

COMMISSION CONFERENCE**NOVEMBER 4, 2003**

<u>Agenda Item</u>		<u>Page</u>
I-A	Citizens Board of Recognition Membership	1
I-B	"Convention Connection" Transit Shuttle Bus Service – S.E. 17 Street Corridor between Federal Highway (U.S. 1) and Bahia Mar	1
I-C	2004 State Legislative Agenda	4
I-D	Chapter 27 – Rental Cars with Chauffeurs and Sightseeing Vehicles	8
II-A	Annual Asphalt Resurfacing Program	9
II-B	Proposed Purchasing Contract Extensions for the First Quarter of 2004 (January to March)	10
III-B	Advisory Board and Committee Vacancies	10
	1. Aviation Advisory Board	10
	2. Budget Advisory Board	(Deferred)
	3. Cemeteries Board of Trustees	(Deferred)
	4. Code Advisory Committee	10
	5. Community Appearance Board	(Deferred)
	6. Community Services Board	(Deferred)
	7. Education Advisory Board	(Deferred)
	8. Insurance Advisory Board	(Deferred)
	9. Marine Advisory Board	(Deferred)
	10. Parks, Recreation, and Beaches Advisory Board	(Deferred)
	11. Unsafe Structures and Housing Appeals Board	(Deferred)
	12. Utility Advisory Committee	11
V	City Commission Reports	12
	1. Downtown Master Plan	12
	2. South Side School	12
	3. 712 SW 2 Court	12
	4. FPL Issue/Sunrise Intracoastal Neighborhood	12
	5. Lennar Homes	13
VI	City Manager Reports	13
OB	Violation of Charter	13
OB	November 19, 2003 Meeting Minutes	14

COMMISSION CONFERENCE

1:30 P.M.

NOVEMBER 4, 2003

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

Also Present: Acting City Manager
City Attorney
City Clerk
Sergeant At Arms – Sergeant D. Wheeler

I-A - Citizens Board of Recognition Membership

Mayor Naugle acknowledged two former Mayors of the City, Bob Cox and Rob Dressler.

Former Mayor Rob Dressler stated that they believed that there should be a minimum number of five, and they suggested the names be chosen from the list of Honorees. Mr. Cox stated they were not excluding former Commissioners.

Commissioner Trantalis asked if Vice-Mayors were considered.

Commissioner Hutchinson suggested that one be chosen from the Citizens Award group and another from the Council. She added that she was opposed to any of the Commissioners sitting on the Board.

Mayor Naugle asked if the Council was considered should they choose the President or a designee. The Commission agreed. Mayor Naugle then stated that a former Honoree be chosen and suggested the name of Dick Mills. Commissioners Hutchinson and Teel stated there were great people on the list that had been provided. Commissioner Teel suggested that someone be chosen from the Distinguished Citizen list, and offered the name of Birch Willey.

Mayor Naugle thanked the former Mayors for all of their hard work and past service.

Action: Formal adoption at the Regular Meeting of Birch Willey, along with a designee from the Council of Civic Associations.

I-B – “Convention Connection” Transit Shuttle Bus Service – S.E. 17 Street Corridor between Federal Highway (U.S. 1) and Bahia Mar

Horace McHugh, Assistant to the City Manager, stated that a presentation had been made to the Commission on September 16, 2003, and authorization had been given to them to proceed forward with the project. He stated that additional review was requested by the Commission regarding the proposed equipment, and Mr. Carl Sharp from the Goodman Corporation was present today to give a presentation.

Carl Sharp, Goodman Corporation, proceeded to show a map of the routes proposed. He announced that the stakeholders were Broward County, City of Fort Lauderdale, Federal Transit Administration, Clean Air Cooperative, Transportation Management Association, and Convention and Visitors Bureau. He then proceeded to show the budget overview with the cost of a seven-year contract which consisted of a five-year contract and a two-year option. He explained they were going to request a private sector

“turnkey,” a five-year contract with a two-year option, a 24-month buy-out provision, strict performance standards, and biodiesel and hybrid-electric.

Mr. Sharp further stated that the types of shuttle vehicles to be considered were cutaway, plain vanilla, trolley look-alike, and the tram. He added that trams were to be eliminated from the beginning because FTA would not permit them to operate in traffic. He explained that the stakeholders had a set of criteria which were important to them which were as follows:

- Reliable, safe with urban experience
- 30+ seats
- Air-conditioned
- Attractive Theme Vehicle
- Comfortable (low floor, wide doors)
- Federally eligible
- Alternative fuel (biodiesel, hybrid-electric, propane)

Mr. Sharp stated that important to the cost issue was the life of the vehicle. He stated besides capital costs, they needed to consider maintenance costs. He remarked that the trolley were the most popular vehicles, but he did not like them because they were bumpy, hard to maintain, high floors, and narrow doors. He explained that the basic issue of cost had to do with the lifetime of the vehicle. He stated one of the big issues was that they were attempting to attract the tourist rider, and they needed an identifiable vehicle.

Commissioner Moore entered the meeting at approximately 1:48 p.m.

Mr. Sharp explained that the old model E-Bus had limitations regarding its application. Important to this application was the need to bring trailing modules into place because they would be used during special events. He further stated that the word attractive in his opinion referred to identity. He stated that trolley seem to be a nostalgic exercise and were popular. He advised that there needed to be a balance of everything, not only the vehicle but the provider.

Mr. Sharp proceeded to explain that cutaways were not appropriate and two would be needed instead of one. The plain vanilla was normally a trolley replica, and trolley look-alikes met the criteria. He reiterated that trams were not appropriate. He further stated that these would be the responses to the RFP as it existed now:

Concept trolleys and fully enclosed versions were available
E-Bus at the cost of \$150,000 to \$200,000 per vehicle

Mr. Sharp explained they were looking for six vehicles, \$150,000 to \$250,000 in costs, bio-diesel or hybrids, air-conditioned, federally eligible, and a 7-year life.

Sam Poole, Chair TMA, stated they were attempting to recall the previous conversation and why they had recommended the trolley style vehicles. He explained there had been a joint meeting with the DDA, and everyone had agreed that the cutaways were not readily identifiable and not appropriate, especially since the life span of the vehicle was not strong. He explained there had not been a strong consensus as to whether it should

be a contemporary or trolley style. He reiterated that the RFP needed to be sent out so the service could begin.

Mayor Naugle clarified that they wanted input from the Commission on the matter. Mr. Poole stated they wanted direction towards either the trolley style or whatever the Commission preferred.

Commissioner Teel stated that she was 100% in favor of the trolley since it had been so successful in other cities, and was very inviting. She added that the ride they took in the E-bus was fairly comfortable for short trips also. Mayor Naugle stated the worst part was the noise since the batteries were under the seats for the air conditioning.

Commissioner Trantalis stated that the route was still along the main corridor, and asked if they had considered using some of the side streets. He felt it would be difficult to get on a bus on a busy street.

Mr. Poole stated that the route selected was the result of a great deal of discussion and was to be from Broward General to the Beach, focusing on the convention connection so the hotels would have better access to the center. He stated there were a number of stops along 17th Street and on A-1-A. He stated they would have no problem picking up in the area. He stated if they wanted to provide a reliable service they needed to stick to main routes, and as the City grew, along with the ridership, they could then look to add additional routes later on. He added that many neighborhoods did not want these vehicles going through their communities. He explained that on November 15, 2003 there was to be a workshop to discuss the 10-year transit plan for the City. He reiterated they wanted to crystallize the vision and were presently focusing on the main route.

Mr. Sharp stated the choice rider wanted to be entertained and most destinations would be the Beach. He suggested that the smaller hotels could offer free passes to their patrons and help with the marketing of the service.

Commissioner Moore asked if the hybrid style was chosen would that give the City additional Federal funds. Mr. Sharp stated he believed it would, but would check into the matter further. He stated previously a City would get 87% for an all fuel vehicle. He stated the RFP specified two choices which were bio-diesel and hybrid-electric.

Commissioner Moore asked if they were being ranked not only on the vehicle, but the emphasis was on the provider having the quality of on-time services as provided in the past. He stated the Federal guidelines suggested there be minority participation, and asked if that feature was to be included in the RFP. Mr. Sharp replied he did not know if that was to be included in the RFP or not. Mr. Poole stated they had focused on providing the technical specifications, and whatever the City preferred regarding minority participation would be included. Commissioner Moore clarified that it would heighten the City's chances for Federal monies. Mr. Sharp stated he felt it could improve the City's chances, but to some extent the Federal monies would buy the vehicles already in the pipeline. He added there were other funds which could be influenced, but he did not know to what extent.

Commissioner Moore stated that the TMA was aware of his feelings regarding their lack of success in regard to mass transit programs in the Downtown and around the City, and reiterated that he was still concerned about their lack of success. He felt they were

putting too important of an issue in their hands at this time. He hoped they would make recommendations that would increase the participation opportunity, and ensure that they got minority participation so it could heighten the City's opportunity in making this a successful venture. In reviewing the materials provided, he felt it made adequate sense to address the proposed route, but was concerned if the vehicle would cause further congestion to the roadways.

Mr. Sharp replied that several results of implementation were being shown to the Commission. He added they were going to put together a segment that would have the highest probability of success, and based on that success further expand the service in the future.

Mr. Poole stated that the initial phase was for them to turn around at Bahia Mar and avoid having the vehicles trapped in the congestion that went beyond that area. He stated there were already monies funded for the City to add transit services for the Beach, and they had discussed for the future various types of vehicles that could operate in an independent lane.

Mr. McHugh stated that this feature could be compared to the City's current transit system. Mr. Poole added that there were bus pull-outs and no further impacts were anticipated.

Commissioner Moore suggested that some thought be given to the possibility of going one block off A-1-A because it could help the smaller operators, along with incorporating something into the vehicle that would bring attention to it such as music. He also stated that there should be a transit mark along the route where these vehicles were going to stop. Mr. Sharp replied they had not yet been designed, but were in the budget.

Action: Consensus reached regarding the trolley look-alike vehicle.

I-C – 2004 State Legislative Agenda

The Commission agreed to review the list item by item.

Bud Bentley, Assistant City Manager, stated that in doing research regarding Item No. 1, they might be able to do that locally and wanted to leave it on the list and return later with an ordinance to accomplish it.

Commissioner Moore left the meeting at approximately 2:11 p.m. and returned at 2:13 p.m.

Commissioner Trantalis stated that Item No. 7 was again referenced as Item No. 16, and asked why it had been duplicated.

Linda Cox, Lobbyist, stated that she believed it was just a duplication.

Commissioner Trantalis further stated that he had a question regarding the actual legislation. He asked if this was going to provide more money.

Ms. Cox explained that this had been on the legislative agenda for several years and it was one of those items that if the Commission supported it, they would not go out and

fund a bill for it. She explained further there was a funding source in the budget now to release more officers.

Commissioner Trantalis stated that some of the neighborhoods were short of resources to deal with juvenile crime, and asked if this legislation would augment the funding sources to deal with this problem.

Ms. Cox stated it was her understanding that school resource officers were the police officers at the schools. She explained there were other diversion programs for juveniles. He asked if that should be a part of this item and further asked if they were taking initiatives or were they just reacting to the list.

Commissioner Hutchinson stated the issue was the funding for the school resource officers, and there was not enough in the budgets for this, and the County nor the School Board had such funds either. She explained this was to utilize funding from the Florida lottery.

Commissioner Trantalis asked if it would jinx the priorities if they asked for more, or was it not a priority for the City to initiate this.

Mr. Bentley stated what he was suggesting was a different matter, but still in the same category. From a legislative perspective, he explained they needed to meet with the department and discuss such an idea, and respond as to what they were actually asking for, what State laws would have to be changed, and what the cost would be. Commissioner Trantalis stated he did not think State laws needed to be changed, but a need to implement existing laws.

Commissioner Moore stated that this item only spoke about increasing the number, and he was concerned about paying for the ones currently at the schools. He stated they were getting 80% of their costs, and 20% was for the School Board.

Jim Hurley, Police Department, stated they were currently getting \$12,000 per officer, and the officer cost the City around \$50,000.

Mayor Naugle stated that the reimbursement needed to be increased to about 50% or 60%.

Commissioner Trantalis asked what Item No. 12 involved.

Ms. Cox explained that each State Attorney had the option for having a bad checks division, but this item would make it mandatory. Officer Hurley stated that this division already existed, and added this would allow the State Attorney to eliminate check prosecutions and go to a check diversion program which was a privatization of that component.

Commissioner Hutchinson explained further that this would allow the State Attorney's Office to do it and take it away from the local agencies. Officer Hurley confirmed. Commissioner Trantalis asked if they could then take a civil remedy approach. Officer Hurley confirmed, and added that we were the only jurisdiction in the State which did not presently do it.

Commissioner Hutchinson asked if there was currently a penalty involved in regard to Item No. 17. Officer Hurley stated he believed a fine was involved, but there were no points. Commissioner Trantalis asked if this would add a "sting" to the fine with the adding of points. Officer Hurley confirmed.

Commissioner Moore stated that presently annexation was out of the municipalities concern and the matter was up to the State Legislature. He asked for some further clarification of the proposed recommendation.

Ms. Cox explained this would eliminate the lengthy procedure involved. Mr. Bentley explained that they presently used the closest match or designation.

Commissioner Moore stated if it was the County's unincorporated area and they had a land use designation which was a canal, and the City's land designation was different on both sides of the canal, the legislation would allow the City to be the selector of the land use.

Mr. Bentley explained that when the City annexed a parcel of land instead of doing an amendment to the Comprehensive Plan which was a lengthy and costly measure, they wanted the State to establish a process whereby they could take the existing land use and translate it into the City's land use plan.

Commissioner Trantalis asked if this was not an opportunity to change the process and felt the City should not limit themselves.

Mr. Bentley stated they could always go back and change it. Mayor Naugle remarked that the property owners in the annexed areas wanted the ability to have public hearings and input if there was a change, and this would assume that they would take the closest designation, and if a change was desired they could then go through the process. Mr. Bentley further stated if they stayed under the County's land use designation until an amendment was adopted to the plan, in essence, they would be administering the City and County's plans and would put certain things in limbo.

Commissioner Moore stated he had some policies he wanted to be considered. He continued stating that a few years ago an effort had been made by the City to deal with code violation fines on homesteaded properties that would allow them to generate some closure. He asked if this could be placed back on the legislative agenda.

Mayor Naugle asked if that would not involve a constitutional amendment. The City Attorney explained that the homestead protection was in the Constitution. Mayor Naugle asked if something could be placed on the ballot regarding this matter.

Commissioner Trantalis stated he believed there were some exceptions which would not involve a Constitutional change. The City Attorney stated that mortgages were one exception. Commissioner Trantalis stated that condominium liens were another exception. Commissioner Moore stated he believed the condominium fines were how they ran up the fines. He asked if the legislation could be reviewed in other cities which advocated this. Commissioner Trantalis asked if the Broward League of Cities had ever entertained this subject. Commissioner Moore confirmed.

Mayor Naugle stated they could check and see if they could obtain a sponsor and then the matter could be brought back to the Commission.

Commissioner Moore stated he wanted the Commission, the legislative staff person, along with the consultant, to meet with the Council of Civic Associations to discuss legislative concerns. Mayor Naugle stated that ideas could be given to them in regard to lobbying legislation on the City's behalf. Commissioner Moore stated it could then come across as a City-wide lobbying effort, rather than just a Commission effort. He felt that certain Civic Associations would have greater influence with legislation due to their activism.

Commissioner Moore stated he wanted to find some way for the City to play a stronger role in annexation. He reiterated that 2005 was approaching and the Broward Delegation stated that all annexation would be done by that date, but the only role the City had was the Delegation agreeing to allow a particular annexation to occur. He felt the municipalities should have a way of carrying something to the process.

Mr. Bentley stated that he believed the Broward Delegation had acknowledged that in the referendum which could be pursued. Mayor Naugle stated there were difficult properties which were revenue negative, and Representative Ryan had arrived at a system whereby cities could be reimbursed by the County. He suggested that possibly they could endorse that recommendation.

Commissioner Moore stated that he wanted to review that legislation because possibly it could empower the resources necessary for that recommendation. He further stated that he wanted to have the advantage of suggesting that if the City was to take in an area that had been revenue deficit, than they could have such flexibility. He stated that the County had stated they wanted out of the municipal service business, and were forcing the municipalities to deal with annexation. He stated that the past Commission had been very sensitive to the matter and felt that it would do annexation where revenue neutral. He felt there should be a different evaluation, and not just based on infrastructure. He felt it was really operations.

Mayor Naugle stated that the proposal had been made and possibly someone could introduce it as legislation or more appropriately have the County Commission to adopt the proposal.

Mr. Bentley stated that the Commission might remember that about a year ago they had put together a proposal and worked through the process whereby North Andrews Gardens, Twin Lights North, Rock Island and some of the central neighborhoods were involved. He reiterated it was basically an all or nothing program, and explained that they would vote individually, but the proposal was that the combination of positive votes had to be revenue positive in order for the City to implement it. He stated they were not able to find a sponsor.

Commissioner Moore reiterated that the Broward Delegation had the fate of their annexation in their hands, along with the County, and he wanted the City to have more control.

Mayor Naugle stated the Commission had always taken the position against forced annexations. Commissioner Moore stated that the Delegation had always stated in their ground rules that they wanted to use a fair way to approach annexation, and two cities

were to offer an interest in an annexation, as well as a citizen vote from the unincorporated pocket.

Ms. Cox explained the Delegation was backing off the interest of two cities, and if the City wanted to annex an area the Delegation would not have to approve it, but the City would have to appear before them so they would be aware of what was happening. She stated a referendum could be done via mail. She stated that they had stated that if two different cities wanted to annex the same area, they wanted things coordinated.

Commissioner Moore asked if it would be good strategy for the City to meet with the Delegation to see who could help establish a dialogue and possible legislation to increase the City's opportunity for revenue from the County, where the weakened areas needed some operational monies. Ms. Cox explained there had been discussion regarding negotiating with the County. She stated that Representative Gottlieb was heading up such efforts this year and indicated he was willing to be involved in the negotiations. She thought that possibly Representative Ryan would also be interested. Commissioner Moore suggested that Representative Smith and Senator Dawson might also be interested in supporting such legislation. Mayor Naugle added that Representative Jack Seiler would also be interested.

Ms. Cox added that in following the budget situation of the City, she was aware that they were considering having the vendors participate in reductions of their fees, and she stated they would be willing to cooperate in that effort.

Action: As discussed.

I-D – Chapter 27 – Rental Cars with Chauffeurs and Sightseeing Vehicles

Mayor Naugle stated he wanted to find a way to accommodate the amphibious sightseeing vehicles.

Commissioner Moore left the meeting at approximately 2:46 p.m. and returned at 2:48 p.m.

Commissioner Hutchinson felt this was no different than when they had accommodated B.C. Express. Mayor Naugle asked if there was an application on file for a waiver for those vehicles. Commissioner Hutchinson confirmed. Mayor Naugle asked if the Commission could grant that waiver at this point in time.

The City Attorney stated that a moratorium was set but released for B.C. Express, and if the Commission wanted to distinguish amphibious/sight-seeing vehicles it could be done.

Bob Bekoff, representing Lauderducks, stated that he was present to answer any questions.

Motion made by Commissioner Trantalis and seconded by Commissioner Hutchinson that the waiver be granted regarding amphibious/sight-seeing vehicles.

The City Attorney stated this would be an approval for four certificates of public convenience and necessity.

Roll call showed: YEAS: Commissioners Hutchinson, Teel, Trantalis, Moore and Mayor Naugle. NAYS: None.

Action: Waiver of moratorium approved for amphibious/sight-seeing vehicles.

I-E –City Manager Recruitment Ad Hoc Committee

Mayor Naugle asked for the Commissioners' appointments for the ad hoc committee for the recruitment of a permanent City Manager.

Commissioner Teel stated that she wanted to appoint Ed Curtis and Ed Barranco. Commissioner Trantalis appointed Bill Howard and Helen Surovek. Commissioner Moore appointed George Hanbury and Pamela Adams. Commissioner Hutchinson appointed Genia Ellis and Larry Davis. Mayor Naugle appointed Dr. Ron Wright and Lee McCoy.

The City Clerk announced that a walk-on resolution would be introduced creating the ad hoc committee at the Regular Meeting.

Action: Formal action to be taken at the Commission Regular Meeting.

II-A – Annual Asphalt Resurfacing Program

Commissioner Trantalis stated that the former City Manager had given the Commission maps of areas that were to be implemented for resurfacing programs.

Greg Kisela, Assistant City Manager, stated he had seen maps with the annual asphalt contracts shown on them for the fiscal year.

Commissioner Trantalis stated that in reviewing the map regarding District II, he did not think they were consistent with what he had recalled to be taking place. He asked about South Middle River being one of the areas targeted. Mr. Kisela confirmed they were targeted for this year.

Mike Fayyaz, Engineering, explained that South Middle River, north of 16th was scheduled for this year. He stated that some of the streets south of 16th had been resurfaced a few years ago, and those which had not they would work with utilities to clear those streets so they could be done.

Commissioner Trantalis asked if portions of the Isles were to be done this year and would they be done in conjunction with sewer and street improvements. Mr. Fayyaz confirmed and explained they wanted to combine the projects together.

Commissioner Teel asked for some further clarification regarding Bermuda Riviera. Mr. Fayyaz stated that there had been resurfacing done in 2000/2001, but stated he would recheck the information. The Acting City Manager stated that according to the map it appeared they had been done in 1988/1989.

Action: As recommended.

II-B – Proposed Purchasing Contract Extensions for the First Quarter of 2004 (January to March)

Commissioner Hutchinson asked if they were collecting enough from the residents in order to pay the contractor regarding palm fronds.

Greg Kisela, Assistant City Manager, confirmed.

Action: As recommended.

III-B – Advisory Board and Committee Vacancies

Aviation Advisory Board

Commissioner Trantalis appointed Bunney Brenneman to the Aviation Advisory Board.

Action: Formal action to be taken at the Regular Commission Meeting.

Budget Advisory Board

Action: Deferred

Cemeteries Board of Trustees

Action: Deferred

Code Advisory Committee

Commissioner Trantalis appointed Alexander P. Heckler to the Code Advisory Committee.

Action: Formal action to be taken at the Regular Commission Meeting.

Community Appearance Board

Action: Deferred

Community Services Board

Action: Deferred

Education Advisory Board

Action: Deferred

Insurance Advisory Board

Action: Deferred

Marine Advisory Board

Action: Deferred

Parks, Recreation, and Beaches Advisory Board

Action: Deferred

Unsafe Structures and Housing Appeals Board

Action: Deferred

Utility Advisory Committee

Commissioner Trantalis appointed Dr. David Benjamin to the Utility Advisory Committee.

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

Advisory Board Members

(OB)

Mayor Naugle asked about the status regarding the gentleman on the Parks Board. Commissioner Moore stated he had not signed the papers, nor had he accepted the position. Mayor Naugle asked if his name was being removed from consideration based to his non-acceptance. Commissioner Moore confirmed and stated he had written an e-mail to the City Clerk removing his name. The City Clerk confirmed.

Mayor Naugle asked if there was a policy regarding background checks for advisory boards. Commissioner Moore stated that he did not think there should be any change in their policy. He stated this board did not have contact with children, and he had been unaware that this was an issue. He stated that their application did not raise any issues regarding past felony charges, and he suggested that possibly such a question be included on the application.

Commissioner Trantalis stated that the Police Department could do that. Mayor Naugle remarked that he did not feel if they needed to do that. Commissioner Trantalis stated the City should have upstanding citizens serving on these advisory boards.

Mayor Naugle stated that the City Attorney should probably look at the application, and probably the applicant would have to agree to such checks. The City Attorney stated they could review the matter and see what would be necessary to obtain a background check, but added that there had to be an indication that one would be done.

Commissioner Moore stated he was concerned about such actions because he did not want the citizenry to feel scared to participate in the process.

Commissioner Teel suggested that a question be included asking if they had previously been convicted of a felony would be sufficient. She felt it was going overboard to do background checks.

James Musters stated if that question was asked, they needed to decide what they would do about it and would there be a review panel to make such decisions.

Commissioner Moore stated that the names be adopted at the next meeting and not that same evening so an opportunity would be provided for the applicant to respond. Mayor Naugle stated that had always been the rule. The City Clerk stated they would enforce the rule that applications had to provided before the nominations were made.

IV – City Commission Reports

Downtown Master Plan

Commissioner Hutchinson stated that she had sent a memorandum to everyone regarding the Downtown Master Plan. She stated since a lot of this plan involved her district, she wanted the opportunity to defer this matter so a workshop could be done on November 12th, and then a formal vote could be taken on November 18, 2003.

The City Clerk announced there would have to be a motion made this evening to defer the item.

South Side School

Commissioner Hutchinson stated that the City had submitted their bid regarding South Side School at \$4.5 Million which included all monies donated, but the School Board wanted \$4.6 Million because they could not accept below 10% of the appraised value. The lowest appraisal was at \$5.1 Million. Since there was still \$400 Million in the land preservation fund and each Commissioner had \$1 Million discretionary money that none of them had spent as of this time, they were going back and asking Commissioner Rodstrom to give up \$100,000 out of his \$1 Million so they could make the purchase.

Commissioner Moore suggested that they also request funds from the County Mayor.

712 SW 2 Court

Commissioner Hutchinson emphasized that she wanted a written report on this property.

FPL Issue/Sunrise Intracoastal Neighborhood

Commissioner Teel stated that the lot had been cleaned up and was now vacant. She stated that they were about to start the next phase, and they were going to meet tomorrow at 8:00 a.m. She stated that the directional drilling was going to be outside of their neighborhood near a condominium which had very limited parking.

Mayor Naugle stated that they had requested copies of the easements involved and the agreement pertaining to the lot west of 751.

Greg Kisela, Assistant City Manager, stated that they had requested copies from FPL and would check the status of those tomorrow.

Mayor Naugle suggested that a deadline be placed on requests. Commissioner Trantalis asked if the information could be supplied at tonight's Regular Meeting. Mayor Naugle stated they wanted copies of the easements showing they had the right to drill underneath the individuals' homes. He stated they had been discharging sediment into the Middle River and they had requested the agreement showing they had the right to

cross over the property and discharge such sediment. He stated they were discharging sediment into a vacant lot. He further stated if they were repeatedly engaging in criminal activity, he felt they could be stopped and the company put on notice.

Commissioner Teel stated that this matter really concerned her because requests were made and issues raised that were taking place, and the company acknowledged it but nothing was done. Commissioner Hutchinson asked if the permits could be rescinded until they received copies of the easements as requested.

The City Attorney stated such a condition would have to be placed on the permit at the beginning. Mayor Naugle asked if the issue of criminal activity would also have to be included in the permit. The City Attorney explained that people were arrested for criminal activity. Commissioner Hutchinson asked if copies of the easements should be supplied before the permits were issued. The City Attorney stated if work was being done on a particular piece of property, then the easements should have been given to the City before the permits were issued.

Mayor Naugle asked if trespassing and running equipment across an individual's property should also be noted. The City Attorney explained that most times they would have a letter from the property owner granting them permission. Commissioner Hutchinson asked if the City had such letters. The City Attorney stated they might.

Mr. Kisela stated that he did not think they had copies of the easements, and the company had represented to the City that they had easements for the sideyards with the property owners. Commissioner Teel asked if they had showed the City such easements or was it only an oral acknowledgement. Mr. Kisela replied that they represented on their sketches that they had such easements.

Mayor Naugle asked for such copies to be supplied, and asked if such information could be supplied at tonight's Regular Meeting.

Lennar Homes

Mayor Naugle stated that Lennar had entered the natural resource area at the School Board construction site on the west side, and had destroyed some trees on private property.

Commissioner Hutchinson stated she had not even heard about this.

Greg Kisela, Assistant City Manager, stated that this had happened about three weeks ago, and subsequently contact had been made with Lennar. He stated that he would provide a status report to the Commission on the matter.

V – City Manager Reports

The Acting City Manager stated that he had no reports at this time.

Violation of Charter

Mayor Naugle asked if someone violated a section of the Charter and gives orders to employees, how was that enforced, and was there a State Statute or a mechanism that

enforces portions of the Charter. He asked if the City Attorney needed to research that and report back to the Commission.

The City Attorney stated that he would have to look at the Charter because there were provisions in the Charter which were self-executing and other provisions required a hearing.

Mayor Naugle continued stating that it was specifically the provision that Commissioners cannot give orders to employees and were to deal with staff through the City Manager, and if someone does commit a violation and there is proof, the Charter states that they forfeit the office, but he did not know the mechanism for following up on that.

Commissioner Trantalis stated when he read about this, it concerned him because when he first became a Commissioner, the very next day a legion of City staff had called him and visited him offering him their services. He further stated that since he became a Commissioner, he had been told by City staff to include them in meetings, and possibly he was not aware of the boundaries involved either. He asked if everything was to be done through the City Manager's Office or could he deal directly with the department heads. He felt they needed to be instructed as to the "chain of command."

The City Attorney explained that the Charter was clear and that for purposes of inquiry, there was no violation of the Charter and anyone in the City could be called and asked any questions.

Mayor Naugle gave an example that someone could call and ask what kind of trees were we going to plant on Broward Boulevard and the reply was Live Oaks, but if the person said don't plant Live Oaks plant Gumbo Limbos, then that was a violation. He asked the City Attorney if that was a fair assumption. The City Attorney stated that was a fair assumption.

Commissioner Hutchinson stated that possibly they were giving direction to the wrong person as it related to the easements for Sunrise Intracoastal. She stated she wondered why they had not yet received those copies.

November 19, 2002 Minutes

Commissioner Trantalis stated that in reading tonight's agenda he had noticed that the approval of the minutes for the November 19, 2002 was listed. He had thought they had decided not to approve them and to hold a public hearing at a later date as to whether to rescind the building permit or not. He asked why they were listed again.

The City Attorney explained that the issue involved whether the time period had run regarding the rendition of the Order. He stated that the Commission had set for a time certain a hearing and reiterated that the minutes could not be changed. He stated that he had informed the City Manager that they might as well list the minutes for approval because they would have no impact whatever on the Smull decision. He added that the City was being sued by everyone regarding that matter. He also stated that the Broward County for Historic Preservation had filed a Declaratory Judgment, and they had received a similar lawsuit from the owners of the Lauderdale Beach Hotel asking for a Motion to Intervene, along with a separate lawsuit they had filed on their own. For

purposes of changing anyone's mind or in connection with any lawsuits, the fact whether the minutes were approved or not was irrelevant.

Commissioner Trantalis stated if the minutes were approved this evening, then the public hearing scheduled would become moot.

The City Attorney explained they had 30 days from the rendition of the Order, according to the Smull case, and if the 30 days ran from the date the minutes were approved, they would have the hearing on December 2, 2003, which was before the deadline.

Commissioner Trantalis asked from a practical matter would it not make sense to not entangle the matter with such an option, and just delay the approval/disapproval of the minutes until after the public hearing instead of adding another element to an already complicated situation.

Commissioner Moore asked was it not a requirement to approve the minutes. The City Attorney explained that there was a State Statute stating the minutes were to be approved in a timely manner. One year later was not very timely.

Mayor Naugle stated that another option might be to approve the minutes with the exception of that item and table that portion of the minutes until the meeting on December 2, 2003. The City Attorney stated it would be better to just not approve the minutes.

There being no further business to come before the Commission, the meeting was recessed at 3:23 p.m.