

## COMMISSION CONFERENCE MEETING AGENDA MARCH 20, 2007

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**COMMISSION CONFERENCE MEETING      1:30 P.M.      MARCH 20, 2007**

Present: Mayor Naugle  
Vice Mayor Hutchinson, Commissioners Rodstrom and Teel

Absent: Commissioner Moore

Also Present: City Manager – George Gretsas  
City Auditor - John Herbst  
Assistant City Clerk - Larry Fuller  
City Attorney - Harry A. Stewart  
Sergeant At Arms – Hector Martinez

**I-A – Citizens Police Review Board**

Mayor Naugle believed that Commissioner Moore requested that this item be placed on the agenda, but he is ill and absent today. He had consulted the Board and they do not object to a deferral.

**Action:** There was consensus to defer the matter to April 17, 2007.

**I-B – Water Supply Issues Update**

Albert Carbon, Director of Public Works, introduced Chip Merriam, Deputy Executive Director of South Florida District who made a slide presentation. A copy of the slides is attached to these minutes.

Mayor Naugle said finding another source of water and water reuse is one way to tackle the problem. According to the chart, they have the cheapest water. If one could affect the demand by radically changing the landscape of the City and demand for irrigation, because about 50% of the water is used for irrigation, would that reduce the usage. Mr. Merriam said the way to capture the volume of water needed is typically bigger than what is gained in conservation. Typically one would not gain 50% through conservation. Through a Phase I restrictions the goal is to achieve a 15% reduction. The goal for Phase II is 40% reduction. Older cities tend to gain a significant amount from losses due to old pipes, leaks.

Mayor Naugle suggested eliminating the use of lawns except for recreational areas. Lawns also pollute the waterways from fertilizer and storm water runoff, and debris left on streets from lawnmowers. He was thinking of xeriscape on a permanent basis. If the City is using 50% of its water for lawns, it is not a good use. Mr. Merriam said that would be helpful. The Environmental Protection Agency and the Department of Environmental Protection have said that re-use would have to be a higher level and could not be contributed to the canal system or in a manner that would upset the total maximum daily load numbers. This complicates the discussions. Broward County uses 7% of treated effluent as reuse; Dade County uses 5%.

Mayor Naugle said Fort Lauderdale is giving away water compared to other cities.

Commissioner Rodstrom asked what the City could initiate to get what is needed. Mr. Merriam said that the City has to go to alternative sources or buy significant acreage to create a storage project. He referred to the Floridan Aquifer as a source. They are exploring that source. He elaborated on how the issue of water has been addressed historically in Florida. Sources should be diversified. He mentioned finding a way to capture the water and store it and re-use.

Commissioner Rodstrom asked what size of an underground reservoir would be needed. Mayor Naugle explained the concept is creating a fresh water bubble within the aquifer with deep well injection.

Mr. Carbon said it has to do with the return on investment. The South Florida District's model will determine how much water they will get. Another factor is the quality of water that has to go down there. If it is reclaimed water, that is reuse, currently, the DEP requires a high level of treatment, which is reverse osmosis followed by ultra-violet disinfection. Once it is pumped back out, it has to be retreated. The cost is significant.

Mayor Naugle said Fort Lauderdale has the advantage of having two water plants, and reverse osmosis is being done at the Peele Dixie plant. He noted the challenges with that process. A plant could probably be built some day that would treat seawater.

Mr. Merriam said there is a coalition in existence of several states, including California, Texas, Colorado and New Mexico, who are looking at other forms and ways to obtain tax credits or grants. Mayor Naugle felt it would be more successful than the Tampa experience because there will be less nutrients. He felt there is a need to do all of these things. Commissioner Rodstrom agreed and asked about the time frame. Mr. Merriam indicated from a resource perspective, something should be done now. Mr. Carbon said contracts have been issued on the Florida Well Project. Mr. Merriam said the Florida Well is something they strongly suggest the City invest in. He elaborated upon some of the difficulties that have occurred.

Commissioner Rodstrom wanted feedback on how to get the word out to residents with respect to conservation. Mr. Carbon provided a fact sheet from the South Florida District's website and noted they will be linked to the City's website. Mr. Merriam explained the process for implementing water restrictions and elaborated upon what other communities are doing on water supply. Mayor Naugle noted the City is responsible for enforcement. Mr. Carbon indicated no additional action is required of the City; an ordinance has been enacted for the rate structure when a water shortage is declared by the South Florida District.

Commissioner Rodstrom understood the City is charging a higher rate for higher consumers. Mr. Carbon confirmed that is correct; the City has an aggressive water conservation rate structure. He elaborated upon the structure.

In response to Commissioner Rodstrom, Mr. Merriam indicated the sooner the better for the Commission to consider alternate water sources. Mayor Naugle said the City is probably going to have to take advantage of all options available in order to come up with something. It is difficult for the City to use treated effluent for irrigation because it has no public golf courses. Mr. Merriam noted 580 gallons per day must be delivered just to stay even with demands in this region. The amount of water discharged off shore is 580 gallons per day. The problem has to do with water quality and re-use. A

seminar will be held on May 23, 2007. Study will be necessary on the part of the City in order to make business decisions. He emphasized diversification. Mayor Naugle noted an example of one problem is the sewage treatment plant being at the Port and the water treatment plants are at the Executive Airport and Highway 441, and the transporting of effluent.

Albert Waters, Director for South Florida District's Broward Service Center, announced a workshop on May 28, 2007 at the Broward Emergency Operations Center regarding enforcement of water restrictions.

Elizabeth Hays, resident, felt storage should be seriously looked at. She asked about the cost of pumping into the ground and treating it when it comes back up compared to building storage facilities. Mr. Merriam responded that buying enough land for above ground storage would be very expensive. It becomes a pure business decision.

Mr. Carbon discussed a group of eight other utilities in Broward and Palm Beach counties along with the District that he leads and concerns an alternative water supply feasibility study for a reservoir located in north Palm Beach county that takes rainwater from a refuge in Martin county. He discussed some ideas being raised and cost implications. He emphasized it must be a regional approach. Floridan wells will be done at Peele Dixie; that project is ready to go.

Mr. Merriam said the District is working to create a regional alternative water supply system to defray the cost or offset concerns about water reliability because of the Everglades Restoration requirement for water to be delivered to the environment first.

Mayor Naugle asked what the District is doing about Florida being a major producer of ethanol. Mr. Merriam said he does not have an answer at this point. He expanded on the topic.

Commissioner Rodstrom asked how Fort Lauderdale compares to other cities who are taking a proactive approach. Mr. Merriam said many communities have gone 100% to an alternative water supply. Fort Lauderdale has a long way to go to catch up. Mayor Naugle asked the volume of water per day in those cities. Mr. Merriam quoted information about Cape Coral. Mayor Naugle asked about older communities on the east coast. He pointed out that it is easier for new cities. In the context of older communities, it is better to use as an offset rather than for irrigation. He went on to described Orlando's approach. He suggested Fort Lauderdale look at Floridan as soon as possible.

In response to Commissioner Rodstrom, Mr. Merriam indicated some efforts of the Management District started in the 1980s.

In response to the City Manager, Mr. Merriam said Fort Lauderdale is behind Palm Beach County who is a bulk supplier to most of the cities and not an apples to apples comparison. Boca Raton and Delray Beach are aggressively pursuing reversal of their outfall discharges. He mentioned other examples.

Mr. Carbon said the City has a building and contract for the Floridan wells. The City is making sure good investments for the City are made.

The City Manager said there is a little disagreement between the City and the District on some issues.

John Fumaro, City's outside counsel, said Fort Lauderdale has been quite progressive when comparing apples to apples. In the early '90's the City adopted a conservation rate structure mentioned previously and there were not very many similarly situated cities at the time on that track. This City has also been leading the LA Reservoir project. Part of the solution is a regional one. Individual municipalities do not always have the most cost effective options available to them. There are a number of initiatives at the federal, state and regional levels that range from \$3.5 billion to \$6.5 billion for the lower east coast public water supply utilities. There is no question that every utility in this area has a role in moving forward with alternative water supply projects.

Mr. Fumaro indicated that there is a dire lack of meaningful funding for alternative water supply projects from the state and federal governments. Historically, public water utilities west of the Mississippi have enjoyed billions of dollars in federal funding. Florida is re-stepping up efforts to secure federal funding. Concerning aquifer storage and recovery, unfortunately the geology in this area leads to low recovery rates of about 20%, plus treatment costs, but it is being looked at.

Mr. Fumaro said the pending water use permit application with the District is at a crossroads at this time. Staff will continue working with the District on an offset project known as Prospect Lake. The City would capture storm water flows that would otherwise be discharged to tide. Under existing regulations, this is considered a re-use. It could yield up to 11 million gallons of water per day. The LA Reservoir is a project that would not come to fruition unless it is pushed hard by the District. There will be some tricky legal and political issues in that contest. The Army Corps of Engineers' initiative to lower the lake could be an appropriate direction, but this also has negative water supply implications for the lower east coast of Florida. They are working with the District to get a permanent pump project solution in place which involves putting a longer straw into Lake Okeechobee.

Mr. Fumaro said staff is developing a twenty year strategic plan. He elaborated on the City's efforts in planning for the future. There are technologies being developed to make some of the alternative water supplies more cost effective. These issues do not lend themselves to one-dimensional easy review; they are very complex. The purpose of today's presentation is to make the Commission aware of the challenges and to get support through a resolution as staff moves forward in negotiations with the Army Corps of Engineers, the District, and the Department of Environmental Protection. For example, with respect to reclaiming water, DEP released a draft report about one month ago that presents some formidable challenges in attempting to capture the half billion gallons of water that goes to tide.

In response to Commissioner Rodstrom, Mr. Fumaro said he was hired through the City Attorney's Office approximately six months ago. She explained her goal is to be proactive and help the District to achieve a goal of water for the residents.

Mayor Naugle felt that the fact that 50% of the City's water use is for irrigation calls for strong measures. He suggested as an educational measure, the City sponsor a Commission district competition for residents to come forward with special xeriscape landscapes and an analysis of water consumption.

Commissioner Rodstrom was not be against the competition, but she wanted the City to move forward quicker on the issue of alternate water. The City Manager asked if the City wants to take this on alone as a City or take a regional approach so as to spread the costs and maximize efficiency. There is a disagreement with the District regarding what approach should be taken.

Commissioner Rodstrom felt the District is holding the keys to the kingdom and she was troubled that the City Manager wants to contest the issue with them. Mayor Naugle said that the District is an arm of the government; properties fund them. He felt the City should cooperate and work hand-in-hand. The City Attorney said that staff is not necessarily disagreeing with the District, but suggest that there needs to be a balance of interests. The City wants to make sure those interests are balanced. The District's charge is totally different from the City's charge which is to provide services necessary for the citizens within its jurisdiction, and the District is to protect natural resources. The Director of Public Works has been trying to find a regional approach that will balance those interests. Mayor Naugle said other areas rely on agriculture or golf courses to solve this problem; each city will be different.

Commissioner Teel felt it should be a regional approach. She questioned putting billions of dollars into projects that may not be the answer. Sometimes Fort Lauderdale is approached because of their size. She discussed potential jurisdictional implications. Modeling should be done first. She referred to Mayor Naugle's idea about lawns, however xeriscape sometimes looks like weeds and then Code issues develop.

Commissioner Rodstrom asked if there is a staff limit on the regional approach. Mr. Carbon said there is a contract for Floridan production wells, not test wells. The feasibility study on the LA Reservoir should be concluded by August. Staff is working with the District on a program where all fifth grade classes will be visited and water conservation information will be distributed. Hopefully they will take the information home to their parents.

In response to Commissioner Rodstrom, Mayor Naugle indicated that the Building Code requires faucet flow restrictions. He also mentioned that the air conditioning is set differently now because of water restrictions and use of water by the air conditioner chiller.

Mayor Naugle concluded there was consensus for the City to move forward swiftly but cautiously on a regional basis. .

**Action:** There was consensus to move forward on a regional basis. Mayor Naugle suggested a district xeriscape lawn contest for residential properties.

**I-C – Beach Parking Plan – Lifeguards, Meters, Birch Park Beach Finger Streets Residential Parking Permit Program**

The City Manager said the Commission decided that they want to place lifeguards on the north beach, and it was decided that parking meter revenue would pay for the lifeguards. It was also decided to put out an RFP on lifeguard services to decide between public or private. Also, the City needs to decide about the residential parking permit program for the Finger Streets.

The City Manager said a decision is needed about use of multi-space meters and suggested parking rates including an increase for South Beach non-residents and to earmark those funds for beach improvements. Parking would be free for residents at South Beach.

Bill Vacaro, resident, discussed the increased property taxes over the years. The program really takes away the beach from residents. It has made a bad situation worse. He elaborated upon the traffic and people searching for a parking spot. He did not think beach goers are causing any damage to the side streets. Tax dollars support the beach and those streets. As a compromise he suggested all City residents be allow to apply for a permit.

Brian Donaldson, President of Birch Park Beach Finger Streets Homeowners Association, introduced five other Association board members. He said the quality of life in their neighborhood has improved over the last six months during the trial program. Damage was done to their cars and homes in the past. Since July the crime has gone to zero in November and December. The majority of incidents in July were break-ins during the day. Homeowners during the trial period paid over \$12,000 for permits. It looks like \$26,000 will be raised annually. From over 130 residents, only six replied no to the program. There are still over 350 open spaces along A-1-A.

Veronica DePedro, Chair of Colee Hammock Permit Parking Committee, was happy to see the success of the Birch Park Beach Finger Streets' trial program and looked forward to the same for Colee Hammock.

Elizabeth Hays said the Parks and Recreation Advisory Board has requested for many years that non-resident rates be increased. She urged support for such an increase.

Commissioner Rodstrom said there is a lot of parking available at Birch State Park.

In response to Mayor Naugle, Jeff Justinak, Fire Rescue, said there would be a designated area for surfing. Commissioner Rodstrom felt it should be a large area. The City Manager said staff would return to the Commission with a recommendation regarding the surfing area.

Vice Mayor Hutchinson felt the lifeguards should be City employees. The City Manager noted that would cause an increase in the budget.

With regard to private versus public, Commissioner Teel felt presentations should be made and there should also be consideration about pension costs.

Mayor Naugle felt the Commission could approve the parking and lifeguards and allow the decision on private versus public when a presentation on qualifications is made to the full Commission. Kirk Buffington, Director of Procurement Services, asked if the Commission wanted presentations from the proposers or staff. Mayor Naugle thought staff would be appropriate, but the proposers could be present to answer questions.

Mayor Naugle felt it is important that the meters be installed for the revenue.



In response to Commissioner Rodstrom, John Hoelzle, Director of Parking and Fleet Services, explained how residents would secure a resident card.

In response to Commissioner Teel, Mr. Hoelzle indicated the multi-space meters accept cash and credit cards. Although the multi-space meters are more expensive than single meters, they pay for themselves in the long run.

Mayor Naugle noted construction workers are parking in the area and when they have to pay, possibly employers will find transportation and relieve the situation. Commissioner Rodstrom concurred that employees are parking in the area.

**Action:** Consensus as presented. The City Manager will bring forward a presentation from City Staff as to the lifeguards being City employees or contracted out. At Mayor Naugle's request, the City Manager will also provide a recommendation with regard to allowing surfing.

**I-D – Relandscaping Medians Along Beach – South Beach Parking Lot North to Sunrise Boulevard**

No discussion.

**I-E – Broward League of Cities – Appointment of Director, Alternate & Second Alternate**

Vice Mayor Hutchinson said that she would like to continue as a director. She is active on many committees. Currently, Commissioner Teel is the Alternate, and Commissioner Moore as a past president is automatically on the board. A second alternate is needed if Vice Mayor Hutchinson or Commissioner Teel cannot attend. Commissioner Rodstrom would be the second alternate.

**Action:** Consensus for Vice Mayor Hutchinson as a director; Commissioner Teel as alternate; Commissioner Rodstrom as second alternate. Commissioner Moore, as past president, serves automatically.

**I-F – Budget Advisory Board**

John Herbst, City Auditor, said the Budget Advisory Board was re-purposed at the last meeting and given to him. Unfortunately he would have a conflict of interest. If he is involved in bringing the budget forward, then he would be constrained from examining it from an audit perspective at any point in the future. He must be independent of anything he would audit. He could participate as an observer or technical expert. In response to Commissioner Rodstrom, the City Attorney said staff member should serve as a liaison.

Vice Mayor Hutchinson said it has been suggested that this be given to the City Clerk, but she has her own budget and it would not be fair. There are a lot of issues to be looked at in Tallahassee this year regarding property taxes. She felt the City should focus on that. Since there is no clear direction at this time, she preferred to let it sit for one year and wait until decisions are reached in Tallahassee. If there is no one on staff to handle this, it is not fair to the board, the public or the Commission.

Mayor Naugle commented that time is running out also.

Commissioner Rodstrom felt that someone on staff could oversee this and get it started.

Commissioner Teel agreed with furloughing.

Mayor Naugle furloughed the matter until October 1st.

Vice Mayor Hutchinson said that the public and the Commission would both oversee the budget and make their comments. She emphasized the need to stay focused on what is happening in Tallahassee.

Commissioner Rodstrom had a problem with not having the board to oversee the budget in light of what is going to happen in Tallahassee as well.

In response to Commissioner Rodstrom, Mr. Herbst said there is a lot of value in public input; it adds to a better budget process. The question is how to do that and is there enough time this year to put that into effect. Not knowing where the legislature is going to be this year, he foresees there could be 2-3 different versions of the budget. This is going to be a difficult year to look at prioritizing stakeholder issues since it is also going to be a budget-cutting year.

Commissioner Rodstrom asked if the staff liaison needs to have a finance background. The City Attorney said that a finance background is not needed.

The City Manager said the budget will be released in July and the public will have ample opportunity to provide input. There will be public hearings. Commissioner Rodstrom felt they would have input after it is already done. The remainder of the Commission disagreed, commenting on changes made in prior years. Commissioner Rodstrom pointed out that the budget could be brought forward before July; July is simply the deadline according to the Charter. Commissioner Teel indicated that people can provide input at any time about cuts. Mayor Naugle pointed out that a commissioner could raise something on any given Tuesday; there is also the pre-agenda meetings. In terms of access, there is last year's budget.

**Action:** There was consensus to furlough the board until next fiscal year.

#### **I-G - City Commission Staff**

**Action:** Deferred at the request of Vice Mayor Hutchinson to the first meeting in April. (See memorandum)

**NOTE:** The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 2:13 p.m. to 2:20 p.m.

#### **EXECUTIVE CLOSED DOOR SESSION** **(2:20 p.m. to 2:34 p.m.)**

#### **II-A – Comprehensive Annual Financial Report – Fiscal Year Ended September 30, 2006**

No discussion.

**II-B – Large User Wastewater Agreements – Contractual Compliance Report – Fiscal Year Ended September 30, 2006**

No discussion.

**V-A – Proposed Alarm Response Fee Settlements**

No discussion.

**III-B – Advisory Board/Committee Appointments**

Audit Committee

**Action:** Deferred.

Beach Redevelopment Advisory Board

**Action:** Deferred.

Board of Adjustment Advisory Board

**Action:** Deferred.

Budget Advisory Board

**Action:** Deferred.

Cemeteries Advisory Board

**Action:** Deferred.

Charter Advisory Board

Vice Mayor Hutchinson recommended that Ronald K. Wright be reappointed to the Charter Advisory Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Code Enforcement Advisory Board

**Action:** Deferred.

Community Appearance Advisory Board

**Action:** Deferred.

Community Services Advisory Board

**Action:** Deferred

Economic Development Advisory Board

**Action:** Deferred

Education Advisory Board

Vice Mayor Hutchinson recommended the reappointment of Brian Dassler and Elizabeth Hays to the Education Advisory Board.

Mayor Naugle recommended the reappointment of Aaron Bas, Leola McCoy and Elaine Schulze to the Education Advisory Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Fire-Rescue Facilities Blue Ribbon Committee

**Action:** Deferred.

Insurance Advisory Board

**Action:** Deferred.

Marine Advisory Board

Vice Mayor Hutchinson recommended the reappointment of Randolph Adams and John H. Baker to the Marine Advisory Board.

Mayor Naugle recommended the reappointment of Barry Flanigan, Rick Schultze, and John Terrill to the Marine Advisory Board.

Commissioner Teel recommended the reappointment of Alan Gabriel and Eugene Zorovich to the Marine Advisory Board.

**Action:** Formal Action To Be Taken At Regular Meeting.

Northwest Progresso Advisory Board

**Action:** Deferred.

Nuisance Abatement Advisory Board

**Action:** Deferred.

Parks, Recreation and Beaches Advisory Board

**Action:** Deferred.

Utility Advisory Committee

Vice Mayor Hutchinson recommended the reappointment of Bob Cole and Geraldine Udell to the Utility Advisory Committee.

**Action:** Formal Action To Be Taken At Regular Meeting.

#### **IV – Commission Reports**

##### CVC Project

Vice Mayor Hutchinson announced an upcoming CVC project for this Saturday at 8 a.m. on the beach; clean-up along the wave wall; parking at South Beach.

##### District II Tour

Commissioner Rodstrom thanked everyone for attending the District II tour.

##### Work Stopping; Danella Companies, Inc.; Harbor Beach Wastewater & Water Main Improvement; Feb 20, 2007 Agenda Item M-25

Commissioner Rodstrom thanked the City Attorney for the report regarding the \$200,000 change order for Danella Companies and the person in front of the tractor. It was suggested that a policy be established for similar situations. She asked if this could be placed on a conference agenda.

Mayor Naugle said that a lot of expense was incurred. He was uncomfortable about the work stoppage. It cost the taxpayers \$200,000 for nothing in the end. He did not feel it is necessary to put this on an agenda. The Commission should instruct that it is policy that citizens are not be permitted to stop projects.

Commissioner Rodstrom noted that it went on for four months and was never brought to the Commission's attention. Vice Mayor Hutchinson said that she was aware of it. The report does not reflect that the City Manager knew about it.

In response to the City Manager, Albert Carbon, Director of Public Works, said he had not seen the City Attorney's report. He understood Commission direction to not permit citizens to stop projects.

Commissioner Teel referred to the statement that they now refuse to make the \$27,000 contribution, their match, for the extra columns. The City Attorney believed their position is that they are reluctant to pay. The City has indicated that if they do not pay, the City will sue them.

Mayor Naugle noted that in the meantime the Commission was receiving angry calls about the lack of progress on the job. He did not know the reason had to do with someone bullying the work to be stopped. Commissioner Rodstrom felt the Commission was the last to know.

Commissioner Teel felt the Association's argument for not paying the \$27,000 is obnoxious. The columns were to make the project more architecturally balanced. They entered into a contract and so forth and now they are refusing to pay their match. The City Attorney indicated if they do not pay, he will bring this back. Commissioner Teel wanted a demand letter sent so it is clear to them that they need to pay.

##### City Park Garage; Office Space

Commissioner Rodstrom said there is space at the City garage that has been difficult to rent out. There is a hair salon adjacent to this space. The hair salon entered into a situation with the City in October. They obtained a key from the City. She believed the hair salon representatives signed a letter of intent. They did renovations. She believed there has been some lack of communication. Last week the City has prohibited access.

Mayor Naugle said this appears to be a landlord/tenant issue and he does not feel the Commission as policymakers should get involved in mediating it.

The City Manager said it was brought to his attention on Thursday that these individuals were trying to get an item on the agenda. Because he only received the request on Thursday, he was not able to find a solution. These merchants occupied City space without authorization for some six months. The employee who gave them the key claims it was for them to size the space as they were going through the process of getting a lease. He did not know if permits were obtained. All of the facts have not been gathered. Assuming it can be cleaned up, he hoped to have this on the next agenda.

Commissioner Rodstrom was concerned that the City Manager did not know about this as well as the previous matter, yet weekly meetings are held with staff. The City Manager indicated there are 2,600 employees. Commissioner Rodstrom wanted to see the letter of intent. Mayor Naugle said the City Manager can review the situation and report back to the Commission.

#### Service Box Installations in Right of Way; Bell South

Commissioner Teel referred to her comments at a previous conference meeting sometime ago about service box installations, mostly BellSouth. They are still being placed throughout the City, including right-of-ways. She believed there should be some direction, policy on this. Mayor Naugle had information from the Reno Conference about such equipment that can be placed underground in a vault that pops up when service is needed. Commissioner Teel felt they are appearing in obnoxious places. They are up against driveways; there is no buffering and no one knows anything about them.

The City Attorney said that it depends on easement rights. The City has to allow utilities within its easements. With new technology, fiber optic equipment is being placed in these cabinets. Mayor Naugle wanted the underground storage idea investigated.

Commissioner Teel asked how the City knows if it is in agreement with the selected location for these cabinets, if they have not been informed. She had provided Assistant City Attorney Dunckel with a letter from Ms. Sandquist, a resident, about a recent cabinet. The City Attorney said he would consult Mr. Dunckel, get in touch with BellSouth and recommend a policy if necessary.

Commissioner Teel expressed concern about the cabinet being hit by people due to their location in the right of way. If they cannot be avoided, there should be landscaping considered. Commissioner Rodstrom asked about a certain type of façade that would not interfere with the operation. The City Attorney said that there were State statute amendments regarding utilities that significantly diminished the City's authority. Landscaping was not the case. He will review the legislation.

April 3, 2007 Commission meetings

Mayor Naugle said that there is an item on tonight's agenda to reset the City Commission meeting of April 2<sup>nd</sup> to the 10th due to the holiday approaching. Commissioner Rodstrom will be out of town on the 10<sup>th</sup>. The City Attorney has indicated there must be two meetings. He asked the Commission to check their calendars regarding availability to meet on the 24th.

**V – Manager's Report**

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:53 p.m.