

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
AUGUST 8, 2000

A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 7:30 p.m. by Mayor John Buckley.

1. Reverend Darice Dawson, Protestant Chaplain, Florida Tech, gave the invocation.
2. All present gave the Pledge of Allegiance to the Flag of the United States of America.
3. Roll Call.

Present:	John A. Buckley	Mayor
	Ed Palmer	Vice Mayor, District 2
	Richard Contreras	Council Member, District 1
	Priscilla M. Poole	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Council Member, District 6
	Henry J. Hill	City Manager
	Paul R. Gougelman, III	City Attorney
	Cathleen A. Wysor	City Clerk
	Bud Emerson	Assistant City Manager
	Peggy Braz	Planning and Zoning Administrator

4. PROCLAMATIONS AND PRESENTATIONS

Mayor Buckley presented a proclamation for “Puerto Rican Heritage Month”, November 2000, to Sam Lopez, United Third Bridge, Inc.

5. APPROVAL OF MINUTES – July 25, 2000 Regular Meeting

Moved by Hand/E. Palmer for approval. Motion carried unanimously.

6. CITY MANAGER’S REPORT

Mayor Buckley referenced the memorandum from the City Manager requesting Item 18.1 be added to the agenda.

Moved by Poole/Contreras to add item 18.1 to the agenda. Motion carried unanimously.

7. PUBLIC COMMENTS

John Mutschler, 4565 Grand Meadows Boulevard, described work on a pipeline from the number two pond in his subdivision to the wetlands behind the property. He noted that work on the pipeline stopped; the State Statutes provide that runoff can’t be diverted to a wetland. At this point, the pipe (located by his home) has about a foot exposed and presents a safety hazard. He said the pipe is in city right-of-way and asked that it be buried.

Mr. Hill replied that this is an issue between the developer of the subdivision, the

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homeowners' association and the St. Johns River Water Management District. He will investigate and follow up with Mr. Mutschler.

UNFINISHED BUSINESS

8. ORDINANCE NO. 2000-49 (A&V #235): (Public Hearing/Second Reading) A request to vacate the southern 6' of a 10' wide public utility and drainage easement along the northern property line of Lots 43 and 44, Rio Villa, Unit 2. (Applicants – Dennis & Frances Mannion and Charles & Cheryl Hart) (First Reading 7/25/00)

Attorney Gougelman read Ordinance No. 2000-49 by title. There were no comments from the audience.

Moved by Contreras/Walker for approval of Ordinance No. 2000-49.

Mr. Hill confirmed for Mrs. Poole that the homeowner would have to make a separate case before the Board of Adjustment to expand into the setback area.

The question was called. The roll call vote was:

Aye: Contreras, Poole, Walker, C. Palmer, Hand, E. Palmer and Buckley

Nay: None

Motion carried unanimously.

NEW BUSINESS

9. COUNCIL ACTION RE: Consent Agenda

Moved by Hand/E. Palmer for approval of items "a" through "i" as recommended.

Mr. Hill responded to several questions; however, members did not remove any items from the consent agenda.

The question was called. Motion carried unanimously.

The consent agenda was approved as follows:

- a. Renewal agreement between the city and Space Coast Area Transit to provide for an east-west route (#21) and a north-south route (#29) through the city at an annual cost of \$26,083.00. (*Because of the subsidy, Melbourne residents ride free on these routes.*)
- b. Contract for assessment of the laboratory facilities at the city's water and wastewater plants, C2M Hill, Orlando, FL – not to exceed \$26,520.00.

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- c. Lease agreement between the city and David Lewis and Associates, Inc. for municipal parking at the former First Baptist Church of Eau Gallie site for a period of two years.
 - d. Contract for Fee Avenue pool parking lot improvements, Project No. 99078, William Turnbaugh Construction, West Melbourne, FL - \$33,885.00.
 - e. Purchase of 5 sets of 12-lead ECG monitor/defibrillator equipment and accessories, Medtronic Physio-Control, Redmond, WA - \$44,790.95.
 - f. Contract to furnish and install new and replacement chainlink fencing for the Recreation Division, East Coast Fence, Cocoa, FL – not to exceed \$20,000.00.
 - g. Annual contract for basic software support/maintenance for the Police Department, Tiburon, Inc., Fremont, CA - \$55,512.00.
 - h. Emergency purchase of a 150kw Detroit Diesel-Allison Spectrum Generator Set, Florida Detroit Diesel-Allison, Orlando, FL - \$21,600.00.
 - i. Purchase of 26 OPV-2000 Mobile Observations Systems and extra audio belt packs for the Police Department, On Patrol Video International, Grand Island, FL – \$92,560.00.
10. COUNCIL ACTION RE: A presentation on the Brevard WorkForce 2020 Project. (Requested by Tibby Parker, Project Director)

Tibby Parker provided an overview of the project. Brevard WorkForce 2020 and the Melbourne-Palm Bay Area Chamber of Commerce are joining to help local employers find and keep good workers. The two groups are sponsoring the WorkForce 2020 Academy of Learning, a free program designed to help business and community leaders learn more about the workforce challenges facing Brevard County, including employee turnover, transportation and childcare issues, and the best practices for training and keeping workers. The goal is for business owners, business leaders and human resource professionals to create systems that can maximize the potential of current entry level workers in Brevard County.

A brief question/answer period followed the presentation. No action taken.

11. ORDINANCE NO. 2000-50: (First Reading) A proposed amendment to Ordinance No. 84-45 governing Water and Sewer Bonds.

Attorney Gougelman read the ordinance by title.

Mr. Hill reviewed the agenda report. As a part of the preparation for the issuance of the upcoming water and sewer bond issue, Holland & Knight, Bond Counsel, has recommended a few minor revisions to Ordinance No. 84-45, as amended. This is the ordinance that governs all the Water and Sewer Bonds.

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The revisions are minor and do not require bondholder consent. The proposed amendments:

- Provide definitions of "Bond Insurer" and "Book Entry Bonds".
- Provide language in the bond ordinance regarding authentication of the bonds to conform to the language in the actual bonds.
- Clarify the circumstances when the bond ordinance may be amended without bondholder consent.

Moved by Hand/Walker for approval of Ordinance No. 2000-50.

Mrs. Palmer referenced the "notice of execution or consent" (page 3 of the ordinance) and said it appears as if the bondholders are to be notified of any changes, yet the last sentence looks like a disclaimer. Mrs. Elliott said that is correct. It provides that we contact the bondholders, but the changes are so minor they won't impact the holders. If we fail to make notice, we haven't limited our opportunity to make the changes; it is really considered a courtesy notice.

The question was called. Motion carried unanimously.

12. RESOLUTION NO. 1649: A resolution to defease the outstanding Water and Sewer Refunding Revenue Bonds, Series 1986C.

The attorney read the resolution by title.

Mrs. Elliott explained the process. This is a resolution to defease the outstanding Water and Sewer Refunding Revenue Bonds, Series 1986C. The remaining par value is \$9,465,000 and the bonds carry interest rates of 6.0% to 7.625%. The purpose of the defeasance is to eliminate this series of bonds, which carry relatively high interest rates in today's market. Eliminating this debt will help the city to accommodate the acceleration of certain projects and increased costs of those projects without a water and sewer rate increase.

The defeasance is accomplished by depositing funds in an escrow account to pay the principal, interest, and premium, if any, on the bonds as they come due or are called. The funds deposited in the escrow account will come from cash accumulated in the Water and Sewer System for future construction projects, a reduction in the working capital cash reserve, and funds held in the 1986C Bonds sinking fund account. Our financial advisor, Public Financial Management, is monitoring market conditions to determine the optimum call date for the defeased bonds.

The defeasance resolution authorizes the City Manager and staff to take the necessary steps to accomplish the defeasance, approves the form of the escrow deposit agreement,

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and names The Bank of New York as the escrow agent. Once the resolution is adopted, the actual defeasance will occur within two to three weeks.

Mrs. Poole asked if the city earns interest on the escrow account and Mrs. Elliott replied yes. Mrs. Poole commended Mrs. Elliott for the handling of the bonds.

Mrs. Walker asked what the interest rates are now. David Moore, the city's financial advisor, stated that if they were sold today, the average would be 5.6% - 5.7%.

Mr. Palmer asked why the Bank of New York is the city's escrow agent. Mrs. Elliott replied that they have the best rates; they are located in Jacksonville, Florida.

A brief discussion followed on the effect of this action.

Moved by E. Palmer/Poole for approval of Resolution No. 1649. Motion carried unanimously.

13. COUNCIL ACTION RE: A request for city co-sponsorship of the Downtown Melbourne Fall Art and Craft Festival to be conducted October 21-22, 2000.

From the agenda report: The Downtown Melbourne Association (DMA) is presenting the eighth annual Downtown Melbourne Fall Art and Craft Festival October 21 – 22 from 10:00 a.m. to 6:00 p.m. each day. As in the past, this is a non-alcoholic, family oriented festival conducted on New Haven Avenue from the railroad tracks to Livingston Avenue. The DMA expects about 150 artists to participate this year.

Tina Suiter, event coordinator, is requesting the city co-sponsor the event by providing police, barricades, Fire/Code inspections, and assistance in hanging banners. The estimated cost for services is \$2,000-\$2,200. In 1999 Council approved a similar request by the DMA.

In the past, funding for this event has come from the Downtown Redevelopment Fund. The Downtown Redevelopment Committee reviewed the request at their March 2 meeting. They recommended approval with the stipulation that the city and the Downtown Redevelopment Fund be recognized on all advertisement materials.

Mrs. Poole asked if the city would be notified of the profit when the event is over.

Tina Suiter, applicant, stated that she would share the results of this fundraising activity with Council. Mrs. Suiter spoke in support of her request and stated that the Downtown Melbourne Association uses the funds for the promotion of the Downtown Melbourne area. The profit margin will depend on the number of corporate sponsors she obtains.

Mr. Contreras asked the difference between this year's event and the 1998 event (the 1999 event was canceled due to Hurricane Irene). Ms. Suiter stated that they have expanded the event area, improved activities for the children, and they expect 150 artists (as opposed to 130).

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Moved by C. Palmer/Contreras for approval of city co-sponsorship of the Eighth Annual Downtown Melbourne Fall Art and Craft Festival from the Downtown Redevelopment Fund. Motion carried unanimously.

14. COUNCIL ACTION RE: Consideration of matters related to Honor America, Inc. and the Liberty Bell Museum.
- a. Resolution No. 1650: A resolution for extension of the lease agreement between Honor America, Inc. and the city. (Approved by Council 2/8/00)
 - b. A request for a donation toward expansion of the Liberty Bell Museum.

Mr. Hill reviewed the agenda report. At the February 8 meeting, Council approved a request from Honor America for extension of the present 20 year lease for the Liberty Bell Museum for another 20 years and approved conceptual plans for the expansion of the Liberty Bell Memorial Museum.

At this time, Honor America, Inc., is requesting Council consideration of a monetary contribution to help with the construction costs. They have instituted a program utilizing the symbolic purchase of shares in the organization's Liberty Bell. This plan is expected to increase community interest and involvement in the project.

Rather than a cash contribution from the city, Honor America has requested consideration of waiver for all permit fees, assessments or charges associated with construction of this project. It is anticipated that final design drawings will be submitted for permit review and approval during August. They believe a waiver might be very appropriate since this facility will be built on city-owned property and will add to the cultural, tourism and educational facilities provided in the city.

The estimated costs associated with the Museum expansion project would be:

<u>Amount/Fee</u>	<u>Estimated Amount</u>
Minor Site Plan	\$ 150
Building/Mechanical & Electrical Permits	\$1,500
Transportation Impact	Exempt (expansion is less than 100%)
Solid Waste Impact	Paid to county
Water/Sewer Impact	To be determined; only if increased meter size required. The city cannot waive these fees, they would have to be paid by the General Fund to the Water and Sewer Fund.

Attorney Gougelman read Resolution No. 1650 by title.

Mrs. Poole asked what the solid waste impact fees would be. Mr. Hill said he is not sure at this point; it would be between Honor America and the county since this is a county fee.

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Additionally, we did not stipulate an amount on the water/sewer impact fees because we are not sure that there will be a requirement to upsize the meter. The amount could be zero up to \$2,000. Mrs. Poole recommended we delay a decision on this until Council has all the facts. The Mayor recommended Council take action on the lease.

Moved by Walker/Hand for approval of Resolution No. 1650. Motion carried unanimously.

Joe Mullins, 4112 Knight Avenue, Chairman of the Museum Facilities, stated that Honor America is giving the city an opportunity to participate in this fundraising activity. The city will benefit from the construction of an additional building on city property and this will add to the cultural, tourism, and educational facilities in the city. He asked Council to consider either waiving the fees or making a contribution to the building fund.

Mrs. Poole asked if the county will waive the solid waste impact fee. Mr. Mullins replied that it has not yet been determined if there will be an increase in this fee. He will contact the county after the plans have been finalized. Mrs. Poole asked if Honor America has approached the Tourist Development Council for funding. Mr. Mullins stated that they have requested a package and plan to apply for a grant to cover capital costs.

Following a brief discussion, Mr. Mullins stated that they will pursue all opportunities, including contributions from other cities. They are asking Melbourne to lead the way since the city will be the recipient of the building.

Mrs. Hand stated that this has been a very worthwhile project in our community and she supports the waiver of the fees.

Moved by Walker/Hand to waive the site plan fee (\$150) and the building, mechanical, and electrical permit fees (\$1,500).

Mr. Contreras recommended that the motion include a waiver of the water and sewer impact fee in case it is determined there will be an increase. Mayor Buckley, Vice Mayor Palmer, and Council Member Poole suggested Council address the water/sewer impact fee if it becomes an issue.

The question was called. Motion carried unanimously.

15. COUNCIL ACTION RE: A request by the Henegar Center for the Arts for disbursement of the \$50,000 1997 grant for improvement to the existing building.

Mr. Hill briefed Council. This is a request to change a project identified for the Henegar Center in November of 1997. An amount of \$50,000 was identified for the Old Melbourne High School Building as a matching grant for state funds. Due to the change over in directors during this time frame, the Henegar Center never requested the money. However, the Henegar Center received a subsequent grant from the state and the exterior improvements to the building were completed.

The Henegar Center is now requesting that the \$50,000 be utilized for several new capital

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improvement projects. The main concern for the Henegar Center is paving the loading area and handicap access to the stage on the west side of the Henegar Center. In addition, the retaining wall abutting the handicap ramp onto the stage is in need of replacement and drywall was never completed in the stage area, leaving insulation exposed. All of these projects would be considered capital improvements to the facility and thus meet the intent of the Florida Statutes for expenditure of redevelopment funds.

Separately, the Downtown Redevelopment Committee has recommended a contribution of \$50,000 for the 2000-2001 budget year to be used for a matching grant to the state for interior improvements to the old high school building. That request is included in the FY 2000-2001 budget. The Henegar Center would like to get these renovations completed so that additional space and new programs can be housed in this building.

Jerry Brees, Executive Director, Henegar Center, spoke in support of the request.

Mrs. Palmer asked if all the money they are asking for this year will be coming from Redevelopment Funds. Mr. Hill said the \$50,000 and \$50,000 are sitting in the fund balance of the Redevelopment Fund. The \$30,000 request (referenced at a budget workshop meeting) is an operating subsidy; therefore, that money would have to come from the General Fund.

A brief discussion followed regarding the proposed improvements.

Moved by E. Palmer/Poole for approval of the disbursement of the 1997 Henegar Center grant for \$50,000.

Mr. Contreras requested a report outlining the distribution of the Downtown Redevelopment Funds for the past 10 years.

Mrs. Palmer said she would like to postpone this item to allow time for information to be produced on redevelopment funds and how much money has gone into the Henegar Center.

Moved by C. Palmer/Walker to postpone this item until the next meeting. The roll call vote was:

Aye: Walker and C. Palmer

Nay: Contreras, Poole, Hand, E. Palmer, and Buckley

Motion failed.

The question was called on the main motion. Motion carried unanimously.

Recessed: 9:00 p.m.
Reconvened: 9:10 p.m.

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16. COUNCIL ACTION RE: Request by Harris Sanitation, Inc., for an increase in solid waste collection rates.
- a. Ordinance No. 2000-51: (First Reading) A proposed ordinance amending Chapter 14 of the Code of Ordinances entitled "Garbage and Refuse," providing rates for the collection of garbage and trash.
 - b. Proposed contract Modification Agreement with Harris Sanitation, Inc.

The City Attorney read the ordinance by title.

From the agenda report: Harris Sanitation has requested a rate increase in the commercial sanitation collection services as allowed in their franchise agreement with the city. The most current Consumer Price Index (CPI) is 3.7% for "all consumers" as required by contract. Pursuant to their contract with the city, they are entitled to a residential increase based on 80% of the CPI and 100% of the CPI for commercial solid waste collection service rates.

There will be no residential increase for 2000-2001 pursuant to the contract modification agreement dated September 12, 1996. Only the commercial increase is applicable this year.

Even with the proposed increase, the total amount charged Melbourne residents and businesses by Harris Sanitation, Inc. will continue to be the lowest in the area.

Moved by Poole/Hand for approval of Ordinance No. 2000-51. Motion carried unanimously.

Moved by C. Palmer/Walker for approval of the Contract Modification Agreement with Harris Sanitation, Inc. Motion carried unanimously.

17. ORDINANCE NO. 2000-52: (First Reading) A proposed ordinance amending Chapter 11, Elections, in accordance with the City Code Review Committee's recommendations.

Attorney Gougelman read Ordinance No. 2000-52 by title.

From the agenda report: This is a proposed ordinance amending Chapter 11 in accordance with the City Code Review Committee's recommendations. At the February 22 Council meeting, the Chairman of the City Code Review Committee, Section 3, presented Chapter 11. The major change in this chapter recognizes that the Brevard County Supervisor of Elections conducts the city's elections and the Brevard County Canvassing Board supervises the counting of votes and prepares a certificate for the city.

Moved by Walker/Hand for approval of Ordinance No. 2000-52.

Attorney Gougelman reported that there is an additional change that can be made – removing the requirement to conduct a meeting within 48 hours after the election to

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accept the certificate. He stated there is no need to conduct that meeting and recommended the short title and ordinance (Section 11-6) be amended to reflect that.

Mrs. Poole asked if Council could meet if it so desired. Mr. Gougelman replied yes; however, it would be a meeting without a purpose. If Council meets and decides not to accept the certificate of the canvassing board, it would be meaningless. The State Division of Elections has determined that municipalities have no authority to operate their own canvassing board. A person who feels the election was improper must file a challenge.

The City Clerk confirmed for Mrs. Poole that she would provide each Council Member with a copy of the Certificate from the County Canvassing Board following each election.

Moved by Walker/E. Palmer to approve the amendment as noted by the City Attorney.

The question was called on the main motion and the amendment. Motion carried unanimously.

18. ORDINANCE NO. 2000-53: (First Reading) A proposed ordinance amending Chapter 15, Health and Sanitation, in accordance with the City Code Review Committee's recommendations.

Attorney Gougelman read the ordinance by title.

From the agenda report: This is a proposed ordinance amending Chapter 15 in accordance with the City Code Review Committee's recommendations. At the February 22 Council meeting, the Chairman of the City Code Review Committee, Section 3, presented Chapter 15 to Council. The changes include:

- Revising the State Statutes references.
- Repealing the reference to the Sanitary Code of Florida. This change was recommended by the City Attorney following his detailed review of this Chapter. The statute referenced in the current Code is out of date and the new statutes are not considered to be an area of regulatory concern for the city.
- Repealing the section requiring toilet facilities in certain food related buildings. The City's Plumbing Code (Chapter 8) supersedes this outdated section.
- Changing the public nuisance notice section to provide that property in violation will be posted simultaneous with the notice being mailed. This will shorten the process calling for compliance from 20 days to 10 days.
- Repeal the section related to open pits. This change was made at the request of the Building Division. Staff indicated that there are state laws available to cite open pits.

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Mr. Hill confirmed for Mr. Palmer that the recommended changes, in addition to changes that will be proposed in other chapters, will strengthen the city's ability to deal with junked and abandoned vehicles.

Moved by Hand/E. Palmer for approval of Ordinance No. 2000-53. Motion carried unanimously.

Added to the agenda:

- 18.1 RESOLUTION NO. 1651: Parking lot lease agreement with Kimzay of Florida, Inc., on property located adjacent to the northeast corner of the intersection of NASA Boulevard and Babcock Street in Township 27 South, Range 37 East, Section 34.

Attorney Gougelman read the resolution by title.

Mr. Hill briefed Council. This is a lease for additional parking necessary for SubmitOrder.com, which is establishing a call center servicing Internet business. Kimzay, a subsidiary of Kimco, will be managing the property. The primary purpose for entering into this lease is to bring a new high employment tenant to Kimzay's shopping center. The additional parking is required in order for SubmitOrder.com to function. It is expected that over 700 jobs will be created at the site.

Construction of a landscaped parking lot shall be completed by Kimzay on the leased area no later than June 30, 2001. The parking lot shall be constructed and maintained at the expense of Kimzay to meet all city requirements/standards.

In order to provide the number of spaces, there are three variances from the existing city Code that will be needed regarding setbacks and to allow 50% of the Code required trees to be placed on the adjacent property. Upon termination of the lease, the improved parking facilities will become the property of the city.

The term of the lease is 10 years beginning October 1, 2000 and extending to September 30, 2010. Kimzay shall have four options, three years each, to extend the lease. In no event will the lease extend past September 30, 2022.

The base annual rent for the first year of the lease term shall be \$6,000. The rent will be adjusted and increased by inflation factors. Kimzay will be required to provide its own insurance of at least \$1,000,000 and indemnify the city.

Mrs. Poole questioned if this area of Babcock Street could handle 700 more employees. Mr. Hill explained that it will be a 24 hour operation broken into shifts. He does not believe there will be any impact to the roadway.

Mrs. Hand asked the width of the parking spaces. Mr. Hill said they will be designated for employees; therefore, they will be 10'.

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Mrs. Palmer expressed support for the lease, which will provide for the applicant to build, maintain, and carry insurance on the parking lot.

Moved by C. Palmer/Contreras for approval of Resolution No. 1651. Motion carried unanimously.

19. COUNCIL ACTION RE: Annual Evaluation of the City Attorney.

Mayor Buckley suggested Council conduct the evaluations for the City Attorney and City Manager and then determine salary increases when the pay raises for the general employees is discussed. Council concurred.

Council proceeded with the evaluation of the City Attorney. The following comments are from the evaluation forms:

Mayor Buckley:

Personal and Professional Skills – I believe that Mr. Gougelman has shown himself to be extremely professional in his dealings with the City Council. He is recognized as an expert in municipal law by the Space Coast League of Cities as well as several jurisdictions.

Provides Effective Support to Council – I believe that Mr. Gougelman has done everything that he could as a lone attorney to provide support to Council. He should be able to be even more effective with the addition of an Assistant Attorney.

Continues to Improve Quality Services to Citizens – I believe that Mr. Gougelman has repeatedly worked to advise the community and the media of the city's position on several matters.

Supervise City Operations – This area is difficult to comment on since there is little supervision required by the City Attorney.

Accomplishments of Note During Past Year – Attorney function was brought in-house with very few problems. Assistant Attorney was finally hired and report of pending cases was provided.

Areas that need Improvement – I believe the Council would appreciate more reports on outstanding litigation. Again, with the additional staff, I believe this will be possible.

Identify Changes – None.

List and Prioritize Goals and Objectives – Settlement of Palm Bay Water Reserve Area lawsuit. Periodic reporting of outstanding litigation. Resolution of Harbor City Ambulance building lawsuit.

Council Member Contreras:

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Personal and Professional Skills – No comments.

Provides Effective Support to Council – No comments.

Continues to Improve Quality Services to Citizens – No comments.

Supervise City Operations – No comments.

Accomplishments of Note During Past Year – Addition of an Assistant City Attorney to support the city's growing legal infrastructure.

Areas that need Improvement – None.

Identify Changes – None. Mr. Gougelman provides an excellent service for the City of Melbourne. His unwavering dedication to city staff/Council is second to none. Great job!

List and Prioritize Goals and Objectives – None.

Vice Mayor Ed Palmer:

Personal and Professional Skills – Personal and professional skills more than meet the requirements for the position.

Provides Effective Support to Council – I am satisfied with legal support for the Council. Will improve when Assistant can take part of the assignments.

Continues to Improve Quality Services to Citizens – Actions with the League of Cities and other municipalities are always of a positive nature.

Supervise City Operations – No comments.

Accomplishments of Note During Past Year – Litigation report.

Areas that need Improvement – Reduce attorney fees by utilizing the Assistant as a trial attorney.

Identify Changes – None listed.

List and Prioritize Goals and Objectives – Code review.

Council Member Pat Poole:

Personal and Professional Skills – It's good to have you on staff; you're a definite asset to the city.

Provides Effective Support to Council – Don't be so willing to change the city's laws and

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ordinances at the suggestion of a Council Member. Defer for study and then come back with pros and cons. It's good for everyone to have time to think about changes.

Continues to Improve Quality Services to Citizens – Refer reporters to Michael Moore. They edit and it sounds official when they quote the City Attorney. Don't write their articles for them; they need to attend the meetings.

Supervise City Operations – Your position is the most difficult. You must provide accurate information while carrying out the City Manager's and Council Members' opinions with diplomacy.

Accomplishments of Note During Past Year – Interviewing and hiring Assistant City Attorney.

Areas that need Improvement – Give a definite recommendation and stick to it. Don't try to accommodate all Council Members. Your litigation report was excellent.

Identify Changes – Citing too many cases makes it confusing and difficult to reach a consensus. Give your legal opinion.

List and Prioritize Goals and Objectives – Cite the best case law and not other possibilities. Be stronger in helping Council make decisions that are legally correct and in the best interest of the citizens that Council represents, even though there may be disagreement among the Council Members.

Council Member Grace Walker:

Personal and Professional Skills – The score of "5" throughout the evaluation speaks; what more needs to be said!

Provides Effective Support to Council – Having an in-house attorney has been very helpful to the city; he works well with staff and Council Members.

Continues to Improve Quality Services to Citizens – Having the attorney in house has improved the city's image.

Supervise City Operations – The attorney is prompt in responding.

Accomplishments of Note During Past Year – Having him available and his dedication to the needs of the Council and public.

Areas that need Improvement – None listed.

Identify Changes – None listed.

List and Prioritize Goals and Objectives – Continues being a dedicated employee.

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Council Member Cheryl Palmer:

Personal and Professional Skills – I have never received any negative comments regarding Paul Gougelman and in fact have received many complimentary comments from community members and leaders.

Provides Effective Support to Council – Mr. Gougelman has never failed to respond in a very informative and unbiased manner to all requests for information and his opinions reflect informed study of the issues.

Continues to Improve Quality Services to Citizens – Reflected in his past and present duties that impact many cities and Brevard County in its entirety.

Supervise City Operations – Score of “3” given in areas in which I have little knowledge of his performance.

Accomplishments of Note During Past Year – Setting up shop as City Attorney in a timely and efficient manner. Doing so with no observable break in service to the city and Council. Litigation reports and updates.

Areas that need Improvement – None.

Identify Changes – None.

List and Prioritize Goals and Objectives – Advise Council on ways to avoid actions that precipitate expensive lawsuits against the city. Continue to represent the city in as effective a manner as in the past.

Council Member Loretta Hand:

Personal and Professional Skills – Paul is very easy to work with on Council as well as the MPO. He is very knowledgeable in all governmental affairs and offers various workable options, which enable Council to make wiser decisions.

Provides Effective Support to Council – I am impressed with the continuation of information regarding court cases and keeping the Council up to date on all issues related to the city.

Continues to Improve Quality Services to Citizens – Paul handles all activities in a professional manner.

Supervise City Operations – I believe he supervises his staff adequately.

Accomplishments of Note During Past Year – Moving his office to City Hall and having an Assistant City Attorney.

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Areas that need Improvement – I feel the Attorney is performing his job very well.

Identify Changes – Perhaps attend seminars dealing with community relations.

List and Prioritize Goals and Objectives – Try to keep Melbourne out of litigation.

20. COUNCIL ACTION RE: Annual Evaluation of the City Manager.

Mayor Buckley:

Personal and Professional Skills – I consider Mr. Hill to be a very competent professional. Mr. Hill is recognized by fellow managers and other cities' staff to be very well qualified. He has a great grasp for details.

Provides Effective Support to Council – Mr. Hill continues to respond continually to requests for additional detail by Council Members. He continues to provide detailed budget data and necessary reports.

Continues to Improve Quality Services to Citizens – Mr. Hill is extremely responsive to citizens as evidenced by his letters back to citizens. He works well with his counterparts at the local, county, and federal levels. He is extremely responsive to often-inaccurate media coverage.

Supervise City Operations – Mr. Hill continues to do an effective job of supervising city operations. He is always in touch even when supposedly vacationing. He has an open door for his employees and accepts responsibility for his actions as well as that of his subordinates.

Accomplishments of Note During Past Year – Mr. Hill again presented a budget that reflected the consensus of the Council. Babcock redevelopment is underway and ordinance review is continuing.

Areas that need Improvement – As in the past, I recommend that Mr. Hill avail himself to training seminars and educational opportunities. I do not want to see him “burning out.”

Identify Changes – None to suggest.

List and Prioritize Goals and Objectives – Continue exemplary management of city finances. Continue ordinance review. Take advantage of educational enhancements. Continue water plant refurbishment. Continue Downtown, Babcock and hopefully Eau Gallie Redevelopment. Continue stormwater management program.

Council Member Contreras:

Personal and Professional Skills – Continue to attend seminars and conferences in order to improve skills and knowledge.

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Provides Effective Support to Council – As a recent appointee, Mr. Hill was very proactive in scheduling and executing meetings and walk through tours with various service organizations so that I could gain a practical understanding of these departments.

Continues to Improve Quality Services to Citizens – Mr. Hill, or his designated staff, has worked successfully to resolve issues of concern for several members of our community. Well done!

Supervise City Operations – No comments.

Accomplishments of Note During Past Year – The city's Internet web page is a stellar example of a progressive effort to provide news and information to not only the citizenry of Melbourne but to its employees as well. Great service!

Areas that need Improvement – None listed.

Identify Changes – None. Mr. Hill has done a superb job for the City of Melbourne. His efforts/results are of the highest quality and his knowledge and skills are greatly appreciated.

List and Prioritize Goals and Objectives – Police Department, provide quantity/total annual cost to support 50% of the total number of patrol officers with patrol cars. Fire Department, investigate taking over Brevard County Fire Station (beachside) and provide for the permanent establishment of the eighth fire station. City Hall, review evaluation and feasibility study by setting a workshop date. Auditorium, provide a separate evaluation of past cost performance (15 years) and projected capital expenses (five years). Identify alternatives/venues available to provide same level of service to the community.

Vice Mayor Ed Palmer:

Personal and Professional Skills – Professional skills exceed all expectations.

Provides Effective Support to Council – Overall support of Council activities has been outstanding.

Continues to Improve Quality Services to Citizens – Maintains a most positive attitude which ensures a positive image for city and community relations. Professional approach to service.

Supervise City Operations – Excellent managerial skills have improved city operations.

Accomplishments of Note During Past Year – Budget preparation.

Areas that need Improvement – The city needs to address police and fire protection.

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Identify Changes – None listed.

List and Prioritize Goals and Objectives – None listed.

Council Member Pat Poole:

Personal and Professional Skills – I would like for you to receive a computerized report each day from the Police Department on arrests and criminal activity. We need Code complaints answered in a timely manner when turned in to the City Manager.

Provides Effective Support to Council – Continue with your presentations to Council and civic groups. They are excellent and are great for good public relations.

Continues to Improve Quality Services to Citizens – Please speak louder and into the microphone at Council meetings. People are complaining that they can't hear you. There are also complaints that Council Members Walker and Hand can't be heard either.

Supervise City Operations – You took last year's evaluation to implement the best management practices. The budget was one of the best in the past few years (with the exception of the ready car plan).

Accomplishments of Note During Past Year – His efforts to present facts and figures supporting location of the courthouse on free land and its benefit to the citizens.

Areas that need Improvement – Help Council hold off capital improvements such as the City Hall study until the water and sewer improvement projects are further along and the stormwater plan is fully implemented. You have some very strong willed Department Heads. They can be overpowering and persuasive.

Identify Changes – As City Manager you are responsible for every decision made by the Department Heads. It's fine to delegate responsibility and be compatible, but all final decisions should be yours.

List and Prioritize Goals and Objectives – As pipes, generators and equipment deteriorate replace them before we have breakdowns. Check as all new development is in progress as to environmental protection and maintenance afterwards. See that citations are issued for overgrown property, especially in the Downtown area. Implement stormwater plans as quickly as possible.

Council Member Grace Walker:

Personal and Professional Skills – The City Manager's professional skills and personality enable him to perform in an excellent manner.

Provides Effective Support to Council – Works well with Council Members to meet the needs of the city.

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Continues to Improve Quality Services to Citizens – Continues to work to provide quality services to the community.

Supervise City Operations – Works well with staff to improve skills and increase productivity.

Accomplishments of Note During Past Year – His skills in management and his responsiveness to Council Members; he is always available.

Areas that need Improvement – Take a little more time for personal renewal.

Identify Changes – Pleased with leadership and performance and staff/community relations.

List and Prioritize Goals and Objectives – Continues to improve procedures that benefit the city and continues to keep Council informed.

Council Member Cheryl Palmer:

Personal and Professional Skills – Mr. Hill is an excellent and energetic manager. I believe he commits to a position and takes every step necessary to see it put into action. Sometimes this is problematic for me in seeking to weigh alternatives.

Provides Effective Support to Council – The only area in which I would give Mr. Hill any less than the highest rating is, again, in the area of providing information that is unbiased or shows another position other than the one recommended.

Continues to Improve Quality Services to Citizens – The helpful attitude and commitment to excellence that I have observed in city employees has been modeled for them from the “top down” by Mr. Hill.

Supervise City Operations – I cannot evaluate the manner in which Mr. Hill interacts with Department Heads or subordinates. They would be the ones to ask. I only see the positive result of his leadership.

Accomplishments of Note During Past Year – Mr. Hill has initiated effective communication with Brevard County and agencies outside the city that I believe will lead us into a time of much more effective use of combined resources to resolve problems common to the city and county.

Areas that need Improvement – My only comment would be that I would like to see more background on important issues; more time to study them before they appear on the agenda; and more workshop type discussions rather than his one-on-one meetings with Council Members at budget time.

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Identify Changes – Allow Department Heads more freedom to communicate directly with Council Members.

List and Prioritize Goals and Objectives – Continue to plan and oversee improvements to the city's infrastructure, i.e., drainage, roads, and water supply. Explore options for the city's Downtown properties and their future use – City Hall, Melbourne Auditorium. Continue cooperative relations with private enterprise and intergovernmental agencies to facilitate managed, quality growth.

Council Member Loretta Hand:

Personal and Professional Skills – Henry is well versed in all the skills necessary to be an effective, efficient City Manager. He has advanced well in his position through the years.

Provides Effective Support to Council – Henry works very well with the entire Council and goes beyond what is required to explain the budget, to provide the best city services while keeping the millage rate low. Works well with the Council on all agenda items where there are questions.

Continues to Improve Quality Services to Citizens – Henry is quick to respond to all citizen complaints and offer solutions. Keeps the citizens well informed via Melbourne Messenger, etc. and provides quality service to them.

Supervise City Operations – No comments.

Accomplishments of Note During Past Year – Revision of City Code. Implementation of stormwater management. Excellent budget.

Areas that need Improvement – Perhaps to relax.

Identify Changes – None; he is doing a fine job.

List and Prioritize Goals and Objectives – Work towards a new City Hall. Provide better sound system in the present Council Chamber as well as seating of staff so they can better interface with Council at meetings.

21. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Council established August 15 as a workshop date to review the City Hall feasibility study.

Mr. Palmer reported on his visit to Ramshur Towers. There are some maintenance issues that need to be resolved; however, overall the Housing Authority is doing the best it can with the funding available.

Mrs. Poole recommended staff contact local veterans' organizations to encourage a Veterans Day parade.

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Mr. Hill reported that the city is taking steps to replace the bolts on the 1,000-plus fire hydrants on the beachside. Our staff will do some of the work and we are investigating contracting the remainder of the job.

Mr. Hill reported about a possible annexation of property located west of I-95 and south of the Flea Market. The developer is in the process of obtaining permits to construct a sports facility/race track.

Attorney Gougelman reported on an offer by the Harbor City Ambulance Foundation (separate and distinct from the Harbor City Volunteer Ambulance Squad) to sell the property located at the rear of the reverter clause property on Hickory Street to the city for \$50,000. Following a brief discussion, Council concurred with the City Attorney pursuing a contract on the property. The item will return on a future agenda.

22. ADJOURNMENT

Moved by E. Palmer/Walker to adjourn. Motion carried unanimously.

The meeting adjourned at 11:09 p.m.

City Clerk – 8/23/00

Approved by Council _____