



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, May 3, 2021

6:30 PM

Deltona Commission Chambers

REVISED 04/29/2021

- 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.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m.

2. ROLL CALL – CITY CLERK:

Present: 9 - Commissioner Avila-Vazquez
Commissioner King
Commissioner McCool
Commissioner Ramos
Commissioner Sosa
Vice Mayor Bradford
Mayor Herzberg
Acting City Manager
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by Commissioner Sosa.

Commissioner Sosa introduced Nick Pizza with Pizza Ministries who led everyone in the invocation and Commissioner King led everyone in the pledge to the flag.

The National Anthem was sung by Mya Eggert an 8th Grade student at River Spring Middle School.

4. APPROVAL OF MINUTES & AGENDA:

- A. Approval of minutes of the Regular Commission Meeting of November 30, 2020, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to approve the minutes of the Regular Commission Meeting of November 30, 2020, as presented. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

5. PRESENTATIONS/AWARDS/REPORTS:

A. Super Star Student of the Month Certificates for April 2021

The Mayor and Commission presented a video recognizing the Super Star Students for the month of April 2021.

B. Proclamation - Lupus Awareness Month.

The Mayor and Commission presented a Proclamation in honor of Lupus Awareness Month.

C. Proclamation - National Clerk's Week

The Mayor and Commission presented a Proclamation in honor of National Clerk's Week.

D. Proclamation National Bike Month - May 2021

The Mayor and Commission presented a Proclamation in honor of National Bike Month, May 2021.

E. Update by the West Volusia Regional Chamber of Commerce

West Volusia Regional Chamber of Commerce Executive Director Sherry DeCrenza gave a presentation to include the history of the Chamber, how it evolved, the value of the Chamber, the Chamber helping businesses, and upcoming events to include the First Responders Valor Awards at The Center at Deltona on May 26th and Deltona TV's live broadcast of this event.

ADD-ON ITEM 5-F - Florida House of Representatives Webster Barnaby gave an update on the Florida Legislature.

Florida House of Representatives Webster Barnaby gave an update on the Florida Legislature and House Bills (HB) 903, HB 880, HB 619 and HB 1585. Also, there are multiple projects funded including \$300,000 for the City of Deltona.

The Commission and Representative Barnaby discussed removing the yellow cones on Deltona Blvd. and more funding for mental health resources.

6. ORDINANCES AND PUBLIC HEARINGS:

None.

7. OLD BUSINESS:

- A. **ADD-ON ITEM: Request for approval for a salary increase for the Acting City Manager based on his satisfactory evaluations - John A. Peters, III, P.E., Acting City Manager, (386) 878-8858.**

Strategic Goal: Internal and External Communication

Acting City Manager Peters gave a brief explanation of the item.

Motion by Commissioner Ramos, seconded by Commissioner King, to authorize the \$2,500 increase in salary based on the satisfactory evaluations submitted by a vote of the Commission. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

8. NEW BUSINESS:

- A. **REVISED: Discussion regarding Resolution No. 2021-22, imposing a Moratorium on all residential planned unit development applications from July 1, 2021 through December 31, 2021. - John Peters, III, PE, Acting City Manager (386) 878-8850.**

Strategic Goal: Land Use

Acting City Manager Peters gave a brief explanation of the item.

Motion by Commissioner Sosa, to approve Resolution No. 2021-22 providing for a Moratorium on Residential Planned Unit Development applications beginning 1 July 2021 through 31 December 2021 to allow for the drafting and implementation of three new residential land use designations in the Land Development Code. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg stated before there is a second to the motion, the City is not doing a resolution or does the resolution need to be done to move forward to the ordinances. City

Attorney Fowler replied the Commission can go directly to the ordinances which is what the Acting City Manager was recommending which would be available for Commission adoption at the next Commission meeting, but the Acting City Manager would need that direction.

Amended motion by Commissioner Sosa, seconded by Vice Mayor Bradford, that the Commission provide direction to the Acting City Manager, Mr. John Peters, to provide the Commission with documentation for a moratorium on Residential Planned Unit Development (RPUD) beginning July 1, 2021 through December 31, 2021 at the next City Commission meeting on May 17, 2021.

The Commission and staff discussed contentious meetings, being proud, responsible development, RPUD (Residential Planned Unit Development) development, making progress, and applications and the time frame.

Mayor Herzberg opened the public comments.

Elbert Bryan, Deltona, spoke about acreage, being careful, review time, slow down, time to change, moratoriums and stepping up to the plate.

Jim McCully, 920 Gage Avenue, Deltona, spoke about supporting the moratorium, development, RPUDs, future land use, the Comprehensive Plan, reviewing the process, DRC (Development Review Committee), recommendations for approval, decisions and recommendations, staff qualifications, interacting with constituents, legal repercussions, P&Z (Planning & Zoning) Board's authority, facts presented, compatibility and meeting all requirements.

Mayor Herzberg closed the public comments.

The amended motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- B. Request for approval to replace 2014 Ford F-150 4x4 Extended Cab (ES-1517), cost of \$33,255.00 for the Enforcement Services. - John A. Peters, III, PE, Acting City Manager, Building & Enforcement Services (386) 878-8852.**

Strategic Goal: Public Safety

The Commission and staff discussed truck replacement, animal control vehicles, purchasing more vehicles, vehicles vs. staff, doubling up on vehicles, and electric vehicles.

Motion by Vice Mayor Bradford, seconded by Commissioner Sosa, to grant approval to replace 2014 Ford F-150 4x4 Extended Cab (ES-1517), cost of \$33,255.00 for the Enforcement Services. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened and closed the public comments as there were none.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- C. Request for approval to replace 2008 Ford Explorer 4x4 AWD (CS0834), at the cost of \$28,496.00 for the Construction Services Division. - John A. Peters, III, PE, Acting City Manager, Building & Enforcement Services (386) 878-8852.**

Strategic Goal: Public Safety

The Commission and staff discussed leased vehicles, purchased vehicles, cost effectiveness, fleet operations, maintenance, vehicle use, two Ford Expeditions, Fire Department, and budget.

Mayor Herzberg opened and closed the public comments as there were none.

Motion by Commissioner McCool, seconded by Commissioner Sosa, to grant approval to replace 2008 Ford Explorer AWD 4x4 (CS0834), cost of \$28,496.00 for the Construction Services Division. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- D. Request for approval to replace 18 year old playground at Dewey Boster with ADA Accessible and Inclusive Playground - Ryan Reckley, Parks & Recreation Department (386) 878-8902.**

Strategic Goal: Infrastructure

Acting City Manager Peters gave a brief explanation of the item.

The Commission and staff discussed the playground's location and ADA accessibility playgrounds.

Motion by Vice Mayor Bradford, seconded by Commissioner McCool, to approve the replacement of the current playground at Dewey Boster with an ADA accessible and inclusive playground. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened and closed the public comments as there were none.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- E. Request for approval of the Renewal of Interlocal Agreement for Distribution of Proceeds of Local Option Fuel Tax. The agreement allocates the 6-cent and 5-cent Local Option Fuel Tax imposed by Volusia County, to the County and participating municipalities annually based on ratio of lane miles of public roads. - John A. Peters, III, PE, Acting City Manager (386) 878-8858.**

Strategic Goal: Fiscal Issues

Acting City Manager Peters gave a brief explanation of the item.

The Commission and staff discussed projected revenues.

Motion by Commissioner Ramos, seconded by Commissioner King, to approve and sign the renewal to include automatic adjustments annually based on ratio of lane miles of public roads to the Interlocal Agreement for Distribution of Proceeds of Local Option Fuel Tax September 1, 2021 - August 31, 2034. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

Mayor Herzberg opened and closed the public comments as there were none.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- F. Request for approval to enter into an agreement with Duncan Associates to provide services related to a Comprehensive Impact Fee Study for Transportation, Parks, Law Enforcement and Fire/Rescue at a total cost of \$48,900 - Ron A. Paradise Director of Planning and Development Services (386) 878-8610.**

Strategic Goal: Fiscal Issues - Capital Improvement Program

Planning & Development Services Director gave a brief explanation of the item.

The Commission and staff discussed a completion date, the moratorium, updates, increases, development, HB 337, caps on impact fees, growth and development, limitations, legislation, being thorough, and county road impact fees.

Mayor Herzberg opened the public comments.

Elbert Bryan, Deltona, spoke about the HB being vetoed, 3% per five years, just starting, waste of money, being in favor, development, public safety, roads, one time fee, age of homes, failing systems, property taxes, and tax base.

Mayor Herzberg closed the public comments.

Motion by Commissioner Sosa, seconded by Commissioner Avila-Vazquez, to approve entering into an agreement with Duncan Associates to provide a Comprehensive Impact Fee Study for Transportation, Parks, Law Enforcement and Fire/Rescue at a total cost of \$48,900.00. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- G. Request for approval of Work Order No. 8 for the Inspections and Cleaning of the Ground Storage Tanks from CROM Coatings and Restorations, a**

Division of CROM, LLC., for Contracted As Needed Repairs and Modifications to the Ground Storage Tanks per RFP# PW 18-09. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.

Strategic Goal: Public Safety and Infrastructure

Acting City Manager Peters gave a brief explanation of the item.

Mayor Herzberg opened the public comments.

Brandy White, Deltona, spoke about the process and number of bids.

Mayor Herzberg closed the public comments.

The Commission and staff discussed negotiation not a bid, affecting the residents, and water flow.

Motion by Commissioner Avila-Vazquez, seconded by Vice Mayor Bradford, to approve Staff to proceed with Work Order No. 8, authorizing expenditures for As Needed Repairs and Modifications to the Ground Storage Tanks to City properties as presented. The Acting City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

9. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. 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.

Sean King, NAACP President, 815 Tangelo Avenue, Orange City, spoke about an email, complaints and addressing them, appointment of Acting City Manager, receiving records, wanting replies from the Commission, NAACP's responsibility, allegations, the response to the HR (Human Resources) Director, moving forward and getting a response.

Richard Bellach, Deltona, spoke about Representative Webster Barnaby, investigating development, development affecting residents, a prior Commission vote, Mayor being sarcastic, former Public Works Director Matt Doan, State Attorney's Office, Osteen residents, and thanked the Acting City Manager.

10. COMMENTS ON CONSENT ITEMS: Citizen comments are limited to issues and concerns on the Consent Agenda item(s). Please complete a public participation slip and indicate in the subject line the issue you wish to address. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. 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.

Elbert Bryan, Deltona, requested the Commission pull Item 11-A and explain the items.

11. CONSENT AGENDA: The Consent Agenda contains items that have been determined to be routine and non-controversial. If discussion is desired by any member of the City Commission, that item must be removed from the Consent Agenda and considered separately. All other matters included under the Consent Agenda will be approved by one motion. Citizens with concerns should address those concerns by filling out a public participation slip and giving it to the Deputy City Clerk prior to Consent Agenda items being pulled.

Motion by Commissioner Ramos, seconded by Vice Mayor Bradford, to approve Consent Agenda Items 11-B, 11-C, 11-D, 11-E, 11-F and 11-G.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

A. Request for approval of the City of Deltona Community Development Block Grant (CDBG) Program Year 2020-2021 Reallocation of Funding - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Fiscal Issues - administer grants.

Planning & Development Services Director Ron Paradise gave a brief explanation of the item.

The Commission and staff discussed allocating funds to parks, social services, CARES Act funding, originally earmarked for Public Works, not holding onto the money, readiness of projects, taking advantage of funding, home repairs, more funds in the community, communication, qualifications, other funding sources, SHIP (State Housing Initiatives Partnership) funding and fixing the parks.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Ramos, to approve, the reallocation of CDBG 2021 funding to the Manny Rodriguez restroom replacement project for \$150,000, the Thornby PIP

surface replacement project (TBD) and the Firefighters ADA restrooms, ADA accessible sidewalk and the replacement of the basketball court for \$228,000 and direct the Acting City Manager to transmit these reallocations for Program Year 2020-2021 to the U.S. Department of Housing and Urban Development. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The Commission and staff discussed funding, designation of funding, social services and that allocation, transferring of funds, reasons for the transfers and funding for roads.

The motion carried by the following vote:

For: 7 - Commissioner Avila-Vazquez, Commissioner King, Commissioner McCool, Commissioner Ramos, Commissioner Sosa, Vice Mayor Bradford, and Mayor Herzberg

- B. Request for approval of Resolution No. 2021-21 Adopting the Elkcam Boulevard Paved Shoulders from Sylvia Drive to Fort Smith Boulevard LAP Supplemental Agreement - Steven Danskine, Public Works, 386-878-8998.**

Strategic Goal: 5 - Public Safety

Approved by Consent - to approve Resolution No. 2021-21 adopting the Supplemental LAP Agreement for the Elkcam Boulevard Paved Shoulders from Sylvia Drive to Fort Smith Boulevard. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- C. Request for approval of payment for Tyler Technology invoices for services related to our ERP software at a cost of \$33,873.06 - Robert Cordero, Director of Information Technology Services (386) 878-8807.**

Strategic Goal: Internal and External Communication

Approved by Consent - to approve the payment of invoices from Tyler Technologies for annual disaster recovery and online services related to our ERP software in the amount of \$33,873.06. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- D. Request for approval of agreement with Cathedral, LLC to provide Printing and Mailing Services for Utility Billing as outlined in the contract. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.**

Strategic Goals: Fiscal Issues

Approved by Consent - to award the Contract with Cathedral, LLC to provide Printing and Mailing Services as outlined in the contract. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- E. Request for approval of an agreement with Avcon, Inc. for the redesign of the Providence Blvd. Shared Use Path Western Alignment between Alexander Ave. and Doyle Rd., in accordance with their Agreement with the City of Deltona and RFQ# 18026 for the design and permitting of the LAP funded Providence Shared Use Path. - Steven Danskine, Public Works, 386-878-8998.

Strategic Goal: 5 - Public Safety

Approved by Consent - to approve an agreement with Avcon, Inc. for the redesign of the Providence Blvd. Shared Use Path Western Alignment between Alexander Ave. and Doyle Rd., in the amount of \$177,497.08. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- F. Request for approval of the Task Authorization with Rocha Controls for the installation of Variable Frequency Drives and associated hardware at Lift Station 21, in accordance with their Agreement with the City of Deltona and RFQ# PW 18-04 for Supervisory Control and Data Acquisition (SCADA) System Upgrades and Maintenance. - Steven Danskine, Public Works/Deltona Water (386) 878-8998.

Strategic Goal: Infrastructure

Approved by Consent - to approve the Task Authorization with Rocha Controls for the installation of Variable Frequency Drives, in the amount of \$33,090.00. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

- G. Request for approval of the Task Authorization with BESH-Halff, Inc. for the Construction Engineering and Inspection Services for the Group 1 Water Main Replacements project, in accordance with their Agreement with the City of Deltona and RFQ# PW 2020-09 for On-Call Water and Wastewater Utility Line Engineering Services - Steven Danskine, Public Works/Deltona

Water (386) 878-8998.**Strategic Goal: Infrastructure**

Approved by Consent - to approve the Task Authorization with BESH-HALFF, Inc. to provide Construction Engineering and Inspection Services for the Group 1 Water Main Replacements project, in the amount of \$72,000. The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Avila-Vazquez asked about the lighting project for Deltona Blvd. and why it was not on the agenda. Acting City Manager Peters stated there was not enough time to put it on the agenda, but it will be on the May 17th agenda.

Commissioner McCool thanked and gave recognition to the Parks & Recreation staff for everything they do and how hard they work. She did not forget the Public Works staff which she will recognize at the next meeting.

Commissioner McCool announced she has been working with Economic Development Manager Jerry Mayes on an anti littering campaign to clean up the City. She called on the Mayor and Commissioners to support her efforts and this is something that the community can also get behind.

Commissioner McCool thanked the Volusia Sheriff's Office for stepping up and monitoring the roads. She asked that they keep the heat on speeder throughout the City.

13. CITY ATTORNEY COMMENTS:

None.

14. CITY MANAGER COMMENTS:

Acting City Manager Peters stated tomorrow night is the last of the Code Enforcement workshops to be held at The Center hosted by the Mayor and as a special guest Volusia Sheriff Mike Chitwood. He encouraged everyone to come out, there has not been a huge turn out, but staff has received some very good information. The workshops are airing on DeltonaTV and there is a video on the frequently asked questions during those workshops. He encouraged everyone to watch, especially the video on the frequently asked questions.

Acting City Manager Peters stated Saturday there will be a Strategic Planning meeting at City Hall in the Commission Chambers and he encouraged everyone who is interested in the future of the City to come and participate. It is being setup to be a lively discussion and again he encouraged anyone who cares about the City to come and participate.

15. CITY COMMISSION COMMENTS:

Commissioner Ramos stated going back to the Code Enforcement workshop, he thinks the one that took place in his district at Wes Crile Park was very positive. It is interesting the Chapel Drive community on their webpage tries to have FAQs (Frequently Asked Questions). A lot of the questions that are being asked and responded to were given to Mr. Paradise and staff is working on that. It was important because a lot of the times people see a lot of stuff in social media when the person should be calling the City or going to the City's website that has those FAQs and responses.

Commissioner Ramos stated one last thing, he hesitated as he sat here and he does not speak for everyone, but he thinks he definitely needs to get it off my chest. He thinks today as the meeting started the Commission moved on something that has been very emotional. There is a lot of folks up the dais and he thinks the Commission did it the way it was supposed to be done. He referred to the last Commission meeting, he thinks just last month the Commission had a workshop on a decorum policy. It is unfortunate and sad that the Commissioners are supposed to be the examples and people are going to feed on how Commissioners behave. It is sad that Commissioners get attacked on this dais by their own colleagues. Again he cannot speak for anyone else, if people want to get someone to run against him by all means, but to use the dais to behave the way that some of the Commissioners behaved and then say "I'm sorry". It is like he used to tell his students in high school, once a person takes that toothpaste out, it is out. It was in the paper again and he thinks it is a little bit disrespectful of some of the Commissioners. It is okay to disagree, but let's agree to be respectful to each other. He might not agree with Commissioner McCool, but he does not think he should have the behavior that some of the Commissioners had on this dais against them. At the end of the day the City is going to need every single one of the Commissioners to be able to continue to move the City where it needs to be. He thinks the Commission went through the protocol and the process that as Mayor and Commissioners we should be doing by working with the Acting City Manager. So for him, he just feels that it is easy to come up and behave like whatever, then say "I'm sorry" and then the Commissioners do not even talk to each other. He thinks it is time for Commissioners to really start reflecting on who they really are and what they represent in the City.

Commissioner Avila-Vasquez stated she wanted to once again send out her deepest condolences to Former Commissioner McFall and his family. She attended her service which was beautiful and again, our deepest condolences go out to them.

Commissioner Sosa thanked everybody that came out Saturday morning to the District 6 Town Hall with Code Enforcement. He thought there was a lot of good feedback from the residents and he looks forward to holding more town halls and getting more residents to these town halls.

Vice Mayor Bradford stated she wanted to make sure that the City Attorney is going to be reaching out to NAACP with the City's findings and City Attorney Fowler replied he has Mr. King's business card and he will be in touch with him this week.

Mayor Herzberg stated she would like to ask for some advice regarding the Commission approved administrative policy and procedure on the establishment of a computer and network usage and security policy and social media policy. All the Commissioners signed the policy and she received copies. This past weekend somebody, not inside the City and not an elected official, tagged her in a post on social media. It was somebody that she

knows and so she looked at the post which concerned a dog and some allegations about where the dog lived, its status and so forth. She was not the only one that was tagged on that post and as time went on the post started rolling and more and more things were posted. It was late at night on a Saturday and the woman that posted about this dog sent the address of where this dog was living. As time went on a member of the community who had also been tagged drove by to look where the dog was, not staff. As time went on more people commented, it got meaner or nastier, and she never commented on the threat, but she emailed the Acting City Manager with the information. Then apparently somebody that was related to the dog went after the person that was doing the posting and all the posts were removed. In this particular thread which is not unique, several people were tagged and people got beat up. There were negative comments made, but she does not comment on those things because as the post went on and somebody told her that another member of this Commission commented on the post, but she could not find it. By this point there was another dog being referenced and it went off the rails on other stuff. The Commissioners on this dais had ethics training and one of the discussions was on social media policies and how it affects the Sunshine Law. What she thought about doing is putting up a blanket statement on her social media that says "you can tag me whatever you want to do on that but I'm not commenting on threads". She wants to say this publicly because of the risk of Sunshine Law violations. She will guarantee that whole thread was screenshot by somebody or by multiple people before the administrator pulled it off the page. It is unfortunate that Commissioners may get beat up for something that they said or did, but Commissioners should not be commenting on things posts because of the Sunshine Laws. She asked if it is appropriate for her to put a statement on her social media saying "thank you very much for tagging me on these things and I will read them, but I'm not going to comment on this type of a thread due to the fact of Sunshine". She feels that the public needs an explanation as to why Commissioners do not comment on these things when they get tagged on posts. City Attorney Fowler replied she can certainly put on there that she does not comment, but he would not give the reasons for not doing it because the Sunshine Law requirements addresses those items that might come before the Commission that they would vote on where as some of the topics might be a little ribald perhaps, but not things that would necessarily come before the Commission. Certainly, to engage in that type of discourse there is only losers. Mayor Herzberg stated the post could come back to the City's tethering ordinance or another ordinance that the Commission would then be voting on. She appreciates people letting her know what is going on, but she will not comment on those posts or threads for this simple reason and she will figure out a way to maybe get that out there.

Acting City Manager Peters stated he was in the ethics class with most of the Commissioners last week. The first item the Mayor addressed is the Sunshine Law which applies to those items that have a likelihood of ever coming before the Commission. In the instance of the dog situation if the Commission were to be dealing with animal welfare or animal control there is a likelihood it would come before the Commission. The second element that the Mayor did not address is that the Commissioners learned last week is records. If the Commissioners are commenting on social media they have an obligation to maintain those records for public records purposes. So, any discussion with regards to

animal welfare, the Commissioners better be able to produce that discussion and as the Mayor stated if there are pages, after pages, how does anyone know which part of the post or comments the Commissioner is responding to so the Commissioner would have to keep it all. Another issue is people have the ability to remove statements so the Commissioner would have to get the record when the Commissioner makes the comment so that it is accurate. What happens after the Commissioners comment is immaterial and it is best not to have two or more Commissioners respond in any way, shape or form and that includes a thumbs up, a thumbs down or a smiley face or whatever. The second part which is the records and that it probably the most problematic to maintain those.

Commissioner Avila-Vasquez stated at the ethics training the Commissioners were told specifically to stay out and not comment. She has her own personal Facebook, but it is for her family and friends to discuss family things. When there is a question about City matters she directs the person to her City phone or City email because she wants the comment to be a public record. For her personally, she does not think a Commissioner should even state they will not make any comments because then the Commissioner is already on the string of the conversation.

Mayor Herzberg thanked the City Clerk and staff, it is a hard job and she thanked them very much for everything that they do. She commended the Acting City Manager on the agenda which had a lot of things on it that the Commission has not seen in a long time like contracts and consent items and she really appreciates it being brought forward. She thanked everyone for being here.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:50 p.m.

Heidi K. Herzberg, MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK