

COMMISSION CONFERENCE**JANUARY 6, 2004**

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

Also Present: Acting City Manager
City Attorney
City Clerk
Sergeant At Arms – Sergeant B. Johnston

I-A – Downtown Development Authority (DDA) Interviews

Mayor Naugle announced that Peter Feldman and Tom Vogel would be interviewed today for the DDA membership position with a term ending December 31, 2007.

Peter Feldman stated that he had been a resident of the City since 1972 and was a downtown believer, and had been involved in the community through service on various boards. He stated that he had submitted a resume to the City Commission. He proceeded to show older photographs of the City and how it had been transformed over the years. He stated that the City's bones were in place, but it was his opinion that they needed more meat on them. He further stated that the DDA had believed in paying more taxes versus less, and had been partners and leaders in the City's redevelopment. He advised that he had been attending their meetings since the early '80's. He further advised that he had been involved in the expansion of the DDA's boundaries, and had worked on various boards and wanted the opportunity to work with the DDA. He felt they were getting to the exciting portions of the future of the City with residents moving back in which he felt was the key to having the City operate on a 24/7 basis. He believed the real issue of the future of the Downtown was mass transit. He stated the City needed to be walkable and they needed to enhance more park space where possible, and embrace sections of the Downtown both north and south of the River which had not received the attention they needed.

Mr. Feldman continued stating that the properties he owned were in the DDA boundaries and he would be excited to do this job. He thanked the Commission for their support.

Tom Vogel stated that he and his family owned One River Plaza. He continued stating that about 3 years ago they had developed a parking lot which was the Las Olas Riverfront Parking Garage. He stated he was involved with the Downtown Council and was on the Board for Riverwalk. He further stated that he felt the DDA was the most important of all the groups because they were owners who had agreed to tax themselves in order to better the City. He believed they needed to focus on transportation and the streetscapes. He advised that he was also Chairman of the Stirling Bank and they were going to build their 5th Branch at Davie and Andrews very soon. Mr. Vogel stated that he had been a resident of the City for about 4 years.

Commissioner Moore asked Mr. Feldman about his civic involvement and where his properties were located within the DDA boundaries.

Mr. Feldman replied that his properties were in the CRA boundaries north of Broward Boulevard between 4th Street and 6th Street, Third Avenue, and Federal Highway. He further stated that he had significant civic involvement as shown on his resume. He

proceeded to name a few which were: Downtown Council, Riverwalk General Obligation Board, Prime Plus, Renee Carroll Repertory Theater, Fort Lauderdale Winterfest and Boat Parade, Greater Fort Lauderdale Chamber of Commerce Building Committee, Broward County Chapter of the Children's Home Society Building Committee, Broward Art Guild, Fort Lauderdale Community Develop Services Board, Fort Lauderdale Code Enforcement Board, and The Northwest-Progresso-Flagler Heights CRA Advisory Board Chairman.

Commissioner Moore stated that Mr. Feldman had mentioned that he had previously attended DDA meetings, and asked if he intended to still attend such meetings. Mr. Feldman replied that he had probably attended more such meetings than the entire board presently serving. Commissioner Moore asked if any other members of the DDA were owners of properties in the CRA boundary. Mr. Feldman stated that Alan Hooper who owned the Avenue Lofts, and Charlie Ladd of Barron Properties.

Commissioner Moore asked Mr. Vogel if he had ever attended the DDA meetings. Mr. Vogel replied that he had attended a significant portion of them.

Action: Mayor Naugle stated that a decision would be made later today regarding the DDA position.

I-B -- Public Safety Bond Referendum and Proposal for Ballot Question Regarding the Adapted Reuse for the Old Wingate Landfill and Incinerator Site

Horace McHugh, Assistant to the City Manager, stated they were returning to ask the Commission to make a determination regarding the bond issue. He stated that this matter had been before the Commission on December 3, 2003 and again on December 16, 2003. He reminded the Commission that if this was to be done in March, then they would need to hold a special meeting in order to adopt the language, and then move forward regarding the scheduling of meetings with the civic associations and unions in order to do the necessary public information and education which was required to inform the voters prior to that time.

Mr. McHugh stated they had provided background material which summarized the information required regarding the fire and police bonds. He further stated that it had been over a year that they had been discussing this. He stated that at the previous Commission meeting, Commissioner Moore had asked for some information regarding the Wingate site that was included in the material distributed in terms of the \$5 Million to generate a re-use plan for it. He advised that Commissioner Moore had asked what would the cost be for the re-use, and whether or not if they were going to proceed with a referendum should it be included as a question on the ballot.

Commissioner Trantalis stated that in the backup materials, there had been reference as to the cost of the referendum. He continued stating that Exhibit 1 stated:

“We estimate that this effort could be undertaken with a \$56,000 budget. \$10,000 for the Supervisor of Elections, \$6,000 for surveys, etc.”

Commissioner Trantalis stated further that further on in the materials, reference was made in a memorandum dated November 28, 2003, it stated that the cost of the

referendum would be \$10,000 and the same line items had been referenced. He asked if staff had a better idea as to the cost.

Mr. McHugh replied that the later reference made was to an earlier memorandum, and such material had been refined to include the monies for the Supervisor of Elections. He add that they had received verifications as to the cost they would incur, and had developed a better estimate for the outreach materials. He reiterated that the later material was correct which was in the \$50,000 range.

Commissioner Trantalis asked if each project had its own timetable. Mr. McHugh confirmed and explained that the fire rehabilitation and construction was estimated to be a 10-year process. He added that some of the projects were already under way. He stated this was a funding mechanism, and some other projects would be considered in the future. He added that Chief Latin had stated in his strategic plan based on coverage and response requirements that a station should be put in the southeast in the future which would involve purchasing property.

Commissioner Trantalis further stated that the monies estimated would vary based on the location of the new buildings, and he asked if such costs were factored into the estimates. Mr. McHugh replied that this material assumed that the police station would be rehabilitated at its present site, and assumed that the City would use the compost plant to relocate sanitation and uses which were non-public safety related from the 1300 West Broward site. He stated it had been based on Mr. Kisela's estimate which had been done 2 years ago.

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

Commissioner Trantalis stated he did not see the \$5 Million figure on the sheets in relation to the Wingate site. Mr. McHugh stated there was a fueling station at the 1300 West Broward site, and there might be some underground contaminants they would have to anticipate remediating. He added that the Wingate site would cost an additional \$5 Million. He explained the public safety bond would be for \$110 Million. Commissioner Trantalis asked if the Commission had agreed that a golf course should be placed on that site.

Mayor Naugle stated they had only discussed the possibility and added there had been community support for such. He stated there had been some estimates stating it would not be feasible to pay for it with revenue from the golf course, but probably would pay for its operating expense.

Commissioner Moore returned to the meeting at approximately 1:51 p.m.

Commissioner Trantalis stated that he realized this had been an ongoing strategic planning process, and in light of the City's current fiscal situation was it prudent to begin asking the public to underwrite such a project.

Mr. McHugh stated they advised the Commission of the current situation and asked for a determination to be made. He stated they had brought various things to the Commission's attention such as the living conditions for the firefighters, the inadequate accommodations for the equipment, and the impact on Homeland Security if such equipment was left outside.

Commissioner Trantalis asked if any of the Homeland improvements or additions were being paid for by the Federal government. Mr. McHugh stated that they continued to pursue grant opportunities for police and fire related items.

Mayor Naugle announced that a lot of the Homeland Security Funds were to be used for training and accessories. The Acting City Manager stated the funds were not to be used for capital outlay.

Commissioner Trantalis asked if a decision was made to postpone the referendum until September or November, would it interfere with any of the processes involved for the projects. Mr. McHugh explained they had actually started the planning process about one year ago with the conceptual approval of the Commission, and some preliminary designs had begun. He stated that the Airport Station had begun about 2 years ago. He further stated that in an effort not to impact the timing of some of the projects, such as Station 29 and 47, they were proceeding forward and reallocating some of the funds.

Commissioner Hutchinson stated that her only concern was that they were limiting themselves in their public relations campaign. She stated that she wanted this to be done right. She stated that they needed new fire and police stations, and those were capital improvements that they had not been able to fund. She reiterated that she was concerned because it was already near the middle of January, and she did not want them to rush this and wanted it done right. She stated that irregardless of the money end, it was the fact that she wanted everyone to work together, and she wanted the Commission to have ample time to sell this program to their constituents. She emphasized that District IV was ready, but she was concerned other areas were not. She felt this was an important issue for the City. Mayor Naugle agreed, along with Commissioner Trantalis.

Mr. McHugh stated that the longer they had to educate the community, the better success they would have for this.

Commissioner Teel stated that in looking at the timeline, they had already begun the process but appeared to be somewhat behind.

Commissioner Hutchinson left the meeting at approximately 2:00 p.m.

Commissioner Teel continued stating that she agreed with Commissioner Hutchinson and she felt they should not create the perception of "What's the rush" from the public. She added that many people at her pre-agenda meeting last night felt March was good, but she was of the opinion that they should wait until November.

Commissioner Moore stated that he agreed the matter should be delayed because he felt the City needed a Manager before they could begin dealing with any major projects or selling anything. He stated the City did not have one, and he did not feel it was appropriate to do this at the time. He reiterated that staff was presently overworked, and he did not feel it was sensible to add to their workload at this time.

Commissioner Hutchinson returned to the meeting at approximately 2:02 p.m.

Commissioner Moore continued stating that since he was still not sold on the numbers which had been proposed for the projects, he felt it would be difficult to sell it to the voters. He added that he felt the numbers were too high, and he felt there were assets within the City which they could better utilize. He further stated that the concept of the reuse of the Wingate site should be at the table because it was a public safety project, along with being a capital project. He reiterated that the neighborhood had suffered for a long time because of that site.

Mayor Naugle asked if the Wingate site should not be considered separately. Commissioner Moore replied that it did not matter whether it was separate or not to him, and that he only wanted to make sure it was included. He stated that he wanted to emphasize that he felt they should not discuss any major project with the public until the Manager was in place, and that a method should be created to deal with employee morale and the number of issues they were attempting to address with the limited work force.

Mayor Naugle stated it appeared unanimous that they not proceed with this in March. He added that the customer satisfaction survey was done yearly, and suggested that questions be added regarding the capital improvement program.

Terry Sharp, Director of Finance, stated that typically the survey went out in November or December, but it had been delayed this year. He added that money had been included in the budget for the survey, but they had to go out and bid for a new provider. Commissioner Moore stated they did not need to conduct the survey this year.

Mayor Naugle suggested that possibly the survey be done later in the year, and include questions regarding the need for capital improvements for the fire and police departments, along with the reuse of the Wingate site in order to gauge public support. Commissioner Moore reiterated that such a survey should not be done this year. He stated they knew from last year's survey where their strengths and weaknesses were located, and he felt they should focus on those.

Commissioner Hutchinson stated they needed to give staff a date for when this should be included on the ballot so they could begin their work.

Mayor Naugle stated it appeared there was a consensus for this to be on the November ballot. He added that he also wanted to include the issue regarding public lands.

Mr. McHugh asked if they were going to include the Wingate site on the ballot. Mayor Naugle stated that most property appraisers would suggest that properties around a golfing facility would increase in value, and he stated that he wanted to see an analysis as to how much extra in property taxes would be supplied by having a golf course in the area. Commissioner Moore stated he would encourage that and felt that the community wanted such a facility to help increase their property values.

Commissioner Trantalis stated that he wanted to caution everyone in their thinking because he felt it had to be part of a package. He emphasized that Coral Ridge had been packaged and it had become a life style. He felt unless they were going to attempt to enhance the project beyond the golf course, he did not think they should assume that individuals would rush to build expensive homes at the edge of the golf course. Mayor Naugle stated that they would look into the matter. Commissioner Trantalis continued

stating that he had grown up in Connecticut and the golf course in the area had not increased their property values.

Commissioner Hutchinson reiterated that her concern was that while they were pushing the public safety bond, how could they work a golf course into it. She suggested that if it was a public safety bond question, then the Wingate matter should be done separately. She reiterated that questions had been brought up at her meeting regarding the connection of the two matters. Mayor Naugle stated they did not want the golf course to put the public safety issues in the rough.

Commissioner Teel stated that she wanted all the information to be given in a clear and concise manner of how the effort would improve housing, the neighborhood, and what other benefits the area would receive. She did not think Wingate should be confused with the public safety issues. She felt it could be harmful to both issues.

Commissioner Hutchinson asked if the numbers would be refined as they proceeded forward. Mr. McHugh confirmed. Mayor Naugle stated he felt when the customer satisfaction survey was done, they should be able to gain some further knowledge. He believed a successful campaign was based on research.

Commissioner Teel asked how much the survey had cost. Mr. McHugh stated that part of their proposal was to conduct preliminary surveys, and based on that they would be able to identify the concerns raised and be able to address them. He stated they would be able to develop something for an appropriate time. Mr. McHugh stated that the \$6,000 was for 2 surveys which they thought would be needed for the bond issue. Commissioner Teel felt it was money well spent so they could get a sense of what was going on, and possibly adjustments would have to be made.

Mayor Naugle reiterated that in reading the surveys, the public was satisfied and did not want to pay more taxes for additional items. He further stated that the police and fire facilities were old and needed to be replaced, and he felt the public would reach the logical conclusion to do this.

The City Clerk explained that the \$10,000 which had been quoted from the Supervisor of Elections was for March. She stated that she did not think there would be a big difference between March and November. She further stated that they had been told that they could not be given figures for November at this time.

Action: Decision made not to go forward in March, but to proceed in November for Public Safety Bond and Wingate Re-use.

I-C – Settlement and Release of Code Enforcement Liens (Code Amnesty Program)

Lori Milano, Director Community Inspections, stated that on December 16, 2003 they had discussed the concept of a Code Amnesty Program. She explained that the purpose of the program was to basically collect a minimum of \$550,000 in outstanding code enforcement fines in an effort to assist in balancing the budget, and to fund the PSA positions. Meantime, staff had met with various departments in an effort to fine-tune such program, and bring back to the Commission a proposal as to how the program would actually work.

Ms. Milano explained that the amnesty period would be from February 2, 2004 to March 1, 2004. She stated that prior to that time letters would be sent explaining that the program would allow them to pay 25% of the face value of their outstanding code enforcement lien or fine. One of the contingencies would be that the property had to be in compliance. She stated that the other stipulation which had been discussed by staff and the Commission was how they would handle multiple cases with multiple liens. Staff suggested that they apply the 25% across the board for properties with more than one lien on it. She stated that a separate revenue account had been established for keeping track of such amounts. She stated that the Acting City Manager's Office was going to establish an ad hoc committee to review the marketing of the program, and the first meeting was scheduled for tomorrow.

Ms. Milano stated that during their discussions several questions arose which staff wanted to receive direction on from the Commission. She further stated that one item which arose was how to deal with cases which had been presented to the City Commission and had been settled on which were probably different than the 25%. She explained that normally 90 days were given for payment, and if those individuals had not yet paid would they be entitled to the amnesty program, or was the amount which had been approved by the Commission the set amount for collection on such cases.

Commissioner Trantalis stated that whatever decisions were made previously to the December Commission date should remain firm, and others subsequent would be eligible for this program. Otherwise, he stated they would have to set a limit as to how far back such cases could be reheard.

The City Attorney stated that the Commission wanted an amnesty program, but he was hearing them saying have sort of an amnesty program. He further stated that anyone who had violated the Code had been fined and was now in compliance, and had previously asked for a reduction and maybe only received a 40% reduction, would not be eligible. He asked if that was what he was hearing from the Commission. Commissioner Moore confirmed. The City Attorney stated it would not be an amnesty program for everyone, and would only be for certain individuals.

Commissioner Trantalis explained the amnesty program would be for the cases which were still opened and pending. He stated that they had ruled on other cases prior to December 16, 2003, and those decisions should remain final.

The City Attorney reiterated that the purpose of the amnesty program was to encourage people to pay and a significant discount was to be given. He stated that many of the cases heard previously by the Commission where they had given a certain percentage of reduction had not yet been paid, and many of those time limits had expired. The property had not yet been foreclosed on. He stated that after the 90-day time limit, the fine went back to the original amount.

The Acting City Manager stated that was what they had agreed to at the time the case was heard by the Commission. He felt this was a second chance for everyone, but the individuals who had not paid should not be given the second chance. The City Attorney stated that the problem was that the individuals had not agreed to pay such fines. Commissioner Trantalis agreed, but stated that a decision had been made by the Commission in regard to their case, and he felt such decision should remain binding.

The City Attorney stated that a resolution could be prepared stating such. Mayor Naugle asked if it would be defensible. The City Attorney replied that from the standpoint of defensibility, he felt they could grant an amnesty and say what class of people would get it in the resolution, but such resolution would have to be tailored.

Commissioner Teel stated if the individuals did not pay within the 90 days, then the amount went back to the 100%. She further stated the option was available to them.

Ms. Milano stated that with word of the amnesty program going around, some individuals who had paid called and were asking for a refund down to the 25%.

Mayor Naugle stated that if they limited the class, they could limit the amount of monies they would be collecting. The Acting City Manager explained that if they were limiting the class of the people who had not yet appeared before the Commission, he felt that was a small fraction of individuals.

Commissioner Trantalis asked if the individuals who had not paid within the 90-day time limit were not subject to foreclosure. He felt they should aggressively pursue such individuals. The City Attorney confirmed, but stated that they would not be able to collect on the homesteaded properties.

Commissioner Hutchinson asked since the committee was first going to meet tomorrow, would they be able to meet the February 1, 2004 deadline. Commissioner Trantalis explained that such deadline had to be met in order to collect the monies for the PSAs. Commissioner Hutchinson reminded everyone this was a "one shot deal," and the object was to garner as much cash as possible, along with compliance of the properties. She stated that she wanted to see a list of the properties and the possibility of what could be collected.

Ms. Milano stated they worked with a database called encompass, and they had been working in an attempt to fine-tune that program. She stated that for the sake of discussion, the cases in compliance, as well as those not in compliance, totaled about 2300. She added that about 1000 cases were in compliance. She advised they were still attempting to get the total dollar amount, but stated that a combination of those complied versus not complied were about \$73 Million. She stated that about 6 months ago when they began attempting to clean up the database, they were at about \$561 Million. She explained that the database was not perfect.

Commissioner Hutchinson stated that they needed to keep things simple. She further asked what would happen on March 2, 2004, and how aggressively was the City going to pursue after the individuals who had not participated in the amnesty program. She felt that was the basis for the entire program. She reiterated that she was tired of hearing these cases at the Commission level. She felt it was a circus and ridiculous, and it needed to come out of the political arena for the non-homesteaded properties.

The City Attorney explained they were currently looking at the potential of using a collection agency to begin the collection process.

Commissioner Moore asked what was meant by it being a circus and for the non-homesteaded properties.

Commissioner Hutchinson continued stating that the program was to encourage individuals that were in compliance to pay the liens and fines, but what was the penalty if the fines were not paid. She felt they would then come back to the Commission and ask for a reduction to 15%. She stated that this program was not just about paying the 25%, but what would happen if the individuals did not participate.

Commissioner Trantalis stated if they should exceed the goal of \$550,000, he asked if there could be a consensus among the Commission that monies in excess would go towards funding in-house counsel to pursue the foreclosure process. He stated that the Legal Department had stated over and over that they were understaffed to do such work.

Commissioner Hutchinson stated she did not want to worry about that at this time, but she wanted to know what was the enticement for the property owners to come in and pay their liens. She asked what was the Commission going to do to start holding people "to the fire." She reiterated that it should be 100%.

Commissioner Teel stated that at the last Commission meeting, they had stated it would be 75%.

Commissioner Hutchinson asked why these matters had to come before the Commission.

The City Attorney explained if they tied their hands, there were many issues involved and it was not just calculating amounts. He stated there were miscommunications and wrong dates used, and calls not placed to the inspectors. He explained that the Commission were the arbitrators and made the determinations.

Commissioner Trantalis reiterated that the incentive for complying within the amnesty period was the light at the end of the tunnel, and if they did not comply they should begin pursuing them aggressively. He suggested that they consider funding such a position to pursue such individuals.

Mayor Naugle stated if they had a surplus of funds that could be considered and the matter would be scheduled for a Conference Meeting for the Commission.

The Acting City Manager asked why this could not be outsourced. Commissioner Trantalis agreed that would be a good idea. The City Attorney stated they were discussing that possibility, but their first option was for a collection agency because they would give the City a larger percentage.

Mayor Naugle stated they needed a clarification as to the actual number of liens.

Ms. Milano stated that she had compiled the Commission's efforts made over the last calendar year and distributed such information. She reiterated that the majority of the people did pay.

Commissioner Moore reiterated that he had a different view regarding homesteaded properties and investment properties. He felt they should be treated differently.

Commissioner Hutchinson reiterated that sometimes homesteaded properties were derelict property owners. Commissioner Moore agreed, but he felt sometimes it was due to lack of funds.

Commissioner Trantalis asked for some clarification regarding the amounts shown on the information which had been distributed. Ms. Milano stated that for FY 2002/2003, they had collected \$908,000 which had been an increase over the previous fiscal year. She advised that as of October 1, 2003, they had collected \$517,000. She further stated that she wanted to reconfirm that the cases which the Commission had previously approved for settlement would remain as approved. Mayor Naugle confirmed, but stated they were not going to limit the number as per the recommendation.

Commissioner Teel asked if this was to be handled by the City Manager's Office. The Acting City Manager explained that the Commission would be delegating authority to his office to settle at 25%. He clarified that in addition to the \$550,000, they would have to add in the administrative costs for the program and such amounts would be presented to the Commission.

Action: As discussed.

Commissioner Hutchinson left the meeting at approximately 2:35 p.m. and returned at 2:36 p.m.

I-D – WaterWorks 2011 WebGIS Application

Paul Bohlander, Assistant Utilities Service Director, stated that Ian Wint was the City's GIS Coordinator who would demonstrate the new City's WebGIS application which was currently named "Improvements and Construction Project Locator." He stated the purpose of the application was to provide anyone with Internet access the opportunity to obtain information regarding City projects, both WaterWorks 2011 projects and other projects within the City. He added that within the City organization, this would facilitate that the projects were being properly coordinated. He further stated that the application was available currently through the City's website and the WaterWorks 2011 website. He advised that Mr. Wint had done a great job working with the consultants who had developed the application and the City project managers who had supplied the data to support this application.

Ian Wint, GIS Coordinator, proceeded to demonstrate the application. He stated that application was available on the Internet. He explained how the projects could be accessed which were through house address, street intersection, or through neighborhood associations, as well as through City Commission districts.

Mayor Naugle asked if the newsletter which focused on the City would advise the citizens of this website. Mr. Bohlander stated they were working on it.

Commissioner Teel asked if a short form of information could be provided that could be distributed into association newsletters. Mr. Bohlander confirmed and stated they wanted to promote this as much as possible. Mayor Naugle stated that PIO could do a write-up for the League of Cities.

Mr. Wint explained that currently it was on the City's website and was located in the GIS web pages section, along with being under WaterWorks.

II-A – Project 15100 – Joseph C. Carter Park

Commissioner Moore stated that it was his understanding that the general contractor had walked off the site, and that several subcontractors had not yet been paid. He further stated that the bonding company was in the position to consider choosing another general contractor, and if that was done, what kind of time line was involved before the bonding company would be required to provide a general contractor. He also asked if in the interim could City staff implement a working relationship with the present subcontractors to implement the work until a general contractor was selected. He asked if the subcontractors could be paid directly while this was all taking place.

Hector Castro, City Engineer, explained that the City had no contract with the subcontractors, so there was no mechanism allowing them to directly pay the subcontractors. He stated they could issue dual party checks with the consent of the general contractor which was a pass-thru to ensure payment.

Commissioner Moore stated that he had been told that was done, but the subcontractors had not yet received any funds.

Mr. Castro stated that they had not issued any dual party checks, but had issued checks through September to the general contractor, and they should have been paid through September. He explained the expiration date for this particular project was August 29, 2003. Once the contract was expired, they no longer paid the general contractor without the consent of the surety. He stated they had received a consent for surety through September, and such payment was issued. He further stated they had received a consent for surety for the October payment, but prior to cutting such check the surety had rescinded such consent. Therefore, that check had not been issued. He advised that the Park was about 50% complete construction wise, and they had paid about 40% of the \$7 Million to Megan South.

Mr. Castro announced that he had spoken with the agent for the surety this morning, and they were attempting to get Megan South to voluntarily default the contract over to them. He stated if they agreed to do that, they would continue a relationship with all the subcontractors to complete the work. If that was done, then the current schedule would have the park completed by some time in April. If the general contractor did not voluntarily default, then they were probably looking at to 60 to 90 additional days for completion.

Commissioner Moore asked if by their walking off the site was not an automatic default. Mr. Castro explained that under the terms and conditions of their contract with Megan South, it was a potential default. He further stated that the City's options at this point were that they could place the contractor on 10-days notice which would require them to correct the default or the City Commission could terminate the contract.

Commissioner Moore asked if a 10-day letter could be sent by January 21, 2004. Mr. Castro stated that he had checked with the surety agent to make sure that if the City issued such a letter, it would not conflict with what they were attempting to do.

Commissioner Moore asked if the subcontractor who was present could speak on this matter.

Sam Mitchell, Blue Jean Painters, stated that he was concerned because he had been on this project for 3 months and had never yet been paid. He stated that he was more than 50% complete with his painting, and needed money to continue to operate. He asked if a dual check could be written.

Commissioner Moore reiterated that when they worked to do this improvement for the park, they had encouraged participation of small and disadvantaged businesses. He stated that it was difficult for them to operate without funds during the project. He further asked if Mr. Mitchell had requested payment. Mr. Mitchell further stated that he had submitted 3 pay requests to Megan South with the first request being made in October. Mr. Castro stated that would have been part of the October payment which had been rescinded by the bonding company.

Mayor Naugle asked if they could communicate with the bonding company so that they could possibly pay the subcontractors who had done valid work. Mr. Castro stated that the quickest way Mr. Mitchell could get paid would be to obtain cooperation from Megan South. He stated he would contact them and ask them to cooperate so that a dual party check could be issued. He commended Mr. Mitchell on his company's good work on the project.

Commissioner Moore asked why Megan South had walked off the job. Mr. Castro stated that the letter they had sent to the Project Manager had indicated that since they were not getting any more money, they could not afford to retain their crew on site. He explained that everyone had been laid off as of January 2, 2004. Commissioner Moore asked what was being done to secure the site. Mr. Castro explained that Megan South was retaining a superintendent on site since they were still responsible for all security. He explained further that there were actually 3 subcontractors still working at the site which were the electrical, the drywall, and the painting subcontractors. Commissioner Moore emphasized that he was not comfortable with Megan South being in charge of the security. He felt they were adding additional risk.

Mayor Naugle asked if the bonding company was not responsible.

Mike Fayyaz, Engineer, stated that the contractor had written a letter stating that this was a temporary situation, and that they were attempting to resolve the situation and then return to work. He stated that in writing they had also accepted the responsibility for security of the site during this time.

Commissioner Moore reiterated that the reality was that a subcontractor was not being paid, and he asked if the individuals working at the site were not getting paid would they be concerned about the supplies or the bonding company during this time. He felt they would not be concerned, and he felt there needing to be some rethinking because it was the City's responsibility because it was their tax dollars and their citizens who had been waiting for the park. He stated that possibly they had chosen a general contractor who had not had the wherewithal from day one. He stated they needed a strategy for securing the site. He wanted it to be the City's responsibility and for them to look to Hartford for paying them to deal with the situation.

Mayor Naugle reiterated that it depended on what was in the contracts and they needed to follow them to make sure that things were expedited so the park could be delivered to the taxpayers.

Commissioner Moore stated that in reviewing the worker compensation cases, it always stated that there was no work for them, and suggested they be used as security on the construction sites. He asked how they had arrived at this point.

Mr. Castro stated that essentially this particular contract had not brought the forces together to do the job. He further stated that there were some design related delays because when there had been ambiguities in the plans, the contractor issued a request for a change order for clarification. He explained that since this had been designed by an outside consultant, they had to be the ones to make the necessary changes or clarifications. He explained that the process had taken longer than it should have taken.

Mayor Naugle stated that since there had been a separate designer and builder, there were potentials for conflicts and delays.

Mr. Castro explained this had been a low bid and was separately designed by an outside consultant. He further stated they had not been successful with the designer Miller Legg, and they were still providing services but had filed a claim with the City for additional compensation. He stated that he did not necessarily agree with that.

Commissioner Moore urged the City to end the relationship with both companies, and find a way to expedite the project. Commissioner Hutchinson suggested that these companies not ever be hired again by the City. Commissioner Moore asked if they had a bonding deal with the engineering firm. Mr. Fayyaz explained that there was a liability bond. Mr. Castro stated it was an errors and omissions which was something they would look into.

Mr. Castro recommended that they proceed forward with the 10-day notice to the contractor. He stated he would personally ask the contractor to cooperate with the City and pay the subcontractors through the dual party checks. He explained that in the interim they would work with the bonding company, and they were to report to him how successful they were in obtaining control of the contract from Megan South. He stated if they received voluntary control of the contract, then this would move quickly. He reiterated that they would re-establish the relationship with the subcontractors and pay them. He emphasized that he would attempt to issue a dual party check for Mr. Mitchell, along with the other subcontractors who had not yet been paid.

Commissioner Trantalis asked what assurance they had that Megan South would endorse such check. Mr. Castro explained that normally on a dual party check, they invited both parties to the office and then the transfer was done right there.

Commissioner Moore stated that he wanted Mr. Mitchell to meet with his assistant and give her the amount of money that was due him for this job.

Commissioner Moore stated that the Commission needed to discuss in the near future what was a responsible bid, and if it should always be the lowest bid. He felt that it seemed like every project in his district, the bidders were the lowest but not the most responsible. He stated they were taking taxpayers' money to give the community what

they wanted, but yet did not do the jobs properly. He felt they needed to develop an acceptable standard regarding a responsible bid.

Commissioner Hutchinson agreed and stated that would be true when they moved into a \$125 Million public safety bond. She stated that she could name 3 projects where they had bad performances and were 2-3 years late on the projects.

Mayor Naugle stated that in other projects they had a good experience, such as the Airport Administration Building. He felt they needed to have more evidence in approving the contracts, and that statements should be received from a Public Works Director in another city or county showing that the projects were built on time and within their budgets. He felt they needed more solid references.

Mr. Castro stated that they did check references, and in this case the irony was that Megan South had built Earl Lifshey Park and had done a good job, and was the completion contractor in that project. He reiterated they attempted to check all references and obtain work histories. He stated this contractor had come in with a clean record and had all the necessary licenses.

Commissioner Moore stated that no buildings were involved in that project and only landscaping had been done. He stated they needed to come up with what was a responsible bid because it did not always center around price, but yet that was how decisions had been made in the past. He stated further that this issue needed to be addressed in regard to Lauderdale Manors. He continued stating that they had received notice that they could proceed to Phase II due to their work performance, but yet they were still in Phase I and the people were not satisfied. He reiterated that they had to be put on notice that they would not receive any further projects from the City. He added that he wanted the Commission to give the residents in that community public information, especially in regard to Lauderdale Manors, as to what was occurring in the neighborhood and what was being done to correct the problem. He felt that was an important step.

Mr. Bohlander stated that they would report back to the Commission with such a plan. He continued stating that they had been receiving conflicting information because it was his understanding that Astaldi was close in reaching their milestones in terms of Phase I. He stated he would talk to the past and present presidents of the civic association as to this matter. He added that other circumstances were ongoing in Progresso and such matters were also being worked on.

The Acting City Manager stated that they needed to meet with staff and discuss these issues because it was necessary to catch such things early on in the projects. He added that some sort of mechanism had to be in place to ensure them getting good contractors, and managing the contracts.

Commissioner Moore stated that they had a subscription with the Engineering Association, and he hoped that a recommendation list could be provided as to individuals doing work for municipal entities.

CLOSED DOOR SESSION**MEETING RECESSED AT 3:13 P.M.****MEETING RECONVENED AT 3:35 P.M.****II-B – City Sanitation Vehicles**

Mayor Naugle stated that he thought they were supposed to get a quote on contracting out.

Ed Udvardy, Public Services, stated that he thought they were to proceed forward with the collection bid which would be up in November, 2004. He stated that they had 14 vehicles up for replacement, and in their proposal they were recommending that they defer 5 of those vehicles. He explained that 2 were from collection operations, and 3 were from bulk trash. He stated that the bid would go out for bulk and trash with a caveat that if any portion was contracted out, then the contractor would have to purchase a pro-rated share of the vehicles which were attributed to the routes they would be taking over. He stated they felt this plan was appropriate and would help to keep maintenance costs down and yet allow them to continue to complete their routes and defer the purchase of 5 of the 14 vehicles.

Mr. Udvardy explained that the first bid they would have to put out would be for a new disposal site which would happen within the next 2 months. He stated they would then prepare a bid for bulk trash and collection which they hoped to have awarded or present a recommendation to the Commission prior to their August break.

Action: As recommended.

OB – Trash Transfer Station

Commissioner Trantalis asked for an update regarding the Trash Transfer Station. Mayor Naugle advised that it was closed to the public.

Ed Udvardy, Public Services, explained that the station was closed last weekend to the public, but the City was continuing to utilize it for certain internal operations while monitoring the illegal dumping which was taking place. He advised they had reduced their staff at the site significantly and were operating with only a skeleton crew.

Commissioner Trantalis stated that at the last Commission meeting, a suggestion had been made regarding the possibility of keeping the station open and establishing higher usage rates. Mayor Naugle stated there was no support for the suggestion.

Commissioner Moore stated the site was closed and he had received calls from individuals saying how happy they were that people were not waiting around I-95 to jump on the trucks. He added that he had also received 2 calls from users who were surprised about the closing.

Mr. Udvardy advised that they had been passing out the flyers announcing the closing of the station about 6 weeks before, and it was also in the Focus and in the newspaper,

along with information included on the City's website. He added they would be monitoring the illegal dumping.

Mayor Naugle stated that he would have preferred leaving the station open for another year by increasing the rates and reducing the hours, and now there would be more curbside bulk trash.

III-B – Advisory Board and Committee Vacancies

Commissioner Moore stated that at the last meeting he had suggested someone for the Historic Preservation Board, but was not a resident of the City but owned properties within the City's boundaries.

The City Clerk announced that very few boards did not require City residency.

Mayor Naugle stated in order to accommodate this person, the ordinance would have to be amended. Commissioner Moore was informed that she could attend the meetings, but could not be a board member until she was a resident.

Audit Advisory Board

Commissioner Teel announced that she wanted to reappoint Harry Sweeney to the Audit Advisory Board.

Commissioner Hutchinson stated that she wanted to appoint Norm Thabit to the Audit Advisory Board.

Action: Formal Action to be taken at Regular Meeting.

Aviation Advisory Board

Action: Deferred

Budget Advisory Board

Action: Deferred

Cemeteries Board of Trustees

Vice Mayor Moore appointed Mr. Walter Boyd to the Cemeteries Board of Trustees.

Action: Formal Action to be taken at Regular Meeting.

Citizen Review Board

Commissioner Moore stated that he wanted to appoint Roosevelt Walters to the Citizen Review Board.

Action: Formal Action to be taken at Regular Meeting.

Code Advisory Committee

Action: Deferred

Community Appearance Board

Mayor Naugle announced that he wanted to reappoint Steve Hillberg, Marni Canavan, and John Barranco to the Community Appearance Board.

Commissioner Hutchinson announced that she wanted to reappoint Ron Trebbi, Jennifer Kanser and Marilyn Mammano to the Community Appearance Board.

Action: Formal Action to be taken at Regular Meeting.

Community Services Board

Commissioner Hutchinson announced that she wanted to appoint Alex Cabrera to the Community Services Board.

Action: Formal Action to be taken at Regular Meeting.

Downtown Development Authority

Mayor Naugle stated that he had talked with Tony Stallworth who wanted to continue on this committee and had recently been appointed the Chair of the committee. He felt they should not remove someone who had contributed so much to the City.

Commissioner Moore stated that he had only seen Mr. Stallworth once at the meetings. He added that he admired the fact that the Mayor wanted to see minority representation in the DDA, and that was why he had recommended the individual, but things did not happen as he had anticipated.

Mayor Naugle stated that he had recently been chosen Chairman and had the confidence of his colleagues. He reiterated that he was uncomfortable to remove someone who wanted to serve and had been doing a good job.

Commissioner Hutchinson stated that she thought it was odd that in their backup for the last meeting this Board had been included, since there was not an open seat. She added that at the same time they had interviewed two gentlemen for this position, and had they known beforehand that Mr. Stallworth's term was not expiring, a different type of action could have been taken. She further stated that they could not turn their back on the two individuals who had been interviewed today. She stated that a mistake had been made, but how should the situation be handled.

Commissioner Moore stated that no mistake had been made. He continued stating that an appointment had been made, and there was no guarantee that persons would be reappointed. He added that in the past, the Mayor had made recommendations regarding changes of appointments, along with other members of the Commission who had done the same. He stated that an invitation could be extended to Mr. Stallworth to be interviewed by the Commission at the next meeting so that a level playing field would be represented. He stated that his position was very clear in that he made appointments

to boards and committees so he could be informed, and the individuals appointed were to communicate with him regarding those boards or committees. He stated that when he did not receive such communications from the individuals, then he felt those persons should be replaced.

Commissioner Trantalis suggested that the Commission's decision be postponed until Mr. Stallworth was also interviewed. Commissioner Moore agreed with the suggestion. Commissioner Teel stated that she had never met the individual and would like to meet him. She asked how long he had served on the DDA. The City Clerk advised that he had been appointed to the committee in January, 2000, and therefore, had one more term that he could serve.

Action: Mr. Stallworth would be invited to the January 21, 2004 meeting for an interview.

Economic Development Advisory Board

Mayor Naugle announced that he wanted to reappoint Michael F. McGinn, Ruchel Louis, and Patricia DuMont to the Economic Development Advisory Board.

Commissioner Moore stated that he wanted to appoint Dr. Niara Sudarkasa to the Economic Development Advisory Board.

Action: Formal Action to be taken at Regular Meeting.

Insurance Advisory Board

It was the consensus of the Commission to reappoint Randall Swenson, Ted Hess, Mark Schwartz, Larry Castello and Joseph Cobo to the Insurance Advisory Board.

Action: Formal Action to be taken at Regular Meeting.

Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Action: Deferred

Parks, Recreation, and Beaches Advisory Board

Action: Deferred

Unsafe Structures and Housing Appeals Board

Action: Deferred

Utility Advisory Committee

Action: Deferred

IV – City Commission Reports**FPL Project Update**

Commissioner Teel stated the equipment had been contained over the holidays, but they were going to open 26th Avenue again, and would supply those dates to the neighborhood. She stated that the individuals who worked in the trenches had very hard jobs and she was very concerned about them.

Acting City Manager

Commissioner Moore stated that he realized everyone had gone through a lot during the last 6 months in attempting to deal with the budget and employment issues, and dealing with a vision for the future of the City. He continued stating that he commended the Acting City Manager for coming in and dealing with the situation. He further stated that he felt there were other areas of management that were not his strength, and he was concerned that those issues were not being addressed. He stated that many of the City's key employees were resigning or seeking other employment, and he felt that was very devastating to see the transition which was taking place and the manner in which it was occurring. He felt that important issues were not being handled on the level of management that he felt was needed. He felt when it came to the operation of their government, he was not secure with the Acting City Manager's management ability or experience. He realized they were in search of a permanent City Manager, and the timeline was ticking in that regard, but he wanted to state that there had to be a method for addressing the dismantling of what he saw was occurring at this time. He stated that no one appeared to be satisfied, and since November he was concerned about what was happening. He reiterated that he did not think they were doing what was best for the taxpayers and the City. He further stated that he did not think the Acting City Manager had the necessary experience. He stated he was not asking whether or not this individual should continue in his present position, but he was stressing that there was a lack of leadership and hoped they could find a method of addressing such a void.

Commissioner Moore stated that they needed something to give the existing workforce some confidence of their professional opinions being addressed, as well as their job stability so assurances could be given. He stated that in reading some of the e-mails he had received, he questioned the style of management being used. He reiterated that he was very disappointed and felt that he had to state his feelings. He stated that according to their Charter, they had selected a Manager form of government, and therefore, they needed an experienced manager. He stated they were a large city with a large budget, and they had chosen to keep the millage rate at an amount which required an experienced Manager.

South Side School Site

Commissioner Hutchinson asked what they were going to do as their next step in regard to this site. She asked who was going to "take the reins" regarding this issue, and asked if they had they followed up with their legal department to see when they would be placed on the agenda once again. She stated this had been the first vote and asked if they still had to work through the agreement issues. She stated that Florida Communities Trust wanted a contract or they would lose their money.

Cecelia Hollar, Acting Public Services Director, stated that Greg Kisela had gone over all the details on this matter with her, and she would keep the Commission abreast of the issue.

The City Attorney announced that they had prepared and sent them a contract, but the City had not yet received it back.

Commissioner Hutchinson reiterated that Florida Communities Trust needed the money as soon as possible.

Mayor Naugle stated they needed to schedule for a Commission Conference Meeting the potential uses for the site.

Signage – Davie Boulevard

Commissioner Hutchinson stated that she had brought up the issue of signage along Davie Boulevard previously. She stated that Riverland Road did not exist on Davie Boulevard, and it was 27th Avenue in both directions. Likewise, she added that 31st Avenue did not exist because it should be 31st Street. She added that she had sent e-mails beginning early last year to the County and Rick Chesser. She stated that she knew there was an issue with the contractor, but asked how the matter could be resolved. She stated the last time they used Problem Solvers on Channel 10, and she was ready to do it again, if that was what had to be done.

The City Attorney stated they had a contract with the County for City roads. Commissioner Hutchinson reiterated that nothing was being done.

Booking/Police Department

Commissioner Hutchinson advised that she had ridden with Sergeant Abrahamsen at midnight and rode until 5:00 a.m. She stated it was a nice group of people doing that shift and there had been a lot of discussion in regard to the booking, and she was able to see the actual calls holding which hinged on the fact that people were at the other jail for long periods of time. She stated that she wondered if she had made the right decision regarding this matter. She added that the officers on duty had some interesting questions which arose regarding the situation. She stated she did not know how to resolve some of the issues, but felt that maybe they had not thought the matter completely through before making their decision.

Commissioner Moore stated that he wanted the Police Chief or his Majors to communicate with other policing entities that were using the Broward County Jail, and see how things were being done. He reiterated that this City had been the only one in the State that had a jail.

Bruce Roberts, Chief of Police, stated that those were items brought forward during the budget discussions. Now, they had to deal with all the impacts which were occurring and had to see how to resolve some of the problems. He advised they had recently formed a committee to address the technology issues because now it was taking two weeks to obtain the prints they had requested. He stated they were looking to the County for a download of technology since they had the same equipment, but they had been put on the back burner. He reminded the Commission that they had discussed how the County

and City's priorities might not coincide and how the matter could be worked out. He added that detention officers had helped out previously. He further stated they had also discussed the amount of time that it would take to now book a prisoner because they had stated that maybe in the future, due to the new public safety bond, they might have to revisit the booking operation.

Commissioner Moore reiterated that the reality was that there would have to be some changes made. He stated that people resisted change most times.

V – City Manager Reports

Assistant Finance Director

The Acting City Manager announced they had hired an Assistant Finance Director. He proceeded to introduce Steven Chapman to the Commission. Mr. Chapman announced that he would be in charge of the research and budget areas. The Commission proceeded to welcome him to the City.

Performance/Acting City Manager

Mayor Naugle stated that he wanted to relate to the Commission and the public that he had received tremendous compliments regarding the performance of the Acting City Manager. He reiterated that he felt that he was doing a good job.

Commissioner Hutchinson left the meeting at approximately 4:30 p.m.

CLOSED DOOR SESSION

MEETING RECESSED AT 4:30 P.M.

There being no further business to come before the Commission, the meeting was recessed at 4:30 p.m.