

**MINUTES FOR THE SPECIAL MEETING OF THE  
CAPE CORAL CITY COUNCIL**

**February 8, 2017**

**Council Chambers**

**1:00 p.m.**

Meeting called to order by Mayor Sawicki at 1:00 p.m.

Invocation/Moment of Silence

Pledge of Allegiance

Roll Call: Mayor Sawicki, Council Members Burch, Cosden, Erbrick, Leon, Stout, and Williams were present. Councilmember Carioscia arrived at 1:03 p.m.

**CITIZENS INPUT TIME**

No speakers.

**BUSINESS**

Mayor Sawicki reviewed the procedures to be followed.

**INTERVIEW WITH CITY AUDITOR – ANDREA R. BUTOLA**

Councilmember Carioscia arrived on the dais at 1:03 p.m.

**INTERVIEW WITH CITY AUDITOR – J. BRADLEY SIMMONS**

**INTERVIEW WITH CITY AUDITOR – T. PAUL TOMOSER**

**DISCUSSION AND SELECTION OF THE CITY AUDITOR**

Councilmember Stout discussed the qualifications of each candidate and expressed her preference was for Andrea R. Butola.

Mayor Pro Tem Williams stated his ranking: 1) Butola; 2) Tomoser; and 3) Simmons.

Councilmember Leon stated his ranking: 1) Tomoser; 2) Butola; and 3) Simmons.

Councilmember Cosden stated her ranking: 1) Tomoser; 2) Simmons; and 3) Butola.

Councilmember Carioscia expressed his preference for Andrea R. Butola based on her education, experience and background.

Councilmember Burch stated his ranking: 1) Tomoser; 2) Simmons; and 3) Butola.

Councilmember Erbrick stated her ranking: 1) Tomoser; 2) Simmons; and 3) Butola.

Mayor Sawicki stated her ranking: 1) Butola; 2) Tomoser; and 3) Simmons.

Councilmember Stout stated her ranking: 1) Butola; 2) Simmons; and 3) Tomoser.

Mayor Sawicki stated that Council had reached a tie for their first choice between Andrea R. Butola and T. Paul Tomoser.

Discussion was held in reference to the qualifications of the two candidates Andrea R. Butola and T. Paul Tomoser.

City Auditor Krym discussed the City's work with contracts. She stated each candidate had excellent credentials and bring different qualities to the table. City Auditor Krym stated one of the qualities that would facilitate each candidate's success would be being able to insulate themselves from the political arena and function as having eight bosses. She stated the selected candidate should also bring integrity, a strong work ethic, the ability to work independently, and self-governance.

Discussion held in reference to Council requesting the current City Auditor to weigh in on a preference.

Councilmember Erbrick stated reviewing what the Audit Committee submitted, she gives a lot of weight to their input as they are analytical, not opinion based. She suggested reconvening after being able to assess and process.

City Attorney Menendez stated Council was not obligated to reach a conclusion today. She stated it would be appropriate to add to Monday's agenda or schedule another special meeting.

Mayor Pro Tem Williams inquired if they could negotiate with the two tied candidates simultaneously. Unknown speaker stated no. Mayor Pro Tem Williams stated he is not changing his mind today and was in favor of reconvening at a later time.

City Attorney Menendez addressed the question of negotiating with two candidates. She stated it was a salaried position and it is not broad-based in terms of negotiation, as there are not that many issues available for potential change. City Attorney Menendez stated if Council is not satisfied with all three candidates they could contemplate seeking additional candidates.

Mayor Pro Tem Williams was not in favor of selecting more candidates.

Councilmember Carioscia stated he was comfortable switching his first choice to T. Paul Tomoser to break the tie.

***Councilmember Leon moved, seconded by Councilmember Erbrick to approve entering into negotiations with T. Paul Tomoser. (For City Auditor Position)***

***Council polled as follows: Cosden, Erbrick, Leon, Stout, Williams, Burch, and Carioscia voted "aye." Sawicki voted "nay." Seven "ayes", one "nay." Motion carried 7-1.***

City Attorney Menendez stated it would be appropriate for Council to identify how the negotiation would occur.

Mayor Pro Tem Williams left the dais at 2:43 p.m.

Consultant Higginbotham stated he was available to participate in the negotiations if necessary. He stated some parameters should be set for those negotiations. His approach would be to ask the candidates what they want first, then counter-offer.

Councilmember Erbrick discussed how they selected the City Manager previously. She stated if Mr. Higginbotham's firm could start the process she was in favor of that.

Mr. Higginbotham stated all three candidates were willing to relocate and were accepting of the salary range. He discussed negotiation components and how he would take Council's direction.

City Attorney Menendez inquired if Council agrees on Mr. Higginbotham spearheading negotiations, when would it be placed on the agenda, and would Monday be ample time to place the item on the agenda. Mr. Higginbotham stated that would be achievable.

Councilmember Burch was in support of Mr. Higginbotham, the City Attorney, and City Auditor Krym being involved, and Mr. Higginbotham conducting negotiations.

Councilmember Leon left the dais at 2:48 p.m.

Mayor Sawicki stated there would be an addendum to the Agenda for Monday.

Mr. Higginbotham inquired who would be involved in the negotiation process. Mayor Sawicki stated she would rely on Human Resources and offered to be involved.

City Auditor Krym discussed salary issues to be addressed with the candidates and stated the fewer people involved with the negotiation process the better.

Councilmember Erbrick was in support of Mr. Higginbotham making the first step of negotiations, the fewer parties involved the better, and move on to other parties as necessary.

Discussion held regarding average pay for Directors. Director Sonogo stated she could provide that information to Mr. Higginbotham.

#### TIME AND PLACE OF FUTURE MEETINGS

A regular meeting of the Cape Coral City Council was scheduled for Monday, February 13, 2017 at 4:30 p.m. in Council Chambers.

#### MOTION TO ADJOURN

There being no further business, the meeting adjourned at 2:54 p.m.

Submitted by,



Rebecca van Deutekom, MMC  
City Clerk