

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON MONDAY, AUGUST 1, 2005.

Mayor Benton called the meeting to order.

Reverend Ron Engel, Trinity Lutheran Church, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and R. Duke Nelson; City Manager Dennis Beach; City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

Mayor Benton proclaimed August 2, 2005, as "**22nd Annual National Night Out**". Christopher Dzadoovsky was present to receive the proclamation.

Mr. Christopher Dzadoovsky said members of the Hibiscus Crime Watch are here this evening, the Vice-President and the Secretary. He would also like to thank Officer Cozine and Chief Savage for being here this evening. He is accepting this on behalf of all the Crime Watches in Fort Pierce and for St. Lucie County as well. This is a great event. It started out as a small event for crime watches and they have been very successful in their neighborhood in combating local issues, whether it be crime or other issues that face their small community. They want to invite each of the Commissioners, staff, and all the members of City Hall who have helped them be very successful in the neighborhood in joining them tomorrow evening in Glidden Park for an evening of barbeque. They are going to have some activities for children, baked goods, and things of that nature, and they want to have a great fun time and meet new neighbors and members of the Commission and City Hall. He wants to thank them very much for this proclamation.

Mayor Benton said thanks also to Mr. Dzadoovsky and all his volunteers. There is a big reason why crime is down in Fort Pierce. It is not just the Police Department, but it is the community taking an active role, being the eyes and ears out there. Continue the good work, please.

Mayor Benton proclaimed August 15-19, 2005, as "**Florida Water, Wastewater, and Systems Operators Week**". Mr. Richard Stenberg was present to receive the proclamation.

Mr. Richard Stenberg said he thinks this is the seventh year they have been able to bring the Florida Water & Pollution Control Operators Association to Fort Pierce and to IRCC. Between 400 and 500 people from all over the State of Florida will be here for seven days taking advanced training in utility type work.

Mayor Benton said thank them for coming because he knows it is very difficult to find a place to stay in Fort Pierce right now. Tell them in the near future they hope that changes.

The next item on the Agenda was Mr. Brian Anglin, American Red Cross, to present Community Partner Award to the City. (Mr. Anglin was not present to present this award.)

City Clerk Steele said the American Red Cross sent this plaque to the City of Fort Pierce. It is a Community Partner Award.

The next item on the Agenda was Mr. Andy Ingle, representing the Hibiscus Children's Center, to present Plaque of Appreciation to Dean Kubitschek, Marina Manager.

Mr. Andy Ingle said on behalf of the Hibiscus Children's Center Off-Shore Big Three Fishing Tournament, which was their first annual tournament of many to come hopefully, he would like to thank staff in the City Clerk's Department, the City of Fort Pierce Public Works for their aid, and especially Dean Kubitschek and his staff of never ending help of making this a successful first year event for the fishing tournament. He would like to present this plaque to Mr. Kubitschek to hang on his wall and never forget them. He thanks him very much for his support.

The following letters will be kept on file in the City Clerk's Office:

Letter from Ken Crosby, World Changers 2005, in appreciation of the help and support given by the Community Services Department and by Wayne Powell, Community Development Program Specialist.

Letter from Congressman Mark Foley, U.S. House of Representatives, thanking City Engineer Hector Arias for his efforts and support.

Letter from Congressman Allen Boyd, U. S. House of Representatives, congratulating City Engineer Hector Arias for his achievement and commitment.

The next item was the Consent Agenda. Mayor Benton asked does any Commissioner wish to remove an item? (No items were removed.)

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, and unanimously carried, that the following items on the Consent Agenda be approved:

- a. Approve the Minutes of the Regular Meeting on July 18, 2005.
- b. Approve proposal by Hayslip Landscape for clearing and trimming trees in **Moore's Creek** (U.S. #1 to 2nd Street) in the amount of \$24,300. Bid No. 5496 (Postponed from July 18th)
- c. Approve additional \$50,000 to the existing Contract with LM Engineering, Inc., d/b/a **GFA International, Inc.** for Professional Services to the Department of Building & Community Response relating to the Florida Building Code.
- d. Approve Interlocal Agreement between the City, the Fort Pierce Utilities Authority, and St. Lucie County for provision of potable water to the **Lake Drive MSBU** (Municipal Services Benefit Unit).
- e. Approve First Amendment to Amended and Restated Interlocal Agreement concerning **Educational Facilities Impact Fees** between the City, St. Lucie County, and the St. Lucie County School Board to provide for continued effectiveness and termination.
- f. Approve acquisition of the David Hayes sculpture located on the U.S. #1 side of City Hall using **Art in Public Places** funds in the amount of \$38,000.

The next item on the Agenda was Ms. Elise Ann Rollins, Lincoln Park Business Association, Inc., request \$1,500 advertising funds for Linc-Fest on September 17th at 13th Street and Avenue D.

Ms. Elise Ann Rollins said she thanks the Commission for having her here this evening. They are going to continue the Lincoln Park Business Association Annual Linc-Fest and are just asking for the City's help in letting them put on this endeavor.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to approve request by Lincoln Park Business Association for \$1,500 advertising funds for Linc-Fest on September 17th at 13th Street and Avenue D.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Public Hearing on the City's Five Year Department of Housing & Urban Development Consolidated Plan & 2005-2006 Annual Action Plan.

Mayor Benton declared a Public Hearing in session and asked if anyone in the audience wished to be heard.

Ms. Dorina Jenkins, Assistant Director of Community Services, said she will introduce Dr. Susan Cook-Warner, who will be conducting the public hearing.

Dr. Susan Cook-Warner said it has been a pleasure to work with the City staff in the preparation of their Five Year HUD Consolidated Plan and their 2005-2006 Annual Action Plan which allows the City to receive funding under the Community Development Block Grant program. They are required by the planning regulations by HUD to have two Public Hearings. This is the second Public Hearing. They are interested in taking comment from the public on the plan which has been made available over the last 30 days. So if anyone from the public is interested in commenting, now is their time.

Mayor Benton said there doesn't appear to be.

Dr. Cook-Warner said they look forward to presenting the plans to HUD in a timely fashion and for their support in approving and signing those in the next few days.

Ms. Jenkins said staff is requesting the Commission's approval to submit the plans to HUD for review and approval.

Seeing no one further and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

City Clerk Steele said there is a resolution the Commission must adopt that is not on the Agenda, it was just given to her this evening. It is for approval to submit the plans.

Commissioner Nelson asked how much money did they receive annually from the CDBG program?

Ms. Jenkins said this year they are receiving \$793,000.

Commissioner Nelson asked is that a decrease from last year and prior years?

Ms. Jenkins said yes.

Commissioner Nelson asked any particular rationale for the decrease?

Ms. Jenkins said no. All the counties are pretty much being decreased.

Commissioner Nelson asked does Ms. Cook-Warner sense an effort by the Federal Government to try to cease to dispense these funds in any way? What does she attribute the decline to? He noticed it has been declining over the last three or four years, the amount the City receives.

Dr. Cook-Warner said she thinks it has more to do with a national formula that favors the northern states just because of age of housing. In fact, one of the reasons why Fort Pierce receives as much funding as it does is because they are the older housing portion of the County and that is the reason Fort Pierce receives the share they do. But in essence, it is a formula that favors the northern states and the older cities as just part of the formula. There have been various proposals before Congress at different times that changed the nature of the Community Development Block Grant program, including reducing its funding significantly; but to date, none of those have come to pass.

Commissioner Nelson asked she thinks it is the age of the old houses in the older cities?

Dr. Cook-Warner said yes. Fort Pierce has older housing than the surrounding area. There has been such a building boom in the County over the last 20 years. Fort Pierce was in essence basically built out prior to that time and so they basically have the largest population with the oldest housing in the County. The new development is all happening in the surrounding area. But that has not affected their funding formula at all. That is all a national formula and it has had no impact on them.

Commissioner Nelson said but it has affected the money. He recalls they were getting over \$1 million a year.

Dr. Cook-Warner said as she said, that is all a part of population growth overall in the nation and the fact that the formula basically favors the more northern states, but it doesn't have anything at all to do with the growth in their surrounding area.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-37

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE CITY'S 2005-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIVE YEAR HUD CONSOLIDATED PLAN AND 2005-06 ANNUAL ACTION PLAN; AUTHORIZING THE MAYOR TO EXECUTE SAID GRANT, ANY AND ALL APPLICATIONS AND OTHER DOCUMENTS INCIDENT TO OBTAINING SAID GRANT ON BEHALF OF THE CITY."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 05-37 be adopted.

Those voting in favor of the adoption of Resolution No. 05-37 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was Ordinance No. K-355, Adopting Amendments to Comprehensive Plan based on Evaluation and Appraisal Report. SECOND READING

City Clerk Steele said she believes they have a recommendation from staff to accept the request by Johnathan Ferguson of Ruden McClosky to withdraw the Ordinance.

Mayor Benton asked is that true?

Mr. David Recor, Deputy City Manager, said staff stands by its recommendation this evening that they accept Ruden-McClosky's request to withdraw.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-355 be withdrawn.

Commissioner Becht said currently independent of what this applicant wants, the City has three issues with DCA with their Comprehensive Plan. When does Mr. Recor see them addressing those three issues?

Mr. Recor said the three issues are the School Siting Amendment, the Level of Service standards in their Transportation Element, and the Port Sub-Element as part of the Intergovernmental Coordination Element. They will immediately address the school siting criteria. DCA did identify some technical deficiencies. They will immediately address those technical deficiencies and bring that Comp Plan Amendment to the Commission to transmit to DCA.

Commissioner Becht asked is that the next 30 days?

Mr. Recor said potentially. It could be.

Commissioner Becht said he is learning fast.

Mr. Recor said it will remain a priority for staff to complete that and he believes they can do that. What DCA agreed to allow the City to do was to address the remaining two issues and that which came down the line with Senate Bill 360 as part of their update to the Comprehensive Plan. Staff also knows that the Port Sub-Element is a priority for the Commission and the public as well. They are going to be meeting with their consultant for the Comprehensive Plan tomorrow and they are going to ask that the consultant focus on the Port Sub-Element issue as well as the Level of Service standard issue on the front end of the City's contract with them as opposed to the latter end.

Commissioner Becht asked does he have any idea how they will be taking public input for the Port Sub-Element?

Mr. Recor said he does not. It will require obviously a Transmittal Hearing, which the public will be able to participate in.

Commissioner Nelson asked to what extent is the City coordinating with the School on this?

Mr. Recor asked the School Siting criteria? He believes that Mr. Ferguson with Ruden-McClosky contacted Mr. Harrell, the Attorney for the School Board. The School Board responded with some suggested changes in language to the school siting criteria which will be incorporated into those revisions as well as the technical deficiencies that DCA identified.

Commissioner Nelson said he is hopeful the City can have a formal written signature type sign-off agreement before they submit this in the future.

Mr. Recor said Ruden-McClosky may actually have that. They provided some amended language, but Mr. Harrell's comments may have come back in a formal written reply.

Commissioner Nelson said he will commend Mr. Recor for pursuing this at the level and manner in which he has.

Mayor Benton said they all commend him, great job.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-356 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT **2144 & 2152 SOUTH JENKINS ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTIES AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTIES; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Applicant: Group Three Development, LLC. Owned by: Rose Marie Holtkamp, Robert Baumker, and Andrew Baumker)

Mayor Benton declared a Public Hearing on Ordinance No. K-356 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-356 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-356 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-365 entitled, "AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING** A PORTION OF CITY RIGHT-OF-WAY KNOWN AS **OSCEOLA AVENUE** WHICH RUNS EAST/WEST BETWEEN OLEANDER AVENUE AND 7TH STREET CANAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-365 in session and asked if anyone in the audience wished to be heard.

Mr. Michael DiFrancesco said if there are any questions, he is here to answer them.

Mr. Hector Arias, City Engineer, said he has a request on this ordinance. He thinks the Commission is very familiar with the situation they have in front of Publix. They may need the most easterly 150 feet of the existing right-of-way for a construction easement for about six months, so they have an option to start from the west rather than the east. That would be the only place they can have for staging their machinery to be pushing that pipe through the other pipes. He will be addressing this much better under Agenda Item #22, but the City needs to have a temporary construction easement for about six months. That is the most easterly 150 feet.

City Manager Beach asked what is Mr. Arias suggesting that the Commission do as it relates to this request?

Mr. Arias said to approve the Ordinance with this request.

Mayor Benton said with this condition?

Mr. Arias said yes.

Mayor Benton asked is this going to create a hardship?

Mr. DiFrancesco said he spoke with the Engineering Department earlier today. He thought they had come to an agreement of about two months. This is going to set him back again and he has been here a long time. But he can pursue part of building his road and still let them do their thing. When speaking with the Engineering Department, they were saying they know it shouldn't take six months. They want a temporary easement. He would like to give that temporary easement with the condition so long as they put it in writing for two months. He knows they can get it done in two months.

Mayor Benton said he knows it is an emergency. They would like to get it done as soon as possible.

Mr. Arias said they are dealing with a situation here that is 50 years old and they think they know what they have to do; but they will only know when they get there, so that is the reason for the six months. Mr. DiFrancesco is correct, they may be able to finish in two months, but he wants to have the flexibility just in case they find a Pandora's Box over there in those pipes. He thinks that Mr. DiFrancesco would be able to work on his road anyway.

Mr. DiFrancesco said yes, he can work on his road.

Mr. Arias said they have to wait for his road anyway.

Mr. DiFrancesco said what it is, the City has to come down where he is building. If he starts his road, they cannot come down there, they have to come down his property on the south side, which prohibits him from starting any houses on one side. If he starts houses on the other side, he is happy. But those houses will be built within four months. He knows if they say two months that whoever the City gets to do the pipe work is going to push it because they know they have a timetable. If they give them six months, they could lay around forever.

Mr. Arias said he thinks he said up to six months. He thinks the confidence in their Department should be, that once they finish the job, they will propose to release the easement as soon as they finish the job.

Commissioner Coke asked can they compromise on four months?

City Attorney Schwerer said this is a problem Mr. Arias explained to him today and they went over the plats. The City already owns the 50 foot strip that runs from Oleander Avenue all the way to the canal. That work lines right up with the pipe. They need that 50 foot strip to stage the equipment and push a new pipe through underneath Publix - all the way up to Publix and then through to the other side. What he is recommending is, the City simply reserve the easement to be able to do that, because the City already owns the land. When they are finished, they can release that easement. If they limit it to two months or four months, legally Mr. DiFrancesco could cut the City off from making any efforts to work or they would be at his pleasure to pay him for the easement to use his property, and that was property that the City owned that they just gave up. So he would suggest to them to simply reserve it for an unlimited period of time to get the construction done with the understanding that the City Engineer is going to work as quickly as possible to get this project done.

Mayor Benton asked is this work going to benefit the subdivision Mr. DiFrancesco is constructing, the drainage?

City Attorney Schwerer said absolutely.

Mr. Arias said it is going to help the drainage because these pipes they are going to be installing will be actually conveying the draining for the entire Virginia Avenue basin and that is a part of the Virginia Avenue basin. He thinks it is going to be a benefit. Believe him, they cannot take two months to finish it, because he thinks it is going to collapse before that.

Commissioner Coke said when they are looking at this, and she did not have an opportunity to completely review the information he gave them just prior to the meeting, do they have a proposed contract in there for these people to do the work?

Mr. Arias said they have a proposal (from Shenandoah Construction). That is what he said, he will address this under Item #22.

Commissioner Coke asked do they have a time of the essence clause in their contract with stiff penalties?

Mr. Arias said they are going to have that, yes. In fact, they already have that.

Commissioner Nelson asked the new location substituting for the Osceola Avenue, what is the status on that and its location?

Mr. DiFrancesco said it is exactly five foot to the south of the existing proposed road now.

Commissioner Nelson asked is it the same size as the current one?

Mr. DiFrancesco said actually the City asked for a wider easement and they are proposing to give them that in the new plat, a wider easement.

Commissioner Nelson asked will this satisfy their requirements for a staging area going over there to the area at all?

Mr. Arias asked what was the proposal?

Commissioner Nelson asked they get a substitute road for the current Osceola Road, right?

Mr. Arias said right.

Commissioner Nelson said a new location for Osceola Avenue is being platted and dedicated to the City. How does that stack up against the one that is already there?

Mr. Arias said it doesn't, because all they are asking is the most easterly 150 feet of the existing right-of-way. It doesn't touch whatever Mr. DiFrancesco wants to do. This road he is trying to get, he will get with this approval tonight.

Commissioner Nelson asked is the one the City going to get subject to the one the City is giving Mr. DiFrancesco?

Mr. Arias said the City is giving Mr. DiFrancesco what he wants including the cul-de-sac. What they are asking from him is to give the City a temporary easement from the most easterly end 150 feet of the City right-of-way.

Commissioner Coke said she believes what Commissioner Nelson is asking is, they are actually trading?

City Attorney Schwerer said the City is getting a wider road and it is going to be moved over five feet.

Mr. DiFrancesco said yes. They are getting also curbs and gutters and sidewalks and everything.

City Attorney Schwerer said the problem is the fact that, what is happening is, the road instead of going all the way to the canal, it is stopping and there is a cul-de-sac; and Mr. DiFrancesco is putting a lot in the subdivision which would not allow the City to get to the area they need to work in. It is that last 150 feet that is causing the City Engineer a problem. If he were to build the road today, the substitute road, they would go to the end and they would be at a cul-de-sac and they would be on somebody else's property when they had to push the pipes under the canal. The canal butts up against the area where they have to work to push the pipes in. He is stopping the City from getting there with the Plat because there is now a lot there.

Commissioner Coke said Mr. Schwerer didn't understand his question either.

City Attorney Schwerer said he thought he did.

Commissioner Coke said the question was, the City is giving Mr. DiFrancesco this road. Is the road he is giving the City equivalent to the road the City is giving Mr. DiFrancesco? Is that his question?

City Attorney Schwerer said it is more than equivalent.

Commissioner Coke asked is that Commissioner Nelson's question?

Commissioner Nelson said yes. He is going to make her a lawyer, she is pretty good. Now he wants them to answer his question. It is or is not?

City Attorney Schwerer said yes, it is.

Commissioner Nelson said he is happy.

Seeing no one further and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Mayor Benton said he guesses they know what Staff's recommendation is.

Commissioner Nelson asked what is staff's recommendation?

Mayor Benton said Mr. Arias would like up to six months is what he is asking.

Mr. Arias said a 50-foot wide easement for 150 feet.

Commissioner Nelson asked are they considering what the City Attorney said in that regard?

Mr. Arias said Mr. Schwerer is saying indefinite.

City Attorney Schwerer said with the understanding that it will be released as soon as the City is done with the construction. If their contractor runs into permitting issues...

Commissioner Nelson said one other person, he can speak for staff now, because they have the City Attorney's input, they have the City Engineer's input. The man who they pay big bucks for, what is Mr. Beach's recommendation?

City Manager Beach said he would suggest they follow the recommendation of the City Attorney's office; and that is, holding a construction easement on this transfer for an indefinite period of time.

Commissioner Coke asked for clarification, would that include instructing staff to include a Time of the Essence clause in the contract to have it expedited?

Commissioner Nelson said he thinks they should satisfy Commissioner Coke on that and certainly incorporate it as part of a motion.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, that Ordinance No. K-365 be passed on second and final reading with the condition the City hold a construction easement (on the easterly 150-feet of the existing right-of-way for Osceola Avenue) for an indefinite period of time (ending immediately when reconstruction of pipe is completed) and staff include a Time of the Essence clause in the contract (with Shenandoah Construction).

Commissioner Becht said once again he gets to fill out one of these forms (Form 8B, Memorandum of Voting Conflict) where he discloses he can't vote tonight. But he really feels they are all missing something here. This applicant, this man wants to move a paper road - one that does not exist on the ground - approximately 5 feet to the north, expand it, actually build it; and the recommendation is that they are going to put an indefinite easement on the

easterly 150 feet of his property. He has to tell the Commission, that strikes an unreasonable taking to him. But they all need to figure out what they want to do here, because he can't vote.

Commissioner Nelson said they have a City Attorney who said that.

Mayor Benton said the City owns the property though.

City Manager Beach asked does the City not currently have that easement on that property?

Commissioner Nelson said it is the City's property.

Commissioner Becht said not for a staging area. They have a road right-of-way.

City Manager Beach said but it is a public easement at this point in time. Is that right or wrong?

Mayor Benton said that is his understanding.

City Attorney Schwerer said yes. It is a public easement. It is reserved to the City for any and all uses. And if they need to move equipment in there to use it, they can. But they do this routinely in road abandonments, they reserve rights-of-way for utilities or other things. His suggestion is for an indefinite period of time until it is not needed for this construction, upon which time it will be released. It may very well be that Mr. DiFrancesco won't have his plat filed by the time they have released any need for that and his plat could be filed without a reservation on it. But if he files his plat, any document will simply just say that it is reserved until such time and will be fully released.

Commissioner Becht said all this is for is for pushing the pipe underneath the canal. The City doesn't need a permanent easement across that easterly 150 feet to this canal?

City Attorney Schwerer said no.

Mr. Arias said no, they do not. It is only to set up the machinery and the pipes to start pushing. Once the pipes go through the other pipes, they can remove the machinery; and then it will be back to Mr. DiFrancesco. He wants to make sure that the Commission understands they are not taking a full easement of the full road. They are only taking the most easterly 150 feet, that is not even part of the road he is going to build.

Commissioner Becht asked is it going to be on the new proposed road or the old road?

Mr. Arias said it is going to be on the old road on the most easterly side of the property. The City is not going to be restricting anything on the new road.

Commissioner Alexander asked Mr. Arias is coming before the Commission tonight as an emergency situation. When does he plan on starting the work?

Mr. Arias said they will discuss that in Agenda Item #22. Staff will be requesting that they start immediately.

Commissioner Alexander said that is what he wants to hear, immediately. So when they talk about six months...?

Mr. Arias said the reason for the six months and part of the reason for the City Attorney saying indefinite is, they are going to be working through some pipes that are 50 years old. They don't know what they are going to find there. They don't know whether the pipes have collapsed, they don't know whether it is going to be collapsing during the operation, they don't know anything. All they have is a videotape showing this in very bad condition. Right now if they have been to Publix, they will see all the different holes in different places. There is one over there that is about 10 feet deep already. They had to pull a couple of kids from that hole yesterday, who were just fooling around over there. They don't want to take any more risks. Under Agenda Item #22, he would like to ask the Commission to let them to start immediately. But they are going to have to order the pipe and it is going to take about two or three weeks. They are just going to have to tackle the situation. This is not going to last any longer.

Commissioner Alexander said he just has concerns. What if the City had passed this Ordinance last month, where would they be at this month?

Mr. Arias said they didn't know last month that the pipe was going to be collapsing. So that is the way it is.

Mayor Benton said he is going to ask a dumb question. What is going to happen in 20 or 30 years or more when they have to do something with that pipe again? Are they going to just have to dig it up?

Mr. Arias said he will be 98 years old. He isn't trying to be funny. But this is something that is going to last at least 40 or 50 years.

Mayor Benton said okay, but in 50 years there is not going to be anywhere to stage this to push another pipe through.

Mr. Arias said they have other options. In fact, the other option the City has is to start east of Publix and work the other way.

Mr. Recor said the Commission needs to understand that involves elimination of Publix parking lot - tearing up the parking lot as well.

Mayor Benton said luckily Publix stayed there. But if people knew what was running underneath Publix...

Mr. Arias said Publix is fine.

Mayor Benton said he is just wondering, one day there is going to have to be some replacement of pipe there and he guesses they are just going to have to dig up the whole plaza. Right?

Mr. Arias said not really. All they need is a strip about 60 foot wide along the pipes, that is all.

Commissioner Nelson said this slip process is pretty good.

Commissioner Coke said she just wants clarification. The motion on the floor is to keep 150 foot construction easement for an

indefinite period of time to end immediately when this construction is completed. Is that the motion?

Commissioner Nelson said to include the time of the essence clause too.

Commissioner Coke said right.

Mr. DiFrancesco said he would like to say something. The 150 foot easement is... Really all the City has is a 50 foot right-of-way right now. The rest of the property is his. They are not going to turn anything around on a 50 foot wide right-of-way. He is asking the City to give him, instead of taking 150 foot of that easterly part, bring it down to 100 feet or even 80 feet, and he will give them from north to south all the way across the back for a staging area. This will allow him to build his road and not hold him up at all. He could still build his road. They know all they really need is 75 feet to 80 feet to dig their trench, drop the 50 foot pipe in, and push it through. He will give the City all his property across the back as a temporary easement, so it doesn't hold his road up.

City Manager Beach asked does Mr. DiFrancesco realize trying to work something out with the Commission that is very technical in nature is just not a productive activity? Mr. DiFrancesco has the opportunity to work directly with the City Engineer's office to resolve any conflicts or any find a better way to do this that helps him do what he is trying to do and lets the City do what they are trying to do. But trying to do it here is way too confusing, they can't track this. But if he works that out with Mr. Arias, then that will be fine and then they will all know it will work.

Mr. DiFrancesco said pretty much that is what they are doing tonight. What he is saying is, if the Commission passes the motion for 150 foot easement right now, it is a done deal.

Commissioner Coke asked would the motion-maker consider rephrasing his motion to state that a sufficient easement, the exact dimensions and location of which to be approved by the City Engineer and worked out between Mr. DiFrancesco and the Engineering Department, rather than a specific location and number of feet right now?

Commissioner Nelson said he is going to assign it to Mr. Arias.

Mr. Arias said he thinks maybe he didn't make himself clear. The easement, it doesn't reach the new road. Mr. DiFrancesco will be able to build his entire road. The easement is east of the road. Do they understand that?

City Manager Beach said he doesn't know if the Commission understands it, but Mr. DiFrancesco doesn't understand it because he is the one who is trying to convince the Commission to do something other than what he has asked them to do.

Mr. Arias said his recommendation stands.

Mayor Benton asked is Mr. DiFrancesco getting ready to build homes?

Mr. DiFrancesco said yes.

Mayor Benton asked has he built any yet?

Mr. DiFrancesco said no.

Mayor Benton said it is going to take probably a month or two he would imagine to get the area cleared for the road for pavement.

Mr. DiFrancesco said no. That land has been clear since December 6th.

Mayor Benton asked the road is all ready to be done?

Mr. DiFrancesco said yes.

Mayor Benton asked can he build homes for a few months without the road being completed?

Mr. DiFrancesco said the road will be completed in six weeks. They are starting the road this week.

Mayor Benton said their City Engineer has said it is not going to create a problem with the new road.

Mr. Arias said no, it is not.

Mayor Benton said so they have to go with him.

Mr. DiFrancesco said if Mr. Arias says it is not going to create a problem with his road, he is fine.

Commissioner Nelson said he thinks they ought to go with the recommendation of staff here. And also encourage the petitioner to work with staff. If any problems occur along the way that are insurmountable and causing undue harm to Mr. DiFrancesco, please come back and tell the Commission. But right now he thinks the best thing to do is go along with what the City is trying to do. They are not trying to stop him, they want him to do what he is trying to do. But they have to do it in a fashion where the Commissioners feel comfortable with regard to protecting the public interest, that is all they are trying to do. Where Mr. DiFrancesco might look at it as dollar signs, the Commission looks at it in terms of public interest, the welfare of the public. When he puts one of those silly hats, it makes him think crazy.

Mr. DiFrancesco said he understands.

Commissioner Nelson said the Commissioners are trying to think for a lot of people and Mr. DiFrancesco is thinking for himself. Let's go along with that and work together. He thinks they can make everybody happy in the long run.

Those voting in favor of the motion were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: None. Those abstaining: Commissioner Becht.

Mayor Benton said if there are any problems, let the Commissioners know.

Ordinance No. K-366 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTIES LOCATED ON THE **NORTHWEST CORNER OF U.S. HIGHWAY #1 AND SOUTH MARKET AVENUE**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006;

DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Salvation Army)

Mayor Benton declared a Public Hearing on Ordinance No. K-366 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-366 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-366 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-367 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **APPROXIMATELY FORTY ACRES GENERALLY LOCATED ON OLD EDWARDS ROAD, WEST OF SOUTH 25TH STREET AND EAST OF FIVE MILE CREEK**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2006; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on first reading and read by title only. (Owned by: Charles Crooks)

Mayor Benton declared a Public Hearing on Ordinance No. K-367 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Commissioner Alexander said he was looking at the taxable value on this property. They are giving credit for agricultural again. Does he have to get that explained to him again? Why they are receiving credit?

Mayor Benton said he thinks it is a grove.

Commissioner Alexander asked the future land use is residential, right?

Commissioner Becht said he will take a stab at that. The agricultural exemption relates totally to whether the property is or is not in a bonafide agricultural use. It is not related to zoning or land use. If the property owner can demonstrate that he has a bonafide agricultural use, he gets the agricultural exemption. It is very important to run those cows on that land.

Commissioner Alexander said the future land use says residential. Do they give that up?

Commissioner Becht said no. What he is saying is there are two

different subjects. If the property owner has a bonafide in the real world, agricultural enterprise on the property, he gets his agricultural exemption even if he is CG, IL, RM, or whatever. The agricultural exemption is based on the use of the property, not its zoning, not its land use classification.

Mayor Benton said he would imagine he is going to be developing that or somebody in the near future, because he knows Mr. Crooks is sitting out there.

Commissioner Coke said she just wanted to confirm that agricultural residential has the same or is the equivalent of single family low density.

Mr. Travis Gibbons, City Planner, said yes, it is. It is the lowest density they have in the City.

Commissioner Nelson said they asked at one of their meetings to have a comparison or a matrix of some sort representing what the County had and what the City had and what the thing is going to come to as a result of these annexations.

Mayor Benton said they have been given a chart.

Commissioner Coke said Mr. Nelson got it. She doesn't know what he did with it, but he got it.

Commissioner Nelson said he didn't see it.

Commissioner Coke said not today. At a previous meeting they handed it to the Commissioners.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Ordinance No. K-367 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-367 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Ordinance No. K-368 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 13-42(c) OF THE **CITY RETIREMENT SYSTEM** BY CHANGING THE NORMAL RETIREMENT ANNUITY FOR THE **POLICE OFFICERS** WHO ARE NOT SUBJECT TO COLLECTIVE BARGAINING FROM TWO AND ONE-HALF (2.5) PERCENT TO THREE (3) PERCENT OF FINAL AVERAGE SALARY TIMES CREDITED SERVICE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-368 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that Ordinance No. K-368 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-368 on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-33

"A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING AND APPROVING THE ISSUANCE BY THE FORT PIERCE REDEVELOPMENT AGENCY OF ITS \$20,200,000 PRINCIPAL AMOUNT OF **REDEVELOPMENT REVENUE AND REFUNDING BONDS**, SERIES 2005 IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; APPROVING THE SALE OF SAID BONDS BY THE REDEVELOPMENT AGENCY; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Resolution No. 05-33 be adopted.

Those voting in favor of the adoption of Resolution No. 05-33 were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 05-36

"A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE **TRANSFER OF CERTAIN REAL PROPERTY** TO THE FORT PIERCE REDEVELOPMENT AGENCY; FINDING THAT SUCH TRANSFER CONFORMS WITH THE CITY CHARTER AND FURTHER SERVES A VALID PUBLIC PURPOSE BY PROVIDING FOR THE CONSTRUCTION AND OPERATION OF A REDEVELOPMENT PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE."

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 05-36 be adopted.

Commissioner Becht said before this moves one step further, he just wants to make certain that everybody looked in their crystal ball and went down the road ten or twenty years and had a vision of what this means instead of open space. That is his last gasp.

Mayor Benton said as they all know, when they first talked about this, he was against it. But the majority of the Commission did support it and he knows these people have put a lot of effort and a lot of money into it. It appears that it is supported by the community. To him, when the final sale and the issue with the CRA, as far as the money is concerned, he hopes there are conditions placed on that money that it will be spent for public land, preferably waterfront property, to replace the property they are losing.

Commissioner Coke said she is going to make one comment that is quite amusing. She had the pleasure of unpacking a few boxes last week to move back into her study, one room is done. In among the things she found the 1983 original proposal that was done and put a hold to by a lawsuit for the redevelopment of downtown. And it was so very similar to what the Commission is looking at now in 2005. So 25 years later the Public Hearings that took place then said pretty much the same thing as the Public Hearings that took place now.

Those voting in favor of the adoption of Resolution No. 05-36 were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: Commissioner Becht.

The next item on the Agenda was City Commission discussion on proposed General Fund Budget. (a) Adopt a proposed Millage Rate; (b) Announce Rolled-Back Rate; and (c) Set date, time, and place of the first Public Hearing to consider the proposed millage rate and tentative budget.

Mayor Benton said he thinks all the Commission has to do tonight is adopt the proposed millage rate. He would hope they won't have a discussion on the budget, that they could set up a workshop, because they could be going into this until the wee hours of the morning if they don't.

Commissioner Coke asked do they need to make a motion to set up a workshop and then discuss these other issues this evening? Because she thinks that is the smartest way to do it.

Mayor Benton said he thinks they need to at least get an idea when they want to have a workshop. What they have to do tonight is set a proposed millage rate. They can always lower that, but they can't raise it.

Commissioner Alexander asked what is the date for the workshop?

Mayor Benton said the workshop would have to be probably as soon as possible, because the Public Hearings start in September. Right?

Mr. George Bergalis, Director of Finance, said correct.

Commissioner Coke said maybe staff could arrange that.

Commissioner Nelson asked how long before they are thinking about setting it up?

City Manager Beach said he would like to do it within the next two weeks.

Mayor Benton said they have Commissioners going to the League of Cities Conference.

Commissioner Nelson said starting on the 17th they are going to have at least two Commissioners out of town.

Mayor Benton said maybe they could try to get it next week.

City Manager Beach said they could do it next week.

Commissioner Nelson said they have a Commission meeting on the 15th.

Mayor Benton said they are talking about a budget workshop. He doesn't think they want to deal with that at a Commission meeting.

City Manager Beach said if they can agree on the week of August 8th, he will ask Jennifer Robinson to start working with each of them.

Commissioner Coke said just to remind everybody, it can't be August

8th. They have a 2:00 to 5:00 Conflict Resolution with the County. City Manager Beach said right. That is why he is saying Ms. Robinson will need to work this into their calendars.

Mayor Benton asked the week of August 8th? Is that good with everybody? Will everybody be around that week? (The Commissioners agreed.) That is one item out of the way. The next item is the Commission has to adopt a proposed millage rate.

Commissioner Nelson said he looked at this thing real hard and he took note to the City Manager's memo of July 28th where Mr. Beach cites particular data in there. Rather than him trying to resuscitate what Mr. Beach said in his memo, why don't they let him say what his memo says; then he will counter his proposal with his documented input.

City Manager Beach said his memorandum was a transmittal memo for a proposed general fund budget that would allow them and it would give them a mechanism for reducing the millage rate by .5 mills. It also went into detail about some positions that were being refunded, both in the Police Department and in Public Works. It talked about some positions in their Management Information System Department, Planning Department, City Manager's staff, and so on. The purpose of the memo was to describe to the City Commission how they could achieve what they laid out at their workshop to achieve in terms of a millage reduction this year. The way this budget is laid out, is he is proposing that they appropriate \$850,000 from the General Fund balance in order to balance this budget and be able to have that reduction of one-half mill. What he had discussed with each of the Commissioners today, if they wanted to go beyond that, they also had the ability to, if they wanted to increase what they were going to appropriate from the fund balance, they could reduce that even further. Some of them had talked about going back to the roll-back rate, which is 6.9 something he believes, which is below 7 mills. They can do that, but they do that with the risk that if they are wrong about their assessment about their growing tax base and it improving, then next year they are going to have to deal with it, they will have to deal with it in some form or fashion. But because of the existing fund balance, the Commission certainly has the ability to do that.

Commissioner Nelson said he has to counter. He notes Mr. Beach talks about taking the \$858,000 from the fund balance. Right now he thinks their fund balance is in the neighborhood of in excess of \$6 million. They asked to have it at 10% above their annual budget. So he is proposing that the Commission go back and have a roll-back rate to about 6.98 and take roughly \$1.3 or \$1.4 million from their reserve fund balance to fulfill those requirements that they talked about in terms of new personnel and all these good things. He thinks it is very important that now that the City has more than they anticipated in the fund balance, they are getting a considerable amount of monies through their permit fees and all that, that the Commission could in fact clearly send the message to the public that the City will not have a tax increase and their fund balance is going to be intact, and of course they are going to have fulfillment of all those requests they want to put in here and come up with a balanced budget. They can balance it by \$1.4 million or \$1.3 million from their General Fund balance. He is suggesting a roll-back to 6.98 percent, he thinks it can be done.

Commissioner Coke asked if they do in fact do that roll back of .75 mills rather than .5 mills, would that still leave the City with a

10% balance in their General Fund?
City Manager Beach said yes.

Commissioner Coke said she wanted to hear it from Mr. Beach. She might make him sign something to that effect.

Mayor Benton asked what would the millage rate go back if they were talking .75 mills? What would that figure be?

Mr. George Bergalis, Director of Finance, said 7.0805 if they go back three-quarters of a mill.

Mayor Benton said in his opinion, as much as he would like to go back to the roll back rate, some of that money that is in the reserve now is insurance money.

Mr. Bergalis said that is not correct.

Mayor Benton asked that is not true?

Mr. Bergalis said no. Most of the insurance money, the bulk of the insurance money, any significant insurance money is and has been deposited in the Marina. Most of what has been received in the General Fund or in it has been actual services provided by the insurance company with very little actual cash come into the General Fund from the insurance. Most of that is the result of FEMA money, it is a result of receipts the City received from FDOT agreements over the years that were delinquent in arriving, and other management practices that allowed the City to now have \$6.5 million fund balance.

Mayor Benton asked some of that is paybacks?

Mr. Bergalis said they have a lot of money coming in supposedly from FEMA yet. This is only going to - he hates to say it - but it is going to get better.

Mayor Benton said his question is, the FEMA money that is coming in is money that the City has already expended?

Mr. Bergalis said yes.

Commissioner Nelson said but it is not part of their reserve.

Mayor Benton said it is now.

Commissioner Coke said they expended it from the reserve, so when it comes back it will go back to the reserve.

Mr. Bergalis said they haven't got that much in to the General Fund from FEMA. They have gotten some in there; but most of the bulk of what built that Fund Balance up is a result of receipts from prior years activities. A lot of it had to do with FDOT activities, agreements that the Engineering Department had set up over the years. FDOT was delinquent in reimbursements and they finally received a lot of that money last year and other things. They have controlled expenditures and the revenues increased and that is how they ended up with \$6.5 million.

Mayor Benton said that is why it is kind of amazing in a year like that and it has grown \$3 million. He just wasn't sure how they got it.

Mr. Bergalis said it was, but it is a favorable thing obviously. Even though they looked upon last year as being a very devastating year, and it was, but financially the City did pretty good.

Mayor Benton said with the .75 mills that they all agree to, that way they are not going too far. And then if things are even better next year, which he thinks they will be, they can always go back another half mill or three-quarters of a mill next year if they have to. Because a lot of those properties that are off the tax roll this year...

Mr. Bergalis said the only thing he just wants the Commissioners to understand is, if they are looking at reducing the millage, as long as they adopt anything in excess of the roll-back rate, he is going to be advertising next month as a tax increase. Just so they understand that. He has to do that.

Mayor Benton said he understands that.

Commissioner Coke asked can Mr. Bergalis tell them what the difference in the income would be between the Commission reducing .75 mills and going to the roll-back rate?

City Manager Beach asked what is the roll-back rate?

Mr. Bergalis said 6.9823. The roll-back rate would generate approximately \$12.2 million. If they go back by three-quarters of a mill they are generating about \$12.4 million.

City Manager Beach said it is \$200,000.

Mr. Bergalis said they are not talking about significant dollars. All he is trying to say is, perception-wise the roll-back rate being 6.9823, if they adopt a millage rate of 6.9824, he is going to advertise it next month as a tax increase. And they are going to be explaining to people, even though they reduced their taxes, they see in the paper they have a tax increase. That is all he is saying.

Mayor Benton said he knows they talked about it at the workshop. He just wanted to make sure they didn't do that this year and put themselves in a bind next year where they have to raise the millage rate again.

Mr. Bergalis said they can always live within whatever the Commission decides they need.

Mayor Benton said it is just, crime is down for a reason. If they need five police officers, he doesn't want to jeopardize those five police officers.

Mr. Bergalis said he understands. But his opinion is, if they are looking to make some meaningful movement this year, this is the year to do it.

Commissioner Alexander said he just has to go back to the beginning opening prayer when Rev. Engel stated to them that they have been given a lot. Going through two hurricanes and this community growing, he thinks it is time for the City to give back. He is in agreement with the roll-back if there is a consensus of the other Commissioners.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to adopt a proposed Millage Rate of 6.9823.

Mayor Benton said at least they are going to send the right message to the business community.

Commissioner Coke said she thinks it is not just the business community. She thinks it is important that the community is growing all around them. People are making sacrifices putting up with the construction that is going on. They hit the citizens up to take care of the City's needs a few years ago and it is time to let them know it was a temporary measure. It was something they had to do to take care of their employees and some construction. And it is time, now that the City has money in the bank, they are not looking to stockpile it, they are looking to give it right back to the people where it belongs.

Commissioner Nelson said he must endorse that. He was talking to somebody today who said if they were to go back to the roll-back rate, then of course what they are going to deal with, a lot of these developers they see coming in town now, they should have more of those coming in in the future. They are looking at the millage rate. He is talking about only seven people or so moving into the City last year with the population increase. To have a viable city, that type of thing must stop. They must have those people coming in here enjoying their quality of life. And of course, they want to portray to the people they are good stewards for the handling of their money and they are on the right track. He thinks it is a good thing.

Mayor Benton said he is just overwhelmed. He has been looking to lower the taxes for years and he knows they have been aiming to do it, but it is amazing that they could do it through this. He thinks it is great. And when the communities around Fort Pierce...

In Stuart, he believes it is 58% their taxes are going to go up and they have less than \$500,000 in their reserves. So maybe that is why taxes have been so low in these other communities. In the County, he thinks it is two-tenths of a mill and their property values have doubled what Fort Pierce is. The City's is up 14% and the County's up 26%.

Commissioner Coke said she has to laugh because the Property Appraiser came here and said he wasn't going to ask Fort Pierce to do a lot because he knew it was a tough year.

Mayor Benton said he thinks the public is going to like this and he likes it.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele said they have to announce the rolled-back rate as 6.9823. The date, time, and place of the first Public Hearing to consider the proposed millage rate and the tentative budget is September 7th at 5:05 p.m. That is on a Wednesday.

Commissioner Coke asked don't they have a Commission meeting that Monday?

City Clerk Steele said they have a Commission meeting on September 6th.

Mr. Bergalis said the Commission meeting is on the 6th, Tuesday. This is set for a Wednesday because Monday is a holiday.

Commissioner Coke asked can't they do it right before the Commission meeting on the 6th?

Mr. Bergalis said timing-wise, in order to comply with the TRIM requirements and everything else, the 7th please.

Mayor Benton said he thinks it will be quick. He couldn't imagine, maybe they will have people lined up to thank them. That is amazing. Is that okay with everybody for September 7th at 5:05 p.m.

Commissioner Becht said he feels very fortunate to be here at this time when they are doing this. But staff needs to be thanked for this, because they are the ones who have been proper and prudent with the expenditure of the money sufficient to create this reserve and they are the ones who survived the lean times. So while the Commission is sitting here patting themselves on the back, he really would like to thank staff for their efforts.

Commissioner Alexander said he would agree with him there.

Mayor Benton said he would agree. Things happened a little different this year than in the past. He knows they talked about it early on, but they didn't have that budget workshop like they normally do early on. They told staff what they wanted the millage rate to be and they got there. So maybe they have been doing things backwards.

The next item on the Agenda was Mayor Benton request City Commission attendance at a **Research & Education Park Update Workshop** which has been scheduled by University of Florida, Institute of Food and Agricultural Sciences, for Thursday, August 4, 2005, from 2:00 - 4:00 p.m. at the Old City Hall, 315 Avenue A, Fort Pierce, Florida.

Mayor Benton said he would ask that all of the Commissioners be there, because the last meeting they set up specifically for Fort Pierce, the attendance wasn't good. This is very important. This is probably one of the biggest and most rewarding things that will happen in their lifetime and they need to be 100% supportive of it. Please be there.

Commissioner Nelson said he begs not to be there for this meeting. Of course, they know his heart is for this program. He has attended the various meetings out at Rock Road. It so happens this is going to conflict with the final report which they are writing for the Governor with the Sustainable Treasure Coast Committee and it is going to require his presence at that thing. He noticed that a lot of the key people like Dr. Edwin Massey, Indian River Community College; Dr. Gerri McPherson, Florida Atlantic University; and Mr. Michael Lannon, Superintendent of St. Lucie County Public Schools; and all those people are going to be at this Research Park thing and they too were at that meeting. But they are more key players in that Research Park than he is. So he would that they please convey his concerns, but he will have to be down there. His schedule causes him to be there, but he has to go to this thing for the Governor.

Mayor Benton said he knows he was at the last workshop.
Commissioner Nelson said he knows his heart is behind it.

Mayor Benton said his heart is there. He thinks they all need to come on board with this because there are a lot of zoning issues and comprehensive plan issues that they need to be made aware of.

Commissioner Alexander said he is scheduled to be in a conference at Lake Mary, but he will leave that conference early enough to get here and then he can return that evening because it will be three or four days he will be there.

Mayor Benton said he appreciates that because the information they will get from this is something they need to get out to their constituents. People don't really think Fort Pierce has a bright future, but when they see the education opportunities and the job opportunities they will have in the near future and the amount of people working for them, they should be leaving with a smile on their face and getting that word out to the community.

The next item on the Agenda was Submittal of Applications for Appointment or Reappointment to the **Communitywide Council**.

City Clerk Steele said this is just the submittal. They have the applications to consider and there will be a resolution on the next Agenda.

The next item on the Agenda was Chief of Police request to expand the current **Take Home Car Policy** for sworn Police Officers to include a 10-mile radius from the City Limits and all points within St. Lucie County.

Chief of Police Eugene Savage said this issue was brought up during the last Commission workshop and he provided them with an overview and justification as well as an explanation for extending the current five-mile take home car policy. He has also provided them with a cover memorandum which explains again, reiterating the reason for the request. He will be happy to field any questions they have.

Commissioner Alexander said he doesn't mean for him to be defensive on this. He knows at the workshop they spoke about this. He just has a burning question that has come before him, that whenever their officers taking home a vehicle in plain clothes in Port St. Lucie, pulling a vehicle over. Do they have a policy on that?

Chief Savage asked is his question do they have a policy on how they dress when they take a vehicle home?

Commissioner Alexander said no. The capability of pulling over...

Chief Savage said they cannot take any police action outside of their jurisdiction unless... There is some State law regarding the type of action they can take outside of their jurisdiction. But on a routine basis, they cannot take action outside of their jurisdiction.

Commissioner Alexander said he won't dwell on it, it was just brought to his attention. Even though Port St. Lucie or the Sheriffs Department was called in, but this officer was plain clothed and did pull over a vehicle. Again, he won't dwell on it. He just wanted to know in case it happened again in the future.

Chief Savage said there may be some exigent circumstances; but not knowing those circumstances, he can't sufficiently answer that question.

Commissioner Alexander asked they have jurisdiction in Port St. Lucie, is that what he is saying?

Chief Savage said no, they do not. What he is saying is that depending on the circumstances, there are some State Statutes that would allow them to take arrest action outside of their jurisdiction.

Commissioner Alexander said the Chief can put it out that he inquired about it, so whoever it is, he may want to come forward and let him know exactly what happened. He won't dwell on it. He is also in support of him with these efforts from the workshop.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve request to expand the current take home car policy for sworn Police Officers to include a 10-mile radius from the City Limits and all points within St. Lucie County.

Commissioner Nelson said he wants to make sure, they are now allowing with this motion, to allow the vehicles of the Police Department to go anywhere in the County or in another city's jurisdiction?

Chief Savage said it will provide a 10-mile radius for an officer to take the vehicle home. Some of that radius might extend into a neighboring county like Indian River County, he doesn't believe it extends into Martin County, but it takes up all of St. Lucie County.

Commissioner Nelson said 10-mile radius from...

Chief Savage said from the furthest point in the City limits. It is a 10-mile radius from the furthest point of the City limits.

Commissioner Nelson said he is losing him there.

Chief Savage said it is not a 10-mile radius from the center of the City, it is a 10-mile radius from the corporate limits of the City.

Mayor Benton said that is what everybody else is doing, or more.

Commissioner Nelson said he might find that guy any place.

Commissioner Becht asked does he currently have anybody residing in a separate county that he knows of?

Chief Savage said yes, he does.

Commissioner Becht asked would this individual be taking the car home to another county?

Chief Savage said if it is not within the 10-mile radius, he will not.

Commissioner Becht said he is going to be asking that the motion and the second modify it to limit it to St. Lucie County. Is that going to produce a great hardship for the Chief? If they go out 10

miles, but not beyond the St. Lucie County limits?

Chief Savage said it won't produce a hardship for him, but it would produce a hardship for some of the officers, because some of them live right on the fringes; and if he restricts the policy to St. Lucie County, the officers would not be covered.

Commissioner Becht said he has a problem going outside the County. For some reason, that is bothering him. He doesn't mind going out 10 miles, but going out to...

Commissioner Alexander said officers go out of the counties all over the State. As a matter of fact, they drive city vehicles all up and down. He has seen them all over. He doesn't know what they are out there for, but he knows he has seen them.

Commissioner Coke said she assumes when he is talking out of St. Lucie County, he is talking Indian River County, not Okeechobee County, because that is way more than 10 miles.

Chief Savage said Okeechobee County is definitely outside of the radius. There is a small area in Indian River County that is covered.

Commissioner Coke said they could almost walk to.

Chief Savage said yes, that is correct.

Mayor Benton said probably the Highlands.

Commissioner Nelson said he takes his guidance from the same input he made back in July 21, 1997 where he mentioned his concern about the take home vehicles and he didn't want to go any more than 10 miles from the corporate city limits. He tried to prevail to get five miles, but they all over rode him and came up to the policy of June 26, 1997. He took that from the fact that his experiences with the Housing Authority where they are living in Section 8 housing goes no more than 10 miles from the corporate city limits with those areas, but now that has been changed. So he guesses they are changing now at the Police Department and taking vehicles home. But he has real concerns when he sees a Fort Pierce police vehicle parked in Port St. Lucie down on Airoso Boulevard or way up there in Vero Beach and he is not sure it is giving him the protection he wants for his citizens as opposed to the protection given to the citizens of those respective cities. Because on the other hand, he doesn't see any of their vehicles in this jurisdiction up here in Fort Pierce or St. Lucie County to give him some degree of reciprocity in this thing. Do they have a policy they know of in those respective cities that allow their guys and gals to do the same thing for Fort Pierce?

City Clerk Steele said she has two in her neighborhood.

Commissioner Nelson asked does she live in Port St. Lucie?

City Clerk Steele said no, she lives in Fort Pierce.

Chief Savage said the other cities policies are less restrictive than Fort Pierce. Fort Pierce has the most restrictive policy in the Treasure Coast when they look at the police agencies that let their officers take cars home, Fort Pierce is very restrictive, more so than anybody else.

Commissioner Nelson said the Chief is going to tell him this is going to eliminate that hot seat vehicle and they have a longer life on the vehicles and all that kind of stuff?

Chief Savage said there are some substantial benefits to allowing one officer to have one vehicle.

Commissioner Nelson said okay, he gives up.

Commissioner Coke said she is going to make one point clear and then hopefully they can call a question on this. A couple of years ago Fort Pierce was way behind in benefits, salary, and everything else they were giving the Police Department. Their officers were coming here and being trained, and then mass exodus. They have managed to bridge the gap as far as salary and retirement benefits.

This is another benefit. Otherwise, this could be the beginning of them starting to lag behind again and then having two years down the road make a huge leap to catch up to being competitive with neighboring cities. She for one does not want to see them do anything that is going to encourage one of the officers who they have trained and who has worked here to leave here to go work in Vero Beach because he can drive a car home at night and Fort Pierce won't let him do it here. That is all she has to say on the matter.

Mayor Benton said that is the standard. To him, it is another item. In good faith they have done this without negotiating it at contract time.

City Attorney Schwerer said just to cover the legal fine print, have the union representative signed off on this; or do they need to make the Commission's vote subject to them signing off? Because it is clearly a bargaining issue.

Chief Savage said they are not making this a bargaining issue.

City Attorney Schwerer said he understands, but it is a benefit they are giving them, and he doesn't want any issue raised by the union. When he said signed off, have they said they are not going to raise it as an issue?

Chief Savage said they won't raise it as an issue because the previous policy was not a union issue. It was never raised. He is trying to do this to keep from having it raised as a union issue.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

The next item on the Agenda was City Engineer to discuss proposed emergency action at Sabal Palm Plaza for **Stormwater Pipe Rehabilitation**.

Mr. Hector Arias, City Engineer, said he is going to let Bob Hood explain to the Commission the details of the situation they have in the Publix parking lot and then after that he will give a recommendation.

Mr. Bob Hood, Deputy Director of Public Works, said he got a call on the 22nd of July telling him that there was a sinkhole developing in the parking lot in front of Publix at Sabal Palm Plaza. He went over and talked to the leasing agent, Jan Smith

(Property Manager), and it was a very small hole. They had it cordoned off. He told her it was probably a leak in one of the structures and they will keep an eye on it. He got a call Monday saying that about 75 feet away the pavement had dropped down from the curb about four inches. He went over and looked at that. He said it looks like this is growing. Four hours later he had a large hole in the parking lot by the curb. Later that afternoon he had a hole much bigger. The next day he got a call from the Manager of Publix asking him to come over. And in the travelway right in front of Publix, they had a depression. He is a pretty big person and when he walked on it he could feel that he was about ready to go through the pavement. There was a Brinks armored car that went over it and they could actually see the pavement deflecting. They had crews working there welding drive-over plates, 3/4-inch steel plates, until 3:30 a.m. in the morning to allow that travelway to stay open. On Friday, after meeting with Publix representatives and Ms. Smith with Sabal Palm, and Mr. Arias and his staff, they had a camera crew come in from one of Mr. Arias's contractors and put a camera up through the line to show them what was developing up in there. None of it was good. These pipes that run from the 7th Street Canal and the Mayflower Canal behind Publix, under Publix to the east under U.S. #1, then under McDonald's and discharging into a canal there, are 60-inch diameter pipes. There are two of them. Those are the main drainways for the Virginia Avenue basin. Those pipes have been there since 1964. They have served a long and healthy life. The problem right now is, these are going down, deteriorating faster than they could ever believe. The City needs to move expeditiously to slip line these pipes. As they heard earlier this evening, they are hoping to use Mr. DiFrancesco's property to stage and slip line these pipes to U.S. #1 and save this whole system. If it collapses, they are going to have to close down a large part of that parking lot and there is going to be a lot of business disruption for months. They are hoping to do this within the next three weeks.

Commissioner Nelson asked what kind of material do they have in those pipes, concrete reinforced steel or corrugated tin or what?

Mr. Hood said from the 7th Street Canal behind Publix going under Publix to right in front of Publix, it is reinforced concrete pipe. But the life span on that is about 50 years in this environment. It transitions, from right in front of Publix to the east, to corrugated metal pipe with a coating. There are bands missing on it. It is just completely deteriorating very quickly.

Commissioner Becht said he wants to thank staff for moving so quickly on this and he will be in favor of his recommendations. But he wonders if they realize they have a resource up here that they may not know about. City Attorney Schwerer has personally inspected the inside of these pipes about 50 years ago.

City Attorney Schwerer said he rode his bike through them all the way.

Mr. Hood said they have ancient photos of this, but they couldn't identify the young person. Thank you very much Commissioner Becht.

Mr. Arias said they used Shenandoah Construction to do the video taping. Shenandoah also does this type of work. They have a proposal from them for \$448,650 based on time and materials. Also he discussed with the City Attorney today about the fact of creating some type of an emergency procurement so they can waive

the bidding process, so they can go ahead and award this proposal pending that is the determination from the Director of Purchasing, who has to determine that it is an emergency.

Mayor Benton said it has to be an emergency.

Mr. Arias said it is. It is just a protocol. Also, immediately they are going to start preparing some type of a contract with the contractor so they have the Time of the Essence clause and insurance and all that kind of stuff. But they need to get this approved tonight so at least these people can go ahead and purchase the pipe, because that is going to take two or three weeks.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to declare emergency action at Sabal Palm Plaza for Stormwater Pipe Rehabilitation and authorize staff - specifically the City Manager and the Director of Purchasing - to take necessary action to correct the problem.

Commissioner Coke asked this company they had look at this and give them this price, has the City done business with them before?

Mr. Arias said he thinks the Fort Pierce Utilities Authority has done business with them before. He believes they are doing business with FDOT also. They are a very good company. But they have a few days to make this type of decision.

Commissioner Coke said she just didn't recognize the name as somebody they had used previously to do this type of work.

Commissioner Nelson said he isn't familiar with them either. The FPUA has used a firm to do the slip recovery effort, they did it down 25th Street. So the technique is there and there are other people who could do it. But the urgency of it, he thinks warrants the City moving in a sole source operation. Mr. Arias mentioned the figure of some \$400,000. The thing that sticks in his craw is that Mr. Arias put something in his memo about the Stormwater CIP Program being set back. He is hoping that is not the case because they are not utilizing the same contractors, but they might be using some of the monies; but if they don't use all the monies, then they can do something to do some of these stormwater improvements they have on the books.

Mayor Benton said they were talking about a bond for the stormwater work they need to do.

Mr. Arias said there is going to be a Public Hearing in September for the other bond. But from the existing bond, they can take the money to do this work. In fact, maybe they could include in the motion to reserve from the existing bond \$600,000 for this project because he doesn't know how much it is going to cost. These are very old pipes. Even if they do that, they have another, he thinks it is going to be almost \$800,000 or maybe more left over, so they can do some of the projects inclusive with that 7th Street project. But they need to reserve this money because he doesn't want to start this project and they don't know what they are going to find there; and he doesn't want to come back in here and say they need a change order for \$100,000.

Mayor Benton asked would the motion-maker put that specific amount as a condition?

Mr. Arias said this is to reserve the budget, not to approve a contract for \$600,000. Is that clear?

Motion was amended by Commissioner Nelson, seconded by Commissioner Coke, to declare emergency action at Sabal Palm Plaza for Stormwater Pipe Rehabilitation and authorize staff - specifically the City Manager and the Purchasing Director - to take necessary action to correct the problem; and to reserve from the existing SMU Bond \$600,000 for this project.

Commissioner Alexander asked in Mr. Arias memo, what is he reading here about \$1.6 million for this emergency improvement?

Mr. Arias said the \$1.6 million is what is left on the bond so far after they pay all the bills.

Commissioner Alexander said it says it shows the availability. Is that what he is letting the Commission know?

Mr. Arias said yes. That \$600,000, he wants that to be reserved.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Commissioner Nelson asked this easement with Mr. DiFrancesco, they are all going to work that out?

Mr. Arias said they are going to work that out.

Mr. Jack Cahill, 801 South Ocean Drive, said on behalf of his co-authors and friends who worked so diligently on the **Port Master Plan**, he would like to express their appreciation to it being considered being incorporated into the Comprehensive Plan as a Sub-Element. He would like to thank the Commission for anything they can do on behalf of this, because they thought they had a pretty good vision of what the Port should be back in 1996, but they really had no idea, their vision was kind of short-sighted. And it became almost a real gem for the City of Fort Pierce. It will be greater long beyond his tenure on this planet. He thinks the greatest use, the Port Master Plan he thinks explains it very well.

Quite frankly, he is not the brightest star in the sky, but he is bright enough to know bright people, and they worked very hard on this Plan. So he thanks them very much on behalf of those people.

Mr. Michael Jacquin, 7348 Commercial Circle in Fort Pierce, said he was prepared for something else that he thought was going to take place tonight. It is in regards to Agenda Item #17, Resolution No. 05-36. With that, he understands there is a **Development Agreement** that is forth coming and he didn't know if that was... He doesn't see it as an Agenda item. He didn't know if that was a topic for this evening or not.

City Clerk Steele said the Property Disposition & Development Agreement is attached to Resolution No. 05-36.

City Manager Beach said the resolution that was approved transferring the property (Marina Square) to the CRA (Fort Pierce Redevelopment Agency) was also a resolution that dealt with the contract. That contract will be coming back to the CRA Board whenever they schedule a meeting.

Mr. Jacquin asked the Development Agreement or just a contract?

City Manager Beach said the Development Agreement.

Mr. Jacquin said so that was a part of that item.

City Manager Beach said that is correct.

Mr. Jacquin said he has some comments in relationship to that, that he wanted to discuss as a part of that. He just wanted to make sure the Commissioners had the information in front of them.

City Attorney Schwerer said that would be best at the CRA meeting. The CRA meeting will cover the body of the contract. The only thing in the contract pertaining to the City was the transfer of the land and the building of their public parking garage. Everything else is going to be with the CRA so those comments are best raised at the CRA meeting when that contract will be a part of the public Agenda item.

Mr. Jacquin asked does anybody know when is the next CRA meeting?

City Clerk Steele said August 24th.

City Manager Beach said but they will probably do one earlier. He would say they will have one within the next week if they can get everybody to agree to it. He believes they will try to have one earlier than that specifically to deal with this issue.

Commissioner Becht asked could they make certain that Mr. Jacquin gets a copy of the Development Agreement in its latest form?

Mr. Jacquin said he has it. He just needed to know when the meeting was.

City Manager Beach said they will follow up and confirm with him.

Mayor Benton said they will make sure somebody contacts him.

Commissioner Nelson asked how is Mr. Jacquin coming along with **One Marina Place** down there?

Mr. Michael Jacquin said it is in for permit. They are waiting for the Building Department comments at this point. He talked with Dan Gargas in the Building Department. They are supposed to have it at the end of the week. They didn't have any today. So they are anticipating sometime this week, he is hoping.

Commissioner Nelson asked does Mr. Jacquin want him to come down and help them break the ground?

Mr. Jacquin said yes.

Commissioner Nelson said let him know. He can't wait forever.

Commissioner Coke said Mr. Nelson wants him to name something after him. Don't fall for it.

Mr. Jacquin said he knows. They are going to take care of that, a nice sign.

Commissioner Coke said she guesses she wants to commend the cumulative effort of staff (**Building and Code Enforcement**), although it is very sad to see a lot of the buildings on South Beach coming down every day when she drives past. The mobile homes, she knows it is a step in the right direction. Because some of those buildings, especially on South Ocean Drive, are a health and safety issue as they stand, never mind if a hurricane even thought about heading in this direction again. As sad as it was to drive past this morning and see more of them coming down, it was a good thing to happen. She appreciates everybody's hard work in making it happen in a timely fashion.

Commissioner Nelson said he has comments too. Regarding the building over by the hospital, where it is being repaired as a result of some letters being sent out to the building across the street from the emergency area, to clean that building up. The junk yards around Avenue D and on both sides of Avenue D out in the County are being cleaned up. The trailer park over there at the Causeway is being cleaned up. He commends staff for those efforts. He has a question regarding the one service station up here on Avenue D and U.S. #1. He thinks it is the Shell station. What they have is the remnants of the pumps there. Those could easily be removed. It looks half way decent. But everybody else in town if they had damage to their service station, have just about completed the repairs and these people don't seem to be doing anything. Please send a letter to them asking what they are doing and let's get that cleaned up. It is on their main thoroughfare. It looks bad.

City Manager Beach said if that is not on their demolition list, it should be on their demolition list.

Commissioner Nelson said check the list; and if it is not on the list, send a letter to the owner and tell him to please make haste.

Commissioner Alexander said he just has one kind note concerning the downtown. He had inquired about this at one time, the Mayor's award for the buildings downtown.

Mayor Benton asked does he mean the **Gold Hammer Award**?

Commissioner Alexander said the Gold Hammer Award. He didn't get any response off that. Again, he thinks it is just what is going on downtown needs to have a little recognition. That new building down there sets off everything when they pass by there. He just thought again, he would bring it up.

Mayor Benton said Main Street has been the sponsor of the Gold Hammer Award, usually with the Coffee with the Mayor activity. Because of the hurricanes last year, they put it on hold. But this year he thinks they are going to have to acknowledge a lot. It should start in September.

Commissioner Becht asked can somebody give him an update on the **City Parking Garage**?

City Manager Beach said plans are currently being reviewed by a number of different review agencies - the City, the Fire District, and on and on. That is the status of it as he is aware of it. Mr. Arias is the one who has been coordinating that.

Mr. David Recor, Deputy City Manager, said he and Mr. Arias did meet with representatives from the Fire District late last week. And they have agreed, in the spirit of expediting this approval, to provide some preliminary feedback outside of the normal review process; but they reminded him that it was a favor, but they would provide the City that feedback, but not to make it a habit of asking for this indulgence.

Commissioner Becht asked is there a realistic time frame for these plans being let to contract?

Mr. Recor said they actually have a kick-off meeting scheduled for this week, he believes, with the contractor.

Commissioner Becht asked they have selected a contractor?

City Manager Beach said no.

Mr. Recor asked does he have the wrong parking garage?

City Manager Beach said they do have a meeting scheduled this week as far as the feedback on all of the review of the plans that have been submitted. That is where they are at this point. As soon as those approvals are achieved, that is the point that it will be presented to the Commission for allowing them to go out and select contractors to build it.

Mayor Benton said he just wants to say one more time that he thanks staff and thanks the Commissioners. He doesn't know what happened in the last two weeks; but when he brought up the **millage rate** at the workshop and they talked about the roll-back rate and they talked about half a mill and three-quarters of a mill. He just guesses his bubble was burst here. He was just was sort of bewildered. But he thinks they sent a great message to the public and to the other governing bodies around that it can be done and it really needs to be done. He couldn't be happier and he hopes the public is very happy because at a time when it is needed, the City found a way to do it, so thanks to staff.

There being no further business, Mayor Benton declared the meeting adjourned at 8:45 p.m.

Adjournment.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER