



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Special City Commission Meeting

Thursday, November 19, 2020

4:00 PM

Deltona Commission Chambers

- A. In an effort to reduce the possibility of exposure of residents to the COVID-19 (Coronavirus) we have limited public seating inside the Commission Chambers and are practicing social distancing with the City Commission, staff and residents.

Mayor Herzberg asked the City Clerk to read the motion again which she did.

Mayor Herzberg stated that the Commission will have to put someone in at some point as the City Manager, but Dr. Cooper is the Deputy City Manager can still run things, but the Commission will have to go ahead at some point and make a decision on who they want as a City Manager.

1. CALL TO ORDER:

The meeting was called to order at 4:00 p.m. by Mayor Herzberg.

2. ROLL CALL – CITY CLERK:

Present: 8 - Mayor Herzberg
Vice Mayor Bradford
Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa
City Attorney

3. PLEDGE TO THE FLAG:

Commissioner King led everyone in the pledge to the flag.

4. BUSINESS:

- A. Interim City Manager discussion.

Mayor Herzberg stated at the last meeting there was a request to have a Special Commission Meeting to discuss the future direction of the Interim City Manager position and she asked if anyone would like to start off the discussion.

Commissioner McCool stated she requested the meeting because she has been asked questions regarding the Interim City Manager position, the City Manager search and the upcoming selection of a new City Manager. Her biggest concern that she does not feel that the Commission has done a good job post mortem with regards to the prior City Manager and there is a lot of leftover ill-will from that administration. The Commission has not thoroughly discussed what the expectations are of the City moving forward, the Commission's vision for the future, and how the City is building and growing for the future. She works well with the Interim City Manager and she does not have a problem with Interim City Manager Dr. Cooper's experience except for experience here with Deltona and just long term experience. Until the Commission rids itself of all the rumor, conjecture and ill-will in the public and the Commission speaks openly that it will still carry around some dead weight of the old administration. It is her belief as Commissioner that the City is moving into a new time with growth and development and the Commission needs to make sure that it understand where it is wanting to go as far as infrastructure, economically, ecologically and being good steward of the land that is being developed. She believes that it has to be a new era regarding the City's Code Enforcement because there are things that have gone on in Code Enforcement that she has heard from residents. Some of the items she wants in a City Manager is integrity, honesty, not a micro manager and a good communicator.

Vice Mayor Bradford stated she thinks Interim City Manager Dr. Cooper is a great individual, but she does not feel that he is the person for the City Manager position. The City went to having no meetings due to COVID-19 to very few meetings and at that time she brought up her concerns like "What is going on with the City? Who is making decisions? Why was this decision made? Who proved that?". She too is finding information out from residents that the Commission should have voted on, talked about and made decisions on. The first time this was brought up was when July 4th was cancelled and the funds would be used for something else. That is a decision that the Commission makes and the Commission's job is to give the City Manager direction so it can be taken to the next step. She does not feel that the Commission is running the City or making decisions and the Commission is in the dark. She questioned how many Commissioners knew the Christmas parade was cancelled because the Commission found out when a budget item was presented that said the funds would be used to do lighting outside. There has been a lack of meetings, the lack of requests for workshops and not having any so who is making decisions.

Mayor Herzberg stated this meeting is to find someone who has the skill set to move Deltona forward. The Commission needs to look at itself and realize that the Commission has systemic issues in the City and for years there has been a bureaucratic mindset. When there is a bureaucratic mindset you say "Oh well who is going to fire me if I take the same conscious approach and don't make a decision or if I take the safe way and have another meeting and another workshop and will start another group. Take a conservative option every single time and never put my neck on the line." Over time the City has grown in population, but not in mindset. There is less and less accountability. The Commission has not held the managers accountable. They in turn have not held their staff accountable. The City cannot continue like this with no decisions being made and kicking the can down the

road again, again and again. She asked how many opportunities has the City missed and lost over time with this mindset. Today is the time to look forward and to look inward. This Commission has decisions to make, not today and if not today then in the future. The City is on the cusp of doing really good things and do not have the luxury to sit back and just hope things go away and change happens. This is a systemic problem that has been going through the City since the 10 years that she has been here. The same problems that she encountered when she got elected 10 years ago, 90% of them exist today. One way or the other no matter what happens today or in the future, she is going to request that this Commission start with a strong evaluation of any person that is put in as City Manager. In January or February she asked Interim City Manager Dr. Cooper twice for a true up of all the City's finances for every department, every account, for capital and capital projects and the Commission concurred, but the Commission did not get it and did not follow up. The Commissioners are all responsible for those kinds of failures. The Commission cannot expect from the manager what the Commission does not hold them accountable for and the Commission cannot expect the manager to hold their employees accountable. It will be her goal over the next two years to use one word in this City and that is accountability which starts here and it starts now. The Commission cannot expect anything different than what it has had in the last 10 years if it does not hold itself and the Charter Officers accountable.

Commissioner Avila-Vasquez stated she is happy to hear the Mayor echo what she had mentioned a while back here on the dais. The Commission needs to take responsibility for whatever is going wrong in this City because the City Manager runs under the direction of the Commissioners. If for 10 years the City has been having these problems, shame on the Commission and the previous City Manager for not taking the first step to correct it and continue to point a finger at others. The year 2020 is a very bad year for the City. The Interim City Manager was put in a position in a very critical year with a pandemic that is still getting worse. He was put in the position at the last minute with having to put a budget together while being short staffed. It is very easy for somebody who has not been a manager of such a large corporation to sit back and point a finger, judge and demand. It is very easy for somebody who has never ever been a manager to sit up here and point a finger without sitting down with that person to go over and trying to correct what the problems are. One of the rules that she always follows was if she had a staff member who was failing she would try to figure out why and sit down with them to figure it out, but if that did not work then shame on the employee. To accuse a staff member regardless of who they are or their position for not doing a good job without even sitting with that person and identifying what the problems are. The Commission needs to figure out how to correct the problem and how to move forward. It is very unfair, she would never do that to any staff member and she was a manager for 30 years. In those 30 years she fired one employee even after giving them the opportunity to send him for training, but she always gave staff the reasons why you are not happy with them, what is it that is being done wrong, is she missing something as the manager or as the department head and what the person is missing that they cannot do a good job. It is hard for a staff person to sit in front of people and get accused and belittled. There is a professional way of talking to people and bring up the wrongs in a professional manner. The Commissioners are nobodies up here and to think that we are higher because we are Commissioners than the regular staff, the

Commission is no better than they are and the Commission needs to start treating staff with respect. Staff are the pillars of the City and the Commission can sit up here and give all the orders that they want, but if they do not do the job the Commission would fall flat on their (profanity). So stop pointing fingers and start fixing the problems because no matter who the Commission puts in the position the Commission will still have the same problems. Let the City Manager manage the City and let the Commissioners do the job of the Commission which is to lead a City Manager to do the good job in the City.

Vice Mayor Bradford stated she has brought up on numerous occasions openly from the dais to have transparency. She does not choose to go to a weekly meetings with somebody to tell her how to vote. Her job is to read the agenda and do research on the agenda. If she has questions regarding an item on the agenda she will contact the manager and ask the necessary questions, but she is not going to meet with somebody and not have to read the agenda because that is her job. Her problem with Interim City Manager Dr. Cooper is the lack of understanding the position as the City Manager. The managers guidance comes from the Commission, but all of the individual Commissioners cannot give the manager direction and the only place this can be done is from the dais in a meeting. So if the City is not having meetings then the Commission does not know.

Mayor Herzberg called for a five minute recess at 4:21 p.m. and she asked that the Commissioners be respectful to one another or she will adjourn the meeting.

Vice Mayor Bradford stated her problem is, the City Manager's role which is that if something comes up the manager is to bring it to the Commission and the Commission sets up workshops and meetings to discuss the issue and come up with a solution. Then the Commission gives the manager direction and then the manager goes to staff who comes up with the way that it is going to happen. Maybe after having more experience as Deputy City Manager and in government, then Interim City Manager Dr. Cooper she thinks would be awesome, but at this point the city needs somebody who is very highly trained in City government. The Commission put a Strategic Plan together that the City Manager is expected to follow, but if decisions are being made that are not coming before the Commission then those decisions are being made that do not follow the Strategic Plan. She has heard many times about performance evaluations, that is accountability. The Commission is here to make sure the City is run effectively and efficiently. When items come up they need to go before the Commission and the Commission needs to discuss what is next, what is the game plan. The CARES ACT was another disappointment to her because there was a workshop where the Commission discussed that staff needed CARES Act funding and funding was going to be put in place specifically for that, but when it came back to Commission that was not even done. The Commission gave clear direction, but the direction was not followed, that is insubordination. If a member of staff did that they would have been terminated. At the crucial stage that the City is at it needs somebody with more experience.

Motion by Vice Mayor Bradford, to have Dr. Cooper terminated and have another person put in charge as the Interim City Manager. The motion failed for lack of a second.

Motion by Vice Mayor Bradford, seconded by Commissioner Sosa, to have Dr. Cooper demoted to Deputy City Manager.

Mayor Herzberg asked if Interim City Manager Dr. Cooper would like to speak or if he wanted to wait and Interim City Manager Dr. Cooper replied he would wait.

Commissioner Ramos stated this can apply to the motion or whatever happens after this motion, it has been mentioned before and it is nothing new, but it is about a process. Until the Commission has a process to give direction in which the Commission can evaluate accountability it is always going to be a challenge because each Commissioner has a different scope. Whether the Commission demotes Interim City Manager Dr. Cooper or if the Commission fires him and regardless of whomever the Commission puts in that position the Commission better come up with a process so that it does not have these conversations again. The Commission keeps talking about being in a cross road, but again it is the Commission who are making these decisions and yet there is no process to it. Without this process every single one of the Commission is trying to manage this however they think they should be. He mentioned this before with the previous City Manager that there was no process for her so she ran the City how she felt it needed to be run, good or bad and the Interim City Manager is moving the City on how he feels it needs to be moved. Until the Commission has that process, direction and an evaluation the Commission can forget about accountability and it is all going to be personal.

Commissioner McCool stated the City's personnel policy 6.3 discusses in depth about performance evaluations which is there to measure and keep track of performances within the City. People who do well should have merit based raises, but the City does not have evaluations done. She is sure that it is hard for Interim City Manager Dr. Cooper to try to serve seven masters, each one with their own pet projects and agenda. There is a reason that there are seven different Commissioners instead of cookie cutters and that is because each Commissioner has different philosophies on business, residents and different personalities. On the dais she will never attack a person, but she will attack policy and the City's policy "sucks". It has left the Commission up to its own decisions about what the Commission thinks a performance evaluation is and she thinks that Interim City Manager Dr. Cooper is young in his City experience and that he will grow with the right instruction. Her job is to listen to her residents and to speak on behalf of the majority of her residents which is what she tries to do and to maintain her integrity while doing it. The City is going to fail every single time if the Commission does not get on top of this policy. The City needs a good old fashion house cleaning and somebody to come in here that is able to do that, to do it in a professional manner, that is able to know where all of the skeletons are buried here and to understand how to get the City moving forward. That is why she did not second the motion because she did not hear a consensus on an option. It is stupid to not talk about the elephant in the room, Mr. John Peters, who has been in municipal services for a long time, he understands what his skill set is and she does not know what everyone else thinks about that, but he would be a great person to come in and clean house.

Commissioner Sosa stated he has not been here long, he has dealt with Interim City Manager Dr. Cooper for approximately two weeks now and any time he has had a question

as a Commissioner he has responded in a very timely manner and has been very professional. He has talked to several staff who have come in to see him just to say that Interim City Manager Dr. Cooper is a great guy and they get along well with him. That being said, he answers to the residents of District 6 and since Monday's meeting he has met with several residents who called him wanting to meet and he has had some messages regarding certain issues. He did meet with several residents some of the key concerns are that there is no closure to a problem. His belief is Interim City Manager Dr. Cooper has done an excellent job putting out fires, but he has not done anything to stop the fires from happening and that is where his decision is based off of. The City needs somebody to be proactive to stop the fire from happening. A City the size of Deltona with almost 100,000 residents something is always going to happen, but the key word here today is that there are no procedures in place. He and Interim City Manager Dr. Cooper talked about evaluations, if there are no performance evaluation and there is a standard raise across the board nothing happens and it diminishes the person actually working. The Commission needs to sit down and come up with a set of guidelines that the City Manager should follow. He asked Interim City Manager Dr. Cooper what he had done policy wise for the City and one of the major issues is the City has been fighting COVID-19 and as a City precautions had to be taken against the citizens. He has a real issue with having open meetings and locking the residents out and several messages were received, but they were not read into the record. If someone sends a message regardless if the person attends the meeting, the message should be recorded. The Commission needs to represent those residents who are unable to attend a meeting. Some of the main issues that need to be addressed are over development, commercial opportunity and Code Enforcement.

Vice Mayor Bradford stated that Mr. Peters would be a great asset, she has done some research on other cities where he was at and some of the changes that he made in those cities. He is very diverse in many different departments which is also extremely good to have including his experience. It is critical that whoever the Commission appoints that a workshop is set up immediately so the Commission can sit down and go over its expectations and what the Commission wants. This will set the next manager up for success.

Commissioner Avila-Vazquez asked for clarification from the City Attorney, this happened once before, and it is happening again. Commissioners on the dais are interviewing somebody for the City Manager position or suggesting. She asked if that was acceptable because the City is hiring outside headhunters to look for somebody to fill that position, but yet once again for the second time there are Commissioners telling everyone who they want to hire for this position when Commissioners do not have the authority to do that at the moment. City Attorney Fowler replied it is not illegal, but whether or not it is appropriate or acceptable that is the Commission's decision. Commissioner Avila-Vazquez asked if that would be something considered under the Charter, malfeasance and City Attorney Fowler replied he does not think so, but what section is she referring to. Commissioner Avila-Vazquez stated it is number 11 of Section 5 of the Charter and City Attorney Fowler replied no he does not think it is because the question is to who the City Manager could or should be is particularly a decision for the Commission and nobody else. The Commission

can receive comments and everyone has their opinions, but the Commission has the decision.

Commissioner King stated he meets with the Interim City Manager every time there is a meeting, prior to that. He is offended that anyone would say that he goes into those meetings looking to find out how he should vote. Most of the time he is in disagreement with a lot of things that happen and his vote shows that. He has the meetings so he can have a better understanding of what the subjects and topics are for the meetings and he still goes home and reads his book. He certainly, at this point, does not have a problem with Interim City Manager Dr. Cooper. Since he has been here he has been in his office on a few occasions to express his disappointment on things that the manager has done. It is important that when each one of the Commission has an issue to make that issue clear to whoever is in the position. He looks at leadership a little differently because most of the positions of leadership that he has been in have not been paid positions, but he has a lot of people that work for him and when somebody does something that he is in disagreement with his first move is to always go to that person and have a discussion. He is not in favor of coming into an open meeting like this and blasting somebody with his concerns. When the whole picture is taken into account he thinks Interim City Manager Dr. Cooper has done a pretty good job given the circumstances and the situations that he has been placed in since March. He has had conversations with Interim City Manager Dr. Cooper about things he does not like, but this should be taken into consideration before the Commission makes a decision tonight. To deal with all of the COVID-19 stuff that trickles down from the State, Volusia County and Federal Government and then try to do everything else the Commission has asked him to do, he does not think there is one person who could get it all done. He does not think there is one person on the dais that could get it all done. It is unfair to move Interim City Manager Dr. Cooper out of the situation and the position he is in. The thing to do is to keep things the way they are, get a plan and policies in place, bring in the new City Manager and at that point the new City Manager will not want Interim City Manager Dr. Cooper here, but that is that person's decision. Interim City Manager Dr. Cooper might not like the person the Commission picks and he might want to leave. Whether the Commission moves Interim City Manager Dr. Cooper tonight is not going to make any difference in the way this City runs because the Commission has no policy and no plan and until the Commission has that it has nothing except that a man sitting over there trying his best to do everything that the Commission has asked him to do. He asked for a consensus that the Commission agree to go back to doing business the way it used to, have plexiglass between the Commissioners on the dais, provide more for residents in the chambers and do business the way the Commission has in the past. To fire Interim City Manager Dr. Cooper or to demote him is not going to make any difference right now, he is convinced of that.

Commissioner McCool stated she also meets with Interim City Manager Dr. Cooper every week and there is not a phone call, email or resident concern that has not gone unaddressed. This is not about personality, but policy. She has nothing but good things to say about what Interim City Manager Dr. Cooper has done. She is a firm believer to critique in private and prays in public. The City's issues did not begin with COVID-19 and she is

grateful for what Interim City Manager Dr. Cooper has done. The discussion is about moving the City forward with experience and policy. Interim City Manager Dr. Cooper has put out a lot of fires, he is young in his career, his resume reflects his experience, he puts in a lot of research/work and he is dedicated to moving upward. She is talking about moving forward where she has that unwavering confidence about policy and procedure and building on it. She does not think that there is a recorded or spoken thing from her disparaging Interim City Manager Dr. Cooper. Her only concern here has been about how the City must move forward right now in the interim because the Commission cannot even select a search firm company that is going to pick the City Manager until the Commission understands what it is they are doing moving forward. Interim City Manager Dr. Cooper's staff admire him and his staff works well with him, but this is not about that for her.

Mayor Herzberg stated there has been a lot of discussion back and forth and it is obvious that several Commissioners are not happy and want to see a change, but other Commissioners do not want to see a change. She put a brief PowerPoint presentation together showing items she requested updates on to include financial update - no update provided, capital update - no update provided, CRA (Community Redevelopment Agency) update - no update provided, CRA sidewalk - no update provided, COVID-19 information/stats - no update provided or continually changing numbers provided, update employment status of key employees - no update provided, status of outside employment request forms - no update provided, evaluations - no update provided, facility use fees - no update provided and other items where the City has not been following its own policies and the Commission not receiving information. These are things that the Commission should be holding the manager accountable for, questions that have been asked and issues that have been brought up, but not addressed. There have been multiple times Commissioners have asked for things over the years that just get glossed over or not brought forward.

Mayor Herzberg asked if Interim City Manager Dr. Cooper had anything he would like to say. Interim City Manager Dr. Cooper thanked the Mayor and Commission for their comments. This has been a very difficult year, extremely difficult. Someone said it is harder serving seven masters especially from the beginning when he was dealt a raw hand. He has been dedicated to the City, he has been working hard for the City, and he has not asked staff to do anything that he would not do. Yes he does go to Bonkers and community meetings to support Deltona, he does a lot of things. He thanked the Commission for all the kind things they have said. He will confer with the City Attorney after, but he would prefer to put his things in writing.

5. PUBLIC FORUM: Time permitted, public comments shall be limited to items on the agenda and shall not exceed two minutes. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

Richard Bellach, 1665 South Acadian Drive, Deltona, spoke in favor of Interim City Manager Dr. Cooper, code of ethics, Commission boundaries, Commissioners arguing, the people, the prior City Manager, The Center, roads, Deltona Water, what is important, having pride in the City, staying on topic, and Food Lion stores.

Cheryl Atkins, 2726 Sedgefield Avenue, Deltona, spoke in favor of Interim City Manager Dr. Cooper, being an employee, the Commission over the last 10 years, being entitled to her opinion, the City Manager's job descriptions, and employee morale.

Mike Chimento, 955 S. Dean Circle, Deltona, spoke in favor of Interim City Manager Dr. Cooper, difficult year, open door policy, being responsive, Commission issues, Deltona being 25 years old, Dr. Cooper not being the problem, infighting and rude comments, unprofessionalism, making something happen, qualifications, and providing tools for success.

Resident 1776, gave a quote from Patrick Henry, spoke about his experience with the manager, being ignored, residents outside a meeting, enlightening the Commission, legal cases, Code Enforcement, Florida Statutes, and emails.

Elbert Bryan, 1625 Joyner Drive, Deltona, spoke about managing fires, direction, communication, non-answered questions, being dedicated, the prior City Manager, the Interim City Manager, thinking about the decision, and when to replace the manager.

Jennifer Chasteen, 662 Mosquero Avenue, Deltona, spoke about accountability, predetermined notion, career life span of City Managers, prior City Manager, existing problems, pointing fingers, earning a position, potential candidates, mud slinging, professionalism and the City Attorney.

Terri Ellis, 1620 W. Akron Drive, Deltona, spoke about an email she sent, organizational problems, succession planning, evaluations, coaching, prior City Manager, post mortem events and discussion, new hire process, and the next City Manager.

Mayor Herzberg closed the public comments.

Mayor Herzberg asked the City Clerk to read the motion again which she did.

Mayor Herzberg stated that the Commission will have to put someone in at some point as the City Manager, but Dr. Cooper is the Deputy City Manager can still run things, but the Commission will have to go ahead at some point and make a decision on who they want as a City Manager.

The motion carried by the following vote:

For: 4 - Mayor Herzberg, Vice Mayor Bradford, Commissioner McCool, and Commissioner Sosa

Against: 3 - Commissioner Avila-Vazquez, Commissioner King, and Commissioner Ramos

Vice Mayor Bradford staff wise to appoint an Interim City Manager she would like to have a discussion in regards to putting Mr. Peters in that position if he would be willing to accept and she asked if anyone else was interested in that.

Commissioner McCool stated this is a really difficult situation, she admires Dr. Cooper, she cannot say anything bad, but for her it is about experience. The Commission needs experience writing the policy and procedure that is going to allow the Commission to move forward as a City. The Commission has asked for that for a couple of years. The Commission has failed the residents and writing policy and procedure and the Commission needs that extra level. She wants to be able to go to bed tonight, be able to look at her residences and know that she tried to make the best decision possible. She wants to be able to look at Dr. Cooper and tell him she admires his character. It is the policy and procedure that has her hung up because she comes from a corporate background and the Commission needs that level so that is why she voted the way that she did and she agrees with moving forward that way.

Commissioner Ramos stated he voted the way that he did because he felt that unless the Commission takes care of policy and procedure the Commission is going to find itself in a situation again. It is the Commission's responsibility and not the person in the manager position to create this policy and procedure, the direction, that the Commission wants the City to go. He is open to work with whomever is in the City Manager position and there will be times of disagreement, but he definitely does not want someone that just says "yes sir". He wants someone who is willing to tell the Commission not what it wants to hear, but what it needs to hear. He wished Dr. Cooper success and good luck in whatever decision he makes, but he thinks as a Commission the Mayor, Vice Mayor and Commissioners better start looking in the mirror and realize what is it that the Commission really wants because sometimes the Commission needs to be cautious of emotional decisions that are made and start being practical about what the Commission is doing so the Commission can actually move the City forward.

Mayor Herzberg stated both Commissioner McCool and Vice Mayor Bradford had a discussion about what they want to do as far as the next steps, Mr. Peters was mentioned, but the first thing that has to be done for anybody that sits in that position is an evaluation form. She recommended that no matter what happens tonight the manager has to have a public evaluation in three months, six months, nine months and at one year. There have been in the past Commissioners that have chosen not to do written evaluation and just had a verbal one on one with the manager. Other cities actually formalize their evaluations which are brought forward, discussed and voted on in a public meeting and that is what this City needs. It is hard for the Commission to do that and speak of someone that is in charge of the entire City and staff, but the Commission is going to have to do something like that otherwise the Commission will be back here again.

Commissioner McCool requested that within the next 14 days that the Commission have in front of them an evaluation form. The Commission needs without fail and it is up to each one of the Commission to demand that form be brought forth in the next two weeks.

Mayor Herzberg stated she has copies of one or two forms that are from the League of Cities and other areas that are six, seven and eight pages long that define things. The Commission needs to go ahead and address that.

Commissioner Ramos stated he requested that there should be at least three proposals of evaluation that was submitted to the Commission and it is probably just a matter of going back through the emails, it is a place to start from. Commissioner McCool requested that the Commission receive all three evaluations by tomorrow morning so the Commission can review them, then make a recommendation by Monday and to have that implemented no later than 14 days from today. The evaluation form needs to be presented to the public so they know this is the form that the Commission will be using or the evaluation method that will be used moving forward.

Motion by Vice Mayor Bradford, seconded by Commissioner McCool, that the Commission offer the Interim City Manager position to Mr. Peters.

Mayor Herzberg stated the Commission needs to schedule either a workshop or regular Commission meeting to go over those terms.

PUBLIC FORUM: Time permitted, public comments shall be limited to items on the agenda and shall not exceed two minutes. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

Richard Bellach, 1665 South Acadian Drive, Deltona, spoke about having two minutes to speak, the public, and prior Commissioner Nabicht.

Resident 1776, spoke about Mr. Peters as interim and his characteristics, the Constitution, making good decisions, and following the law.

Mayor Herzberg closed the public comments.

Mayor Herzberg asked the City Clerk to read the motion again and the Deputy City Clerk read "to offer the Interim City Manager position to Mr. John Peters".

The motion carried by the following vote:

For: 6 - Mayor Herzberg, Vice Mayor Bradford, Commissioner King, Commissioner McCool, Commissioner Ramos, and Commissioner Sosa

Against: 1 - Commissioner Avila-Vazquez

Mayor Herzberg stated in conclusion she respectfully requested that the Commission agree that the City Attorney have a conversation with Mr. Peters about accepting the position if he is so interested he has been nominated for that and then please also come back to the Commission with a meeting date in terms of the next meeting after the holiday. Also, move forward on bringing several different copies of City Manager evaluations or at least one copy that the Commission can begin with as soon as possible.

Vice Mayor Bradford stated there is not another meeting scheduled until December 14th, but there needs to be a meeting scheduled before that to get everything solidified, addressed, discussed and make sure that the Commission is doing what it just said. Mayor Herzberg replied yes, that is what she just requested of the City Attorney. She requested that the City Attorney speak to Mr. Peters to see if he is going to accept the job and then look at a contractor and all these other things. Have a conversation with Dr. Cooper regarding his situation in terms of his contract, finances and everything else. Then a meeting needs to be scheduled as soon as possible to go over these things. She asked that the City Attorney let the Commission know when everything is solidified and if not tomorrow then please let the Commission know as soon as possible.

6. ADJOURNMENT:

There being no further business, the meeting adjourned at 5:40 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK