract. Mr. Reiss explained why his firm should be awarded a continuing contract and included on the rotation list.

Kelcia Mazana spoke on behalf of Reiss Engineering. She asked that Reiss Engineering be awarded a continuing contract and included on the rotation list.

Ms. Sherman advised that Florida Statutes did not require that three (3) firms be chosen, only that the City had to negotiate with three (3) firms.

Mr. Little advised that only one firm had been selected in the past and, based on the workload, he was comfortable with only having two (2) firms. He said there were currently only four (4) projects. Mr. Bailey asked how staff determined which firm received which project. Mr. Little said the projects would be rotated and staff could negotiate a project with only one firm at a time. The companies could not compete for the same project. Mr. Anderson asked if staff was comfortable with having just the two companies should any emergencies arise. Mr. Little answered that emergencies were currently handled with one firm and he was okay with this service being awarded to two (2) firms.

Motion by Mr. Santiago, seconded by Mr. Bailey, to approve the award for continuing consultant engineering services as recommended by staff. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

5. Miscellaneous: "Cooperative Purchase", Cisco Security Solution (Omnia Partners contract) - Information Technology Department (Software House International, Inc. - \$213,938).

Staff Recommendation: Approve the cooperative purchase of the Cisco Security Solution, utilizing the Omnia Partners contract, from Software House International, Inc., in the amount of \$213,937.80; and approve the appropriation of funds on the next scheduled budget amendment in the amount of \$213,937.80.

The item, considered under Consent Agenda, was approved as recommended by City staff.

6. Resolution 2020-29, supporting the designation of a portion of State Road 514 (Malabar Road) for former Deputy Chief Lynne Nungesser.

The City Attorney read the resolution in caption only.

Bill Battin, resident, suggested naming the east section of the St. John's Heritage Parkway as it had not been named yet. He thought an ordinance had been adopted that was against renaming roads.

Motion by Mr. Bailey, seconded by Mr. Santiago, to adopt Resolution 2020-29.

Mr. Bailey advised that this portion of Malabar Road was not owned by the City so the City's ordinance would not apply. He said it was showing City support to the State. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

7. Resolution 2020-30, establishing procedures by which public virtual meetings shall be held for City advisory boards pursuant to Executive Order 20-69.

The City Attorney read the resolution in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

8. Ordinance 2020-40, amending the Code of Ordinances, Chapter 200, Utilities Code, by modifying abbreviations and definitions contained therein, first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

9. Ordinance 2020-41, amending the Code of Ordinances, Chapter 201, Sewer Use, Subchapter 'Pretreatment of Wastewater', by including provisions related to the dental amalgam program, first reading.

The City Attorney read the ordinance in caption only.

The item, considered under Consent Agenda, was approved as recommended by City staff.

10. Ordinance 2020-42, amending the Fiscal Year 2019-2020 budget by appropriating and allocating certain monies (third budget amendment), first reading.

The City Attorney read the ordinance in caption only.

Bill Battin, resident, said the City paid \$30,000 to purchase rights-of-way on Gaynor Drive which were not aligned as the City could not complete the closing on the sale of the land. He questioned preferential treatment between developers and residents with regard to sodding around Bayridge Subdivision. Ms. Sherman said there were issues with an owner regarding the right-of-way on Gaynor Drive, but staff was working on same. She would research the question related to sod.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve Ordinance 2020-42. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

11. Consideration of utilizing a Florida Department of Environmental Protection grant to conduct an environmental feasibility study for Turkey Creek (\$160,000).

Staff Recommendation: Approve the utilization of Florida Department of Environmental Protection Grant LPA 0067 to provide a Pre-design Feasibility Study report for restoring Turkey Creek to pre-1950 ecological condition and navigability under Project 20PW02, Turkey Creek Restoration Feasibility Study Engineering and Environmental Assessment; and authorize funding to account number 301-7090-539-3108 in the amount of \$160,000 until the grant reimbursement is received.

Peter Filiberto, resident, mentioned the grant would cover this project and asked how it would work. He was concerned that if the grant was denied, then the City would be liable for the \$160,000. Ms. Sherman explained that the request was to appropriate the dollars to hire a firm to conduct the feasibility study.

Motion by Deputy Mayor Johnson, seconded by Mr. Bailey, to approve the request as recommended by staff. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

12. Consideration of releasing the reimbursable grant funding allocated by the Tourism Development Council to be utilized for other priorities.

Staff Recommendation: Authorize the release of \$1.7 million reimbursable grant funding allocated by the Tourism Development Council to be utilized for other priorities.

Councilman Anderson requested the item be tabled as additional funding may be available from the Tourist Development Council.

Motion by Mr. Anderson, seconded by Mr. Santiago, to table the item to the August 6, 2020, regular Council meeting. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

13. Consideration of a Memorandum of Understanding with the School Board of Brevard County to assign school resource officers to school campuses within Palm Bay for the 2020/2021 and 2021/2022 school years.

Staff Recommendation: Approve a Memorandum of Understanding with the School Board of Brevard County, executed by the City Manager, to assign school resource officers to school campuses within Palm Bay for the 2020/2021 and 2021/2022 school years.

The item, considered under Consent Agenda, was approved as recommended by City staff.

14. Consideration of a letter of support for the Brevard County Prisoner Transportation Program.

Staff Recommendation: Approve a letter of support, executed by the Mayor, for the Brevard County Prisoner Transportation Program.

The item, considered under Consent Agenda, was approved as recommended by City staff.

15. Consideration of expenditures from the Palm Bay Police Department's Law Enforcement Trust Fund (\$3,500).

Staff Recommendation: Approve the expenditure of funds as specified in the City Manager's memorandum.

The item, considered under Consent Agenda, was approved as recommended by City staff.

16. Consideration of travel and training for specified City employees (Police Department).

Staff Recommendation: Approve the travel and training as specified.

The item, considered under Consent Agenda, was approved as recommended by City staff.

PRESENTATION(S):

1. Frank Watanabe, Public Works Director - Stormwater Fund and Fiscal Year 2021 Rate. Ms. Hildreth provided an overview for Fiscal Years 2018-2020; budget discussions for Fiscal Year 2021, along with planned projects; future goals; and the rate recommended by staff. She advised that the rate for Fiscal Year 2020 was \$148.13, with a total budget of \$13,113,175. The proposed rate for Fiscal Year 2021 was \$131.00, with a total budget of \$11,511,832. The proposed rate would be presented to City Council for consideration on August 6, 2020.

PUBLIC COMMENT(S)/RESPONSE(S): (Non-agenda Items Only)

Numerous individuals expressed concern about the homeless situation in the City and the need for a service center. It was requested that Council and staff coordinate with Tom Rebman.

1. Tom Rebman encouraged Council to work with him on addressing the homeless population in Palm Bay and requested a workshop to reorganize the Task Force. He said the Police Chief was currently in charge of the Task Force, but it was not a law enforcement issue. There were also no Palm Bay stakeholders on the Task Force.

2. Randy Foster, resident, said that there should be no playing of politics. If there was an issue with the City Manager, he felt it was any councilmember's right to ask for the City Manager's resignation. He said that unless the individual was a sworn, elected official, they should not be requesting the resignation of a Charter Officer, as had allegedly been done in the past.

3. Butch Orend, resident, questioned why the City did not mandate the wearing of masks.

Ms. Sherman advised that staff enforced the mask policy with City employees, but it was not required for members of public. Mayor Capote asked if it would need to be mandated by the State or County prior to municipalities implementing a policy. Mrs. Smith said the City could adopt a policy without it being mandated at the State or Federal levels. She said it would be difficult to enforce and resources would have to be dedicated to same, but it was legally possible.

Mr. Anderson said he had been in contact with local leaders from businesses and faith-based organizations to address homelessness. A tentative roundtable was scheduled for mid-July to draft a plan for a service center and other issues, such as emergency funding. He said that Mr. Rebman had been involved as well. Deputy Mayor Johnson suggested including the Community Development Advisory Board and supported a workshop to further discuss homelessness. Mr. Anderson asked that the workshop be held off until he brought back information.

PUBLIC HEARING(S):

1. Ordinance 2020-37, rezoning property located west of and adjacent to Goldcoast Road, in the vicinity north of Malabar Road, from RS-2 (Single-Family Residential District) to RC (Restricted Commercial District) (0.54 acres)(Case CPZ-6-2020, Masone Properties and Development), final reading (Quasi-Judicial Proceeding).

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-37. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Ordinance 2020-38, vacating a portion of the rear public utility and drainage easement located within Lot 30, Block 727, Port Malabar Unit 16 (Case VE-8-2020, Gary and Avril Gordon), final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened. The applicant presented the request to Council. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-38. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

3. Ordinance 2020-39, amending the Code of Ordinances, Chapter 52, Boards, Subchapter 'Community Development Advisory Board', by revising provisions contained therein, final reading.

The City Attorney read the ordinance in caption only. The public hearing was opened and closed as there were no comments.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to adopt Ordinance 2020-39. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

4. Ordinance 2020-29, amending the Code of Ordinances, Chapter 174, Floodplain and Stormwater Management, Subchapter 'Stormwater Management Utility', by revising provisions contained therein (Case T-14-2020, City of Palm Bay), final reading. (CONTINUED FROM RCM - 06/18/20)

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council. She advised that an amendment to the rate resolution would be presented to Council at the August 6, 2020, regular Council meeting.

Bill Battin, resident, did not want to see the past repeat itself with regard to handling a fund that was paid for by the residents. He also did not see a grievance procedure. He understood what this accomplished for the City, but he would rather pay a higher fee for a short period of time rather than a smaller fee for years and years.

Janice Crisp, resident, had concern with Council considering the item when public attendance was limited.

The public hearing was closed.

Motion by Mr. Anderson, seconded by Deputy Mayor Johnson, to adopt Ordinance 2020-29.

Mr. Anderson said that although this was needed, he was not happy with how it was done but felt staff had done a great job. The rate of \$131 was less than before so progress was being made in bringing down the costs to the residents, but he wanted to negotiate it lower.

Deputy Mayor Johnson agreed with Mr. Anderson and wanted to see the rate lowered as well.

Mr. Bailey asked the ERU rate for capital projects only, not for the operational maintenance. Ms. Hildreth said the rate of \$131 was for pipe projects, related staff to those projects, and capital projects that would be sent out through the Request for Proposal process. She said staff discussions included moving canal maintenance (\$500,000 annually) into the General Fund but as pipes were installed, canals had to be cleared. The \$500,000 would handle three (3) to five (5) canals. Mr. Bailey asked if Section 174.092(a)(1) of the ordinance could be amended to reflect that the stormwater utility fee would be used only for capital projects. Mrs. Smith said the amendment should not be to that section, but a provision should be included under Subsection 2 which explained the use of the stormwater utility fees. Mr. Anderson suggested putting the figure in the budget.

Mr. Santiago was okay with the ordinance as is and also agreed with moving some of the funds into the General Fund. He said that the Road Program would not be as successful without the stormwater program. He wanted future Councils to keep an eye on this and ensure that the stormwater maintenance portion continues to be funded.

Mayor Capote supported the ordinance as written as it would eventually get smaller and smaller as capital projects were completed.

Mr. Bailey clarified that resolutions as well as user fees could be changed in the future. He said it was not about moving stormwater revenues to General Fund but moving General Fund monies into the Stormwater Fund. The question was whether to use a fee exclusively to place in the fund or use general revenue and a fee. He was suggesting a fee for capital and General Fund revenues be put into the Stormwater Fund for maintenance.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

5. Ordinance 2020-43, amending the Code of Ordinances, Chapter 184, Subdivisions, by removing the requirement for recordation of the subdivision plat prior to the issuance of building permits for model homes and developer owner/builder homes (Case T-13-2020, City of Palm Bay), first reading.

The Planning and Zoning Board recommended that the request be approved, subject to the comments contained in the staff report.

The City Attorney read the ordinance in caption only. The public hearing was opened. Ms. Sherman presented the request to Council.

Bill Battin, resident, asked what would stop developers from calling every home a model home or a speculation home. The public hearing was closed.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago to approve Ordinance 2020-43. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

UNFINISHED AND OLD BUSINESS:

1. Appointment of one (1) member to the Melbourne-Tillman Water Control District.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Joseph Hale to the Melbourne-Tillman Water Control District. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Appointment of one (1) member to the Citizens' Budget Advisory Board.

The individuals were rated by the City Council due to the number of applications exceeding the number of vacant positions. No. 1 represented the first choice of each councilmember and so on. The individual(s) receiving the lowest number(s) to the position(s) were considered for appointment to the board.

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Janae Beauchamp to the 'at-large' position on the Citizens' Budget Advisory Board.

Mr. Bailey asked that the votes from the rank sheet be announced. Mrs. Lefler announced same.

Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

COUNCIL REPORTS:

Councilmembers addressed various subject matters.

1. Mr. Santiago asked that Council receive monthly reports on the collection rate once the stormwater fee was implemented. Council concurred.
2. Deputy Mayor Johnson advised he was working with United Way on an emergency response team to assist with installation of hurricane shutters.

NEW BUSINESS:

1. Selection of a councilmember to serve on the Community Development Advisory Board.

Motion by Mr. Anderson, seconded Mr. Santiago, to select Deputy Mayor Johnson to serve on the Community Development Advisory Board. Motion carried with members voting as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

2. Selection of a councilmember to serve on the evaluation committee for selection of State Lobbyist Services.

Councilman Bailey and Deputy Mayor Johnson were selected to serve on the evaluation committee as the primary and alternate, respectively. Motion carried with members voting

as follows: Mayor Capote, Yea; Deputy Mayor Johnson, Yea; Councilman Santiago, Yea; Councilman Bailey, Yea; Councilman Anderson, Yea.

Note: There was no official motion and second on this item. Council concurred with the selection and then voted on the item.

☛ 3. Consideration of amendment to Employment Contract with Lisa Morrell, City Manager (Councilman Anderson); appointment of Interim City Manager.

Note: This item, announced under Agenda Revisions, was added to the agenda.

Councilman Anderson said that he had been approached by numerous individuals advising of issues they had with the City Manager. The individuals said they would be communicating with the other members of Council as well. He felt the issues had to be addressed and he met with Mrs. Morrell and the City Attorney. He had presented this agreement to Mrs. Morrell as he felt there were some issues that could not be overcome, and Mrs. Morrell executed the agreement. The agreement was being presented to Council for final approval.

Individuals spoke for and against this issue. Comments included that Mrs. Morrell was doing a good job and should not be let go; Ms. Sherman should be made Acting City Manager until the new Council was sworn in; and no decisions should be made until after the November election.

Motion by Mr. Anderson, seconded by Mr. Santiago, to approve the amendment to employment contract with Lisa Morrell, City Manager.

Mr. Anderson said he had approached Mrs. Morrell privately out of respect and did not think it was appropriate to present the issues at the dais. He did not intend on hiring a new City Manager at this point and felt that the new Council should do so after the election. As he had initially negotiated her contract, he felt he owed it to Mrs. Morrell to speak with her directly. He took no pleasure in presenting this item but had little choice.

Mr. Santiago felt that the deal was sealed once Mrs. Morrell signed the amended contract. He said that under the Council-Manager form of government, a City Manager's employment typically lasts between three and five years. If future Councils wanted individuals to last longer in that position, a strong Mayor form of government may be beneficial. He agreed with Mr. Anderson and felt that Mrs. Morrell would be leaving in good standing which had been done in the past. He also agreed that the new Council should select the City Manager, but current Council could start the process.

Deputy Mayor said he was caught off-guard by this item and wanted to hear the reasons but understood it was to keep Mrs. Morrell in good standing.

Mr. Bailey asked Councilman Anderson to explain the terms in the addendum and why he felt it was needed in addition to what was within the existing contract. Mr. Anderson said the terms were the same except the \$5,000 of Administrative Pay which was not within the current contract. He believed Mrs. Morrell did the best job she could in the situation she was given. Mrs. Smith confirmed that all payouts would be due to Mrs. Morrell pursuant to the contract or the Administrative Code, except for the Administrative Pay. Mr. Bailey asked why Councilman Anderson wanted Mrs. Morrell to resign. Mayor Capote said there should be a sense of professionalism and that Council should not attack Mrs. Morrell's character. Mr. Bailey said he asked the question of Councilman Anderson and the public had the right to know. Mr. Anderson said that Council had plenty of time to review the agreement and speak to Mrs. Morrell and he was not going to publicly besmudge her character. Mr. Bailey said he had spoken to Mrs. Morrell and her intent was to stay and did not willingly want to leave. She agreed with the contract should Council decide to go in that direction. He felt that councilmembers were letting themselves off the hook and relieving themselves of any responsibility of actually having their own reasons as to why Mrs. Morrell should be fired. Mr. Anderson said he went to Mrs. Morrell, voiced his concerns and said he did not want to present it at the dais as he did not feel that was fair to her. Mr. Bailey said it was not fair to have this pre-negotiated behind the scenes. He questioned how Councilman Anderson knew that Council wanted to remove Mrs. Morrell. He felt that inappropriate action was taken.

Mr. Santiago called for a Point of Order to call the question.

Motion by Mr. Santiago, seconded by Deputy Mayor Johnson, to call the question based on the Point of Order.

Motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

The original motion carried with members voting as follows:

Mayor Capote	Yea
Deputy Mayor Johnson	Yea
Councilman Santiago	Yea
Councilman Bailey	Nay
Councilman Anderson	Yea

Motion by Deputy Mayor Johnson, seconded by Mr. Santiago, to appoint Suzanne Sherman as Interim City Manager until the new Council was elected, and Deputy Mayor Johnson would negotiate Ms. Sherman's contract.

Deputy Mayor Johnson said that he preferred for the new Council to appoint a permanent City Manager as they would be working with that individual.

Mr. Santiago asked if an Interim Deputy City Manager would be selected by Ms. Sherman. Mayor Capote said that the Interim City Manager would select their own Interim Deputy City Manager. Council was not involved in that appointment.

Mr. Bailey recalled that the interim could only serve for six (6) months. He asked that before appointing an interim, for which a contract was not needed, Council should appoint Ms. Sherman as Acting City Manager until the next meeting. Mr. Santiago agreed and withdrew his second to the motion. Deputy Mayor Johnson withdrew his motion. Mr. Anderson asked if Ms. Sherman would still be able to appoint an Acting Deputy City Manager at this time. Mayor Capote confirmed same.

Mr. Anderson asked for comments from Ms. Sherman. Ms. Sherman said her only concern was that she would not have a contract and that if she hired a Deputy City Manager and she was not selected as the permanent City Manager, she would no longer have the position of Deputy City Manager to return to. She felt a contract would allow her the opportunity to retain the Deputy City Manager position if she was not selected as City Manager. Mr. Bailey stated that pursuant to the Administrative Code, Ms. Sherman could appoint someone to serve as Acting Deputy City Manager and that individual would revert back to their previous position.

Council concurred to have Deputy Mayor Johnson negotiate a contract with Ms. Sherman.

ADMINISTRATIVE AND LEGAL REPORTS:

1. Ms. Sherman requested a workshop to discuss the noise ordinance on Thursday, July 9, 2020, at 6:00 P.M. Council concurred.

PUBLIC COMMENTS/RESPONSES:

Individuals made general comments.

1. Bill Battin, resident, did not agree with a strong Mayor form of government. He preferred five (5) separate votes on issues.

2. Butch Orend, resident, expressed concern with Councilman Anderson speaking with a gentleman, changing his mind regarding Item 3, under New Business, but Councilman Anderson would not share the information with the public.

Mr. Bailey said that a comment was made that the item regarding Mrs. Morrell was handled professionally. He felt that the professional way to handle it would have been to bring forth a resolution of no confidence for Council's consideration.

Mr. Santiago clarified that with a strong Mayor form of government, there would still be five (5) councilmembers. The difference was the Mayor was voted in as the administrator for the City.

ADJOURNMENT:

There being no further business, the meeting adjourned at the hour of 10:06 p.m.

William Capote, MAYOR

ATTEST:

Terri J. Lefler, DEPUTY CITY CLERK

☞ Indicates item was considered out of sequence or added to the agenda.