

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING JUNE 3, 2008

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CITY COMMISSION CONFERENCE MEETING 1:30 P.M. JUNE 3, 2008

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

Absent: Commissioner Teel.

Also Present: City Manager – George Gretsas
 City Auditor - John Herbst
 City Clerk - Jonda K. Joseph
 City Attorney - Harry A. Stewart
 Sergeant At Arms – Sgt. Monica Ferrer

I-A – Neighborhood Development Criteria Revisions Initiative – Retention of Consulting Services

Kirk Buffington, Director of Procurement Services, introduced the first and second ranked proposers to make brief presentations at the request of the Commission. In response to Commissioner Moore, Commissioner Teel indicated she requested the presentations.

Siemon and Larsen

Charles Siemon, Siemon and Larsen, provided an overview of his experience and that of Siemon and Larsen. Solutions for improving neighborhoods is complex. Every neighborhood is unique. It is driven by the market and aging of a community. Their focus has been design and particularly implementation. He used Clearwater and Mizner Park as examples. The land development code should promote what a city wants to happen; collaboration. He introduced some members of their team and their experience. Siemon and Larsen indicated that they represent both public and private sectors, which he believes gives them a better understanding to serve their clients. Almost all of their work is local. He elaborated upon the attributes a community needs to possess: beautiful, functional and fiscally sound. He noted their gender makeup and that he and Wendy Larsen are equal partners. He noted they are the low bidder. If they could shorten the time schedule and get staff more integrated into the project, he believed they could further reduce the cost. He emphasized their familiarity with this area and professionals in the South Florida Regional Planning Council for example. All of the money spent will be on services and not travel. He emphasized that they care about their work.

Winter and Company

Nore Winter, Winter and Company, noted the composition of the team that would be working on this project and that he would be the lead. He noted their experience and examples of it in Lexington, Kentucky, Denver, Colorado and other cities in the United States. He noted three steps of the project as requested by the City and went into some detail of the process and tools they propose to use. He emphasized sensitivity and balance for all people involved. It is important to understand the characteristics of each neighborhood, see how they could be grouped and organized in a concise and clearly understandable plan that everyone can buy into. They would model alternative codes

and potential outcomes; then tailor the tools to the established vision. They will be certain there is community engagement throughout. They are ultimately responsible to return to the Commission so that they can make informed decisions and know that choices have been outlined in a way that everyone is understood and the predictable outcome is one that the Commission can buy into.

Vice Mayor Rodstrom asked who would be the local architect. Mr. Winter said they wanted to confer with staff as to who would be more appropriate. In response to Vice Mayor Rodstrom, Mr. Winter recalled there are some thirty neighborhoods; he noted that they drove through all of them. The proposal incorporates all of them.

Commissioner Teel was not trying to slow down the process. She had a problem with not having these presentations before now. She found the presentations extremely helpful. She was comfortable taking a vote this evening or ask more questions and rank them at the next meeting (June 17, 2008). She did not feel she had enough information at the last meeting.

Mayor Naugle suggested a motion to reconsider this evening. Vice Mayor Rodstrom needed more time to review the RFP which she received yesterday. She preferred waiting until the next meeting.

Commissioner Hutchinson had requested the RFP and materials on the top two proposers and spent the last two weeks reviewing. Both firms are qualified. She believed the process as it relates to the RFP was correctly followed. She was not uncomfortable with an out of town firm. She noted examples of out of town firms that were engaged by the City and have done a tremendous job. She hoped it would be reconsidered this evening.

Commissioner Moore commented that if the Commission wishes to give preference to local businesses, he felt it should be so provided in the governing ordinance. He appreciated the professionalism of the Procurement Services department and could clearly see from the presentations why the firms were ranked as they were. He did not want firms to be able to ask for a new judge if they are unhappy with the initial outcome. He was very happy to see that is not the case here. He supported reconsideration this evening.

Mayor Naugle was disappointed in the process for this consultant selection. One of the City's most prolific land use lobbyists sat on the selection committee. He hoped it would not happen again. He was prepared to vote this evening or would be agreeable to deferring for another meeting. He had a similar reaction after hearing the presentations today.

Vice Mayor Rodstrom did not know about the lobbyist sitting on the selection committee. Central Beach Alliance thought they should have been represented on the selection committee. She felt information like the RFP should be in the backup for such matters so the Commission has plenty of review time. Mayor Naugle did not want to see all RFPs. Commissioner Moore emphasized he is a policymaker. He did not believe that the Commission should wordsmith RFPs. Vice Mayor Rodstrom wanted all of the information possible before making policy decisions. Commissioner Moore pointed out that the policy is to review neighborhood zoning whereas the RFP is the methodology with which to accomplish it.

Action: Presentations were made by Siemon & Larson and Winter & Company. See regular meeting.

I-B – River Oaks Park – Open Space 136 – Acquisition Agreement – Broward County Participation

Commissioner Moore was not happy with how the price is suggested to be paid. If there is a savings, he questioned why only one governmental entity is receiving it.

Commissioner Hutchinson noted she serves on the Land Preservation Board. She supported acquisition of this property and noted this is why the board exists. If the property is not acquired, it will be developed as townhouses. It has always been customary that Broward County was willing to contribute \$2 million for a property acquisition, however, they are unwilling this time. The City cannot change that. Acquisition of this parcel is important for the entire city.

Commissioner Moore commented the problem with the County is that there are rulers instead of people who prevail for the public. Although he supported the acquisition, he felt the City should confront the County on this issue.

Mayor Naugle agreed it is unfair.

Vice Mayor Rodstrom felt the City had an opportunity when this first came to the City to negotiate better based on the County's input, but that was not done.

Mayor Naugle and Commissioner Hutchinson noted the City also saved money. Commissioner Moore wanted to split the savings. Commissioner Hutchinson agreed, but emphasized this matter needs to move forward, otherwise the City will lose a good piece of property. Commissioner Moore wanted to ask the County to share the reduction 50/50.

In response to Vice Mayor Rodstrom, Mayor Naugle and Commissioner Hutchinson outlined the City savings based on a new appraisal and remediation costs; the City's contribution is \$1.658 million.

Action: See Regular Meeting.

I-G – Multi-Facility Redevelopment Plan – Interim Report – HDR Architecture

James Brown, HDR Architecture, City Consultant, reviewed a slide presentation. A copy of the slides is attached to these minutes. He noted that Scenario 1 is essentially a status quo solution as detailed in the slide. It would not be necessary to move out of the existing city hall before the new one is built; thus no temporary space. Some consolidation would occur. Some of the smaller operations would be brought into city hall to allow government to function more efficiently. Similarly the police station would be re-built somewhere on the current site. The current station would remain in operation. It would also not be necessary to move out before the new one is built; thus no temporary space. Scenario 2 would locate everything where the current police station is located. Some fleet operations would have to be moved off site. Scenario 3 is to build a true civic center in the heart of the downtown on the helipad site.

Mr. Brown noted in Scenario 2, the police station would be a story higher. Some facilities like the impound lot would have to be located elsewhere but the most crucial fleet maintenance operations would remain at this site. The net cost is less because land downtown is freed. It is conceivable to have little if any new taxes. The proposal will capitalize on the desirability of redevelopment. He concluded with summarizing the recommended next steps slide.

The City Manager explained staff simply wanted to get these concepts on the table.

Mayor Naugle felt there could be other ideas in addition to these. He wanted to look for a more central location for the maintenance facility. He felt it would be a flaw to locate all of the equipment in Dania.

Commissioner Moore pointed out that all of the City's properties were not used, specifically the City's beach front property. The City Manager indicated a list of properties on the beach could be provided, but the Beach Master Plan was counting on those properties for public realm ideas. They have tremendous value. Staff did not think the Commission would want to part with those properties. Commissioner Moore felt in this type of analysis nothing should be left off the table; all City owned properties. The public sector often goes into a redevelopment area before the private sector will follow. In the downtown, a library, a governmental center, city hall and public garage were built. Then all of the development started around it. For example, no one looked at the scenario of placing the police station at the Wingate site and selling the police station property. He wanted out of the box thinking. Sunrise Boulevard and I-95 is the City's entranceway and the first thing a motorist sees is a junkyard. He preferred to look at disposing parcels to allow the City to assemble. For example, city hall at that location could be considered and existing city hall property could be sold. He questioned why the 7 Avenue - Sistrunk site was not considered for this redevelopment. Until there is movement, the City should treat that property like public property.

The City Manager indicated staff will look at any scenarios the Commission wishes. It would be helpful at some point if there is any criteria to which the Commission is committed.

Mayor Naugle wanted to defer to the Police Chief as to the police department location.

Commissioner Teel was concerned with how Broward County's plans will work into the City's plan, especially because of the transportation hub. She wondered whether it would be advisable to place city hall and the police department in one location because both could be lost with a bad hurricane.

Vice Mayor Rodstrom wanted City Hall in the downtown area. She felt it would have to be proven that a lot of money was being spent on city hall maintenance before she would want to spend \$40 million.

With respect to Sunrise Boulevard and I-95, Mayor Naugle asked about placing the Police Department at that location. Commissioner Moore said he has always been a proponent of that location for the Police Department. He also felt City Hall should remain downtown, but he questioned where are the downtown boundaries. It seems the boundaries move around when there are different objectives.

In response to Vice Mayor Rodstrom, Commissioner Moore said the Commission has never agreed to be in a building with Broward County. He did not want to place the fortune of the City government in another's hands.

Commissioner Moore wanted to know the value if all City properties were sold aside from park lands.

In response to Commissioner Moore concerning the Palazzo site, the City Attorney said discussing future plans would be one thing, but any plans to develop or sell it during the litigation could be potentially disastrous.

Action: There was consensus approval that City Hall should be in the downtown. Input from the Police Chief was requested with respect to location of the Police Headquarters and criteria. Mayor Naugle requested a map showing the location of all parcels held by the City with development potential except parks.

I-C – Sign Regulations – Section 47-22, Unified Land Development Regulations

Vice Mayor Rodstrom said some of her constituents would like to be able to place temporary event signage in neighborhoods. They suggested certain criteria as to the number permitted, size, placement at intersections. The City Manager explained now that Code is pro-active, signs that previously went untouched are now being removed. The law does not currently permit them.

Commissioner Moore was opposed. He thought it would cause too much confusion. There are so many community events it would be a proliferation. Staff should not determine what it is just; the code should be followed. He wanted an operations manual for staff. Valerie Bohlander, Director of Building Services, indicated a manual has been written and a field training officer position has been developed. She agreed to furnish a copy of the manual to Commissioner Moore.

In response to Commissioner Moore, the City Manager explained some leeway was granted to a neighborhood because they thought they were being targeted, but the reality is that Code is now working on weekends and it is a new dynamic.

In response to Vice Mayor Rodstrom, the City Attorney explained that the regulation as to the content of the sign must be content neutral. Commissioner Moore suggested staff be asked to look at a practical solution. He mentioned City co-sponsorship and a limit on the number per year. The City Attorney indicated there is a code provision for banners and his office would have to look into whether it could be expanded to include all other signs. There is no such thing as a neighborhood sign; it is a sign. Greg Brewton, Director of Planning and Zoning, added that banners are specified as to location.

Vice Mayor Rodstrom was concerned about how neighborhoods would advertise events. Mayor Naugle explained the difference in enforcement of signage on public property such as rights of way and swales and private property. The City Manager explained the potential problem with signage on private property.

Commissioner Moore emphasized his belief in consistency. He went on to note how he believes political campaign signage should be addressed with the posting of a bond; perhaps \$250 (for the individual campaign).

In response to Vice Mayor Rodstrom, the City Attorney reiterated all such signage has to be content neutral; it is regulated by the fact it is a sign and there are no exceptions.

Mayor Naugle noted email and Craigslist as ways of publicizing and communicating for neighborhood events.

Action: There was consensus approval that City Hall should be in the downtown. Input from the Police Chief was requested with respect to location of the Police Headquarters and criteria. Mayor Naugle requested a map showing the location of all parcels held by the City with Development potential except parks.

I-D – Amendments to City Charter – Clarifying City Clerk and City Auditor Authority To Appoint and Supervise Assistants

There were no objections to the proposed ballot language for November.

Action: There was consensus approval to place this question on the November 4, 2008 ballot.

I-E – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

Commissioner Moore objected to the degree of reductions in 2 (900 Guava Isle, CE04090731), 3 (1123 NW 15 Avenue, CE07052104), and 4 (3101 SW 13 Street, CE03011008). With respect to the rental property, Mike Maloney, Code Enforcement Manager, said there was a due process issue. Commissioner Moore felt these are example of people who ruin neighborhoods.

Vice Mayor Rodstrom wanted to know annually the different between the recommended amount and the full lien. Mayor Naugle explained why it is not possible to accurately identify the amount because one would need to know what the property would sell for.

Action: Consensus approval. Commissioner Moore was opposed to CD04090731, CE07042104 and CE03011008.

I-F – Beach Equipment Rental Concession – Request For Proposal

Cate McCaffrey, Director of Business Enterprises, noted as a result of Commission direction at the last regular meeting (May 20, 1008) staff made changes to the RFP including scoring points.

In response to Commissioner Hutchinson, Ms. McCaffrey indicated that amenities such as beverages, snacks, and sun block, were not in the RFP. Kirk Buffington, Director of Procurement Services, clarified that amenities are over and above the basic specifications. It would be up to the proposer to include. With respect to the reallocation of points, there is no longer consideration as to a guaranteed percentage of revenue. The guaranteed minimum was raised.

Vice Mayor Rodstrom asked why representatives from the Central Beach Alliance or the Beach Improvement District were not part of the selection committee. She wanted representation from people who have experienced services on the beach. Ms. McCaffrey indicated the goal was and will continue to be neutrality. There was representation from the City Parks and Recreation Department.

In response to Commissioner Hutchinson, Mr. Buffington and Ms. McCaffrey discussed the changes and reasoning behind a minimum if a guaranteed percentage was deleted.

In response to Mayor Naugle, Ms. McCaffrey noted additional amenities that the City had considered allowing were day beds and agreements with hotels to have an amenities program wherein there would be guaranteed revenue regardless of use. This structure would still be allowed. Mr. Buffington explained for every additional increase of \$12,000 in revenue above the guaranteed minimum, additional points are awarded. There is no longer an issue of judging a percentage and whether they will meet that percentage.

Commissioner Moore was concerned about having an RFP written by a committee. It is not appropriate. He questioned attacking the selection committee composition when advisory boards are composed of architects and so forth. He questioned the RFP changes being made. The manager form of government has professionals running departments without politics. He wanted to deal with the points structure only. The City Auditor felt it was necessary to change the way points were awarded with respect to the financial part because the previous structure had the effect of canceling each other out without any analysis of what the total revenue stream was likely to be.

Mr. Buffington acknowledged the Auditor had a good point and this is the recommendation in order to overcome what he had pointed out. Commissioner Moore believed if the changes are made, there would be a challenge. Ms. McCaffrey explained staff tried to address the fact that there was no longer a percentage.

Vice Mayor Rodstrom asked if the new process would bring in more revenue. The City Manager explained another theory about revenue is that if the quality of service is improved, it will produce more revenue from other areas. Food and beverage could be discussed at some point in the future. If people see a clear difference between Fort Lauderdale beach and other beaches along the east coast, it will attract more people. He felt the first RFP was better because it focused on five-star service.

Commissioner Moore was concerned that the service provider told the City it could not meet its guarantee yet they bid higher. Nevertheless he thought it was best to rebid.

The City Manager questioned whether there is any downside to using the original RFP. He emphasized a level of service will generate more revenue. People who stay at a hotel want to have the same feel they have inside the hotel. The same five-star service would be offered throughout.

Both Commissioner Moore and Commissioner Hutchinson did not object to the Manager's suggestion.

In response to Commissioner Hutchinson, Ms. McCaffrey indicated if the original RFP was used, the scoring would have to be adjusted. The minimums were different on the original RFP. Either the minimums or the manner in which the 30 points are awarded would have to be adjusted.

Ina Lee, Point of Americas, said she has been involved in this process for two years. She believed that upgrading is necessary and service is critical. She felt the selection committee was fair. There is a service demand that is not being met. Equipment needs to be upgraded as well. There is a lot of competition. This needs to move forward as quickly as possible.

The City Auditor suggested simply a guarantee of \$250,000 and everything else based on a percentage over that amount. The only difference between the percentage participation versus guaranteed minimum is a risk transfer.

Commissioner Moore was interested in the revenue; he would maintain the \$425,000 minimum. He added in the future the City could add beverages as an amenity and the concessionaire be responsible for policing restrooms on the beach that the City could add.

Stephanie Toothaker, representing Boucher Brothers, felt she could speak for both responders to the original RFP. The reason they felt it was important to stick with the minimum was the importance of five-star service which meant a capital investment in buying new equipment.

Mayor Naugle asked if her clients are discussing combining. Ms. Toothaker said there are discussions about responding together.

Mayor Naugle wanted to retain the \$450,000 minimum.

With input from Commissioners Hutchinson and Teel and Vice Mayor Rodstrom, Mayor Naugle concluded there is a consensus for the \$250,000 minimum and the original RFP with the additional scoring.

In response to Ms. McCaffrey's point about changes therefore needed, the City Auditor concluded there would be a threshold guarantee and a threshold percentage.

The City Manager asked about implications of the two responders combining as one entity in a new RFP. The City Attorney advised it would be possible to submit a proposal as a joint entity.

In response to Mayor Naugle, the City Manager recommended the City stay with the original RFP and send it out again.

Vice Mayor Rodstrom felt the City may have better options with the new RFP.

The City Manager concluded the City keep the \$250,000 minimum and use the amended process. There was consensus approval.

Action: There was consensus approval for a \$250,000 minimum annual concession fee and the amended RFP was authorized, including provision for added amenities and revenue added and amendments to the scoring weight factors.

Other Business

The City Manager introduced the new Police Chief, Frank Adderley.

EXECUTIVE CLOSED DOOR SESSION HELD AT 3:37 P.M.

The City Commission shall meet privately pursuant to Florida Statute 768.28(16) relative to the following risk management claims:

Worker Compensation Files WC-02-11273; WC-04-12335 and WC-06-13245 – Juan Real and WC-98-9603 – Dan Sweigart.

MEETING RECONVENED AT 3:51 P.M.

II-A – Sidewalk, Roadway and Infrastructure Modifications – Martin Zisholtz Property – 327 SW 2 Street – Historic District

Mayor Naugle suggested a thirty-day period for Mr. Zisholtz to accept the City's final offer. Albert Carbon, Public Works Director, indicated the cost for the sidewalk and road work would be about \$50,000 to \$60,000, which could again be offered. Mr. Zisholtz wants \$100,000.

In response to Commissioner Moore, the City Attorney explained that the sidewalk was placed on Mr. Zisholtz's property, and therefore, the City needs to return the property to its original condition.

Mr. Carbon showed Exhibit 1 of Commission Agenda Report 08-0673 provided the Commission, a diagram of the subject site. The City could discontinue payment on the lease. If Mr. Zisholtz blocks the sidewalk, the City would build the sidewalk on public property which would cost about \$60,000. The City Manager noted the construction is not necessary unless Mr. Zisholtz barricades the area.

Mayor Naugle pointed out if this is not done people would be walking on the street. Commissioner Moore did not find it dangerous because there are other areas where school children are walking in the street because there is no sidewalk or swale. He objected to the idea.

Commissioner Teel did not want to see barricades across the sidewalk.

The City Manager said they could do nothing and see what happens. The City Attorney indicated a lawsuit could be filed and the City would be responsible for attorney fees.

Mayor Naugle reiterated his suggestion of a final offer (\$60,000) and thirty days to respond.

In response to Vice Mayor Rodstrom, Mr. Carbon advised that the \$60,000 includes back rent. In response to Commissioner Moore, the City Attorney indicated the amount

also includes new sidewalk. Mr. Carbon indicated the roadway would be narrowed for westbound traffic from two to one lane. Jeff Modarelli, Director of Economic Development, said the City has attempted to renegotiate a price for the last few months.

In response to the City Auditor, Mr. Carbon indicated if this is approved, the project would come back and funding made available at that point.

In further response to Vice Mayor Rodstrom, Peter Partington, City Engineer, provided some history of the matter. There has been a lease for many years which has now lapsed.

Action: There was consensus approval to make a final offer on the settlement of \$60,000 and give Mr. Zisholtz thirty days to accept or reject.

II-B – April 2008 Monthly Financial Report

No discussion.

III-B – Board and Committee Vacancies

Affordable Housing Committee

Commissioner Hutchinson recommended Rebecca Jo Walter and Janet Riley be appointed to the Affordable Housing Committee.

Action: Formal Action To Be Taken At Regular Meeting.

Audit Advisory Board

Action: No Formal Action Taken.

Aviation Advisory Board

Mayor Naugle recommended Bunney Brenneman be reappointed to the Aviation Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Beach Business Improvement District Advisory Committee

Action: No Formal Action Taken.

Beach Redevelopment Board

Commissioner Teel recommended Melissa Milroy be appointed to the Beach Redevelopment Board.

Action: Formal Action To Be Taken At Regular Meeting.

Cemeteries Board of Trustees

Action: No Formal Action Taken.

Centennial Celebration Committee

Commissioner Hutchinson recommended Ina Lee and Peg Buchanan be appointed to the Centennial Celebration Committee.

Action: Formal Action To Be Taken At Regular Meeting.

Code Enforcement Board

Action: No Formal Action Taken

Community Appearance Board

Action: No Formal Action Taken.

Community Services Board

Action: No Formal Action Taken..

Education Advisory Board

Action: No Formal Action Taken.

Historic Preservation Board

Action: No Formal Action Taken.

Board of Commissioners, City of Fort Lauderdale Housing Authority

Action: No Formal Action Taken.

Insurance Advisory Board

Action: No Formal Action Taken.

Marine Advisory Board

Action: No Formal Action Taken.

Northwest Progresso-Flagler Heights Redevelopment Advisory Board

Action: No Formal Action Taken.

Nuisance Abatement Board

Action: No Formal Action Taken.

Planning and Zoning Board

Mayor Naugle recommended Patrick McTigue be appointed to the Planning and Zoning Board.

Action: Formal Action To Be Taken At Regular Meeting.

Utility Advisory Committee

Action: No Formal Action Taken.

IV – City Commission Reports

City Manager's Performance

Vice Mayor Rodstrom said the City has lost three finance directors, one planning director, one CRA director, one fire rescue chief, and now a police chief. She felt the City Manager has demonstrated an inability to keep key people. She felt the individuals who left did not want to work with him. There is no permanent finance director, controller, or treasurer. The internal audit staff has left. The City is entering one of the hardest budget years. It is her opinion that the City Manager needs to resign. She was disappointed in his performance.

Cars for Sale; Vacant Residential Lot; Bayview Drive and 20 Court and 26 Street

Commissioner Teel indicated on Bayview Drive at 20 Court there is vacant property and vehicles for sale are being parked there on the weekends. More activity of this nature is occurring at 26 Street and Bayview Drive.

Super Duper Liquor Store

Commissioner Moore asked about the status of the Super Duper Liquor Store that has been operating without a license. Valerie Bohlander, Director of Building Services, indicated the store appealed. The City Attorney said an appeal bond was posted. The appeal could take 6-8 months. In the meantime, the store may continue to operate. He offered to recheck the status and report back to the Commission. Commissioner Moore wanted to know the name of the judge. He wanted the judge to be responsive to the people.

V – City Manager Report

None.

There being no further business to come before the Commission, the meeting was adjourned at approximately 4:07 p. m.