

COMMISSION CONFERENCE**JULY 1, 2003**

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COMMISSION CONFERENCE

1:36 P.M.

JULY 1, 2003

Present: Mayor Naugle
Commissioners Hutchinson, Teel, Moore and Trantalis

Also Present: City Manager
City Attorney
City Clerk
Sergeant At Arms – Sgt. Raabe

I-A – Development Order/Development of Regional Impact (DO/DRI) – Fort Lauderdale-Hollywood International Airport Expansion Project

The City Manager stated that this had been a subject of concern and discussion for the last few meetings of the City Commission. He remarked that this proposal asked for a response from the City Attorney as to how to proceed.

Mayor Naugle asked if some back-up information could be provided explaining the agreements that had been signed and what they inferred.

The City Attorney stated that there was an Interlocal Agreement and an Ordinance which occurred back in 1997 and provided for the approval of Development of Regional Impact for the Fort Lauderdale-Hollywood International Airport. It also provided that 3 new concourses were to be built with 9 gates each, and 9 of those gates were completed, 9 were under construction, and the remaining 9 were under design. He added that in order to provide for the expanded growth of this Airport, they were going to build a runway to the south for operational reasons to be equal to the length of the runway to the north, which would also take pressure off the diagonal runway and eliminate traffic. During those negotiations, the City approved the project on the basis that the diagonal runway would be eliminated according to information received from the County.

The City Attorney further stated that they were working on and expected to complete early next year, access ramps and 35,000 sq. ft. of air freight facilities, 26 sq. ft. of maintenance facilities, along with rehabilitation of the taxiways for the diagonal runway. He continued stating that the growth would come from two sources. One would be a natural growth from the Airport which had been growing without much effort from anyone due to the nature of the destination, and because they were soliciting growth through the Economic Development Plans, and the County wanted to expand this Airport in order to attract growth. He explained that the problem they had was that the County now appeared to be changing their mind. The infrastructure had been completed that was necessary for most of the growth, and the runway to accommodate that growth would take pressure off the north side and equally distribute the pressure of the runway activity to other jurisdictions, but that appeared to have been amended. He further stated that they had gone back to the drawing board to decide to possibly

come up with another plan, and they were not certain what they were going to do. It did appear that the 9,000' runway was not going to be built and they were looking for some other alternative. The City had approved the plan and had entered into an Interlocal Agreement with the County. He felt it would not be prudent for the City to sit back and allow all the infrastructure to be built with the promise of the 9,000' runway, and that runway was needed, but wind-up at the end without it. He felt in order to avoid such a situation, the City needed to discover what plans the County had, put them on notice that it was the City's intent to revoke their Development of Regional Impact, set the hearing for September, and have them return and advise the City of their plans. If they were not going to move forward, then they should stop all construction at the Airport until they decide what was to be done with the runway since it should match the infrastructure. He added they should not allow for 27 new gates which would put more traffic on the north runway. He stated that from the City's perspective, they should notify the Department of Community Affairs, notify the County of the City's intent to appeal the Development of Regional Impact, and notify their bond counsel since it had been referenced in the bond documents.

Commissioner Hutchinson stated if the bonds were sold, they would be sold under the auspice of the 9,000' runway which was the ultimate goal. The City Attorney explained that the 9,000' runway had been mentioned in one of the bond issues as "The Project." The bonds were sold saying this is the project. Refundings were done saying that the 9,000' runway was not included in the issue, but the bond documents originally included the expansion of the 9,000' runway.

The City Attorney stated the bond documents clearly had spelled out their intent to build a 9,000' runway, and the Development of Regional Impact clearly showed the intent of taking the pressure off the diagonal runway, and at some point in time the City should give the County the opportunity to come and state their intent, instead of sitting back and doing nothing. If the County was in breach of the Development Agreement and Order, then the City would know based upon their response what action to take.

Don McClosky, attorney, stated he was not representing a client but was here because he felt it was the right thing to do. At the time the agreements were signed, he had represented the County in this project and had negotiated with the cities of Dania and Hollywood. He advised that he had various documents with him at today's meeting which he would be commenting on.

Mr. McClosky stated that the County's Development Order was dated July, 1997. The City of Hollywood had a Development Order which was co-existent with the County's since some of the land at the Airport was located in the City of Hollywood. He advised that the Order specifically mentioned the 9,000' runway and was for the best interest of the City of Hollywood and its residents. He proceeded to read from the Order as follows:

“WHEREAS, Broward County Airport Division proposes to expand the Airport’s capacity to meet the demands of the region through the year 2015 which includes expanding terminal facilities, aircraft gates, together with an extension of the south runway to 9R/27L to 9,000 feet.”

“FINDINGS OF FACT – CONCLUSION OF LAW

“The Airport had approved areas consistent with the State Comp Plan. The Airport has approved herein does not unreasonably interfere with the achievement of the objectives of the State Land Development and applicable areas. Aircraft runways north 9L/27R of approximately 9,000 sq. ft. and the auxiliary entrance are for the best interests of Broward County.”

Mr. McClosky further stated that he had been heavily involved in the negotiations with the City of Dania Beach, and they had swapped land with the County, and therefore, had not entered into a Development Order. They did enter into an Interlocal Agreement where the County did things for the City of Dania, such as contributing cash to the City. He proceeded to read the following from their Interlocal Agreement:

“The County and City agree that the Airport expansion proposed in the Master Plan and the mitigation of the impact of the runway expansion, as further addressed in this Interlocal Agreement, is in the best interest of the residents of Broward County.”

Mr. McClosky advised that agreement had been signed in October, 1995.

Mr. McClosky continued stating that an Interlocal Agreement had been signed between the County and the City of Fort Lauderdale in August, 1997, and had been adopted as an Ordinance by the County which contained the following language on page 12, Section 7 – Effective Date:

“The Ordinance which is a Development Order shall take effect upon the occurrence of both of the following:

“The City of Fort Lauderdale’s approval of the Interlocal Agreement and adoption of the Development Order containing the same terms and conditions as the Interlocal Agreement and Development Order adopted by the County.”

Mr. McClosky further stated that the City Attorney had alluded to the fact that the County had spent money in regard to improvements to the Airport. He stated that the entrance to the Airport, along with the roadways, were realigned, parking garages were built, and a rental facility was built and money had been spent somewhere in the neighborhood of between \$300 Million to \$500 Million. He explained that had not been the taxpayers’ monies per se because that was an

enterprise zone and the aircraft companies funded it out of assessments of individuals who land at the Airport, along with landing fees. He added that the environmental impact study was not good. He stated that he had been told that what was holding things up was the cost per passenger seat at the airlines. He explained further it was cheaper for the airlines to operate out of Fort Lauderdale to other cities in Florida, than if they flew out of Miami. If too much money was spent to fly over US 1 to build a runway, the per seat passenger fee would be raised, and it then became an economic question. He felt that an economic evaluation must have been done in the past before this project was undertaken.

Mr. McClosky stated the City of Hollywood had been opposed to this runway expansion and had attended all the meetings regarding this project, along with representatives from the City of Dania Beach. He asked where the City of Fort Lauderdale had been throughout these meetings. He agreed that something had to be done, but was not sure if he agreed on the method chosen by the City Attorney. He felt that possibly some resolutions, letters, appearances, along with comments to the press regarding the City's position, should be done. He believed there was also a fairness issue involved because the City had entered into an agreement in concert with two other cities, and the City had lived up to their end. He added that two cities to the south which would be affected by an expansion to the runway were "raising hell." He remarked that the runway affecting most of the individuals was the diagonal runway. He agreed the south runway needed to be built, and asked how come the other two cities were leading the charge. He felt this City should be in the lead and not playing "catch-up."

Mr. McClosky stated he was begging, beseeching, and imploring the City to be more pro-active and do what was necessary to have the proper organized expansion of the Fort Lauderdale Airport.

Randy Dunlap, representative on the Airport Task Force, stated it was very important for the City Commission to "get in the game." He further stated there were a variety of important issues involved. He mentioned there was a 3 second safety margin for landing at the Airport, but yet that issue had never been discussed. He added that the operational issues mentioned by Mr. McClosky were critical and the word needed to be gotten out. He felt they needed to discuss runway and airport useage and how the airport could be used with a shorter runway versus a longer one on the south. He stated those items had been lost in the discussion, and also commented that he had asked the other side what they really wanted, but a "straight" answer had never been given. He felt that without leadership and guidance from the City, they were "out-gunned." He saluted the Commission for addressing this issue, and hoped they would "step up to the plate."

Commissioner Hutchinson stated that she had been "walking" this issue since 1994-1995, and it had been a battle to get this Commission to sign on at that

time, but they did what was right for the residents of the City. She believed it was the time to exercise their right as a City because they had allowed them to do the projects, along with the widening of 4th Avenue which directly abutted her neighborhood even though it would increase traffic, because it was the right thing to do. All the projects leading to the “ultimate goal”, which was the expansion of the south runway, were being “baited and switched.” She stated there were discussions at the Airport Task Force meeting as it related to other alternatives and options. She added that they had done that and had chosen the one they wanted, and had been pro-airport at the time. She felt if they had the opportunity to “rattle the cage,” it was now time to do that and stand up and protect the residents of the City and move forward. She added that she did not want money spent on public relations, but wanted to do what legally could be done and put the County on notice and “put their feet in the fire.” She remarked that she was the one “on the hot seat” since it was her district, and she was ready to “play ball.” She stated that sometimes hard decisions had to be made, but it was the right decision for the City to make at this time.

Mayor Naugle stated if the County violated the Development Order and were not carrying out their end of the bargain and they lost the development permit, would they possibly have to dismantle some of the construction. The City Attorney stated that was a possible outcome and was one the City would seek.

Commissioner Hutchinson stated that everything they were building towards, which was better roadways to the Airport, extra gates, and extra parking was all being forced upon this City, along with the take-offs and landings.

Mayor Naugle remarked there was extra pollution for the neighborhoods due to the backlog being encountered which was also costly for the passenger. He stated this City was ending up with more pollution and traffic, and it was not what they had agreed to.

Commissioner Hutchinson further stated that this had been a “battle” in her neighborhood and the Airport was the “bad guy.” Over the course of time, they grew to be comrades due to the economic benefits involved. She added that her neighborhood learned to play fair and accept the Airport growth. She remarked that the Airport had started as a Naval Air Station in 1948, and the County had platted her neighborhood in 1955 as residential. She added that the Airport began growing in 1960. Over the years, the Airport had become a good neighbor.

Barbara Hill, Assistant County Attorney – Aviation Department, stated that she had been involved in this matter since 1994, and she had been asked to come to today’s meeting and listen.

Commissioner Trantalis asked if the County was changing their intentions with regard to the new runway or were there a change in circumstances which had

materialized since the original agreements had been entered into which led the County to re-examine their position.

Ms. Hill stated there would be some sort of extension to the runway.

Commissioner Trantalis asked Ms. Hill if she could comment on the sentiment of the County Commission at this point in time, and was there a change of mind. Ms. Hill replied that the Commission was reconsidering the 9,000' runway, but that did not mean they were abandoning the idea. Since there was a lot of opposition, they wanted to take a second look at the situation. She added there was a lot of political pressure from the community. Commissioner Trantalis continued to ask if that was due to a change in circumstances or did they just want to re-examine why they had made their original decision. Ms. Hill stated they wanted to re-examine their original decision.

Commissioner Trantalis asked if there were any severability clauses in the agreements that would separate out the requirement to build the south runway, and the County's obligation to build the mitigating amenities which they had already built, or were they connected. Ms. Hill replied that she was sure there were severability clauses, but she would have to re-check, and preferred not to answer that question at this time.

Commissioner Moore left the meeting at approximately 2:06 p.m.

The City Attorney quoted the following language from Section 4(a) from the Ordinance which adopted the Development Order in 1997, as follows:

“Fort Lauderdale-Hollywood International Airport (DRI) shall not be subject to down zoning, unit density reduction, or intensity reduction unless the City of Fort Lauderdale can demonstrate that substantial changes had occurred.”

The City Attorney continued to explain that the burden on the City was to show that substantial changes had occurred. He further stated when they would talk to the County regarding revocation of the DRI, the burden on the City would be to come back with experts and show abandonment of the 9,000' runway was a substantial deviation, and have them show the City why they should not revoke the DRI.

Commissioner Trantalis asked if the same burden was on the County, if they decided they wanted out of the agreement to show a substantial change of circumstances. The City Attorney stated he did not believe there was any language in their because there was no anticipation that the County would abandon the project or make substantial deviations.

Commissioner Trantalis asked if the mitigating amenities which had previously been spoken about caused a burden to the City or were they a benefit. The City Attorney replied they were both.

Commissioner Moore returned to the meeting at approximately 2:08 p.m.

The City Attorney further replied that to the extent it was mitigation, it was mostly for the benefit of the City because they required it as a condition of approval of the Development Order. Much of the relocation of US1 and the new ramps were not necessarily a great benefit to the City, but did help with access to the Airport. He added there were a number of operational issues that were included as conditions, such as hours of operation, run-ups and where they could occur, and specific roadways. He stated that 4th Avenue was both a burden and a benefit. He explained they had been required to approve Eisenhower Drive and Spangler Boulevard with improvements.

Commissioner Trantalis clarified that if the runway was not built, improvements had been made to the City which were positive. Mayor Naugle stated that he could think of only one which had been a benefit, and the remaining had been burdens.

Commissioner Hutchinson stated that when roadways were widened, there was heavier traffic which was a burden on the community. She further stated that when you mitigated roadways in the Port which were to be used in connection with traffic flow from the new Airport and new runway but now were closed off, that was a burden. Commissioner Trantalis stated that had been for security reasons. Commissioner Hutchinson stated they had to go back as part of the Development Order and re-mitigate it because of the road closures which are burdening the City.

Commissioner Trantalis asked if the City had bought any of the bonds that the County had floated in connection with the Airport. The City Manager stated that he did not think the City had purchased any, but they were looking to see if there were any for sale.

Commissioner Trantalis stated that his only concern in regard to this dialogue was that it was clear that the County was "putting the brakes" on the process. Sometimes that meant being neutral, moving in reverse, and sometimes it just meant slowing down before accelerating.

Commissioner Moore left the meeting at approximately 2:12 p.m. and returned at 2:13 p.m.

Commissioner Trantalis continued stating that he did not feel they were suggesting that if there had been a change in circumstances, that the City still wanted the County to go forward regardless if there was to be a detriment to the

community. He stated if the County had information which suggested that the continuation of the project would be a detriment to the community, then they would have to consider that and make sure it did not occur. Assuming that was not the case, then he was in agreement that the City needed to force the County's hand to have the project completed.

The City Attorney stated the City was suggesting they give the County notice that they believed these were substantial deviations from the project, and one of their remedies was to revoke the DRI, and for the County to appear before the City and explain.

Commissioner Hutchinson stated that it was not that the City was getting "short changed," but if the alternatives were changed and the County changed their mind because whatever they had perceived was not right, then they should stop what they were doing. Otherwise, they were setting themselves up for the ultimate goal, which was the 9,000' runway, but if they were building towards that goal but changing their mind, then they needed to stop and reassess the situation. She reiterated it was the City's right to be able to say this is what we signed and the County was issued to do the project with the 9,000' runway, but if they were not going to do that, then why were they continuing to build everything which would be for their ultimate end. She added that most of the things were inside the Airport.

Commissioner Moore stated he agreed with the recommendation and felt they should proceed.

Commissioner Teel stated they needed to go on record with the City Attorney's recommendation and proceed.

Mayor Naugle clarified the Commission was instructing the City Attorney to put the County on notice, and a hearing would be held in September. He added that some of the County Commissioners were in support of the expansion of the runway.

The City Manager stated that at the meeting held at the Convention Center, the City Attorney had spoken and alluded to the fact that potential legal action would be an outcome if the County did not proceed.

Commissioner Moore stated that he was pleased with how Commissioner Hutchinson had handled this matter and appreciated counsel's review to make sure the City was on solid ground. He felt it was time to address the issue.

Action: County would be put on notice regarding their violation of the Development Order, and a public hearing to be held in September.

Commissioner Hutchinson left the meeting at approximately 2:18 p.m.

I-B – 2003 State Legislative Agenda

Linda Cox, Lobbyist for the City, stated that no member projects had been funded, and she believed this had been the most difficult session she had experienced since she began in 1987. She stated that even though there were no member projects, often times substantive bills had physical impact on cities and counties. She further stated that they had been able to kill several of such bills, and one of them was in regard to extra benefits, the pension bill. She added that the bill had been filed in each special session, so they would have to keep fighting it until it finally dies.

Mayor Naugle clarified that the Senate had refused to take it up and the House had unanimously backed that bill which would cost an additional \$1.6 Million per year for the City. Ms. Cox confirmed.

Ms. Cox stated they would continually work against that bill. She added that the Senate's position was that they were not taking anything outside the call which was good for the City.

Ms. Cox continued stating that the other bill which would have hurt the City financially was the private property rights bill that they were able to kill in the session. She explained that bill would have said that the local government waive their sovereign immunity for purposes of litigation under the Property Rights Act, and would have been retroactive.

Ms. Cox explained that one of their priority bills had passed which was the test of adult basic education for the law enforcement recruits, and the City police wanted that requirement eliminated.

Commissioner Hutchinson returned at approximately 2:30 p.m.

Ms. Cox further stated that the huge transportation bill which had passed had many good things in it, but it had one bad thing for cities and counties which was that any facilities built on a State road did not have to meet local zoning requirements and regulations. She explained the League of Cities had contacted them and wanted a letter sent to the Governor requesting he veto this bill. Commissioner Trantalis asked for further clarification of facilities. Ms. Cox explained any structures being built on State roads. The City Manager explained that would affect buildings proposed or currently existing, such as the Health Department.

Commissioner Hutchinson stated that they did not conform anyway, but this would give them legal standing.

Commissioner Moore stated that was a real detriment to what was important to everyone which was home rule. He stated that a municipal entity was formed so they could do things for the citizens they represented, and if the State was going to remove such a right that was not appropriate.

Ms. Cox explained that the League of Cities asked for the Commission to adopt a resolution urging the government to veto the bill.

Mayor Naugle left the meeting at approximately 2:20 p.m. and returned at 2:21 p.m.

Ms. Cox stated the intermodal system and the local option gas tax would probably be passed next year. She stated the South Florida Regional Transportation Authority bill passed which authorized the additional \$2.00 license tax. She stated she did not think that required a referendum. She explained it was to bring back a lot of Federal money which was not available at this time.

Commissioner Moore explained that in order to get Federal money, a direct revenue source was needed in order to be entitled to that money. In order to deal with a regional transportation system, the City needed to obtain some Federal money. He believed that home rule was the key.

Mayor Naugle stated that Broward County stated they would come up with money and were presently waiting on Dade and Palm Beach Counties to do it also.

Ms. Cox stated that there had been some controversy regarding the retrofitting of sprinklers. A compromise bill had been adopted which allowed condominium owners to exempt themselves from this retrofit by a 2/3 vote, but it did not apply to high-rises that were 75' or higher.

Ms. Cox further stated that there had also been an increase in penalty for identity theft. She explained if it was \$5,000 against at least 10 individuals, it would be a second degree felony, but if it was \$50,000 or more and involved 20 individuals, it would be a first degree felony.

Ms. Cox reiterated that the pension bill was the main item and if the Senate takes this up, it would probably pass. Commissioner Moore asked what was being done from having this happen. He asked if they were presently meeting with some of the Senators. Mayor Naugle stated that at the request of the League of Cities, he had sent a letter to the delegation stating it would be a tax increase for the City if this was done. He added that other cities were doing the same thing. Ms. Cox confirmed and stated that the League had informed her that many of the larger cities had not contacted the Governor yet.

Mayor Naugle remarked that in connection with the pension bill, there was no reason to contact the Governor because it had not gone to him as of this time. Ms. Cox added that the key to the pension bill was for it not to be taken up out of order, and she did not think that was going to happen.

Commissioner Moore asked if there had been any discussions regarding predator lending in this session. Ms. Cox stated she was not aware of any.

Ms. Cox distributed copies of the pension bill and the letter which had been sent to the Commission.

Ms. Cox urged the Commission to get their priorities together as early as possible.

Mayor Naugle stated that he had hoped the City could get some of the Federal funds for Homeland Security which were distributed to the State. It appeared they would not reach local levels as of this time.

Commissioner Hutchinson added that the issue appeared to be that the monies were getting to the State, but information was not being forwarded in time to the cities and the time span to submit applications was very short. She reiterated there was not enough communication going on and some added direction was needed. Ms. Cox stated that a Committee had been created for Homeland Security, and she was going to check with them.

The City Manager stated that on Sunday on "Meet the Press," it had been revealed that the needs for first responders were 3 times the amount.

The City Manager asked if there was any hope that annexation would be discussed at the next session. Ms. Cox stated that the Chair of the Ad Hoc Committee had not yet been appointed.

Commissioner Hutchinson left the meeting at approximately 2:35 p.m. and returned at 2:36 p.m.

Ms. Cox stated she believed there would be some considerations regarding annexation. She stated that the local partnerships had not been active during session, but the word was that they would be starting up again. She hoped that most of the work would be done by the local partnerships. Commissioner Moore reiterated that it had to be done this year because the legislative position was that the annexation would be by 2005.

The City Manager stated the importance were the budgetary concerns and whether they could be successful in talking with the County about the areas the City might be interested in.

Action: Resolution to be adopted vetoing the transportation bill.

I-D – Preliminary Fire-Rescue Special Assessment for Fiscal Year 2003/2004

The City Manager stated that this item needed to be addressed before the Budget. He added that this was a continuation of discussions which had been held in November.

Horace McHugh, Assistant to the City Manager, stated they had some recommendations regarding the fire assessment fees and rate structures. He stated it was a result of meetings held with the Commission and presentations made regarding infrastructure needs at the direction provided to them in terms of addressing facilities through bond issues, and addressing other needs in terms of capital equipment through assessment fees. He explained that the Florida Statute allowed for the provision of such fees and had been approved in 1999. He further stated the initial study suggested that within 5 years they do a revised or updated study and had contracted with GSB to do that study. He remarked that Camille Thorpe would give that update.

Camille Thorpe, Consultant of Government Services Group in Tallahassee, stated the other part of their team, the law firm of Neighbors, Gibbon and Nickerson were the legal part of the special assessment project, but were unable to attend today's meeting. She explained that in order to be legally defensible in the State of Florida, they had to meet case law criteria. She stated that the law firm helped them craft the methodology, review the rates, review the procedures and their approach to make sure they would have continued legal responsibility. She explained they had also assisted in crafting the resolutions that would come before the Commission this summer.

Ms. Thorpe further stated that the City had implemented the program in July, 1999, and every 3-5 years they were to review the program to see if any changes were needed. She stated there were some things which warranted a change to the methodology. She stated that there had been RV park legislation passed and there were some within the City's boundaries. She also added that the City had annexed Melrose Park and Riverland so the boundaries had changed. She added that they were also 4 years into EMS service delivery.

Ms. Thorpe stated that finally the Supreme Court upheld last summer the North Lauderdale case which stated that the Emergency Medical Services part of Fire-Rescue Services did not provide special benefits to properties, and the EMS section could not be funded through special assessment. She announced they were presently working with 8-10 cities in the County in order to redo their programs.

Ms. Thorpe stated that the purpose of their study was to identify the full cost for provided Fire-Rescue Services, review the current assessment methodology and update it particularly to include the RV park legislation, calculate new assessment rates, and present the findings to the City. She stated they had prepared a report and stated that the fire calls per property use category had not changed much, and the proportions of calls to residential and commercial properties, industrial warehouses and other categories had also not changed and were fairly stable. She further stated that the resources available for fire-rescue services had also been stable, but the level of costs to provide such services had increased. Since 1999 personnel had been added, renovations had been made, and new stations had been added.

Ms. Thorpe stated that they had updated the methodology for the RV park treatment and updated assessment boundaries to include the newly annexed areas, and she felt the revised methodology would meet the case law requirements and insure legal defensibility.

Ms. Thorpe further stated that the proposed fire-rescue budget showed that \$18.8 Million was fundable out of assessments, which meant that the remaining portion was attributable to EMS services, and had to be funded out of other revenue sources. Based on that budget, she explained they had prepared various rate scenarios for the Commission to review. She further stated that the scenario being presented funded a 50% increase from the last fiscal year. She stated that they were working with other cities in the County, and they were all going through the same process, and everyone was looking at an increase in their rates. She commented that even Margate was going to consider adopting a rate of \$85 per residential unit. She explained that everyone's fees and rates were dependent on their portion of the budget, how service was delivered, and the number of units within their community.

Mr. McHugh added that they had asked the consultant to look at the rate study at 25% to 100% increase, as well as if the fire assessment fees were used to fund the entire fire-related portion of the budget. He further stated the reality at this time was that there was no opportunity for funding, and there had been significant increases in first responder and they needed to be compliance with NFPA 1710 standards. He stated that the Chief of Fire-Rescue had identified some estimates, and they were proposing an increase in fire assessment fees at 50% where currently the residential rates were 42%.

Mr. McHugh stated that in Broward County, their fees were the 22nd lowest, and the proposed increase would take them to 16th lowest, but with the other cities proposing similar increases, the City would probably rank between 20 and 22. He stated they were not comparing the ad valorem portion. He explained the City provided full service, including Haz Mat, and they believed this was an appropriate way to address some of the needs of the fire department.

Mayor Naugle stated that he liked to look at the budget in its entirety and asked if this matter was time sensitive, or could the resolution be presented after the budget presentation.

The City Manager stated that a schedule had been provided to the Commission. Mr. McHugh explained that the consultant was providing the report, and in addition to summary sources, some of this was tied to her schedule since she was also working with other municipalities.

Ms. Thorpe reiterated that the rates had to be given to the property appraiser by August 1, 2003. Mayor Naugle remarked that the date listed was July 15, 2003 for the resolution.

The City Manager stated they were providing the information today to the Commission, and they had hoped to have the evaluation of the tax rolls, but that had not occurred.

Dennis Ulmer, resident, stated that the residents were asking the Commission to be sensitive to the fact that property taxes could rise with this proposal 20%.

Tony Esposito, resident, asked if the assessment was per parcel. Ms. Thorpe confirmed.

Mr. McHugh explained that they had asked GSG to evaluate the cost for service and the appropriate cost allocation.

Mr. Esposito further stated that the entire budget should be reviewed and he was going to do some further research and then contact staff.

Mayor Naugle reiterated that a public hearing would be held before adopting the resolution.

Commissioner Trantalis asked if they had responded to homeland security being tied to obtaining Federal funding for these services. Mr. McHugh stated they had received some funding through homeland security, and they had done some exercises already. He added that some of the protective issues were not mandated through the Federal government, but had been recommended by the Chief for his staff which were an example of additional levels of cost associated with first responders and preparation. He also stated that some of it was driven by national standards. He stated they had also pursued various avenues in an attempt to seek Federal funding. He stated they were continually working with the grant person in order to maximize the resources which were available.

Commissioner Hutchinson asked if the Commission could be provided with a list of what had already been obtained through the homeland security funds, and what those funds were being used towards.

The City Manager stated he did not know if they had received very much yet, but would provide information as to what they were pursuing and what was in the "pipeline," as opposed to what funds had been released both at the Federal and State levels.

Commissioner Moore stated that he wanted to make some philosophical points in reference to the fire assessment. He continued stating that these fees did not have the comfort that one had from the Homestead Exemption, as well as the elder exemption. He suggested they move ahead 100% with the fire assessment, but that they roll back the ad valorem cost based on fire protection taken out of the fee, and believed that would be a true method of allowing taxpayers to see what their hard cost would be. He reiterated that he did not like the "sneak up" approach with this fee, but he was concerned and wanted the taxpayer to realize that the fee was for the providing of fire service.

Mr. McHugh stated that a 100% assessment would total \$119 which did not provide for the replacement of other items. In terms of commercial and industrial, the rates would range from a \$14,000 to \$20,000 increase.

Commissioner Moore stated his point was that he believed they should roll back the ad valorem tax, reducing it by \$18 Million since they would be collecting it in the assessment fee. Commissioner Trantalis stated if this was done, how would that protect the homeowner. Commissioner Moore proceeded to give an example of how the system would work.

Action: Resolution to be presented on July 15, 2003.

Commissioner Moore left the meeting at approximately 3:05 p.m. and returned at 3:07 p.m.

I-C – Current Year Budget Issues (Fiscal Year 2002/2003)

The City Manager stated that he had distributed a memorandum to the Commission regarding the current budget year challenge. He stated that the article recently in the newspaper dealt with the issues facing this budget year, and looked ahead to next year's budget. He remarked that he wanted to clarify a few issues.

The City Manager continued stating that on July 16, 2002, he had indicated in his budget message that while they wanted "to maintain a reasonable cost for services delivered, it is not realistic for the City to think that it could absorb normal cost increases necessary to provide assisted and dependable levels of service." Accommodating those increases would eventually catch up with them and cause either a significant tax increase or a reduction in services. He stated that he had been trying to keep the Commission informed as to where they stood

and where they were headed. He remarked that some of the things were beyond their immediate control, and at the same time they were forced to deal with matters the same as other governmental entities.

The City Manager explained that yesterday's memo was not to alarm anyone, but alert everyone of the City's current efforts. He stated that comments in the newspaper by various individuals were appreciated, and he wanted to demonstrate that some of the comments had already been taken into consideration. He further stated that they had been the recipients of some of the same decreases in return on their investments, as other governmental entities had been the victims of. He added that the low interest rate impacted the City at about \$9 Million, and \$8 Million to the General Fund. He stated they would continue to keep the Commission advised. He remarked he was continuing to work on balancing the budget, and also to try and come up with some savings that could carry them into the next fiscal year.

The City Manager explained that for the last 2 budget years, they were operating under the instruction of a Commission to have minimal impact on the average homeowner which resulted in a rate that was less than the normal rate had they taken advantage of an increase in the tax roll. He stated that calculation was about \$2 Million each year. In the aggregate had they availed themselves of that, they would have the \$4 Million now.

Mayor Naugle stated that the ad valorem had increased 9% last year after subtracting for the annexation.

Commissioner Trantalis stated it was his understanding that the millage rate was staying the same for non-homesteaded properties, and the percentages just described were the value of the real estate each year.

Terry Sharp, Director of Finance, stated that they had the same millage rate for all properties, but with the homesteaded properties there was a limit on how much you could grow from one year to the next. He advised there was also a homestead exemption that took off \$25,000 off taxable value.

Mayor Naugle explained by keeping the millage rate low, they were able to increase taxes and also had begun adding the fire assessment in 1999 which added \$6 Million per year.

Commissioner Moore stated they had also Union contracts which outpaced what had been done even with the increases. He added they had obligations of the pension losses and contract agreements with the bargaining units.

Commissioner Trantalis summarized that expenses were rising, but revenues were down.

Mayor Naugle remarked that revenue had gone up 3 times the rate of inflation.

Commissioner Moore reiterated it was contractual obligations which kept going up.

The City Manager stated that the cost of doing business had increased. He stated the City's big 3 departments which were funded out of the General Fund were the Police Department, Fire-Rescue, and Parks and Recreation. He stated that 70% of the costs were clearly for personnel. He stated they realized the increases in revenue, but the net change in those 3 departments outpaced that by some \$5 Million. In fiscal year 2002, the General Fund revenue for those entities were \$3 Million, and the net change in program expenditures was \$13.2 Million. In fiscal year 2003, with changes in annexation, they were looking at \$9 Million net change in general revenue, and a \$14.2 Million net change in costs.

The City Manager continued stating they did not have control over some items, such as the increased cost of security due to threats of terrorism, and the increase in petroleum products.

Commissioner Hutchinson stated that some of the security issues should be dealt with under homeland security and should be reimbursable. The City Manager advised they had applied for such funds, but had not received any as of this time.

Mayor Naugle reiterated that some of the expenses should be reimbursed. He stated that one major general revenue that was omitted was the \$6.4 Million from the fire assessment, and would bring the net change on the revenue side to \$15.4 Million.

Commissioner Trantalis asked how the pay scales compared to other municipalities. The City Manager stated that the policy of this Commission going back to the early '90's was to have them in the 60th percentile, and it had started with law enforcement, and now he believed them to be in the 100th percentile in terms of pay. He believed Fire-Rescue was below the 100th percentile, and general employees were closer to the 60th percentile. He felt the pay scales were in keeping with what was required of the employees.

Commissioner Moore stated he wanted the Commission to be aware that the policymakers in 1990 and prior to that had the City in the 70th percentile. It was reduced to a 60th percentile, and now he heard remarks that they were in the 70th and 100th percentiles where they were supposed to be at 60. He felt this was why they needed to begin with methodologies that would hold the line. He reiterated that had been dealt with as a strategic move in order to make themselves more marketable, and not be allowed to lead the marketplace in connection with salaries. He felt that possibly there was a need for them to revisit this matter.

Commissioner Trantalis stated that since they were to provide police, fire-rescue and recreation, that was their “bread and butter” business, so clearly most of the money should go to those departments. He felt 70% was not unreal and people did not always see the results of such costs. He reiterated that it appeared that the only times fire-rescue and police were appreciated were in times of great disaster. He felt they needed to achieve a happy medium. He asked if there were other cities who had the same level of pay, and what millage rate was being taxed for such levels of service.

Commissioner Moore reiterated that 70% of the budget went for salaries. He stated the residents did see the results due to reduced crime and a satisfaction survey that was higher than other municipal entities in the County. He emphasized they should not lead the market place in salaries.

Commissioner Hutchinson stated that the City also needed to look at their spending habits. She stated the Commission had towed the line in order to not raise taxes, and not to look to the future as to what some of their contractual obligations would cost them. She reiterated they had forced the City Manager to look at ways to cut the budget so the millage rate would not have to be increased. She asked what had they over-spent on. If the budget was not balanced and incomes were the same, then too much money was being spent.

Commissioner Hutchinson reiterated that she wanted to see by department, where they had spent too much money and how things could be reined in, along with how many consultants were they paying for that were unnecessary.

Mayor Naugle asked what the over charges looked like by department and asked how they were kept.

The City Manager stated those expenses were kept quarterly, but as they moved towards updating them, they had changed to recording them on a weekly basis. He stated that overtime continued to be a challenge and both Chiefs had been challenged in that regard. He emphasized that they could not short-change the number of personnel on a piece of apparatus, nor could they short-change having adequate protection on the City streets. He also stated that when the School Board decided not to hold summer school last year, the City was looked to pick up services for those children during the summer months which caused added expense. He added they had not bought a lot of new excess equipment, and there were some new initiatives brought on board this year by the Commission which had not all been funded yet, but did come with a cost. He reiterated that possibly he needed to do a better job by telling the Commission how much something would cost before taking on a project.

Commissioner Moore stated that the “devil in the detail” was a run-away cost with what salaries and benefits were being paid, and what was being done in contractual agreements. He reiterated the problem was they were in the 70th

percentile for salaries and benefits, and the City continued to negotiate it away, but yet not increase taxes.

Mayor Naugle reiterated that each department head needed to give a monthly account of expenses instead of quarterly ones.

Commissioner Trantalis stated there were some variables that could remedy the problem easily.

Mayor Naugle remarked that a revenue source was going to be increased by the end of the year because additional income was going to be received from electrical franchise fees for August and September.

The City Manager reiterated the Commission would be kept informed and they were going to review the departments.

Commissioner Trantalis remarked that this shortfall was very surprising to many people, and the amount was quite startling. He further asked what could be expected down the road and would the gap widen or narrow.

The City Manager stated that the gap obviously would close and by law they were required to have a balanced budget, and staff was working to make that happen. In addition to measures being put in place that the Commission had been advised about previously, they had "colored outside the box," and were looking at things that would affect compensation for employees. Contrary to what had been stated, he had not kept the employees or the unions "out of the loop" in terms of the situation. He explained there would be a "tightening of the belt," and everyone was going to be asked to participate. Finally, he stated it was his goal that no matter how tight things would get, they were not at the point to begin talking about layoffs, and he felt that would be an unacceptable way for them to balance the budget. He reiterated it was his commitment to do everything possible to not have to layoff employees.

Commissioner Teel stated it would be rather naïve for anyone at this table to think this was something new because things had been happening for a few years now. She asked how did the policy in place for a while regarding the 60 percentile evolve and go to a higher one, and asked if that had been due to the bargaining sessions.

The City Manager replied that it was fair to say that when the percentile was arrived at it had been a number of years ago, and various things had evolved since then. In addition to salaries, there had been other enhancements such as the compensation packages, especially regarding the employees in "blue," the DROP Program, and the need to fill vacancies and be competitive with other departments. He added that the PAVE Program added an incremental cost and was part of the compensation package.

Commissioner Moore stated that the reason they dealt with the DROP Program was to help reduce salaries, and he had recently heard rumors that individuals were going to be "dropped," but then rehired under a contract. He stated he did not want that to happen. He explained the reason the monies were put in the DROP Program was to take care of some of the higher salaries so they could move on and have a savings. If they would be rehired under a contract, they would definitely defeat the purpose.

Commissioner Moore further stated when they had addressed the matter of filling in police vacancies, they did it to reduce overtime, but yet the overtime continued. He stated he was happy with the Chief's effort in filling the vacancies, but they were missing the point if overtime continued. He felt if 70% of the budget was due to salaries and expenses for 3 departments, looking at ancillary items were important, but the urgent issues were those other departments. He stated he regretted that they had not watched the percentile rising and felt they needed to do that in all deliberations. He realized the market place had changed, but increases should not be so large.

I-E – City Park Mall Garage – Planter Walls

The City Manager stated that Mr. Castro had done a good job recapping the situation, and the type of guidance they were seeking from the Commission today.

Commissioner Hutchinson stated that it was clear the direction given was to pull out the planters, study the situation, and then replace them. She, therefore, assumed that was to happen.

Commissioner Moore replied that statement was almost correct and referred everyone to Exhibit C. He stated this was a perfect example where the Commission as policymakers took a certain position, and management then did something totally different from what they were instructed to do. He proceeded to read from that exhibit. He then proceeded from Exhibit 8 and remarked that these discussions began February and now it was July and nothing still had been done. He reiterated that he would prefer a halt to the project so staff could understand when they, as policymakers, stated what they wanted, that nothing less should be brought before the Commission. He believed this was an insult.

Hector Castro, City Engineer, stated that he understood the Commissioner's frustration, but the issue was they had discovered the problem with the planters when they began the construction project, and had brought it to the Commission's attention in February. In March, they received authorization to enter into a contract to do the study, and the Commission had been informed that the study would take approximately 2 months. Included in that study was going to be the cost for restoring the planters as they existed forming a suitable barrier

wall, as well as bringing other alternatives for the Commission to consider. He advised that the actual notice to proceed to contract did not occur until April.

Commissioner Moore reiterated that simultaneous meant at the same time. He asked what prevented the consultant to deal with the engineering matters they had with the planters. Mayor Naugle reiterated that the contractor had signed the contract on March 25th. Commissioner Moore stated that the explanation being given today was a challenge to the respect they as policymakers should be given. He stated this was a very uncomfortable exchange of conversation. He added if they did not have it in the design, then they should not do anything, and if there was a cost it should come out of the department that did not give the Commission what they had requested.

Peter Partington, Assistant City Engineer, stated that they could supply the figures as to what it would cost to refurbish the planters, but they did not have it in writing today. Commissioner Moore reiterated that he wanted the figures in writing. Mr. Partington remarked they did have an estimate for the design to bring the planters up to Code.

Commissioner Teel stated that she wanted to hear those figures.

Mr. Castro stated the current figure to refurbish the planter walls was \$271,000 to correct the wall, and there would be additional costs associated with pressure washing of \$100,000, and costs for replacing the waterproofing, along with costs that were also included in the initial contract that would be included in the rebid. He stated they felt this figure was high, and they would attempt to negotiate that price. He reiterated they also felt that a better price could be gotten if they bid this separately.

Mayor Naugle stated that in the '80's the garage had cost \$16 Million to build, and asked if they were going to make any attempt to seek reimbursement for the lack of steel from the original builder. Mr. Castro remarked that they could look at that option, but 20 years had passed since it had been built and could be difficult to do so. Mayor Naugle remarked they could bar that company from doing any further business with the City. He asked if the architect had inspected the work. Mr. Castro informed the Commission that it was Singer & Associates.

Commissioner Moore urged the Commission not to agree to this matter and to reject Item M-6 at tonight's meeting.

Mayor Naugle remarked if they did do that, they would probably never see the planters. Commissioner Moore explained if it was rejected, they would return with a written proposal with a negotiated amount that would resolve this matter.

Mr. Partington stated the Commission was in a position to make a decision as to whether to keep the work under the current contract at the cost of \$271,000, or

take it out of the current contract and put it out for bid. If it was kept in the current contract, then there would be a credit in the change order, and they would return with one to bring the planters up to code for use as barrier walls.

Mayor Naugle asked if there were any funds in the Parking Reserve to accomplish this.

Doug Gottshall, Parking Manager, stated there was sufficient funding and everyone agreed that the planter walls were something the Commission wanted done, but wanted to present to the Commission that at some time the various options being offered, which were less costly, should be reviewed for the future.

Commissioner Moore stated that when recommendations were made to the Commission regarding machinery for Las Olas Boulevard and the Beach for parking, it was more expensive to do what was proposed by staff but in respect to convenience and the methodology by which the City wanted to do a service, they decided to pay for those services. He felt this was the same type of situation regarding the planters at the garage. Due to the aesthetics, beauty and what could make a more enhanced use, they decided to proceed. Mr. Gottshall stated there were other options available.

Commissioner Moore stated he was going to leave the meeting during this discussion. He left the meeting at 3:55 p.m.

Commissioner Trantalis asked what other options were available.

Mr. Castro stated that one option was an aesthetic façade that would provide a different look and they could cost out the differences between the two projects. He stated they were not saying they did not want to do the planters.

Commissioner Hutchinson stated the question was did they want to spend \$271,000 or whether they wanted to spent an amount for a new façade for which they did not yet have a figure.

Mr. Castro apologized that they were late in bringing this matter back to the Commission.

Commissioner Trantalis remarked that this matter appeared to be more complicated than it needed to be. He suggested they move forward and deal with the planter issue and create a time certain. Commissioner Hutchinson remarked that they needed to proceed forward because the work was being delayed. Commissioner Trantalis stated that if they shortened the delay, possibly the expense could be reduced and results would be obtained.

Mr. Partington stated that the refurbishment work was in the contract and was halfway done, but during that work was when they discovered the structural

problems. He reiterated they sought to put that work on hold while deciding the best move to be taken and options considered. He stated that they could negotiate a change order in the current contract to the order of \$271,000, and proceed forward. He also stated that the problem with the planters and barrier walls included some problems with the interior walls as well, and they would also have to bring those up to code.

Mayor Naugle asked if they were going to put up barrier walls or could tension be put on the interior walls. Mr. Partington replied that could be an option because on the internal walls appearance was not predominant.

Commissioner Teel stated that since she and Commissioner Trantalis had not been present for a portion of this, but she felt staff would have been criticized if they had not returned with additional options. She remarked that she liked hearing options because there could be creative ideas that would solve the problem for the future. She stated she had little faith that a "perfect planter wall" could be built. She added if everyone wanted to rush forward and replace the planter walls, she would not support that item because she felt a better solution might be possible.

Mr. Partington stated he felt they were in a position to say that the capital costs for the alternatives they would bring forward would be approximately similar for all of them, but the difference would be in maintenance costs. Commissioner Teel reiterated they were presently discussing where to get money and cut corners for the City, and yet maintenance was always an issue.

Mr. Partington stated if they were going to bring alternatives to the Commission, then they would not go forward with a change order with this contractor.

Greg Kisela, Assistant City Manager, stated that the change order this evening was to delete portions of the contract.

Mr. Castro further explained that the change order for Item M-6 this evening would delete the remaining planter/wall work out of the present contract, and the additional items were life safety items dealing with lighting and electrical upgrades which were needed. He recommended that by the time this Item came before the Commission, they would delete the part of the change order which would remove the extra work for the planters, and they would only have to consider the additional items for which they needed to move forward on. Then, they would return with the other options.

Commissioner Trantalis suggested that time frames be included with the options that were to be presented.

Action: Options along with costs would be presented at the July 15, 2003 Commission Conference Meeting.

**EXECUTIVE CLOSED DOOR SESSION
RECESS TAKEN AT 4:02 P.M.**

COMMISSION CONFERENCE RECONVENED AT 4:33 P.M.

I-F – Public Notification Process

Greg Kisela, Assistant City Manager, stated this was scheduled for discussion due to the water outage that had occurred on June 21, 2003. He stated they were prepared to answer any questions and photographs were shown of the pipeline repair. He added that 75% to 80% of the service area had been affected for several hours. He advised that a Press Conference had been held at about 11:00 a.m. and had consulted with the Health Department. He remarked that the water had been turned back on about 10:00 a.m. due to isolating the valve.

Mr. Kisela proceeded to show pictures of the existing transmission system which served the community and explained what part of the main had been interrupted. He stated even though there were other lines, due to the volumes of water that were leaving the treatment plant at that time, the plant shut down as it should have. If that had not occurred, there could have been massive property damage and they could have potentially lost all storage in the system. He explained that under the boil water advisory, samples had to be taken and they were required to take two consecutive days of samples, and 30 samples had been taken on Saturday and Sunday.

Mayor Naugle asked where the samples had been taken from. Mr. Kisela explained they were taken from throughout the distribution system.

Susan Chen, head of laboratory, stated the samples were taken throughout the distribution system and were concentrated in the main line break area. She remarked that samples were taken from the outside.

Commissioner Moore returned to the meeting at approximately 4:35 p.m.

Mr. Kisela further stated that about 3:00 p.m. on Monday, the Health Department informed the City to rescind the boil water advisory. In addition to the steps taken with the media, notifications were also put on the City's web page and attempted to use the "reverse 911" system to do direct notifications to impacted customers. Unfortunately, they discovered there were certain limitations in that system and had been purchased by the Police Department for notifying individual neighborhoods of a particular issue, such as a missing child, and not to broadcast the situation they were dealing with. He added that they sold water to various other communities and advised them, along with the cruise lines, of precautions that should be taken.

The City Manager stated that they had contacted neighboring jurisdictions regarding fire assistance, and loaded up the tankers and had received assistance from the County. In addition, the PIO and Police Department notified the hospitals and hurricane lists were used for individuals with special needs. He stated this was used as a "dry run" in terms for improving their communication efforts. He announced that Commissioner Hutchinson had some information regarding a system used in Boca Raton, along with a system he received information on. The proposals were going to be reviewed and a recommendation would be forthcoming.

Mr. Kisela remarked that the last time the City had such an outage was in 1994-1995.

Commissioner Hutchinson stated that some of them wished to have this item on the agenda not to criticize, but to take into account the situation for a "dry run." She felt the City should be commended in their work due to the resources which had been available. She stated that she had received a call from an individual at an emergency communications network regarding a system they just began in Boca Raton as it related to "Code Red." She asked for the City Manager to review this material and remarked that what peaked her curiosity regarding the system was that there were no set up fees, phone lines or equipment to buy, and they only paid for the time on the line. She stated that 60,000 calls per hour could be made. She stated if this was declared a disaster, some of the costs were FEMA reimbursable. She asked for a follow-up regarding this system. She proceeded to thank the individuals for their hard work and efforts.

Commissioner Trantalis stated they were inadequately prepared for emergencies, and the biggest complaint he received was regarding lack of information. He felt the information recently received might be something the City should consider implementing.

Mayor Naugle remarked that previously the City had sent out brochures stating what to do in case of a service interruption.

Mr. Kisela remarked that they would research the information received regarding the systems.

Commissioner Moore stated that his greatest concern involved the individuals who called and told him they had called the 8000 number and no one had answered, and did not know how that situation could be addressed.

Julie Leonard stated that on Saturday they had received 1700 calls that had come into the system, and by 8:30 a.m. they had 6 employees staffing the phones. She added that she was presently reviewing a bid to upgrade the City's phone system.

Action: Staff to follow-up on researching upgraded notification systems.

I-G – Longevity Pay for Non-Bargaining Unit Employees

Jerry Crossley, Personnel, stated that there were currently two tiers of longevity. The first tier were individuals who received a percentage of their base salary based on years of service which was a graduated scale, and they currently had 614 employees in it. The second tier was a flat dollar amount and he showed on a chart the implementation dates. He explained there were 3 unions, plus the management confidential dates. He stated all dates were different and the fire union was the first group which had gone to the second tier, followed by the general employees union, management confidential, and then the police union. He stated that the issues arose with fire managers in particular in regard to converting to Tier No. 1 from Tier No. 2. He explained the issue that was particular to the Fire Department was that because of their second tier dates with the union, once a Lieutenant was promoted to management, and some managers become Battalion Chiefs converted from the lower tier, the second tier, to the first tier because the first tier eligibility date for the pay ordinance was based on the hire date with the City. He explained this situation also existed with some of the general employees who had been promoted to management.

Mr. Crossley stated there would be an ordinance for first reading this evening that would address the opposite issue for the police because they went to second tier after management, and for the first time they had 2 police managers promoted and had been first tier employees when in the union, but due to their hire date being between '87 and '93, unless the ordinance was changed, they would proceed to the second tier.

Mr. Crossley stated they most likely were not aware of the situation when they were promoted since it had not arisen in the past, but the other thing was that they were taking away a benefit from those employees that had enjoyed it while being in the union.

Mayor Naugle asked if their salaries were less with the promotion. Mr. Crossley explained that the fire employees had never been in the higher tier, and the police managers had been in the first tier when in the union, but since things hinged on the hire dates they now had to move into the second tier. Mayor Naugle asked if they were getting a pay cut. Mr. Crossley stated there would be a longevity pay cut. Mayor Naugle clarified that overall they were still getting an increase. Mr. Crossley confirmed.

Mr. Crossley added that the amount involved for the two concerned individuals would be \$4500, and it would continue to escalate over time. Mayor Naugle added that there would also be an increase in pension benefits since it was calculated on salary, and appeared to be a large pension windfall. Mr. Crossley stated it was part of pension longevity. He added that it would escalate for police

managers over time due to percentages increasing, and the gap would broaden over time.

Commissioner Hutchinson stated that the goal of the two tiers was to get the largest percentage of individuals off the percentage rate in regard to longevity, and get them to a flat rate because it would benefit the City. Mr. Crossley reiterated that it had been a cost containment issue which arose in the early '80's.

Commissioner Moore reiterated that was why it dealt with hire dates, and had nothing to do with the individual's position. Now, since the correction had been made, they were now saying they wanted to "unwire" this correction and go back to giving everyone the same thing.

Mayor Naugle asked if there were extra funds in the City's budget this year to pay for this. The City Manager replied there were no extra funds for this, and the reason they were raising this issue because there was the issue of perceived "fairness." He added that one of the individuals who had been affected by this was present at today's meeting, but several months ago he stated he had mentioned the problems they were having with compression. There were individuals eligible for promotions but when they figured it all out, they did not find sufficient incentive from pay and benefits to take the managerial positions. Mayor Naugle asked what the differences would be and how much of a raise would they be getting.

Mr. Crossley stated when you factored in the overtime that a Lieutenant or Sergeant could receive and the lack of detail work on the police side, it was often a hardship for a Sargeant to move to a managerial position. He added that in regard to the base pay, it was higher, but overtime had to be figured in.

Bud Bentley, Assistant City Manager, stated that his recollection was that a promotion to Captain was about 28% higher than a Sergeant's pay, but there was no overtime and they could not work details. He stated when you took the 300 top pay individuals in the City, and when you factored in overtime, some officers were making more than Sargeants, Majors and Battalion Chiefs.

Commissioner Trantalis remarked they were getting paid more, but they were working additional hours. Commissioner Hutchinson remarked they had the ability to work overtime, but once you were promoted to managerial positions you could not work overtime. Commissioner Trantalis remarked that those individuals could get a second job.

Mayor Naugle stated that one police officer was making his wages through two different jobs just like everyone else. Commissioner Trantalis stated that because the higher ranked officer did not have the ability to get overtime pay, did not mean he could not work the same amount of hours by getting another job.

Mr. Bentley remarked that management employees typically worked more than 40 hours per week.

Battalion Fire Chief Lois Bowman, 15 years service, stated she had started out as a firefighter and had driven an engine, and was a Lieutenant for 8 years. She stated that in listening to what was stated today, they worked a 48-hour week, and were required to work the Air & Sea Show, along with other promotions held in the City, which was overtime above and beyond her normal 48-hour week. She explained that she worked about 96 hours every two pay periods, and was only paid for a 48-hour week. She explained that when she was promoted to Battalion Chief there appeared to be incentive due to being EMTs and paramedics and other special operations. She stated that was stripped from them and they were put on salaries. She also stated that they supervised special operations on the beach, but did not get the extra percentage.

Chief Bowman stated that her husband was retired from the department as a driver and had been on the percentage, and she understood what the City was attempting to do as a cost saving operation, but there was an inequity to it. She explained that individuals were jumping back and forth. She stated there were 5 fire managers that were on fixed.

Mayor Naugle left the meeting at approximately 5:03 p.m. and returned at 5:04 p.m.

Chief Bowman stated she was paid the same as a firefighter and the same as a Lieutenant, but when one got into management they made \$4,000 to \$5,000 at the beginning. She stated that she had been No. 1 on the list and had really applied herself and being a woman in her career, she was required to "go the extra mile." She remarked she was not making the same amount of money as her co-workers.

Mayor Naugle asked what was Ms. Bowman's total compensation. Commissioner Hutchinson remarked that all the information had not been supplied.

Commissioner Moore attempted to clarify the situation described by Ms. Bowman. He suggested they quit the jumping from tier-to-tier. Commissioner Hutchinson explained that the '82 date permitted them to jump back and forth. Commissioner Moore reiterated it was due to the present policy. He explained they were being asked to change the policy so everyone could get the money. He suggested they change the policy to say "what you have is what you keep."

Mr. Crossley remarked that was what they were recommending which was individuals staying where they were regardless of promotion. He explained that the police managers that were hired at a time when they were in Tier No. 2, the

City recommended that they could retain that benefit. The fire managers had not switched back and forth, but some had gone from the lower tier to the higher tier based on hire dates, but did not continuously go back and forth. He stated that they were recommending that the subject group of employees in the police union, which presently only applied to only 2 individuals, be allowed to keep the Tier No. 1 benefit since they had been hired at a time when that existed.

Chief Bowman reiterated that a problem existed with individuals switching back and forth.

Mayor Naugle stated that last year Chief Bowman had made \$122,000, and asked what would she have been making before the promotion, and continued to ask what she would have made as a Lieutenant. Mr. Crossley stated there would be a different based on percentage.

Chief Bowman stated there was a potential for another 35 employees to do the same thing. She stated she could have 5 years of service as a Battalion Chief, and yet a newly promoted one could earn more than she did. Mr. Crossley remarked the amount of difference would escalate based on her continued years of service. Chief Bowman stated that this also affected her retirement benefit. She felt she had the same right as her co-workers to support her family after she had served the citizens and tourists of this City. She remarked there was a domino effect on how much the long-term money would be. She stated that one of their Battalion Chiefs had just stepped down due to benefits because there were not any.

Mayor Naugle reiterated that he felt \$122,000 for a Battalion Chief was good compensation, and did not see how the taxpayers could afford an additional \$4,000. Chief Bowman pointed out the inequality that was going on.

Mr. Bentley stated that they needed to review the dates. He explained they were not recommending what Chief Bowman was recommending. He stated the City was looking at things differently. He explained that right now the policy was that if an individual was hired before 1987, they could be on the percentage. Therefore, there were some flat rate people in Fire who when promoted went to percentage. The Commission could change the policy and say to stay with the better benefit. If one had percentage, they could continue it, but if one was on flat rate, they would stay at flat rate. He stated that was a change of policy which had been in effect for the last 15 years. He stated that policy was changed all the time. Commissioner Moore agreed.

Mr. Bentley stated the change in policy would somewhat address Chief Bowman's issue because no one on flat rate would change, but it would not address the compression issue between the Lieutenant and the Battalion Chief, and those needed to be addressed overall and not through one benefit such as longevity.

Commissioner Moore stated that Chief Bowman had a point, but to allow it to be a longevity issue, than the policy needed to be "scratched."

Chief Bowman stated they were not addressing the inequality that had taken place prior to changing the policy. Commissioner Moore stated that was why the policy had been changed in the first place. He stated it was to deal with cost containment, and they had then gone to a Tier No. 2 benefit structure. Commissioner Moore replied this had been a mistake, and they should not continue to make such mistakes.

Chief Bowman reiterated that normally when there was a mistake, it was corrected and then the policy was changed. Commissioner Moore suggested that the mistake be corrected. Mr. Bentley explained that could be done with a slight amendment to the ordinance being presented this evening.

Commissioner Hutchinson asked why they were worried about the inequity for police officers, if they were not worrying about other inequities. Mr. Bentley replied he did not believe there was an inequity. He clarified that Chief Bowman was saying that she had been hired after '87, but wanted to be paid the same as the individuals that were hired before '87. He further stated there was a difference in compensation, but he did not believe it was an inequity. Mayor Naugle agreed.

Commissioner Moore asked why the individuals who were hired in '89 and were in Tier No. 2, should be allowed back into Tier No. 1. Mr. Crossley explained they were in Tier No.1 when hired as FOP employees.

Mr. Bentley stated it was the Commission's call. He stated they believed the difference would influence individuals to seek promotion. Chief Bowman reiterated that promotions were being given up. Commissioner Moore replied it had nothing to do with longevity, and dealt with overtime. Chief Bowman disagreed and replied that it had to do with longevity, changes in medical benefits, co-workers receiving money due to arbitrary dates, and because pensions would be less. She added that she also had the cost for keeping her credentials. She stated she had to maintain the vehicles and the stations.

Mayor Naugle remarked that was why Chief Bowman was being compensated \$122,000 per year and stated it was a wonderful job.

Commissioner Hutchinson asked why her benefits had been taken away. Chief Bowman remarked that \$122,000 was not her salary. Mayor Naugle remarked that was her total compensation. Chief Bowman reiterated that was not what she made, but if the City returned the longevity to her that she deserved, she stated they might get to that amount somewhere down the line. Mr. Crossley remarked that figure included all benefits. Mayor Naugle stated that was the cost to the taxpayers, and he felt this was a comfortable job based on the work done, and he

felt most people would gladly work 80 hours a week for that kind of compensation. He stated he did not see the problem. He stated this was why people were eating cat food and struggling to pay their taxes.

Bill Banks, Battalion Chief, stated that they were working 48 hours per week, 96 hours every two weeks.

Commissioner Moore stated he realized these were career paths being taken and the individuals had trained very hard for them, and he did not want to take this matter lightly. He reiterated that the citizens were paying for this, and there were different ways to make this a level playing field, and it was not always to just give more money to everyone.

Chief Banks reiterated the amount of hours being worked. Mayor Naugle stated that in his business he worked about 80 hours a week. Chief Banks reiterated that they worked 48 hours per week, plus the time they worked on their days off for meetings and special events. He also stated that they had taken pay cuts on their longevity when promoted. He stated they had been in Tier No. 2 receiving a fixed amount, but when they moved to management they were in category 3 and were paid \$99 as non-exempt employees for the first 12 years or for the number of years they had been a firefighter, driver and lieutenant. Then, when they were promoted they were given a percentage of the \$167 per year received by managers. At the time of his promotion, through the Union, he was receiving \$1200 longevity, and his first longevity check as a Battalion Chief was for \$900. His second year, the amount was over \$1,000. Mayor Naugle remarked that had to do with the date of hire. Chief Banks agreed, but stated that he had been a non-exempt employee for the first 12 years. He asked why would he have to take a pay cut in his longevity when he received a promotion.

Mayor Naugle replied that overall he was still making more or he would not have accepted the promotion. He reiterated that overall it was still a better deal, and there were certain benefits being in management.

Chief Banks stated he was stripped of about 16% of his money by losing his TRT pay, instructor pay and his EMT pay. Mayor Naugle asked what Chief Banks had made as a Lieutenant. Mr. Crossley stated he did not have an exact figure, but often times the Lieutenants were at the top \$100,000. Mayor Naugle reiterated that it was still a pay raise getting the promotion. Chief Banks agreed there was a pay raise, but it was also double the work. Mayor Naugle stated that he did not have to accept the promotion.

Chief Bowman reiterated that they were trained and capable to do the work, and not many people were lining up for this job. She stated it was a "pretty nasty" job. She stated they only wanted to be compensated for their work fairly and equally among themselves. She emphasized she was not asking for a pay raise, but was only asking for equality.

Chief Keith Allen stated this was a more complex issue than just longevity, other issues along with health insurance were involved, but now they were simply focusing on longevity. He stated further that one of the examples given by Chief Bowman was that she could be a Battalion Chief for 5 years, and yet a newly promoted Chief with longer longevity immediately would get a higher salary, and it was a factor due to date of hire.

Commissioner Moore stated that was the problem and it needed to be addressed.

Chief Allen stated another example was that when a firefighter in a flat rate became a manager with a flat rate, they did not get full years of credit for their total longevity, but get credit at the beginning of their management tier, as opposed to total years. Another proposal from another manager who was unable to attend today's meeting, suggested that the Commission might consider giving full credit for years of service as an employee.

Commissioner Hutchinson asked how many individuals were involved. Chief Allen believed there were 4-5 at this point in time. He stated he understood that the number could expand on the percentage basis if it was opened up from a collective bargaining standpoint. He stated in hindsight, it would have been best to have a change from percentage to flat all with one date. He believed this was a very complex issue.

Mayor Naugle asked what the pension shortfall was that the taxpayers would have to make up for this year's budget. The City Manager stated it was \$9 Million total and \$8 Million in the General Fund. Mayor Naugle asked if those expenditures had a role in expense for additional benefits. The City Manager stated that longevity was a pensionable item and added to the total expense. Mayor Naugle stated that this was another shortfall for them to try and get through the year since there was going to be a tough budget for next year.

Commissioner Moore suggested that this item be placed on the Commission's next Conference agenda, and stated that he wanted some actuarial information to be given. He stated that they needed to deal with freezing the situation, and he felt the two individuals being discussed should not be treated any different than anyone else. He reiterated that he was willing to hear additional information before having to make a final decision. Therefore, this item would be pulled from tonight's agenda.

Commissioner Hutchinson asked if documentation could be provided to the Commission regarding compression in management. Commissioner Moore reiterated that he wanted the focus to be on longevity and he did not want to mix in other issues regarding benefits. He asked also for a report to be given stating how many municipal entities in Broward County who offered longevity.

Mr. Crossley replied there were all but 2 who provided longevity. Commissioner Moore asked they supply what the longevity entailed.

Chief Bowman thanked the Commission for letting her voice her concerns.

Action: Further discussion to be scheduled for July 15, 2003 Commission Conference Meeting.

I-H – Revisions to Policy and Guidelines for the Neighborhood Beautification Program

Mayor Naugle asked for comments.

Commissioner Moore stated everyone agreed with this item and they should proceed.

Action: None taken.

I-I – Revisions to Policy and Guidelines for the Emergency Repair Program

Mayor Naugle asked for comments.

Commissioner Moore stated everyone agreed with this item and they should proceed.

Action: None taken.

I-J – Special Master Case – 1401 N.W. 2 Street

Commissioner Moore stated that he had asked for this item to be placed on today's agenda. He further stated that he was concerned about this property because it had been a neighborhood nuisance for over a decade. He stated that the Special Master had asked a Code Inspector for his opinion regarding a reduction in fines and the Inspector had agreed to drop the fines. He thought that was unconscionable. He reiterated that the Commission discussed various issues and programs to be done where additional funds were needed, and now they were rewarding a nuisance property owner. He stated he did not understand the position of the Code Officer and had met with him personally. The Inspector had felt it would be best to sell the property and by waiving the fines there would be no liens prohibiting a sale.

Commissioner Moore added that the property had been sold but was still vacant. He questioned who was the present owner of the property.

The City Attorney stated that it appeared that the previous owners were not involved with the present owners. The present owners were MICC Group Inc. and V&N. Commissioner Moore stated he was concerned about V&N being involved because he was suspicious knowing who the previous owners had been. The City Attorney stated that V&N were the Directors and the first names began with V&N but were different from the first owners, and it appeared on the surface that there was no connection between the two.

Commissioner Moore stated that the staff person knew the property had been a nuisance for over a decade, but agreed to waiving the fines. He stated the Special Master evidently did not have sufficient back-up material to note that this property had been a problem for over a decade. He suggested they consider changing how "they did business."

The City Attorney stated that the purpose of discussing this matter today was to hurry the process. He stated that Commissioner Moore was correct in that a number of violations had been placed on this property and he believed most of the fines had been waived, and did not think that any amount had been paid. He further stated that Commissioner Moore had requested that the building be demolished and that it was scheduled to go before the Unsafe Structures Board on July 17, 2003. He stated this could not come back then until September to authorize the demolition. Therefore, the reason they were discussing this matter today was to ask the Commission to adopt a resolution authorizing demolition of this building in anticipation of, and contingent upon, the Unsafe Structures Board acting on July 17, 2003.

Mayor Naugle asked if it would make better sense to convene a special Commission meeting after July 18, 2003 and not do anything extraordinary.

The City Manager stated that would not be necessary because this was scheduled to come before the Commission on July 15, 2003. The City Attorney stated that a resolution was to be passed to authorize the demolition of this building, and normally the process was to have a recommendation first from the Unsafe Structures Board. He stated they were, therefore, anticipating that their recommendation would be for demolition. Mayor Naugle stated he wanted that to be done, but he did not want to do anything that would jeopardize the City.

Commissioner Moore reiterated that they had already approved the demolition of this building, but Mr. Brady, counsel for the property owner, had stopped them from doing so. Commissioner Moore reiterated that he believed something was "funny" about this situation, and he did not understand how a property owner could violate the Code for over a decade, pay no fines, and then be the recipient of a windfall because the property had not been demolished.

Lori Milano, Community Inspections Director, stated that various issues were involved in this matter. She further stated that to address the unsafe structure

issue, they had put in on the agenda for July 15, 2003, with the understanding that a favorable approval would be received from the Unsafe Structures Board on July 17, 2003 and that was how this was presently being packaged. In regard to the Special Master case, initially the Inspector had objected to the granting of extensions of time and had been frustrated with the lack of compliance by the property owner. The owners requested an extension of time and the inspector again restated that he did not support such a request, but a recommendation was made from another department to support an extension of time, and it had been granted.

Ms. Milano continued stating that the intentions on behalf of the Inspector were good, but were not well-thought. She reiterated they also became frustrated when fines were not imposed for lack of compliance. She explained there was a mechanism in place whereby inspectors did not make decisions on their own, but this had been an unfortunate situation. She further stated they were attempting to proceed forward and the property was up for sale. She stated she had attempted to contact the owners in Miami, but had not been successful.

Commissioner Moore reiterated that he had also called in this site weekly to Code Enforcement. He was aware that the property had been cited, and he did not understand why the fines had been waived.

Mayor Naugle disclosed that his family had owned that house, but they had not been involved with it for over 50 years.

Commissioner Moore stated that this property had been saved from demolition and yet this Commission had voted in favor of demolition. Ms. Milano explained that the owner's attorney had received a Verified Complaint and issues had been raised in that regard and the demolition had not taken place.

Commissioner Trantalis stated he sympathized in this matter and saw no reason to help the property owner or compromise with them, and preferred the City to foreclose on the property. He reiterated that demolition would be a "windfall" for the property owner. He stated that previously he had argued about discounts being given to property owners for no apparent reason, and felt it sent a wrong message to property owners who were not maintaining their properties. He suggested the Commission set a policy today regarding these matters and show the property owners that they needed to take these matters seriously.

Commissioner Moore agreed and suggested they remove homesteaded properties from the policy. He felt the "real culprits" were individuals who bought investment property and let them be a nuisance to the community, and were absent owners.

The City Attorney stated there were no liens on this property at this time. He further stated that the hearing officer had waived the fines without considering staff's objections.

Commissioner Moore asked what happened to the employee who had made a manager's decision without having such right, and asked if he at least had been reprimanded for his action. He reiterated that these incidents occurred because there were no consequences. Commissioner Trantalis stated he believed there had to be more to the situation than what had been presented.

Ms. Milano stated that when the final hearing was held and the fines were abated, all too often a representative for the owner would be present to give testimony, and due to such evidence there became an inclination to waive the fines.

Commissioner Trantalis asked if the employees were there to present information or to advocate the City's point of view. Ms. Milano stated the inspectors were present to give testimony, and in this particular situation she believed the inspector felt he was using good judgment, and that the imposition of a fine might hinder the transaction. She continued stating that it was probably poor judgment on his part, and staff had met with him and discussed the matter.

Commissioner Moore asked if the inspector understood the authority Ms. Milano had as a manager, and that such situations should be determined only by management. Ms. Milano remarked that the individual now understood matters more clearly.

Commissioner Trantalis asked if it would be possible to have this inspector come before the Commission. The City Manager stated that the appropriate action was for him to discuss the matter with the individual, and understood that the incident had been handled without malicious intent. He further stated that he needed to check into the situation and see what message the employee was receiving from management because many times they were told not to worry about collecting fines, but to clean-up the neighborhoods. He stated that it was his impression that the employee felt the lesser of the evils was how to rid the City of this problem property.

Commissioner Trantalis stated that he did not believe that \$17,000 would prohibit the sale of any property, and this had probably been a business decision which put the City in jeopardy. He hoped the inspectors were not "second guessing" the Commission.

Commissioner Moore asked if a recommendation was being made that the Special Masters needed to have matters come before the Commission before waiving such fees. The City Attorney stated that no such recommendation had been made. Mayor Naugle asked if the Commission wanted to consider such an

action. Commissioner Moore emphasized that this property had been a nuisance for 10 years and had repeatedly gone before the Code Enforcement Board. He felt they needed to possibly have some type of "catch basin" where the Commission would review certain matters.

The City Attorney explained that the process of the Special Master was that they made a determination giving individuals time to repair the property, and then the fines ran from that date forward.

Ms. Milano stated they had provided back-up information regarding this property due to Commissioner Moore's request.

Commissioner Teel stated she was concerned whether they could put in a stipulation that when the Special Master decided to abate fines that the matter should come before the Commission.

The City Attorney explained there was a period of time when it would be possible according to the Statute. He further explained the Special Master determined the fines if there was no compliance, and a period of time was given to attain such compliance. He further stated that it would come back before the Special Master prior to a lien being imposed on the property. If the property was in compliance, the Special Master could then waive the lien prior to the second hearing, but after such determination, neither the Special Master nor the Code Enforcement Board were able to abate the lien and could only be done by the City Commission.

Action: Action to be taken at the July 15, 2003 Commission meeting.

I-K – DeMinimis Settlement – United States Environmental Protection Agency (EPA) Peele-Dixie Wellfield Contamination

Commission agreed to this item and no discussion was held.

Action: Approved as recommended by staff.

I-L – Landscaping Improvements – Broward Boulevard Corridor

Commissioner Moore asked what had occurred at the meeting which had been held yesterday.

Dick Brossard, Director of Public Works for Broward County, stated they had met yesterday morning and there had been a Broward Boulevard Revitalization Committee involving 16 neighborhoods. Information had been presented to those individuals regarding revisions to the plans for landscaping west of I-95, along with plans for the eastern section. The conclusion of yesterday's meeting was a consensus of not having Gumbo-Limbo or Live Oaks, but wanted flowering trees

throughout the project. He stated that their direction from the County Commission was to revise a plan incorporating canopy trees.

Commissioner Hutchinson left the meeting at approximately 5:44 p.m. and returned at 5:45 p.m.

Greg Kisela, Assistant City Manager, clarified that 7 of the 16 neighborhoods who had attended the meeting, not all 7 represented neighborhood associations, such as Sailboat Bend, and some did not even report back to the associations. He reiterated that there had been a consensus at the meeting that flowering trees were desired.

Commissioner Moore asked what was to be approved. Mr. Brossard stated they had received direction from the County Commission in early March, and what was being proposed for east of I-95 was a change of the existing Silver Buttonwoods with Gumbo Limbo and Live Oak trees.

Norman Jero, landscape architect, explained the Live Oaks were going to be 4" to 5" caliber and would be 17' in height with a 10' spread. He stated the Gumbo Limbo trees would be of the same size. He explained the reason for the spread was to make sure they were not installing something that would need trimming immediately due to being in the travel lanes. He explained they already had an 8" to 10" caliber.

Mr. Brossard stated they had met with City and DOT representatives, and some of the trees east of I-95 would be relocated to other areas. He stated there would be a dramatic change in appearance from what was there now. He reiterated their plan west of I-95 was similar and they would increase the amount of plants.

Commissioner Moore stated he was concerned that correct input of what the communities wanted would be conveyed. Commissioner Hutchinson stated they had not been privy to this meeting.

Commissioner Teel asked for some further clarification regarding the flowering trees being requested.

Mr. Jero remarked that he would not recommend certain species. Commissioner Hutchinson asked if they were going to take this Commission's comments under consideration or were they going to proceed anyway. Mr. Brossard stated he was hoping to present complete information, but it was not clear at this time the neighborhoods' preferences and they wanted to check into the situation further.

Action: No action taken at this time.

III-B – Advisory Board and Committee Vacancies

Board appointments to be made at tonight's Regular Meeting.

IV – City Commission Reports

City Commission reports to be given at tonight's Regular Meeting.

V – City Manager Reports

City Manager to give any reports at tonight's Regular Meeting.

The Commission recessed at 5:52 p.m.