

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Diana Adams
Pat Bentley
John Dittmore
Daniel McDow
Stephen Phrampus



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CITY COUNCIL SPECIAL MEETING

AGENDA

November 1, 2022, 6:00 p.m.
City Council Chamber

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT MEDITATION**
3. **ROLL CALL**
4. **DETERMINATION OF JUSTIFICATION**

Recommendation: Determine that a Special Meeting is justified. This determination requires the affirmative vote of four members of the City Council.

5. **REQUEST TO SCHEDULE EXECUTIVE SESSION**

Recommendation: Authorize the holding of a private attorney-client session on November 1, 2022 at 6:00 p.m., pursuant to Section 286.011(8), Florida Statutes for the purposes of discussing litigation strategy and settlement negotiations in the case of Masci General Contractor, Inc., a Florida corporation, individually, and as assignee of Brevard County vs. Jacob Engineering Group, Inc., a foreign corporation, City of Melbourne; and City of West Melbourne, Case No. 05-2015-CA-046973-XXXX-XX.

6. **ATTORNEY-CLIENT SESSION (ADJOURN TO PRIVATE CLOSED SESSION)**

Pursuant to Section 286.011(8), Florida Statutes, the City Council will hold a private attorney-client session, which will not be open to the public, for the purposes of discussing settlement negotiations and strategy related to litigation in the case styled Masci General Contractor, Inc., a Florida corporation, individually, and as assignee of Brevard County vs. Jacob Engineering Group, Inc., a foreign corporation, City of Melbourne; and City of West Melbourne, Case No. 05-2015-CA-046973-XXXX-XX, filed in the Circuit Court of the Eighteenth Judicial Circuit, in and for Brevard County, Florida. The Mayor shall announce the attorney-

client session and, upon approval of a motion, the Special City Council meeting shall adjourn and the private attorney-client session shall commence in the Council Chamber. The estimated length of the attorney-client session is 30 minutes or less. The persons attending the attorney-client session shall be:

Hal J. Rose, Mayor
Andrea Young, Deputy Mayor
Diana Adams, Council Member
Pat Bentley, Council Member
John Dittmore, Council Member
Daniel McDow, Council Member
Stephen Phrampus, Council Member
Tim Rhode, City Manager
Cliff Repperger, Interim City Attorney
Debra S. Babb-Nutcher, Claims Counsel via virtual participation
Margaret Sheffield, Court Reporter, Huseby Reporting

At the conclusion of the private attorney-client session, the Special City Council meeting shall reconvene and the Mayor shall announce the conclusion of the attorney-client session. A verbatim transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

7. RECONVENE PUBLIC MEETING

8. MASCI GENERAL CONTRACTOR, INC., A FLORIDA CORPORATION, INDIVIDUALLY, AND AS ASSIGNEE OF BREVARD COUNTY VS. JACOB ENGINEERING GROUP, INC., A FOREIGN CORPORATION, CITY OF MELBOURNE; AND CITY OF WEST MELBOURNE

Recommendation: Take any formal action as discussed in Attorney-Client Session.

9. ADJOURNMENT

All persons wishing to be heard should appear in person or send written comments to the City Clerk. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 286, Florida Statutes). In compliance with the American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 321-837-7774 at least 48 hours in advance of this meeting.