

**COMMISSION CONFERENCE****SEPTEMBER 13, 2004**

<u>Agenda Item</u>	<u>Page</u>
I-A Cemetery System Resident Discount Program	1
I-B Storm Drainage Improvements – Funding NE 33 Avenue Neighborhood Improvements Special Assessment	3
I-C Residential and Yard Waste Collection Contracts	9
I-D Proposed Reorganization	13
I-E Police Restaffing	15
II-A Conference Reports – Five-Year Capital Improvement Plan	16
III-B Advisory Board and Committee Vacancies	17
1. Aviation Advisory Board	17
2. Budget Advisory Board	(Deferred)
3. Cemetery Advisory Board	17
4. Community Appearance Board	(Deferred)
5. Community Services Board	17
6. Economic Development Advisory Board	18
7. Education Advisory Board	(Deferred)
8. Historic Preservation Board	18
9. Insurance Advisory Board	(Deferred)
10. Nuisance Abatement Advisory Board	(Deferred)
11. Parks, Recreation and Beaches Advisory Board	(Deferred)
12. Unsafe Structures and Housing Appeals Board	(Deferred)
13. Utility Advisory Committee	(Deferred)
IV City Commission Reports	18
1. First Christian Church, SE 13 <sup>th</sup> Street	19
2. Informational Issues/Waste Management	19, 20
3. Lauderdale Manors Sewers/Waterworks 2011	20
4. Educational Material/Fire Facilities Bond Referendum/Nov. 2, 2004	21
5. MPO	22, 23
6. George English Park	21
7. Notification of Street Resurfacing	21
8. Annexations	21
9. Recognition of Elected Officials/Hurricane Assistance	22
10. Clean-Up/Hurricane	22
11. Recognition of Representative Christopher Smith	22
V City Manager Reports	
None Given	

Present: Mayor Jim Naugle  
Vice Mayor Dean J. Trantalis  
Commissioner Christine Teel  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson

Also Present: George Gretsas, City Manager  
Harry A. Stewart, City Attorney  
Jonda K. Joseph, City Clerk  
Sergeant At Arms – Sergeant Harvey Jacques

**I-A – Cemetery System Resident Discount Program**

Phil Thornburg, Acting Director of Parks & Recreation, introduced Julius Delissio, Liaison to the Cemetery Advisory Board.

Mr. Delissio stated that staff had discovered that funeral directors have been purchasing plots and transferring them to non-resident customers. He explained that in May staff brought this matter to the attention of the Cemetery Advisory Board.

Mr. Delissio further stated that their recommendations are listed in staff's memorandum. He stated that they need to discuss interment rights that could be purchased under the residency discount, along with possibly defining "immediate family."

Mr. Delissio stated that the Cemetery Advisory Board suggested a maximum of twelve that could be purchased with the discount.

Mayor Naugle asked if staff agreed with the recommendation made by the Board. Mr. Delissio stated that they had discussed this matter previously with Commissioner Moore, and they felt that six should be the maximum number. Commissioner Hutchinson stated that she would agree to six.

Vice Mayor Trantalis asked if any calculations had been done regarding the rate of interment, and the number of spaces that are available. He asked if they continued at the same rate, when would they run out of available space.

Mr. Delissio stated that they had about 1,000 spaces at Sunset, and they were developing the last 10-acre section which would add an additional 4,000 spaces. He explained that at Lauderdale Memorial they had about 7,000 spaces, and Evergreen had about 250-300 spaces. At the rate they were moving, they were probably looking at strong property sales for about the next 10 years, but then they would have long-term commitments.

Vice Mayor Trantalis stated that since this discount program was established before he was elected, he asked what was the philosophy behind giving a discount on a commodity that was in short supply. Mr. Delissio explained that the City had always had a discount program for residents since the City cemeteries were purchased with tax dollars. Vice Mayor Trantalis was concerned that as available land in the City diminished, the City could not afford another cemetery.

Commissioner Teel asked how many large purchases had been made by families in the past. Mr. Delissio explained they probably had about 2-3 large purchases per year. Commissioner Teel felt that six would be appropriate. Mr. Delissio asked if the six would be limited to an individual or to a family. He stated it would be difficult to check names on a contract and try to tie them together. He further asked if the purchases were to be limited to residents of the City.

Commissioner Hutchinson read the following language: "Any non-resident may purchase at need only one plot at a discounted rate, if they can prove the deceased had been a resident." Mr. Delissio explained that the City has always permitted anyone within the corporate limits to purchase a plot at a discount rate for a deceased person that had been a resident. He further explained that people are purchasing 6-10 plots, and taking the discount for the deceased person that had been a resident.

Mayor Naugle suggested that the discount be given for an identified resident of the City, and if an individual wanted to purchase additional plots, he or she could do so at the regular rate.

Mr. Delissio stated if the Commission wanted only one discount to be given per individual, then there would be no reason for assignments. Mayor Naugle stated assignments would only be for residents. Mr. Delissio explained staff was using a 5-year window, and asked if the Commission was comfortable with such window, or would they prefer to make it for eternity. If someone purchased at a discount and then wanted to resell, they would have to repay the 25% discount if the plot was sold to a non-resident. The Commission agreed.

Commissioner Moore stated that it should be made perpetual. He explained that the issue is how the funeral homes have been operating, and he felt it was appropriate to make a change at this time. He also believed six is appropriate. He felt if staff discovered that individuals were getting around the intent, then it should not be discovered through minutes of a board meeting. The matter should immediately be brought to the Commission's attention. He also stated that it was time for staff to explore additional cemetery sites for the Commission's consideration. He asked if the individuals who had perpetrated the process were asked to return the plots. He also asked if legally there was something that could be done. Mr. Delissio stated that matter had been turned over to the City Attorney's Office.

The City Attorney stated that it was his impression that the recommendation had covered getting such restitution. He stated that he would report back to the Commission.

**Action:** Commission accepted Staff's recommendation of six plots. The discount program is for residents only, however non-residents may pay back the discount if a plot was to be reassigned at any time in the future. The City Attorney's Office is to report back regarding restitution from individuals who had perpetrated the process. Commissioner Moore asked the City Manager to look into securing additional cemetery sites for the community.

**I-B -- Storm Drainage Improvements – Funding NE 33 Avenue Neighborhood Improvements Special Assessment**

Mike Fayaaz, Assistant City Engineer, stated that previously this project had been discussed, but staff still needs further direction concerning the storm drainage portion of the project. He explained it is a \$4.2 Million project which would replace water mains in the neighborhood, along with resurfacing. He further stated that the remaining portion of the project involves drainage and beautification. He explained that the neighborhood is in total agreement that the beautification portion was part of their assessment, but in regard to storm drainage, they felt the City had made a commitment in the past to fund that portion. The Commission had asked staff to see if there was any documentation regarding the City's commitment. He explained that staff had not found any such documentation, and evidently there had only been verbal commitments. He stated that the storm drainage had been included in the processing over the years as a credit for the neighborhood.

Mr. Fayaaz continued that the previous recommendation had been that out of the \$560,000, the City would pay \$150,000, but the neighborhood had been told they would not have to pay anything.

The City Manager stated that it was a policy issue as to whether they wanted to make good on a commitment allegedly made by a former employee.

Commissioner Moore stated that employees could not make commitments. He further explained that employees work for this government, and if they were incorrect in proposing a particular position, the Commission could not permit them to give up tax dollars. He reiterated that was wrong.

The City Manager further stated that staff does not know where such a directive had come from. He explained they did not know if the directive had been made by the employee or whether it had come from a higher source.

Commissioner Moore stated that there was only one higher source, the City Commission. He asked why the City was paying the \$150,000, and had they paid such an amount for storm water improvements for other areas.

Mr. Fayaaz confirmed yes. He stated that when part of the work related to storm water quality issues, City funds were used in the past. Commissioner Moore stated that he would agree to the \$150,000, but he did not think they were obligated to continue the dialogue in regard to what an employee might have represented.

Mike Miller, President of the Everglades Condominium Association, stated that he agreed with current policy. He explained when they met with the interim City Manager, he asked how many projects were this far along. He had been told that this was the only one. In regard to the commitment made to them about 5 ½ years ago, brochures and questionnaires had been sent out, along with funding materials, and the neighborhood had been asked to vote on such matters during the first 4 years. He stated if other individuals in the City had not been informed of this commitment, then there were major problems that the City needs to address. He stated this is not something new; they are

now in the final stages of a process that everyone had worked hard for during the last 5 years. He did not know if that had been a precedent at that time. He stated they were aware of other communities who had part of their beautification paid for, and one of the reasons this had been offered was because they were willing to install the sidewalks that had been funded by the City in other areas along with the rest of the beautification, if the City would fund the storm water infrastructure. He stated there had been many meetings and also ones held with the North Beach Alliance. He stated that other representatives of the City had also attended such meetings, along with the Assistant City Manager. He stated a commitment was made to the neighborhood.

Mr. Miller explained that he was not aware of any other projects that are this far along. He stated that it was his understanding that this project was ready for a final vote. He further stated that the Council of Fort Lauderdale Civic Associations also agreed with what they are saying, which is that the deal had been negotiated in good faith with the City. He realized that a City employee should not be able to make commitments on behalf of the City. He explained this had been made over a period of time where someone else should have picked up on this and corrected it, if necessary. He stated if this goes forward, it would not set a precedent. He felt this should either be an exception or be grandfathered in. He stated the interim City Manager had agreed with them that it should be an exception since it had been negotiated over a long period of time. He stated for them to begin the process over would be very difficult. He reiterated that people were paying for this that did not even live on the street, but in surrounding neighborhoods, and some were paying for it that had only 20' of frontage versus others having 100' of frontage. He stated the road is dangerous and sidewalks are necessary. He reiterated that the matter has been held up over and over again, and they are now worried that the street would remain dangerous and the storm water sewer problems would not be addressed, along with the sidewalk that was desperately needed.

Mr. Miller believed this had been done in good faith over a long period of time, and if it was a mistake the matter should have been recognized at that time.

Lou Dina, past President of the Association, stated that they had attended a meeting and she had represented Dolphin Isles at the time. She reiterated that they were ready to move forward with the project, and it had been suggested that they take a more global view of the matter and attempt to improve the entire neighborhood. She stated it had been explained that there would be less cost to the City with such a global approach. She explained that they had agreed to such an approach which began about 6 years ago. She hoped the City would not renege on their commitment.

Vice Mayor Trantalis stated that he did not want to set a bad precedent. He agreed about the extent to which an employee should or should not be able to commit to a project. Time and again staff has gone beyond the edge of their authority, and then the Commission is asked to rubber stamp those decisions. He further stated that they were hearing that this particular expense could not be taken out of context and had been part of an agreement with a neighborhood. He stated there sometimes is "give and take" in trying to put deals together. He felt it was not that they were giving in to staff, and he was sure the Assistant City Manager knew that was not the policy at the time, but in balancing out the City's responsibility because it had been called storm drainage did not mean that was what he had been thinking at that time and probably, he had been thinking of a more global approach. He stated it might have just been a way of identifying it for purposes of putting together the deal, and did not necessarily mean that was what

had been intended, which was to commit the City to pay for this type of expenditure as a policy measure.

Vice Mayor Trantalis felt the Commission must look at the deal in **total** because otherwise they would misunderstand the process. If they reneged on the process, then no neighborhood will want to deal with the City in good faith. After six years, the whole deal is now being turned around which is not fair. There is a problem with the process and they should work on that issue. In all fairness since this was part of a structured deal, the Commission should agree to fulfill their end of the bargain as represented to the neighborhood. He felt the City needs to be more responsible in future negotiations.

Commissioner Hutchinson wondered where the extra money would come from. She reiterated that since she is a firm believer in participating in the process, information had been supplied to them (Council of Fort Lauderdale Civic Associations) and they had counted on it. Inasmuch as the employee is no longer working for the City, and no written documentation could be found stating whether he did or did not make such a commitment, she felt the City could not renege at this point in time. It bothered her the City would have to pay for it, and now she would have to tell her own neighborhood that they have to pay for their own improvements. She reiterated they were led down a path by an employee who stated that the City would pick up the tab, but the Commission was not informed. She was not pointing fingers, but reiterating that the neighborhood had been led down a path and to "bait and switch" would not be fair. She stated the Commission always encourages the public to participate in the process, and they hope the process would only improve with time, especially since there is a new person in charge. She proceeded to ask where the money would come from.

Mayor Naugle remarked there are monies in the Storm Water Fund that could be used. Terry Sharp, Finance Director, confirmed. Mayor Naugle also stated that there are reserves in the Storm Water Fund for water quality that could be used.

Commissioner Teel was impressed that these individuals were willing to assess themselves for over \$4 million, and she felt that showed a large commitment on their part. She continued that the City would benefit, but she realized the timing was not great and had not been for the last 6 years. She did not think there was anything in the City which upset individuals more than to see a roadway torn up, things repaired, and then 6-12 months later the road was again torn up because it was time for storm drainage projects. She reiterated that the City was famous for that in various areas. She was concerned where the money was coming from, and asked if there was another project from where the monies could be taken.

Mr. Sharp indicated that the storm water program would have to be reviewed.

Mike Bailey, Public Services, stated that there is about \$3.5 million in reserves. He stated there are projects looming out there, but he was not aware of funds being earmarked for anything other than a storm water master plan.

Commissioner Teel asked when the funds would have to start being spent.

Mr. Fayaaz explained the commitment was to be made now so they could put the project out for bid. He stated before they advertise the project, they wanted to have the funding available. He stated that the expenditure might take another year.

Commissioner Teel reiterated that it was unfortunate that this had occurred. She stated that she had attended one of the meetings, and it was clear that staff had stated funding was not available, but she felt that ears had been closed to such words. She stated that people liked to hear good news, and did not always accept reality.

Mr. Fayaaz stated that the neighborhood was under the impression that the City was going to pay for the improvements, but at the time the project had not yet been completely designed. They estimate was a \$300,000 project, not \$600,000.

Mayor Naugle suggested that the City pay half, and the neighborhood pay half to give the benefit of the doubt that such a commitment had been made. He stated that 3 Commissioners appeared to be willing to honor the full commitment that had been previously made to the neighborhood.

Commissioner Moore stated that people buy property and due to an error on the part of a City employee, a particular addition had not been placed on a home. Now, the person has to submit a drawing showing that the addition was on the property, and they might even be forced to remove such addition. Mistakes on the part of employees could cost the City millions of dollars. He stated that in this case, the employee might have stated that it was appropriate, in his mind, that the City pay the additional monies for the improvements, but he might not have stated that it had to be approved by the Commission. He might have contemplated attempting to obtain the Commission's approval. He further stated that for anyone to state that due to an employee telling them that something would be done would make it so was erroneous. He reiterated it was not the right thing to do and he felt they would be opening up problems for other communities. He reiterated that it was important that the Commission not make the vote based upon the fact that an employee made a comment to a civic association. He felt that would be the wrong thing to do. He felt the way that this could be considered would be for the community to pay for what it is getting just like everyone else, but not it at this point in time.

Mr. Fayaaz reiterated that the project was estimated to cost about \$561,000, and the community had decided to assess themselves \$2,714,000.

Commissioner Moore wanted to find a way to assist the neighborhood, but not make the mistake of saying it would be done due to a commitment by an employee. He suggested that the City loan the community the money so the project could move forward, and then the community return to its residents, and after the assessment for the improvements they had committed to, that they then assess themselves for the \$561,000. He explained that in the 11<sup>th</sup> year, they would then begin to deal with the repayment of the \$561,000. He felt that would be more reasonable than to set a precedent because an employee had misled the public, and then the Commission has to jump into the mistake and take measures to correct it. He did not feel it would be appropriate to handle this in any other way.

Commissioner Teel stated that she did not believe in raiding any funds that were reserved or earmarked for various reasons, and she asked if there was a way to redesign the project and possibly not include as much of the storm water improvements so the amount could be lower.

Mr. Fayaaz stated that the project is for a specific area of a neighborhood, the water will be stored underground. It is a water quality issue. He did not feel the project could be reduced very much. The estimate includes about a 20% contingency. Staff believes the project will cost less in the end.

Mayor Naugle asked if there was a consensus to move ahead with up to \$441,000.

Commissioner Teel preferred if they could re-evaluate the project and its cost before she committed to an amount. She reiterated that projects rarely come in on target.

Commissioner Hutchinson asked if the neighborhood would split the cost. Mr. Miller reclarified the recommendation that was made, but stated that he could not answer for the neighborhood.

Mayor Naugle explained that amount would be \$370,000, and the neighborhood would add \$220,000 to their assessment. He clarified that the City would be honoring half of the commitment that had been made, plus \$150,000 for the water quality.

Tom Carr, President of Dolphin Isles, explained that when this project began, the original assessment was \$250 to \$300, and now the amount was up to \$1,900. He proceeded to read a note from the Council of Civic Associations as follows:

“By a vote of the Board of Directors of the Council of Fort Lauderdale Civic Associations, we acknowledge that the funding by the City of this type storm water program is no longer consistent with City policy. However, we request that the City honor and complete this previous commitment made in good faith and repeatedly acknowledged by staff at the City Manager level. To complete this project does not imply that any other Association should assume that this would be made available again, nor is it to be construed as setting a precedent for the future. We respectfully request that the Commission and staff honor this commitment. In the tight fiscal situation we find the City in, we do not believe that the sacrifice of honor is an acceptable remedy.”

Commissioner Moore stated that honor was knowing that the Commission made the final decisions.

Commissioner Moore left the meeting at approximately 2:09 p.m.

Commissioner Teel stated that the recommendation made would be acceptable to her, and if the neighborhood did not agree, then they would have to delay the project and look at it once again.

The City Manager asked about the time frame for this project.

Hal Barnes, Engineering Design Manager, stated that at the direction of the Commission at the July 20, 2004 meeting, staff had advertised a public hearing at the higher rate which was why the flyers came in at \$1,500 and \$1,900. He further stated that it was their understanding that the rate could be lowered at the public hearing based on the direction of the Commission today. He announced that the public hearing was scheduled for October 5, 2004. Otherwise, they would have to re-notice everyone. He explained that State Statute requires a 30-day notice.



Commissioner Moore returned to the meeting at approximately 2:10 p.m.

Mayor Naugle stated that the good news for the residents was that at the hearing the Commission could decide to fund an additional \$220,000 of the amount, and therefore, their assessment would be less.

Mr. Barnes confirmed and explained that he could adjust the amounts during the presentation without going through the process again.

Mayor Naugle stated that with the assessments increasing, support for the project could diminish, but he felt this would be a good compromise. Vice Mayor Trantalis did not think anyone had done anything wrong in this matter. Mayor Naugle disagreed and stated that an employee had no right to commit tax dollars for something that was against City Commission policy.

Vice Mayor Trantalis reiterated that he wanted to restate a perspective that he felt had been lost. He was not supporting any position that suggested they were trying to make up for someone who might have committed the Commission to something that had not been a policy objective, but they are talking about a structured deal which has 10 components. One or two of those components might have been a City responsibility, and it was not unfair to suggest that the components were changed around. He did not believe that anyone in the City would attempt to tie the hands of the Commission knowing this was a stated policy position. He reiterated that he did not want to set a precedent and suggest that the Commission has to make up for staff going beyond their authority. Rather, people are stating they gave up something in order to get something, and that this had been a structured deal, and they would now be taking away the other thing. He felt that would be totally unfair. They would be changing the deal at the last minute.

Commissioner Moore recalled 20 years ago, Lauderdale Manors was crying for storm water drains, and a sewage system, along with other things. He explained that it had taken 20 years for the community and the government to find a way to make it viable for such services to be provided. It had taken a lot of negotiations for the community to receive what they needed and wanted. They had gone through a great deal of planning with "stops and starts."

Commissioner Hutchinson left the meeting at approximately 2:14 p.m. and returned at 2:15 p.m.

Commissioner Moore continued, stating that he was trying to support this issue through his suggestion of the alternative recommendation. He stated this is the most compatible way to do this. He understood what the elected officials had attempted to do in the past in order to meet the desires of the citizenry, and those decisions had not been made because of an employee's promise.

The City Manager stated that this was a good example of the cultural issues within this organization, such as communication, discipline, focus, and setting expectations, goals and objectives. He felt most of the staff wanted to do the right thing, but they needed to know what that was. He had seen that most employees had just done their own thing due to a void in leadership. He stated he was going to attempt to reverse that, if possible. He felt the Commission should be comfortable in knowing that staff is working

on a plan to avoid such problems in the future. It would be helpful to get a decision from the Commission today on this matter. Otherwise, he felt there would be additional problems and hard feelings.

Mayor Naugle suggested that they move forward with the \$370,000, and ask the neighborhood to provide the remaining amount. He stated that the consensus is that the City would contribute the \$150,000, plus the \$220,000, and the neighborhood would make up the additional \$220,000.

**Action:** There was consensus for the City to share the remaining cost of \$441,370, up to \$220,000 as well as the \$150,000 for water quality improvements.

### **I-C – Residential and Yard Waste Collection Contracts**

The City Manager stated that this was one of several inherited issues which he felt needed to be addressed. In looking at the proposals presented previously, he felt two issues needed to be reviewed.

The City Manager asked what happened after the third year if new bids came in at a higher rate and they would have to re-staff and go back to the original format. He explained the cost would be roughly \$4.1 million. He stated that in regard to Waste Management, they attempted to give the City more flexibility so the worst case scenario would be stretched out over time. The new agreement would give the City the ability to have an additional two years, and the City would have the right to a maximum of 5 years with savings at about \$900,000 per year. He stated that even considering the start-up costs to re-start the service, the City would still have substantial savings.

The City Manager continued stating that the second issue was in regard to employees. He stated the City needs to assure them of their job security. Waste Management has agreed to offer to the City employees those positions within their company, with somewhat comparable salaries, but benefits and working conditions would not be comparable. He realized it is not a best case scenario. Unfortunately, Waste Management's collective bargaining agreements do not permit it to be the same as what the employees had in City employment. He explained the best that could be offered is that the 14 employees would be guaranteed jobs with Waste Management under their collective bargaining agreements. If there was a bumping procedure and some individuals opted not to go with Waste Management, but exercised their bumping rights, seven positions have been secured; Waste Management will take some of the employees who would get bumped out. He stated the \$900,000 savings is significant, and the recommendation is to move forward.

Commissioner Teel stated that the City had done a great job in regard to trash pick-up after the hurricane. She asked how fast would Waste Management respond after such an emergency since they serviced a lot of people.

The City Manager replied they would do so as quickly as possible. He explained that the hurricane had been a joint effort with a variety of groups. He stated that Waste Management had a track record regarding hurricanes, and status updates from other communities had been provided at the County EOC meetings.

Butch Carter, Waste Management, stated that in regard to responding to such emergencies various things have to be considered. He stated that he had been in Lee County after Hurricane Charley and the first twig was not picked up for 7 days. He explained that FEMA had been on the ground the first day and they had stated what could and could not be done until all agreements were in place. FEMA has to approve a lot of paperwork and everyone has to be certified before any work could be done.

Mr. Carter stated that this storm was different and every city in the county had responded immediately because it was the second one, and a third one was barreling down the road. He stated that they were not going to worry about reimbursement until later, and would just set out and begin the clean-up. He stated they had brought in equipment and people from all over the country. He explained that Waste Management had coordinated crews and is now doing the paperwork for reimbursement.

Commissioner Moore stated that this was a mistake because the only way the City had been able to maintain their rates was due to having their own equipment. He stated the minute the City enters into a 5-year contract with Waste Management, the City's equipment will be gone. He stated there are 3 unincorporated areas that this company offered service to, and there is still debris in those communities. He reiterated that City staff can be directed by the City Manager. He agreed that \$900,000 is a lot of money, but he also wanted quality of service, along with competition. He stated this debate has gone on for many years, and every time they come to the table a lower fee is offered than what the City could provide the service for. He reiterated they will continue doing that until all equipment is gone, along with the work force, and when the 6<sup>th</sup> year comes along, rates will increase. Then, it will take the City at least a year to get back in service and obtain the equipment.

Commissioner Moore stressed that he did not want to do this. He felt the City had continued to provide the service because they did have private sector and public sector involved. The citizens want a certain level of quality and service, and if they have to go through a contractor for everything, then there has to be a negotiated move on this particular request. If an issue had occurs which requires an immediate dispatch of staff to address, they would then have to negotiate. He stated the company would then have the opportunity to explain what they would and would not do, and when they would respond to the call. He asked if the City was presently doing 50% of the work.

Ed Udvardy, Public Services, stated that with the annexation areas, the City now provides about 40% of the residential collection, with contractors providing about 60%.

The City Manager stated that a couple issues had to carefully be examined. He stated that due to being new to the City, he had asked for feedback regarding the service provided by Waste Management at this time. He had received good feedback. He further stated that one thing everyone should be aware of was that he had been told that when the City first went to Waste Management that the first six months there had been some bumps in the road, and if this conversion was made, then they needed to be aware of the fact that a learning curve would be present. Sometimes the work would not be done as well, but the general consensus had been that they did a fairly decent job.

Commissioner Moore asked staff in comparison to the City's work force and the contracted services with Waste Management, who would they prefer doing the work. He stated that he did not want an answer based on cost.

The City Manager stated that was a tough decision to place them in because they would be choosing among their colleagues. He reiterated that everyone was part of the "team," and it was hard to make such a decision. Commissioner Moore asked why was there still debris in the annexed areas.

Mr. Carter replied that Waste Management is servicing all the areas. He added that they are not working the Riverland Road area. Commissioner Moore asked once again what areas the company serviced. Mr. Carter stated that they serviced what used to be the County's District III. Waste Management services areas 1, 2, 3, 7 and 8, but not areas 4, 5 and 6.

Mr. Udvardy advised that Waste Management services Golden Heights; Melrose Park is done by All Service, together with the areas along the north and southern portions of Riverland Road. He stated that yesterday they had sent in some City crews to assist.

Commissioner Moore asked for everyone to listen what was being said.

Mayor Naugle stated that this had been put out for bid, and the City's collection cost was \$10 per month, but the bid came in at \$5 per month. This is too much of a savings to overlook, and if they are smart, some of the savings would be placed in reserve, and then if they needed to restart this service, monies would be available for the future. He felt it would be reckless and irresponsible on their part not to recognize this indifference.

Vice Mayor Trantalis stated that one component of this had not yet been discussed, and would have to be addressed in discussing privatizing of City services. He stated that the employees would have to work 6 days instead of 5 days per week for the same salary, and he found that to be unacceptable.

Commissioner Hutchinson stated that they would receive overtime for the extra day. The City Manager stated they were discussing the hourly rate.

Stephen Scott, Human Resources Director, stated that the staff memorandum indicates that the terms and conditions are not comparable. He explained by terms and conditions they are referring to the fact that employees would have to now work 6 days per week.

Vice Mayor Trantalis reiterated that they are pushing onto the employees a different quality of life in exchange for privatization, and he asked if that was the direction this Commission wanted to go. He did not want to tell a City employee that they now had to leave the City, accept less benefits and money, and work more hours. What does that say to their commitment to the City for the last 10 or 15 years.

Commissioner Moore stated that when they began discussing privatization, one of the things he had frequently reiterated was that in looking at cost savings, they also needed to look at the benefits for employees and the impacts. He stated they could not just go with cost for delivery of service. He questioned how such service was considered competitive.

Mayor Naugle stated that in certain cases, the City is paying too much to employees and putting themselves out of business. He referred to the airlines filing bankruptcy due to high labor costs, benefits and pensions. He continued, stating that sometimes one could

price themselves out of the market, and that had been done regarding garbage collection.

Mr. Scott further stated that hours worked over 40 hours per week, even in the private sector, received overtime pay which is how the salaries could become commensurate.

The City Manager stated they would be paid for the extra hours, but the difference was that the 6-day work week was now a requirement. He explained that was the difference in the working conditions.

Commissioner Moore explained that most often a garbage crew did not work an 8-hour day. Mr. Udvardy confirmed. Commissioner Moore reiterated that they would not then get past 40 hours per week.

Mr. Carter explained that their crews were working 55-58 hours per week without the storm.

Commissioner Hutchinson stated that in reading page 2 of the memorandum, she was led to believe that the salaries and health insurance offered by Waste Management would be comparable to the City's rates.

Mr. Scott stated they are comparable, but that refers to total salary. He explained that in regard to terms and conditions, they are referring to a 55-hour work week.

Mayor Naugle stated they had to decide if they are in the business to provide services for the citizens, or to provide lucrative jobs for people. He felt they are in the business to provide services, and the taxpayers took a pay cut by getting an 11% tax increase.

Vice Mayor Trantalis stated that as the Commission continues its debate regarding privatization, he did not want them to go from a reasonable standard of living to a sweat shop situation in order to save money. He reiterated that he was not saying that was what this situation was, but they need to keep this dialogue in perspective. He felt if they continued to push individuals to accept a lower standard of living because the City is trying to dump their responsibility into the private sector, he had a problem with such thinking.

Commissioner Teel asked, in regard to savings over the 5-year period, how much assurance is being given that such funds would be there after that time in case they have to begin purchasing equipment.

The City Manager stated that the plan was to keep the money in reserve so there is a cushion in the event a conversion has to be made. The question is what account would these monies be placed in and should some of the money be placed in the General Fund Reserve to bolster them. He felt that is an issue for another day. The City would have to consider if that would bring any benefit in regard to the bond rating.. Regardless of where the money is placed, the plan is to stash the funds away in case they would be needed in the future.

Commissioner Moore asked what was in the contract in regard to emergency situations that would keep the cost at a certain amount.

Mr. Udvardy stated that the current emergency provision of the contract the City addresses curbside residential garbage and yard waste collection. He stated there are still City crews for bulk trash. During the last storm, staff received an education through solicitation of engineering contractors, waterworks contractors, and local trucking companies, and debris removal for emergencies is still under the purview of the City with another contractor. He stated that Waste Management would be responsible for curbside collection and garbage and yard waste collection. He stated the only problem they would have to address would be in regard to debris removal in the annexed areas, and the annexed areas that are being serviced by All Service. Then, they would return to the Commission in regard to the annexed area contracts approaching their 5-year expiration, and a bid would have to be put out for either a complete bulk trash package, or an alternative approach for the selected areas.

Commissioner Moore stated that the Mayor had made an analogy in regard to what type of business the City is in, and it was his opinion it is delivery of services. He stated there could be cost savings in various things the City does, but due to the level of service the Commission wanted to provide the citizens, they had chosen to continue to operate the entities and departments that provided such services so there could be quality control.

Commissioner Moore when the other items mentioned would be presented to the Commission.

Mr. Udvardy stated that this issue would probably come before the Commission in October. He stated that Waste Management would not begin their service until after the beginning of the new year.

Commissioner Moore reiterated that he wanted to know the date when this issue and the previous item would be presented for public discussion.

Mr. Udvardy stated that the Waste Management issue would be presented to the Commission the second meeting in October. Mr. Fayaaz stated that the 33<sup>rd</sup> Avenue matter would be on the October 5, 2004 Commission agenda.

**Action:** There was consensus to proceed with Option II, Waste Management, as recommended.

#### **I-D – Proposed Reorganization**

The City Manager stated that he had met with the Commissioners regarding the concept of taking 9 departments and spreading them out to create 16 departments, which would report to the City Manager, and thereby, create a system of accountability that had been lacking. He felt the biggest question is how they would achieve a savings of \$230,000.

Commissioner Moore left the meeting at approximately 2:40 p.m. and returned at 2:41 p.m.

The City Manager continued, stating that the trend in government over the years has been to consolidate, but over-consolidation sometimes costs money. He felt that over the years there had been an over-consolidation, and therefore, a lack of accountability. He felt this restructuring would enhance the communication and level of efficiency of the City. He stated that part of the reorganization is also about contracts with department

heads. They are setting a new standard as to what was being expected of such individuals. He stated that any division head which would become a department head would have a new system of accountability, and that within 90 days of signing their contracts there would be goals and objectives mutually agreed to between the City Manager and such individuals. He explained such goals and objectives would be the standard that would be used to determine where they were going, and if it was being done in an efficient and effective manner.

The City Manager further stated that the concept of longevity for department heads would be extinct. They will receive raises based on merit.

Steven Chapman, Assistant Director Finance, stated that in looking at individual departments, they looked at new departments that were to be created. Procurement Department currently has a manager position, but to create it as a department, such individual would have to be raised to a department head level. Therefore, they took the individual position that would be leaving the division and equalized it to a department head salary. He explained that in the equalization process, they had not included longevity, but made it as an equal and new department head. He continued stating that another example of this would be in Information Systems.

Commissioner Teel asked how many people are presently working in the Procurement Department. Mr. Chapman replied there are currently 8 people working in the General Fund, and there is one person in the Central Services Fund. He explained they are transferring that person out of Central Services to the General Fund because it no longer made sense since there is no Central Services Department. Therefore, there would be a total of 9 in the department. Commissioner Teel asked if it would be more economically efficient to maybe put it elsewhere, such as Finance. She felt an entire department consisting of less than 10 people would not be efficient.

The City Manager stated that the criteria is how significantly would it touch the entire City. He stated that Kirk Buffington has done a terrific job in the Operations Center and has an impact on all departments in one way or the other. He stated that a person like that is needed at the table to listen to what is happening, participate and be on an equal level. He stated that decisions would be made from a holistic approach as opposed to people rowing in different directions.

Mr. Chapman added that they had also considered internal control issues. In regard to Procurement, one would not necessarily want to place that function in the same department as the department who would be writing the checks. They should be separate and apart.

Mayor Naugle reiterated that this could save money throughout the City, if there is some way to organize this. He stated that giving an individual power to overlook the departments would be a big help.

Commissioner Teel asked if that would be the smallest department. Mr. Chapman replied yes, or Public Information. Management and Budget, Procurement and Public Information are not the same size.

The City Manager stated that the issue of structure goes hand-in-hand with the accountability issue, and he further stated that by holding people accountable would also

give them autonomy. He does not want to micro-manage departments, but give them flexibility to run their departments since they are professionals. Care has to be taken to make sure they are all on the same page. If things do not move as they should, they will know who to hold accountable. The size of the department is less important, than if they would save money on the overall package, and if the structure would work more effectively for the City Manager in order to move the City forward.

Mr. Chapman stated that in the process there had also been a net reduction of 5 positions in the General Fund, and 2 in other funds. He explained it was basically a minus 8 and plus 3 in the General Fund. He stated they are proceeding with a Public Works Director, and some positions in the Planning Department. They are making sure no employees would be displaced. An employee might be displaced departmentally, but none would lose their job.

The City Manager stated that the changes would be incorporated into the proposed budget, and therefore, when the Commission adopted the budget they would also be adopting the new structure, as well.

**Action:** There was consensus with the Staff's recommendation, which will be incorporated and effective with the 2004-2005 budget.

#### **I-E – Police Restaffing**

The City Manager stated that in looking at the budget, it appeared they are dealing with a situation where a department saw cost reductions based on necessity. The previous City Manager had recommended what was necessary for survival, and monies had to be found across the board in order to get through the year. As a result, 30 positions in the Police Department were eliminated by October 1, 2004. The rationale behind that was the City needed \$12 million. That is a money rationale, not an organizational rationale. During the last 6 weeks he has driven throughout the City, and he felt there is not enough police presence. He continued, stating that between the deletion of positions, coupled with the vacancies that exist, there is a significant impact to the Police Department. It is beginning to show. He stated that statistics show there has not been a plummeting or spike in the crime rate, but quality of life issues are starting to suffer, and he felt it was happening in a significant way. He stated that quality of life issues need to be addressed in a pro-active way.

The City Manager continued stating that this evening they would have a discussion regarding the City's financial picture and some of the problems in the past. The City's financial issues did not occur overnight, and whether they are dealing with reserves, increases in staff, or salaries, it would not be fair to assume that all problems could be resolved overnight. He felt they need to begin gradually addressing the issues.

Commissioner Hutchinson left the meeting at approximately 2:50 p.m. and returned at 2:51 p.m.

The City Manager stated that his proposal is to incorporate 6 new positions into the proposed budget which would cost \$560,000, plus fill the current 28 vacancies. There is the DROP Program, along with a normal attrition rate which would occur, but he is looking for the first step to take them where they need to go. He continued stating that the question is where do they need to be. It might be helpful to put out an RFP, and



have an outside consultant evaluate the department and determine appropriate staffing levels. Today he is asking for some sort of consensus in regard to drafting an RFP for services. They will return and present the scope of services to the Commission in the future.

Mayor Naugle asked what the cost would be for such a study. The City Manager stated they would first have to determine the scope of services. Mayor Naugle stated that possibly a grant would be available. The City Manager further stated that the Chief of Police would have a say as to the vacancies and how they intend to begin filling them. It could take 6-8 months to fill the positions.

Commissioner Teel understood that \$200,000 had been allocated in the budget for such things. The City Manager explained that there is \$225,000 for general study monies. He stated that before he would commit to a dollar amount, they need to define the scope of services. He believed the study is necessary. He further stated that he had asked the Chief if the vacancies were filled, along with the 6 new positions, what would be received in return. The Chief has a plan to address quality of life issues. It is the "broken window" theory they had learned in New York City, which is if they focus on smaller issues, there would be a natural tendency to control the larger issues and a standard would be set which would keep crime at a reduced level. He added that it is a time-tested technique.

Commissioner Moore was happy to hear that this was not just about the dollar but about the quality of life, and that the evaluation process would basically state what police powers are needed. He felt whatever the Chief of Police had to say was irrelevant because the study is a necessity. The Commission needs to have a cost estimate for such a study.

**Action:** There was consensus for the recommendation contained in the proposed budget of six new positions at \$560,000 and filling the current 28 vacancies, as well as preparing an RFP to study appropriate staffing levels.

#### **EXECUTIVE CLOSED DOOR SESSION AT 3:00 P.M.**

#### **MEETING RECONVENED AT 3:43 P.M.**

### **II – A – Conference Reports**

#### **Five-Year Capital Improvement Plan**

Commissioner Teel asked if this plan addresses dredging. She stated that she has been receiving a lot of calls from individuals who could no longer get their boats into the canals off Bayview Drive and near The Landings.

Mayor Naugle announced that the CIP sets aside about \$100,000 per year for dredging. He explained there is a nexus between dredging and the Storm Water Fund. Most of storm water remains travel to a river or canal, and the sediment is depositing and causing the requirement for the dredging. He stated if the City adds \$100,000 per year for dredging, then it would make more sense.

Commissioner Teel stated that should be done.

Mike Fayaaz, Assistant City Engineer, stated that they would work with the City Manager to see how to bring more funding from the Storm Water Fund into the dredging fund. Historically, storm water funds are not used for this purpose, but staff also understood and noticed that the sediment and debris has collected and dredging is necessary.

Mayor Naugle advised that storm water utilities throughout the nation are using such funds for dredging activities. Commissioner Teel stated that they had kept the monies at around \$150,000 for a long time, and the cost of dredging has risen, and therefore, fewer areas are being addressed. She further stated that without dredging, people are unable to use their boats for long periods of time.

Mr. Fayaaz explained that for a number of years, staff has not awarded any contracts because there have been issues regarding disposal of the debris. He stated there now is a place to deposit the debris. There is a contract out and an award would be made soon. He stated they would be able to use about \$250,000 for dredging next year.

Mayor Naugle suggested that in the future, a recommendation should be made as to how to keep the amount going for dredging.

Commissioner Moore stated that the City needs to apply for FEMA money also, and asked if that was being done. Mr. Fayaaz advised that FIND grants had been used in the past. Commissioner Moore suggested that they seek assistance from the congressional representatives in this matter.

### **III-B – Advisory Board and Committee Vacancies**

#### **Aviation Advisory Board**

Commissioner Teel reappointed Joseph Scerbo to the Aviation Advisory Board. She also asked to appoint John Milledge to the Aviation Advisory Board.

Commissioner Moore asked that William Wilson be appointed to the Aviation Advisory Board.

**Action:** Formal Action to be taken at the Regular Meeting.

#### **Budget Advisory Board**

**Action:** No formal action taken.

#### **Cemetery Advisory Board**

Commissioner Moore reappointed Walter Boyd to the Cemetery Advisory Board.

**Action:** Formal Action to be taken at the Regular Meeting.

#### **Community Appearance Board**

**Action:** No formal action taken.

#### **Community Services Board**

Vice Mayor Trantalis reappointed Robert Smith to the Community Services Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Economic Development Advisory Board

Commissioner Moore asked to appoint Jerry Washington to the Economic Development Advisory Board.

Vice Mayor Trantalis asked to appoint Robert Boyd to the Economic Development Advisory Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Education Advisory Board

**Action:** No formal action taken.

Historic Preservation Board

Commissioner Hutchinson asked to appoint Daryl Jolly to the Historic Preservation Board.

Commissioner Moore asked for suggestions from the Commission as to whom they would like to see appointed to the Historic Preservation Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Insurance Advisory Board

**Action:** No formal action taken.

Nuisance Abatement Advisory Board

**Action:** No formal action taken.

Parks, Recreation and Beaches Advisory Board

**Action:** No formal action taken.

Unsafe Structures and Housing Appeals Board

**Action:** No formal action taken.

Utility Advisory Committee

**Action:** No formal action taken.

**IV – City Commission Reports**

First Christian Church, SE 13<sup>th</sup> Street

Commissioner Hutchinson stated that a few months ago, a meeting was held with the leader of First Christian Church, SE 13<sup>th</sup> Street, in response their request to add parking in the medians. She stated that the proposal was all right and was to go through the process, but that did not happen. A permit was issued. She wanted the work to stop so the project could go through the proper process. She reiterated that she preaches highly about the process. It works as long as everyone is a part of it. She stated that somehow this project had gotten circumvented.

The City Attorney stated that the permit had been issued on July 13, 2004, and the process had been that projects in the right-of-way are at the discretion of the Engineering Division. He stated it was assumed that there had been a consensus of staff and the Commission in putting this plan together, and therefore, it had not been heard.

Commissioner Hutchinson stated that she is not opposed to the plan, but the process should have been followed. She felt if the Chair of a Board could circumvent the process, then there are serious problems.

The City Attorney replied the problem was that there had not been a finite process established to say this type of work in the right-of-way had to go through the Property and Right-of-Way Committee. He stated that when such Committee had been established, there was a clause explaining that their function was to hear when the City was disposing of, buying, or otherwise disposing of right-of-way. It can go back to the Property and Right-of-Way Committee. He had discovered that a permit had been issued, but was not sure about construction plans.

Mayor Naugle asked if there was a contractor on the project at this time.

Commissioner Hutchinson stated it appeared that work had stopped at this time. She explained they are creating some pull-in spaces, but still retaining a good portion of the median. She added that she had not seen any permit posted.

The City Manager stated that he would check into the matter and see what had gone wrong.

The City Attorney stated further that normally such projects went through the process. He advised that the current Chair of the Property and Right-of-Way Committee had not been the Chair at the time of this project. He stated that presently Peter Partington is the Chair of the Committee, and previously it had been Hector Castro.

Commissioner Hutchinson left the meeting at approximately 3:55 p.m.

Sanitation Privatization/Waste Management

Commissioner Moore wanted to know the number of cities that Waste Management is servicing. After obtaining such list, he wanted to know from those cities' public services managers what type of response had been received from the company after the hurricane regarding clean-up issues. He also wanted to know if they had contracts which had expired, what types of rates were being requested by the company.

Lauderdale Manors Sewers/WaterWorks 2011

Commissioner Moore stated that when the sewer program had been instituted in Lauderdale Manors, it had been the position of the Commission to offer the area to be returned to its previous state. He explained there have been swale and driveway interruptions, along with other things which impeded the community's accessibility to their homes. At the conclusion of the project, he had been informed that the City had agreed to return the area to how it had been before the work began. He stated that would be reasonable, if the way it was had been nice, but it would not be reasonable if the way it was had not been to the standards being requested of communities when they are annexed.

Commissioner Moore further stated that when property is annexed, the County increased the improvements. With 1-2 years interruption to a neighborhood, and at the conclusion of the work it is to look as it did previously is not acceptable. Therefore, he asked if the contractor and the Engineering Department could supply some projections of what it would take so that at the conclusion of such projects, there would be improvements.

Vice Mayor Trantalis asked if there were no sidewalks in the area, should the City install them.

Commissioner Moore suggested that they find a way of improving the upland properties. He stated that residents are concerned about cuts being made through their driveways due to the installation of sewers, and only blacktop used as a patch. The driveways do not look the same. He further explained that some individuals had St. Augustine grass in the swales, and they were being replaced with sand. Disrupting a community for years and only giving them what they previously had did not supply any customer satisfaction. He wanted some type of indication as to the viability of what the cost would be to give some type of consideration to the communities to make them better.

Mayor Naugle suggested that they also provide information regarding potential funding sources.

Commissioner Moore stated that, in regard to storm water, there could be swale reclamation. He felt it should be mandatory that they deal with rain water.

Educational Material/Fire-Rescue Facilities Bond Referendum/November 2, 2004

Commissioner Moore asked that the Commission be provided at their next meeting with a copy of the promotional material regarding the proposed fire-rescue facilities bond issuance. He wanted information disseminated that would show how they are attempting to educate the public regarding the benefits of such a bond, and maybe get a reading regarding the activity already made and how the public is responding.

Sanitation Privatization/Waste Management

Mayor Naugle stated that the decision made earlier today, regarding solid waste collection being taken over by a private vendor, would not affect the issue of hurricane

debris. He explained the service involved the collection of the sanitation and yard waste carts. It does not pertain to bulk trash.

Commissioner Moore understood that, but the reason he was asking was to get an indication of the services being supplied by a company contracting with other municipalities. He asked when additional services were requested did the company respond. He believed if the City does not have equipment, during a time of emergency the City's regular garbage equipment could not be utilized to remove debris.

Mayor Naugle explained that due to the type of equipment City uses, one-arm bandits, they have no way to gather hurricane debris.

Commissioner Moore explained that he is referring to personnel power. He once again requested the information mentioned above. He stated that he was particularly interested in the Plantation area.

#### MPO

Commissioner Teel stated that the MPO had gone through an exercise by which a consultant had looked at various areas of the City where improvements could be made. She stated further that on the list was the widening of NE 62<sup>nd</sup> Street, and she thought this issue had been "put to bed" years ago. She stated that the people did not want this and she hoped the matter would be dropped.

#### George English Park

Commissioner Teel stated that the baseball field (all-purpose field) was completed and looked very attractive. She had installed the Student Council who has their own TV Program, and a gazebo was presently being constructed. She stated that in the future she would be announcing information regarding the community building.

#### Notification of Street Resurfacing

Commissioner Teel stated that one issue being raised by the residents was that they wanted advance notification regarding street paving in their neighborhood. She suggested that possibly they could send out faxes or e-mails to the presidents of the various associations regarding such work being planned. She realized that exact dates might not be possible, but at least a range of time could be given.

#### Annexations

Commissioner Teel complimented staff regarding the annexation efforts made regarding North Andrews Gardens. The vote was to go to Oakland Park. She stated that Twin Lakes is coming up soon.

#### MPO

Commissioner Moore felt it was important that this Commission watch actions of the MPO. He announced that two workshops are to be held. The second workshop pertains to who would be delivering staff services for this group. He stated that the County staff now operate the MPO, and sometimes they negotiate with other municipal entities for

certain things. This is why the widening of the roadway mentioned by Commissioner Teel keeps arising. Discussions would be held regarding redirection of staff. They may be supplementing their employee base with MPO funds received, as well as managing the course of transportation movement. He felt there might come a time that the City would have to be heard in this matter.

#### Recognition of Elected Officials/Hurricane Assistance

Mayor Naugle wanted to thank two elected representatives for their assistance in obtaining hurricane supplies. He proceeded to thank Congressman Shaw who went throughout the City during the storm, advocating additional funds for FEMA. Additional legislation had been introduced.

Mayor Naugle also acknowledged Representative Siler who had been instrumental in obtaining chemicals that were needed for the water system. He stated that the trains had quit running after the storm due to debris on the tracks, and there had not been any power to control the railroad crossings.

#### Clean-Up/Hurricane

Mayor Naugle stated that the clean-up effort had been great by City staff during and after the storm. He asked if they were going to bring in grinders to the disposal sites and mulch the debris, and then incorporate a program to give it away to residents.

Phil Thornburg, Acting Parks and Recreation Director, stated that he had previously checked on that matter with Ed Udvardy and asked if there had been a plan in progress. Mr. Udvardy had informed him that the contractor was coming today and things should begin shortly. Mr. Thornburg stated they are going to grind the clean material, and haul away the other. He further stated that they are presently paying to get rid of such material.

#### Recognition of State Representative Christopher Smith

Commissioner Moore stated that there had been a recent article regarding Representative Christopher Smith in regard to his underwriting a hot meal with some non-profits in the City. He offered his compliments to Representative Smith.

There being no further business to come before the Commission, the meeting was adjourned at 4:14 p.m.