

APPOINTMENTS:

1. Of Donald Wayne Dobbins, 21 Hemlock St., Brockton as a Constable in the City of Brockton for a term of three (3) years.

HEARINGS:

2. Petition of George I. Souaiden for a Garage License located at 351-359 Belmont St.
3. Petition of George I. Souaiden D/B/A Westside Service Centre, Inc. for an Underground Storage License located at 351-359 Belmont St.
4. Petition of George I. Souaiden D/B/A Westside Service Centre, Inc. for a Motor Vehicle Repair Mechanical License located at 351-359 Belmont St.
5. Petition of Dinesh Patel for an Underground Storage License located at 500 Pleasant St.

REPORTS:

6. Of the Public Safety Committee for its meeting of November 3, 2014
7. Of the Finance Committee for its meeting of November 3, 2014

COMMUNICATIONS:

8. From Pierce, Davis & Perritano, LLP requesting that the City Council schedule a meeting to be held in executive session on Monday, November 10, 2014 regarding pending Brockton Power litigation strategy Brockton Power et al v. City of Brockton et al United States District Court Docket 1:12-cr-11047 LTS
9. From the City Solicitor requesting an additional appropriation to the FY2015 Law Department Ordinary Maintenance budget as follows:
To: Outside Legal Counsel
Amount: \$1,500,000.00
(In order to fund the estimated costs of outside counsel legal fees going forward for the remainder of FY2015 to defend the City of Brockton, members of the Brockton City Council, Planning Board and various other Defendants, both in their official capacity and individually, with regard to the civil suit instituted against them by Brockton Power, LLC).
10. From the Mayor in accordance with M.G.L., Ch. 44, recommending an appropriation of \$1,500,000
From: Unappropriated Receipts (FY2015 Tax Levy)
To: Law Department Ordinary Maintenance Services \$1,500,000
(For purposes of increasing the budget for outside counsel to pay for attorneys to defend the city, and members of its City Council and Planning Board, plus other former officials both in official capacity and privately, with regard to the civil suit instituted by Brockton Power, LLC). The approval of this appropriation will result in property taxes to be levied in FY15 above and beyond the level required in his first budget.

11. From the CFO in accordance with Section 5 of Ch. 324 of the Acts of 1990, certifying the proposed appropriation of \$1,500,000 to the Law Department for purposes of increasing the FY2015 budget for outside legal counsel in the Office of the City Solicitor, in order to provide funding for defending the city's interests in the civil rights lawsuit filed in federal court by Brockton Power, LLC PROVIDED THAT THE ATTORNEYS REPRESENTING THE CITY IN THIS CASE ARE ABLE TO PROFESSIONALLY ADVISE THE MAYOR AND CITY COUNCIL THAT THE CITY IS HIGHLY LIKELY TO PREVAIL IN COURT. THIS CERTIFICATION IS CONDITIONAL.
12. From the Director of Planning and Economic Development stating that the City of Brockton has been designated as a Gateway Community by the Commonwealth and that the Commonwealth has implemented the Housing Development Incentive Program ("HDIP") to encourage the development of market rate housing in Gateway Communities through state tax credits to qualified development projects.

UNFINISHED BUSINESS:

13. Petition of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 8 ft. lead. Pole and anchor will be located on town property on the north side of Merton St. Pole will be labeled 10-84 (IN CITY COUNCIL, OCTOBER 27, 2014, CONTINUED TO NEXT COUNCIL MEETING)
14. Petition of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 6 ft. lead. Pole and anchor will be located on town property on the west side of Blossom Street. New pole will be labeled Pole 69-84. (IN CITY COUNCIL, OCTOBER 27, 2014, CONTINUED TO NEXT COUNCIL MEETING)
15. Granting of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 8 ft. lead. Pole and anchor will be located on town property on the north side of Merton St. Pole will be labeled 10-84. (IN CITY COUNCIL, OCTOBER 27, 2014, CONTINUED TO NEXT COUNCIL MEETING)
16. Granting of MA Electric Company and Verizon New England, Inc. requesting a 35 ft class 4 pole, down guy, and anchor with a 6 ft. lead. Pole and anchor will be located on town property on the west side of Blossom Street. New pole will be labeled Pole 69-84. (IN CITY COUNCIL, OCTOBER 27, 2014, CONTINUED TO NEXT COUNCIL MEETING)
17. Ordinance: An Ordinance Amending Section 2-127 of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Section 2-127 of the Revised Ordinances of the City of Brockton is hereby amended by amending Section 2-127-"Pay Plan", by adding the title "Budget Director" to the classification on DA/P-2. (FAVORABLE) (IN CITY COUNCIL, OCTOBER 27, 2014, PASSED TO A THIRD READING)
18. Ordinance: An Ordinance Amending Article XIII of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 13. Procurement. Article 1. Contractor Qualifications and Sanctions. (FAVORABLE AS AMENDED) (IN CITY COUNCIL, OCTOBER 27, 2014, PASSED TO A THIRD READING, AS AMENDED)
19. Ordinance: An Ordinance Amending Chapter 27 of the Revised Ordinances of the City of Brockton. Be it Ordained by the City Council of the City of Brockton as follows. Sec. 27-73. Electronic Advertising Boards. (FAVORABLE AS AMENDED) (IN CITY COUNCIL, OCTOBER 27, 2014, PASSED TO A THIRD READING, AS AMENDED)

20. Ordinance: An Ordinance amending Chapter XIV of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 14. Offenses. (FAVORABLE) (IN CITY COUNCIL, OCTOBER 27, 2014, PASSED TO A THIRD READING)
21. Ordinance: An Ordinance amending Chapter XI of the Revised Ordinances of the City of Brockton. Be it ordained by the City Council of the City of Brockton as follows: Chapter 11. Section 11-162. (FAVORABLE) (IN CITY COUNCIL, OCTOBER 27, 2014, PASSED TO A THIRD READING)
22. Transfer of Community Carriage Inc. to Cowen Enterprises, Inc., for 8 Taxi medallions, which has been in existence since April 1992. (FAVORABLE)
23. Appropriation of \$12,000.00
From: the Massachusetts Department of Environmental Protection (MassDEP) Sustainable Materials Recovery Program Municipal Grant
To: Refuse Department-Recycling Containers Grant Fund. (The purpose of the grant is to purchase recycling bins for the City of Brockton Recycling Depot at 300 Oak Hill Way). (FAVORABLE)
24. Appropriation of \$140,000
From: the Commonwealth of Massachusetts-Executive Office of Energy and Environmental Affairs (EEA) through the Water Conservation Fund Act for the renovation of the Ralsco Park Site
To: City of Brockton Planning Department Grant Fund on behalf of the Department of Planning and Economic Development, Park & Recreation Department and Brockton Redevelopment Authority. There is a 50% match, which will be paid from the BRA through the Community Development Block Grant Funds. (FAVORABLE)
25. Ordered: That Pursuant to Sec. 23-30(f)(4), the City Council hereby approves the Rule and Regulation entitled Irrigation/Outside Usage Meters adopted by the Water Commission. (FAVORABLE)
26. Resolved: That the Brockton City Council expresses to the Mayor its belief that the due diligence conducted to date by the City on the proposed transaction is inadequate to allow for an informed consideration of the proposed transaction; and be it further Resolved: that the Brockton City Council expresses its position that no consideration of the proposed transaction shall be undertaken by the City Council without the City of Brockton first obtaining, through issuance of an Invitation for Proposals by the Chief Procurement Officer, a detailed financial due diligence analysis by a non-city affiliated, independent financial Services firm of the fair market value of the Aquaria Water, LLC Desalinization plant in Dighton, Massachusetts. (FAVORABLE)

ORDERS:

27. Appropriation of: \$1,500,000.00
From: Unappropriated Receipts (FY 2015 Tax Levy)
To: Law Department Ordinary Maintenance Services
(For purposes of increasing the budget for outside counsel to pay for attorneys to defend the city, and members of its City Council and Planning Board, plus other former officials both in official capacity and privately, with regard to the civil suit instituted by Brockton Power, LLC).
28. Resolved: a resolve regarding the recent auctions and where the money is going; what account is it being held in; what the money is going to be used for