

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
SPECIAL CITY COUNCIL MEETING MINUTES
HELD IN THE CITY COUNCIL CHAMBERS
JULY 30, 2018 @ 6:00 P.M.**

(The following may contain unintelligible or misunderstood words due to the recording quality.)

CHAIR DAVIS JOHNSON: Good Evening. I'd like to call this special city council meeting of July 30th, 2018 to order. Madam Clerk, roll call, please.

DEPUTY CITY CLERK BURGESS: Mayor Thomas Masters? Chairperson Tonya Davis-Johnson?

CHAIR DAVIS JOHNSON: Here.

DEPUTY CITY CLERK BURGESS: Chair Pro-Tem Lynne Hubbard? Councilperson KaShamba Miller-Anderson?

COUNCILPERSON MILLER-ANDERSON: Present.

DEPUTY CITY CLERK BURGESS: Councilperson Julia Botel?

COUNCILPERSON BOTEL: Here.

DEPUTY CITY CLERK BURGESS: Councilperson Terence Davis?

COUNCILPERSON MILLER-ANDERSON: Called and said he wouldn't --

DEPUTY CITY CLERK BURGESS: City --

COUNCILPERSON MILLER-ANDERSON: -- be able to make it (unintelligible). Thank you.

CHAIR DAVIS JOHNSON: -- City Manager Karen Hoskins?

CITY MANAGER HOSKINS: Present.

DEPUTY CITY CLERK BURGESS: Deputy City Clerk Jacqueline Burgess is present. Assistant City Attorney Lina Busby?

ASST CITY ATTORNEY BUSBY: Here.

DEPUTY CITY CLERK BURGESS: You have a quorum.

CHAIR DAVIS JOHNSON: Thank you. We'd like to stand for a moment of silence followed by the Pledge of Allegiance led by Councilwoman Botel.

ALL: I pledge allegiance to flag of the United States of America and to the Republic for which it stands. One nation, under God, indivisible, with liberty and justice for all.

CHAIR DAVIS JOHNSON: Any person who would like to speak on an agenda item, please fill out a public comment card located in the back of the council chambers and give it to the staff prior to the item being taken up by city council for discussion. Members of the public shall be given a total of three minutes to speak on all items listed on the consent agenda. Members of the public will be given three minutes to speak on each regular agenda item. In no event will anyone be allowed to submit a comment card and speak on -- on an agenda item after the resolution is read or item considered. Madam Manager, are there any additions, deletions, or substitutions?

CITY MANAGER HOSKINS: No, ma'am.

CHAIR DAVIS JOHNSON: Are there any disclosures by council? Hearing none, I'll entertain a motion to adopt the agenda.

COUNCILPERSON MILLER-ANDERSON: So moved.

COUNCILPERSON BOTEL: Second.

CHAIR DAVIS JOHNSON: It's been motioned and properly second. Madam Clerk, are there -- Madam Clerk?

DEPUTY CITY CLERK BURGESS: I'm sorry?

CHAIR DAVIS JOHNSON: Madam Clerk?

DEPUTY CITY CLERK BURGESS: Oh, okay. Councilperson Botel?

COUNCILPERSON BOTEL: Yes.

DEPUTY CITY CLERK BURGESS: Councilperson Miller Anderson?

COUNCILPERSON MILLER-ANDERSON: Yes.

DEPUTY CITY CLERK BURGESS: Chair Davis-Johnson?

CHAIR DAVIS JOHNSON: Yes.

DEPUTY CITY CLERK BURGESS: Unanimous vote.

CHAIR DAVIS JOHNSON: All matters -- do I need to go through this with there being no consent agenda, Madam Clerk?

DEPUTY CITY CLERK BURGESS: No, ma'am.

CHAIR DAVIS JOHNSON: For the record. Okay. All righty. Comments from the public shall begin at 7:30. Public comments shall be restricted to issues, matters, or topics pertinent to the City of Riviera Beach. Please be reminded that the city council has adopted rules of decorum governing public conduct during official meetings which has been posted at the entrance of the council chambers. In an effort to preserve order, if any of the rules are not adhered to the council chair may have any disruptive speaker or attendee removed from the podium, from the meeting, and/or the building if necessary. Please govern yourselves accordingly. Madam City Manager, discussion and deliberation?

CITY MANAGER HOSKINS: Madam Chair, Ms., um, Attorney Lina Busby will, um, announce the item and talk about Wednesday night's meeting.

ASST CITY ATTORNEY BUSBY: Good evening. Um --

CHAIR DAVIS JOHNSON: Good evening --

ASST CITY ATTORNEY BUSBY: -- Chair Davis --

CHAIR DAVIS JOHNSON: -- it's not on.

ASST CITY ATTORNEY BUSBY: -- Johnson, distinguished members of the council, thank you for calling and coming to this special meeting. Our office is seeking --

DEPUTY CITY CLERK BURGESS: It's not on.

ASST CITY ATTORNEY BUSBY: Oh, my mic is off? Okay. Thank you. Good evening. Our office, um, Office of the City Attorney is seeking advice from the board, um, to settle a matter, um, that is open litigation concerning, um, two claims on Jonathan Evans. Um, the subject of the -- of the -- the subject of the closed session will be, um, the settlement negotiations. And we are requesting that this be held on August 1st at 5:30 prior to our regular city council meeting.

CITY MANAGER HOSKINS: Madam Chair?

ASST CITY ATTORNEY BUSBY: Excuse me one moment, Madam Chair. Thank you.

CHAIR DAVIS JOHNSON: Please proceed.

ASST CITY ATTORNEY BUSBY: Um, the persons in attendance will be the City Manager, the Board, um, including the Mayor, so the City Council and Mayor and also our outside counsel, Mr. Matthew Ransdell and Mr. Glenn Toravia, who is here tonight as well. Thank you.

CHAIR DAVIS JOHNSON: Thank you. Councilwoman Miller Anderson, you're recognized?

SPECIAL CITY COUNCIL MEETING
American High-Tech Transcription
Largo, FL 33771

JULY 17, 2018
2600 East Bay Drive, Suite 215
727-535-1066

COUNCILPERSON MILLER-ANDERSON: Um, typically we have a closed executive session prior to going in to have that discussion with the mediation. And from my understanding the mediation already took place. And so what would be taking place at this closed executive session? Because according to the agenda item that's on there for Wednesday, it's as if the conversation's already been had. And I don't recall anyone coming and talking to me about what direction to go in. Are we gonna be doing that on Wednesday after it's -- the conversation's already been had?

CHAIR DAVIS JOHNSON: Um, if I may, just -- we had a meeting where we discussed - - there were two motions that were put out and these -- this board voted on allowing the team -- the mediation team to go in and mediate with the intent of settling.

COUNCILPERSON MILLER-ANDERSON: But --

CHAIR DAVIS JOHNSON: And so --

COUNCILPERSON MILLER-ANDERSON: Okay.

CHAIR DAVIS JOHNSON: -- therefore, um, this body did provide the opportunity for staff to go in and negotiate. We can pull the minutes to see what the direction was but there was a vote taken by this council to give them direction to go and mediate and complete --

COUNCILPERSON MILLER-ANDERSON: I -- I recall that meeting. Um, however whenever we have a settlement we always go into closed executive session first. And because -- mainly because as most people up here like to say, not to talk about stuff in the public or our strategy or anything like that. So I would have expected a closed executive session to take place prior to them going in. And that didn't happen. And that's how we typically do it. So I don't understand why this is different.

CHAIR DAVIS JOHNSON: Well, I don't know that this is different, Councilwoman. We provided direction to the team. There was a vote that took place. There was a unanimous vote that took place giving them the direction based on the motion and the second. And so therefore, I don't understand, um, where -- where we have deviated at all from the -- the plan or from the direction that we provided to staff.

COUNCILPERSON MILLER-ANDERSON: Because when we typically have them go into settlement to have a discussion or a negotiation or whatever the case may be, we are in closed -- behind closed doors and we have a conversation about the amount, what it is that we're willing to put on the table. We did not discuss that stuff in this meeting.

CHAIR DAVIS JOHNSON: We did not discuss that in the meeting but we did discuss that they would go in to mediate both claims. And the -- I will -- I will, uh -- I will, uh, ask the Clerk to pull the language but there was specific language that was discussed and we sat as a body and discussed that. And I'm just unclear as to where there is not clarity in

the direction that was provided to staff to go and handle the mediation. And they were able to meet -- apparently based on the outcome and what we were told, they were able to mediate and reach settlement. So I -- I'm unclear as to what was done improper. But let's divert to --

COUNCILPERSON MILLER-ANDERSON: Ms. Davis-Johnson --

CHAIR DAVIS JOHNSON: If you would, one moment please.

COUNCILPERSON MILLER-ANDERSON: No, no, no. Let me finish my -- let me finish what I'm saying.

CHAIR DAVIS JOHNSON: I know but I was --

COUNCILPERSON MILLER-ANDERSON: When --

CHAIR DAVIS JOHNSON: -- I was asking for some information.

COUNCILPERSON MILLER-ANDERSON: I -- I don't need the minutes because I remember --

CHAIR DAVIS JOHNSON: I'm not asking for minutes --

COUNCILPERSON MILLER-ANDERSON: -- the meeting.

CHAIR DAVIS JOHNSON: -- Madam -- Madam --

COUNCILPERSON MILLER-ANDERSON: What is it?

CHAIR DAVIS JOHNSON: -- uh, Miller-Anderson. I want to hear from the attorney because I don't understand what was done differently.

COUNCILPERSON MILLER-ANDERSON: Because when we have settlements, even we're -- we're talking about labor, when we're talking about settlements for any lawsuit cases, we have a closed executive session meeting first. Because we would not have said everything that needed to be said up here during a public meeting. We just don't.

CHAIR DAVIS JOHNSON: But we did have discussion about -- about what --

COUNCILPERSON MILLER-ANDERSON: We didn't talk --

CHAIR DAVIS JOHNSON: -- the outcome --

COUNCILPERSON MILLER-ANDERSON: -- about the amount.

CHAIR DAVIS JOHNSON: -- (unintelligible).

COUNCILPERSON MILLER-ANDERSON: We didn't talk about amounts, we did not.

CHAIR DAVIS JOHNSON: We talked --

COUNCILPERSON MILLER-ANDERSON: We didn't talk about what would be in it. We didn't.

CHAIR DAVIS JOHNSON: We said go and mediate with the expectation that the matters would be settled. That was --

COUNCILPERSON MILLER-ANDERSON: No.

CHAIR DAVIS JOHNSON: -- the conversation and the vote from this board.

COUNCILPERSON MILLER-ANDERSON: No, ma'am.

COUNCILPERSON BOTEL: Madam Chair?

CHAIR DAVIS JOHNSON: Councilwoman Battel, you're recognized.

COUNCILPERSON BOTEL: I too have a concern that it appears to me that members of the public were given information or received a public notice about -- not necessarily amounts but certainly stipulations in an agreement before members of the council were given that information in the privacy of an executive session. So I don't know how things were done in the past because I'm new on council. So, um, I can't say that I'm concerned because things have been done differently at this time. But I -- I guess I am concerned because I wasn't given a document to -- to preview, uh, before it became known to the public what was in that document. And that's -- that was of concern to me.

CHAIR DAVIS JOHNSON: So let me tell you what's further of concern to me along that line. That says to me that somewhere within the confines and structure of this government there is no confidentiality and information was obtained -- information was obtained or either shared with the public before -- before that information may have been -- before they even had an opportunity to come back and discuss with us.

COUNCILPERSON BOTEL: I saw it on the -- it was on the agenda. That's how I found out about it.

CHAIR DAVIS JOHNSON: I'm going to disagree --

COUNCILPERSON BOTEL: I mean that's what I'm talking about.

CHAIR DAVIS JOHNSON: -- I'm going to disagree because there was conversation and -- and it was out in the community, so.

COUNCILPERSON BOTEL: I'm talking about me.

CHAIR DAVIS JOHNSON: I -- I understand that --

COUNCILPERSON BOTEL: Yeah.

CHAIR DAVIS JOHNSON: -- Councilwoman, but --

COUNCILPERSON BOTEL: Uh-huh.

CHAIR DAVIS JOHNSON: -- we are -- I'm -- I'm making my point.

COUNCILPERSON BOTEL: Uh-huh.

CHAIR DAVIS JOHNSON: And while it may not necessarily, uh, effect you and your knowledge of it, I'm saying that information did get out. So I'm just -- again, I would say - - and this -- this meeting was called so that we could have the executive session. And apparently during the course of the executive session with our former -- our former City Manager and staff they had to come to some sort of agreement and so the plan was to go into -- into mediation with the intent of settling it. And I remember that we had a very lengthy discussion about the two motions that were put forth as to what was the intent of the actual outcome. And so to say that we were not clear on what was going to happen, I just find that to be a total mischaracterization of what was to happen. So, Madam, uh, Assistant Attorney, have we deviated from the process at all?

ASST CITY ATTORNEY BUSBY: No, Chair, um, I'll say there is, um, one slight change and that's just that we are expediting it at this time. But, um, we can explain that in the closed session. The -- the expedited timeline is not, um, something that the City wanted to do; it's something that the, uh -- the other party requested. So --

COUNCILPERSON MILLER-ANDERSON: Madam Chair?

ASST CITY ATTORNEY BUSBY: -- if I can just say one other --

CHAIR DAVIS JOHNSON: She can finish --

ASST CITY ATTORNEY BUSBY: -- thing.

COUNCILPERSON MILLER-ANDERSON: Yeah, she can finish. Go ahead.

CHAIR DAVIS JOHNSON: Thank you.

ASST CITY ATTORNEY BUSBY: Um, I understand and I hear what you're saying, um, Councilperson Miller Anderson, but in the closed session you will have the opportunity to express, um, the direction that you think this should go. You can -- you can discuss at length during that session whether you think, um, the terms are agreeable to the board or not -- or -- or to your district. So that's the purpose of the closed session. And we were charged at the time, at that meeting, with entering into this, um, mediation. It is -- staff

was directed to go to that mediation to try to, um, come to a settlement in this matter. And that's what we're bringing back to the board. And we can discuss it at great length, um, at your pleasure on Wednesday.

CHAIR DAVIS JOHNSON: Councilwoman Miller Anderson, did you have anything further?

COUNCILPERSON MILLER-ANDERSON: Yes I did. I -- I -- I -- and I hear what you're saying, Ms. Busby, but I'm not gonna allow anyone to sit up here and make me think I'm crazy by telling me that we don't typically do a closed executive session before we go to have negotiations. I spoke to Mr. Toravia and I -- I know that he would agree with me that that is not the way we typically do it, especially when we have situations such as this. Now if you all took it from that meeting that -- that night to, um, you know, say that that's what we meant but that's not direction. There was no full instruction on what to go talk about. So I don't -- don't -- I don't want nobody to try to water down what I'm saying because we always have a closed executive session before anyone goes and mediate or have a discussion. And then we will have a -- the second closed executive session to have a conversation, basically what we're doing right -- what we're gonna be doing on Wednesday. But what I -- what I found very troubling with this is, on top of it is that, on Thursday I got a call from, I think Allison from Toravia law firm saying that she -- Mr. Toravia wanted to meet with me on Wednesday at 5:00 to talk about Mr. Evan's situation and I'm like, "What are you talking about?" Okay? I, at that point, hadn't seen anything. I said, "Well, I would like to talk with Mr. Toravia before Monday's meeting because I don't wanna go into that meeting blind if you're talking about something and I come to this meeting and don't know what we're -- what's gonna happen." And then I was told -- I said, "Well, how do you even know when the closed executive session is going to be?" She said, "Well, we're gonna have it for, you know, um, Wednesday." And I said, "Well, I mean, that's fine and all but I thought we were coming here to have that conversation." But maybe somewhere along the way maybe something was attached to the back up to say the specific date. But at that time I had not seen that. So when I was speaking to her that morning she told me, "Well, it's gonna be 5:00 -- or 5:30 on Wednesday." I said, "Well, that's why we're meeting on Monday at -- at 6:00 to discuss when and what time we're going to meet." But she already knew that; something I didn't know.

ASST CITY ATTORNEY BUSBY: I --

CHAIR DAVIS JOHNSON: Are -- are you done?

COUNCILPERSON MILLER-ANDERSON: Well, when we had the special meeting called and I signed it it just said to have this special meeting to assign a date --

CHAIR DAVIS JOHNSON: Announce the closed executive session.

COUNCILPERSON MILLER-ANDERSON: Yeah, but there was no actual date.

CHAIR DAVIS JOHNSON: However if --

COUNCILPERSON MILLER-ANDERSON: -- because we do that here.

CHAIR DAVIS JOHNSON: Right. For closed executive session, what -- and please don't think that I am trying to water down. I -- I need for us to recall and to be clear because we knew that there was going to be a mediation scheduled for July 24th. We provided direction to the team in that meeting as it related to the outcome because, again, there were two votes; one failed, the second passed. And I believe that it passed unanimously. I'll have to go back and look at the minutes. So there is no attempt to water down or to deviate or to say that we did not have a discussion as it was -- as it related to the direction of this board to the team to go in and mediate. Everyone is --

COUNCILPERSON MILLER-ANDERSON: That -- that's --

CHAIR DAVIS JOHNSON: -- on record --

COUNCILPERSON MILLER-ANDERSON: -- not the problem.

CHAIR DAVIS JOHNSON: -- every --

COUNCILPERSON MILLER-ANDERSON: That's not my issue.

CHAIR DAVIS JOHNSON: Everyone is on record as having expressed their concerns. There was a motion, a second, and a vote that number one, authorized them to go into mediation on July 24th. There was a motion, a second, and a vote that authorized them to go in to the mediation with the intent of settling both matters, to resolve both matters. So I'm unclear again, and there is no attempt to make you think you're crazy or to water down but I am telling you all what I recall the conversation being and what should be captured in the minutes. So again, there was direction. There was a time that was stated for the mediation. There was direction as to what they were to mediate -- what the resolution of the mediation should have been. And so they have gone and they have done that and now they are coming back based on the mediation and the conversation with our former City Manager, his attorney, and our attorneys and now they are putting forth to us what is the outcome of that mediation. So I'm -- I'm again unclear as to what's improper about that.

COUNCILPERSON MILLER-ANDERSON: Madam Chair --

CHAIR DAVIS JOHNSON: Because now -- um -- one moment please, now, you know, it is -- we've had this discussion, they've gone, and the other party is asking for expediting of this particular matter. So we want to now say we are not clear on what's to go because now is the time for them to present the outcome of the discussion in the mediation and how they ultimately got to settlement. That's what I'm understanding the request is for. And so therefore that provides us with an opportunity to say, yea, nay. We

need to go back, we need to do whatever. Or, yes, we agree with the settlement as it's being presented. Now am -- am I incorrect --

COUNCILPERSON MILLER-ANDERSON: No, that's what she just said.

CHAIR DAVIS JOHNSON: -- Madam Attorney?

COUNCILPERSON MILLER-ANDERSON: That's clear on what she just said --

ASST CITY ATTORNEY BUSBY: Madam Councilwoman --

COUNCILPERSON MILLER-ANDERSON: -- I mean --

CHAIR DAVIS JOHNSON: Councilwoman, Chair Pro-Tem, you're recognized.

DEPUTY CITY CLERK BURGESS: Miller-Anderson just called a few minutes ago.

CHAIR DAVIS JOHNSON: You were -- you were still talking --

CHAIR PRO-TEM HUBBARD: (Unintelligible).

COUNCILPERSON MILLER-ANDERSON: Exactly and I haven't went -- I haven't gone again yet.

CHAIR DAVIS JOHNSON: But you -- you've spoken twice on the matter, if you would allow her --

COUNCILPERSON MILLER-ANDERSON: But I just wanna say this and I'm done with it. We can -- we can agree to disagree on the --

CHAIR DAVIS JOHNSON: That --

COUNCILPERSON MILLER-ANDERSON: -- interpretation of that. Okay?

CHAIR DAVIS JOHNSON: Okay.

COUNCILPERSON MILLER-ANDERSON: I totally agree with we all voted on the mediation piece, yes. But the specific direction is where I have a concern.

CHAIR DAVIS JOHNSON: Okay.

CHAIR PRO-TEM HUBBARD: Madam Chair?

CHAIR DAVIS JOHNSON: Chair Pro-Tem, you're recognized.

CHAIR PRO-TEM HUBBARD: Thank you, ma'am. The only, uh, difference in this time is normally we're not going to mediation; normally we're going to just a one-on-one

negotiation but the -- but the -- the EEOC that suggested and recommended the mediation if I'm not mistaken is that and we went to mediation -- excuse me -- we went to mediation because of that recommendation. So that, to me, is the difference. So once we agreed and voted for them to go to, um -- they had to bring it back to us to get our permission to honor the request of the EEOC to go to mediation. So that's where we went to mediation. Now, in closed executive sessions, they will tell us what happened at that mediation that we, um, authorized them to go to. And after -- after that we will come, I guess, to some kind of conclusion and then present it to the public after that. That sure -- we had a long, lengthy, discussion about it because I was adamant that I did not want to go -- anybody going to negotiation or mediation, rather on my behalf with my name in the document without me being able to be present. Seeing how I wasn't able to be present then I can concede to go ahead and agree that they could go ahead and go to -- go to mediation because I didn't want the EEOC to think that, um, I was being uncooperative whether we had -- it wasn't like arbitration and it was explained that day that this was just a recommendation. Arbitration you -- if it's an arbitration you are stuck with it. If you agree to go you're stuck with that decision. So I -- um -- while I didn't wholeheartedly agree and reluctantly I saw why we had to go to EEOC -- to the, um, mediation because of the EEOC. I understood the process and why we -- and, you know, and what was happening. And I expected today to be 10 minutes for us to say we were going to go into -- we were gonna give the public a date and time of when we would go to, uh, closed executive session to hear the, um, rulings or the outcomes of the -- of the mediation. So we still have to have a closed executive session either way. So I'd like us to, um, just confirm the time so the public can know that that's where we're headed. Um, is that -- um -- did I hear Madam Chair, that we've -- um -- it's 30 minutes prior to our Wednesday meeting?

CHAIR DAVIS JOHNSON: That is correct.

COUNCILPERSON BOTEL: Madam Chair?

CHAIR PRO-TEM HUBBARD: Okay. Thank you.

CHAIR DAVIS JOHNSON: Councilwoman Botel, you're recognized.

COUNCILPERSON BOTEL: Given our propensity for loquaciousness, could I suggest that we begin at 5:00?

CHAIR DAVIS JOHNSON: Unfortunately, I cannot be here at 5:00 promptly. I can get here probably about 5:15, um, but 5:30 is my, uh -- my absolute best.

DEPUTY CITY CLERK BURGESS: Madam Chair, we do have public comment, two public comment cards.

CHAIR DAVIS JOHNSON: Okay.

DEPUTY CITY CLERK BURGESS: Andre Henderson and Bonnie Larson. Also public comment cards are now closed.

CHAIR DAVIS JOHNSON: Thank you.

ANDRE HENDERSON: Is this public or just the discussion of the first agenda issue

DEPUTY CITY CLERK BURGESS: The first item.

ANDRE HENDERSON: Okay.

DEPUTY CITY CLERK BURGESS: (Unintelligible).

ANDRE HENDERSON: Um, I was -- I was here too at that meeting and I -- I thought -- well, I'll put it this way, I feel as though, Ms. -- I'll -- I'll speak to you, Chair. I feel you are bypassing the public because if that meeting was -- please, you know, you talk about decorum and you just --

CHAIR DAVIS JOHNSON: I know. I'm -- I'm --

ANDRE HENDERSON: -- threw your --

CHAIR DAVIS JOHNSON: -- looking.

ANDRE HENDERSON: -- yeah, okay.

CHAIR DAVIS JOHNSON: I'm -- I'm looking.

ANDRE HENDERSON: This is -- this is what I feel. I've been in every meeting for I don't know how long. But if you do this, the discussion that we had that night, the public was not aware of the details of what the -- the mediation was gonna be. If that was the discussion of the details in the mediation because I remember Ms. Botel made a resolution to enter to clear his name and it was shot down. Now, if we go into this and we -- the public doesn't have a -- a right to hear or discuss and you go into this closed session there's not enough people here to -- when they were here, this meeting was full that night. And I feel as though this is a backdoor move. This is one of those moves that -- that the graphing, right, the same way you put his language in there, up to six months; he could be here longer than six months. It's one of those moves that when you guys went into mediation that night, Ms. Hubbard was upset, Terence was upset and Pardo was mentioning a -- a -- a lawsuit and there was this big uproar that you had that you wanted to go attend the meeting. You couldn't -- you couldn't understand if you can go or not. So as a -- as a person in the public, I thought that you guys were entering in -- entering in this mediation not to close it but to figure out what to do to bring back to the public to say, listen this is what we're gonna be doing because the public wants Jonathan Evans back. So if this is what it is and you guys make this decision, that night I remember what was shot down was Terence, Davis, Hubbard, and you, decided not to enter

mediation with Jonathan Evans to clear his name. So --

CHAIR DAVIS JOHNSON: (Unintelligible).

ANDRE HENDERSON: Yeah, but she made that -- she brought it up. I was here. Ms. Botel brought it up. The three votes were Ms. Davis-Johnson, Hubbard, and Terrance Davis voted Ms. KaShamba Miller and Ms. Botel voted to clear his name and it was another matter, bring him back. So that if anything else is done other than that then we're gonna feel like we didn't have a chance to say our piece to you. And you -- you took your liberties to go ahead and make a decision that wasn't based on what the public wanted. So this is, in my decision, this is gonna be a noose, a political noose around your neck to carry. Because if Jonathan Evans isn't brought back or language is in this document saying that he can't come back or it's not fair to him, we're gonna feel like all the things that we're doing are not being taken, uh, into account. And the three people that voted to not bring him back and to clear his name are gonna have to take responsibility for it. Thank you.

CHAIR DAVIS JOHNSON: Thank you, sir.

DEPUTY CITY CLERK BURGESS: Bonnie Larson. That's the last public comment card.

BONNIE LARSON: Bonnie Larson. Mr. Henderson, this has been going on for years and years and years; when they don't want you to know something they don't put it -- they don't word it so that you know. There was a -- a notice on the web and it said that there would be a, uh, setting of a date for a special, um -- special -- closed executive session. It said nothing about Mr. -- Mr. Jonathan Evans, nothing. Nothing. Had to find -- I had to find that out by the backdoor way which is the way we always find out things and that is absolutely not right. I read the, um -- I read the resolution you have for Wednesday. It is despicable, disgraceful, Riviera Beach has stooped to the lowest low I have ever seen by that resolution. You have a man who came in here for six months -- a Christian man who came in here with all good intentions of bringing some integrity to this city. There was an article in, uh, one of the papers I read with, uh, Terence Davis finally spoke up and said why because he went to court and he -- he admitted he didn't have any evidence why to fire him. I hope y'all read that, um, article because he said he wanted Mr. Evans gone because Mr. Evans didn't hire our Water Utility Director. If he had he would have been fired; that would've been grounds to fire him. So he was in -- every situation he was in a no-win situation. That's the council who has to do that. Mr. Evans knows that. So no, he did not hire the Water Utility Director, that was Mr. Davis', uh, reason. Why -- the entire board -- I'd like to ask this, the entire board was not in this meeting that mediation and -- and who was in mediation -- who was the -- who was the team, mediation team? We've had two -- during Mr. Evans short employment there were two employees here who decided it was in their best interest to resign from Riviera Beach. They were both charged with inappropriate behavior toward a female employee. That's going to court sometime soon. Aren't you happy that he did that? Aren't you glad he did that? You wanna get rid of him. He got rid of two people -- or he -- he had a discussion with them so that they

SPECIAL CITY COUNCIL MEETING
American High-Tech Transcription
Largo, FL 33771

JULY 17, 2018
2600 East Bay Drive, Suite 215
727-535-1066

resigned, that was in their best interest. The water fiasco, Ms. Jones, she asked when she was finally let go, she asked for a name clearing and she was granted that. We have people here who have lost 1.1 million dollars and that's the tip of the iceberg on insurance, trust me it's the tip of the iceberg. They weren't even given a reprimand. Now you wanna say, Mr. Evans, you're gone and you can never, ever, come back here. Uh, it makes him sound like he's a pedophile or something, makes him sound like he's the worst person ever in -- to have entered Riviera Beach. That's vindictive, it's destructive, it's personal; it is personal. Mr. Evans did nothing but good while was here and you can't even clear his name? Can't even clear his name, that's all he's asking for. But to write that resolution, that is absolutely despicable. We know who wrote the resolution, Mr. DeGraffenreidt, right? He's not here tonight, neither is Terence Davis, that's very typical. Think about what you're doing. Think about what you're doing. This is gonna hurt you too.

CHAIR DAVIS JOHNSON: Uh-huh.

BONNIE LARSON: Those investigators look at and you ask who leaked this information rather than who did it. And here you have a perfectly honest man and you say rather than who did it. And here you have a perfectly honest man and you say, out the door and don't you ever step foot in Riviera Beach again. Despicable.

CHAIR DAVIS JOHNSON: Thank you, Ms. Larson. I cannot allow the record to go, uh, un -- I cannot allow it to not be corrected because a part of the conversation, and I'm speaking directly to the comments made by Mr. Henderson as it related to the motion that failed that was made by Councilwoman Botel, seconded by, uh, Commissioner Miller -- uh -- Councilwoman Miller-Anderson but that failed. But I turned -- I came back and I made a motion to enter into mediation with the intent of settling. And if that settlement -- one moment please, sir. And if that -- whatever that settlement included, be it clearing his name, whatever the final outcome was, there was an intent and I don't understand how you want to stand -- and I understand that we're in this political season, but do understand, I'm very careful about the statements that I make --

ANDRE HENDERSON: (Unintelligible) --

CHAIR DAVIS JOHNSON: Well, that's okay. I --

ANDRE HENDERSON: -- it's gonna hurt you.

CHAIR DAVIS JOHNSON: -- we don't -- I don't -- we're not going to have an exchange. I'm just --

ANDRE HENDERSON: (Unintelligible) --

CHAIR DAVIS JOHNSON: -- I'm -- I'm speaking to the comments that were made. And so, I want -- I want it to be emphatically clear, I did not spell out the terms of the

mediation because I have not attended anyone's law school nor have I been a certified mediator. So therefore the direction for me and the position for which I came from when I made that motion was to give the mediation team and the attorneys the wherewithal to mediate this matter to closure. If the -- if the former City Manager is in agreement, and I'm not trying to bypass the public by any stretch of the imagination, everything that we have done, everything that I have done and attempted to do is to be inclusive of the public. Do we always agree? No, we do not. But the purpose of this meeting is to give this council an opportunity to enter into closed executive session. We understand fully what the will of the people has been shared to be. This -- this opportunity for closed executive session gives us the opportunity to sit and to discuss the terms and the final, uh, discussion that was held with our former City Manager, and the attorneys that are representing the city. So when the motion was made there was never any indication that this body was not clear about what the intent of the mediation was to be. And we were clear on the date. We were clear on the fact that we were going in to mediate and to seek to settle this issue with our former City Manager. I believe --

CHAIR PRO-TEM HUBBARD: Madam Chair?

CHAIR DAVIS JOHNSON: -- I heard, Chair Pro-Tem, you're recognized and then Councilwoman Miller-Anderson.

CHAIR PRO-TEM HUBBARD: The process and procedures that we have, we've followed them to the letter. When we go into closed executive session it's because that's the law and that's the rule. We have to go into closed executive session for certain things. And then once it is discussed -- or once it is agreed upon, then we will bring that portion back out to the public. When we have legal matters concerning dollar amounts as many meetings as some of us have been to, as some of the members of the public have attended, they know when we go into closed executive session, they know why we go into closed executive session. This isn't anything new or different. Anytime we're talking about -- 'cause there's very few things that we can go into closed executive session about. And it's about settling lawsuits and the amount of money or a labor issue. There's very few things that you can go into closed executive session about. So there's no way to hide it from the public. It's, um -- when you learn the process and when you understand it, then you'll realize that this is nothing new. That this is what happens and this is how it has to happen. Is it not by our own doing. This is how it has to happen. They can only give us their findings in closed executive session. We'll give it to you in public. They give it to us in closed executive session and we forward it to you in the public.

CHAIR DAVIS JOHNSON: Councilwoman Miller-Anderson, you're recognized.

COUNCILPERSON MILLER-ANDERSON: Yes. And I just -- I know that I did say I agree to disagree and I want to keep that there but I don't want it -- I know just a few minutes ago you said we, you know, agreed, we understood, we this, I am saying that when I voted to go into mediation it was just that to go into mediation. However I did that with the expectation that we would have a closed executive session and have a conversation

about the details of what to talk about in mediation.

CHAIR DAVIS JOHNSON: Oh, I mean, okay.

COUNCILPERSON MILLER-ANDERSON: Okay?

CHAIR DAVIS JOHNSON: Point taken. Are there any further comments? Have we fulfilled the request to, uh, authorize the closed executive session?

ASST CITY ATTORNEY BUSBY: Chair, you have.

CHAIR DAVIS JOHNSON: Are there any, uh --

ASST CITY ATTORNEY BUSBY: Chair, you have. Excuse me.

CHAIR DAVIS JOHNSON: Thank you. Uh, there -- there does not need to be a vote; there just needed to be an announcement of the time, the individuals. It is now 6:35. Do we have public comment cards, Madam Clerk?

DEPUTY CITY CLERK BURGESS: Yes, we do. Laura Costello, Ernestine Gordon, Norma Duncam.

DEPUTY CITY CLERK BURGESS: Go ahead, Ms. Costello.

LAURA COSTELLO: Totally changing the subject. Good evening, ladies and gentlemen.

CHAIR DAVIS JOHNSON: Good evening.

LAURA COSTELLO: I'm Laura Costello from Riviera Beach, the best waterfront city in which to live, work, and play. When I see that sign sometimes it makes me wonder. But I wanna help bring that motto back to life. I believe we need to start at the foundation and help build this community. We need Grammy's Garden, the drugs, shootings, killings, and the thuggin' going on in this city need to come to a halt. I wish I knew how to make all that go away but I don't. We need Grammy's Garden. I believe -- I believe we all need to feel we have a purpose in life. I have an idea to start community gardens in our inner city areas. They will be bountiful, beautiful, gardens that are built and maintained by our residents. My dream is not only to have gardens and greenhouses but to have fast food, low cost, healthy restaurants, exercise areas, earth-friendly homes, solar energy systems, and wind turbines for electricity in these gardens. I think we should get together with FP&L and Habitat for Humanity and create warm, welcoming, friendly, environments in Riviera Beach. We need Grammy's Garden. These gardens can become educational tools for our community by teaching growing food, cooking, building, exercise, nutrition, sustainability, health and wellness, energy conservation, the list could go on. We have an epidemic in this community of unhealthy, undernourished, and overweight people. We can teach kids at a young age about healthy food and exercise and educate adults as

SPECIAL CITY COUNCIL MEETING
American High-Tech Transcription
Largo, FL 33771

JULY 17, 2018
2600 East Bay Drive, Suite 215
727-535-1066

well. Loving our neighbors, caring for our bodies through exercise and nutrition, and taking care of our planet our essential for our survival. Let's find a way to start a fun, purposeful, place in the neighborhood for everyone to hang out. We'll call it Grammy's Garden. Who doesn't wanna go to Grammy's Garden? Honestly, I don't know where to start with this dream of mine, that's why I'm here tonight, if someone can offer me guidance. I don't have any money but I have a big heart and lots -- lots of things I can do with it. And I really wanna get this project rolling. We need Grammy's -- Grammy's Garden. Let's make it happen. Thank you very much for your time. And don't forget, eat more plants and exercise every day.

DEPUTY CITY CLERK BURGESS: Thank you. Ernestine Gordon, Norma Duncam.

ERNESTINE GORDON: Good evening, council. I'm bringing a message really from the community out there. Have been -- we have been watching your tapes and everything and watching what's going on. And listening to the money that is being wasted out there. For example, the insurance, when they had dead people, unemployed people that wasn't taken off the -- the roll and you kept them on for years and years. And over 1.1 million dollars, look like either throw it out; that's our money. We work hard for that money. And it seem like you all don't even care. Y'all have become the jurors, the jury, and the prosecutor. That's what some of y'all have become. And three of you all up there have the law in y'all hand for now. But the people are watching you. We don't like what's going on. We don't like being kept in the dark. We be the last person to know what's going on. This is our money that you throwing out there. Not just a little of yours, but it's the people money and we don't have no darn voice whatsoever. Because just a handful of you up there took our voice away from us and we don't like it, we really don't. We are furious with y'all. And we want Mr. Evan's name cleared. He hasn't done anything. And what has been done wrong is y'all behind up there with the money and stuff you throwing away. You just throwing -- just tossing it away. Clear Mr. Evan's name. We want his name clear. He haven't done a darn thing. And it has become personal with y'all up there. You know that man haven't done nothing. The point is that, is you all don't know what in the heck y'all doing up there. It's just things that is being surfaced there. It's a God up there and don't think you're gonna get away with it. You has become -- let this become personal with y'all. You don't care anything about the people. Only-est [sic] thing you care is about your own darn self. And take our money and spend it any kind of way and treat us like we are nobody. We not gonna put up with it no darn longer. We are tired of y'all up there. The people are sick of looking at you because you're not doing what we want; you're doing what you wanna do, not what we want. And another thing, is that when you find in your heart to do right for Mr. Evan, then things gonna fall in place for you all up there. Nothing not gonna do right for y'all as long as -- that y'all doing wrong to Mr. Evans. I don't care what y'all put your hand on up there it's not gonna work until y'all clear his name and do what is right. And then things'll start working up there. Thank you.

DEPUTY CITY CLERK BURGESS: Norma Duncam.

NORMA DUNCOMBE: Norma Duncam. This -- this is unbelievable. Uh, I don't even

SPECIAL CITY COUNCIL MEETING
American High-Tech Transcription
Largo, FL 33771

JULY 17, 2018
2600 East Bay Drive, Suite 215
727-535-1066

know where to start. That at this point in time, with all of the things that needs to be done in this city that we are still talking about Mr. Evans. Now I realize the public may not know the policy. They do not know the charter. But I don't understand the people sitting up there not knowing. I heard you say that you didn't know Robert's Rules of Order, you don't know the charter. You have to have somebody teach you Robert's Rules of Order and the charter. Okay. The charter says that the City Manager serves at the pleasure of the council. It did not say how long he can serve. And it did not say that it is -- it is -- if you have a vote, that's why you have it. So that if a majority up there votes for whatever that's what it is. Now if you want to change that, you try to bring it back and convince somebody to go along with you. But Mr. -- and the City Manager does not make decisions; the City Manager moves on the basis of what is charged for him to do. The reason I am so upset is because there are so many things that are needed in this city. And you are up here fighting for Mr. Evans. Mr. Evans was put in his new position as City Manager with a three, two, vote. And if he rubbed one of those persons wrong, he's gonna be out of there. And he's not gonna have his name cleared. Now, we have a city of over 30,000 and your kids are going to four different high schools. That is disgraceful. And you continue to vote for the same person who has not seen a need for your children to have a school here. Even Pahokee and -- and -- and Belle Glade has a high school. And we're up here talking about Mr. Evans. Look, I continue to talk about the state road, Broadway and A Street and compare what they look like. And you're sitting here arguing about Mr. Evans? This is what I'm concerned about. I'm here for life. I've been here all of my life. I do not plan to go anywhere else. And I'm not gonna sit back and allow people to take -- in -- in other words, I heard the discussion about the, um -- in other words, they -- they said that the people are on the roll and they shouldn't be on the health roll. Well, that's not complicated. It's just like me having a flat tire and I got to do a study in order get -- to get my car changed -- tire changed. That's a simple thing to do. Put something in place so that you do not have to have anything like that happen. And that you will be able to solve that problem. That's very easy to solve. It was just like you all talking about signs that were taken down. Put something in place that the people know not to take signs down --

DEPUTY CITY CLERK BURGESS: Thank you, ma'am.

NORMA DUNCOMBE: -- after an election. Thank you.

DEPUTY CITY CLERK BURGESS: Thank you.

NORMA DUNCOMBE: Yes, ma'am, that's it.

CHAIR DAVIS JOHNSON: Any discussion about the City Manager?

ANDRE HENDERSON: Excuse me, I had a comment card in. I don't know if you saw it when you checked the public comments online.

DEPUTY CITY CLERK BURGESS: He did. I'm sorry.

ANDRE HENDERSON: First of all I ask a rhetorical question, did you read the resolution that was put up? An agreement was made against the will of the people. Uh, as much I respect and -- uh -- my elders and I agree with so much what the last speaker said, I think the younger people in the community need to see a man made whole. Um, they see themselves in Mr. Evans. I see myself in Mr. Evans even though I am his senior. My reason for coming out was because of Mr. Evans. When I found out what happened to him I was appalled. Mr. DeGraffenreidt has been known to work for certain individuals on this dais. When he enters into an agreement and it benefits those individuals I think the public -- the public has to understand either you think we're stupid or you just don't care. Because the agreement that was made for Mr. Evans is tone deaf and -- and Ms. Johnson had, um -- Tonya Johnson said the political -- that's a political nightmare; I would not want this around my neck. I would not want this. You said it's a political season, what you're doing, you addressed me with this being political, no, this is a political move but it's a -- boy, I tell you what, it's like hunting for landmines with a hammer. I'm telling you, this is foolishness. This -- I -- I can't understand why you would allow this to happen. In -- in the -- the point that you brought out, this is the problem, the language that we hear from this dais when we're sitting here somehow gets put into some kind of hopper, twisted, throws in, then we come back and we say, okay, this is what was agreed. Well, how can you agree to something that's supposed to be closed door in public? As Ms. KaShamba Miller said when you gave -- when you agreed to mediation, why should she have to come in afterwards. I understand order but you agreed to something, you put that man, DeGraffenreidt, in -- in -- in the cat bird seat. He made a decision he has to bring back to you. Now the public has it and all you did was stir the public up and we're sitting here saying, we didn't agree to that. We didn't hear enough from this podium, bring them back, bring them back, bring them back, Ms. Botel ran on it, she got 80% of the vote. Uh, are you -- do you not hear it, do you not see it? This is crazy. And all the things in your district, Ms. Johnson, that are going on, you're gonna put this on -- on your neck as the Chairperson? You need to instruct Hubbard and Terence Davis, say listen, this is y'all baby; y'all wanna deal with this, you deal with it. But you need to make a decision based off of political because this right here, this don't make no sense to me. This don't make no sense to me why you would put this resolution out. The people involved in this have to come back, Ms. Botel -- well, my -- my time is up. But it doesn't make sense to me --

CHAIR DAVIS JOHNSON: You can complete your thought.

ANDRE HENDERSON: Well, it -- it threw me off, so. But my point is, respectfully, this is not personal, but it doesn't make sense to me when the public says something and you turn around and do the exact opposite. Thank you.

DEPUTY CITY CLERK BURGESS: Thank you, sir.

CHAIR DAVIS JOHNSON: Discussion by the City Manager?

CITY MANAGER HOSKINS: None.

CHAIR DAVIS JOHNSON: Discussion by the City Attorney?

ASST CITY ATTORNEY BUSBY: No, thank you.

CHAIR DAVIS JOHNSON: Are there any City Council Committee reports? Statements by the Mayor and Council. Let the record reflect that the Mayor is now in the dais. Councilwoman Botel, any comments?

COUNCILPERSON BOTEL: Not in the adjusted time, I --

CHAIR DAVIS JOHNSON: Councilwoman Miller-Anderson any comment?

COUNCILPERSON MILLER-ANDERSON: Nah.

CHAIR DAVIS JOHNSON: Chair Pro-Tem, any comment?

CHAIR PRO-TEM HUBBARD: No.

CHAIR DAVIS JOHNSON: Mr. Mayor, do you have any comment?

MAYOR MASTERS: Yes. Um, first let me apologize for being late but I was -- got stuck listening at home to the -- the brilliant, uh, discourse of KaShamba Miller-Anderson as relates to this entire matter. And, uh, I just couldn't leave 'cause I -- I just -- was just brilliant listening to her, uh, recall of the facts and that's how I remember, um, as well. Hold on just a minute. I'm trying to finish but I just had a bad experience on the elevator. So everybody needs to know, do not get on the elevator. I knew I was gonna get stuck on the elevator; I knew it was gonna happen to me. I already have fear of elevators. I've told everybody, something is wrong with that elevator. It takes too long for it to open up. So my comment is, don't get on that elevator tonight. I got stuck on the elevator. I was on there for 10 minutes. I was bamming, "Open up. Don't y'all hear me?"

UNKNOWN SPEAKER: We heard you.

MAYOR MASTERS: You heard me?

UNKNOWN SPEAKER: We ignored you.

MAYOR MASTERS: I didn't think no one heard me but I was --

UNKNOWN SPEAKER: (Unintelligible) --

MAYOR MASTERS: -- you know, I did the emergency thing --

CHAIR DAVIS JOHNSON: Mr. Mayor?

MAYOR MASTERS: Yes? Comment?

CHAIR DAVIS JOHNSON: Yes, please.

MAYOR MASTERS: Well, that's my comment, don't get on the dang elevator.

CHAIR DAVIS JOHNSON: Okay. Thanks, Mr. Mayor.

MAYOR MASTERS: But I do want to, um -- uh, and please, uh, the emergency thing is not working either --

UNKNOWN SPEAKER: The -- the signal. Okay --

MAYOR MASTERS: Okay.

UNKNOWN SPEAKER: -- I've -- I've (unintelligible).

MAYOR MASTERS: Okay. Chair, let me wrap it up in comment. But, um, I did hear two speakers, Ms. Bonnie and Ms. Henderson, I agree with you 100%, uh, as far as Jonathan Evans. The city, the community, the majority, the super majority of voters want him back. And, um, that's what I want. And I will tell you 95% of the people who are running for office, for the offices up here, all want Jonathan Evans back. And I'm looking forward to him getting back one way or the other. Thank you, Madam Chair.

CHAIR DAVIS JOHNSON: Thank you. There being no further, uh, business we stand adjourned.

(CONCLUSION OF MEETING)

APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

LYNNE L. HUBBARD
CHAIR PRO TEM

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL, Ed.D
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

T. DAVIS _____

DATE APPROVED: SEPTEMBER 5, 2018

SPECIAL CITY COUNCIL MEETING
American High-Tech Transcription
Largo, FL 33771

JULY 17, 2018
2600 East Bay Drive, Suite 215
727-535-1066