

COMMISSION CONFERENCE**JANUARY 21, 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 Mark Furdon

I-A – Downtown Development Authority (DDA) Interview

Mayor Naugle announced that the City Commission would interview Tony Stallworth for the DDA membership position with a term ending December 31, 2007.

Tony Stallworth stated that he had served on the DDA for the last 4 years. He announced that he currently served as Vice-President for Facilities and County Services at Broward Community College. He stated that he was from River Rouge, a small town outside of Detroit, Michigan, and that he had graduated from the University of Michigan. He announced that he had degrees, both undergraduate and graduate, in civil engineering with a construction major. He explained they were in partnership with the FAU and had developed a 12-story higher education tower. He stated they had worked on the Downtown Master Plan, and presently were discussing the transit plan. He stated that he would like to remain a part of the DDA and continue with the work they had begun.

Commissioner Trantalis stated that the last time the Commission had interviewed some individuals in regard to this position, he had understood that Mr. Stallworth was stepping down from the DDA. He stated that in the interim he had been informed that Mr. Stallworth was not stepping down, but it was his intention to renew his membership on the DDA. He believed that people on the advisory boards should remain on them if they chose to do so, unless it was proven that they were not doing their job. He stated that before today, he had thought that Mr. Stallworth should remain on the Board, but now he had been hearing some things and he wanted to ask Mr. Stallworth some questions.

Commissioner Trantalis stated that he appreciated the 4 years that Mr. Stallworth had served on this Board, but he had been informed that Mr. Stallworth's attendance was abysmal and that he had missed about 40% of the meetings this year.

Mr. Stallworth stated that he did not feel he had missed 40% of the meetings. He advised that he had not attended the last Board meeting because his only daughter had gotten married. He further stated that he might have missed 2 meetings of the last 12, and prior to that year he stated that he had served as Chair of the DDA and had taken his responsibility seriously. Prior to that, he had served as Vice-Chair and had chaired the bulk of the meetings that year because the Chair had been out of town a lot.

Commissioner Trantalis asked what involvement Mr. Stallworth had with the ancillary panels that had developed over the years in terms of the CRA and the master plan. He asked what level of participation did he have in regard to such programs.

Mr. Stallworth replied that he had met with the group regarding the master plan because they had wanted input from the educational community regarding the overall project. He further stated that when the Airport Runway issue arose, he had attended the County Commission meetings. He announced that he had been involved, possibly not to the degree that he could have been involved, but he had not backed away from any such groups.

Commissioner Trantalis asked if Mr. Stallworth had been part of the discussions regarding the master plan north of Broward Boulevard. Mr. Stallworth stated that when the CRA had first brought that matter before the DDA, there had been a commitment from the DDA for infrastructure assistance, and he had been in complete support. He stated that was an area that needed development, and he had not voted against anything that would support the Northwest Flagler Heights area. He reiterated that there had been a \$1 Million commitment from the DDA.

Commissioner Moore asked if the City Clerk could obtain Mr. Stallworth's attendance from the DDA Director for the last 4 years.

Action: Decision to be made at the Regular Meeting.

I-B – Citizens Board of Recognition – Recommendations for 2004 Honorary Designations

Mayor Naugle stated the Commission had received a slate of names for recognition, and announced they would be brought forward at a future Commission meeting depending on the honorees' availability.

Action: Approved as recommended.

I-C – Federal Transit Administration (FTA) Grant

Peter Partington, Public Services, stated that Barry Goodman would give a brief presentation of his ideas and suggestions for transit funding.

Barry Goodman stated that the City of Fort Lauderdale, in concert with the DDA and the CRA, was jointly working on various aspects of public transit and federal funding. He recommended that the City aggressively pursue protecting the Federal eligibility of approximately \$10 Million to be spent which had been committed by the CRA and the DDA. He stated that this involved the Second Street corridor improvements that the DDA had committed \$4.3 Million to accomplish pedestrian transit improvements. He stated they were also working on the Sistrunk Boulevard and 6th Street corridor of which \$6 Million had been committed to for improvements in that area. He further stated that they had the opportunity to request the Federal Transit Administration to grant a Letter of No Prejudice, and once that letter was received, it would protect the investments for future Federal reimbursement or eligibility to leverage additional Federal monies. He felt this was a good thing to do. Mr. Goodman further stated that they had also looked at future potential at Andrews Avenue and Third Avenue, and they also wanted that area protected for Federal eligibility. He explained that all documentation had been submitted to the FTA, and it was currently being reviewed, but they needed the City to officially do this.

Commissioner Trantalis asked what they were actually preserving for Federal funding. Mr. Goodman stated that the CRA and the DDA were going to expend funds for these corridors, including improved sidewalks, landscaping, bus pull-outs, lighting and security. He further stated that members of the FTA had indicated that they preferred not to see multiple applications for Federal funds from the various eligible entities because they wanted to see a picture of unity and groups working together. He stated they needed to achieve the Letter of No Prejudice within a 60-90 day time limit that would enable the groups to seek bids.

Mr. Goodman advised that recently the DDA had completed a master plan for Downtown pedestrian transit improvements for the future that would include rubber-tired vehicles in the interim, and rail application in the future. He stated that one of the routes being recommended was one that would connect the Downtown to the Beach. He explained they had created that route in part because the City had received \$1.5 Million in Federal funds to purchase shuttles to serve the Beach.

Commissioner Moore asked if there was going to be a rubberized demonstration. Mr. Goodman confirmed. He stated they could not get Federal approval from the FTA to protect the expenditures for Second Street without transit operating in the interim. He announced it would be several years before a rail system could be developed.

Mr. Goodman proceeded to show a budget that would effectively utilize the resources that the City had been earmarked for, but had not yet received from the FTA. He advised that the DDA had committed \$375,000 to meet the local share requirements of the grant. He explained the grant was \$1.5 Million that would pay 80% of the total cost of the project requiring local money for the 20%. He stated the DDA had agreed to do this as long as the assets utilized with the grant funds serve the Downtown as well as the Beach. He proceeded to explain two approaches that would utilize such funds in a way that would maximize the available Federal and DDA funds for the benefit of future operations.

Mr. Goodman stated that Option 1 would be to traditionally purchase the vehicles, and 6 vehicles would be required to service the routes. He advised that would cost \$900,000, and through capital cost for contracting, they would then utilize \$653,950 spread over 5 years at \$130,790 per year to subsidize the operation. He stated that monies would be available for shelters and pedestrian amenities. He advised that according to Federal law, 4% of grant funds would be set aside to reimburse the grantee for staff time spent in administering the grant. He stated they believed that was more than ample for administering the grants. He further stated that according to this scenario, the outlay for the City would be the 20%. He explained the vehicles would be purchased directly, and the operating budget estimated would be \$408,720. He stated they were assuming no Federal funds availability, but they were showing a worst-case scenario for conservative purposes.

Mr. Goodman continued stating that Option 2 would be to pursue a private sector provider that would furnish the vehicles in accordance with a specification that the stakeholders would agree to. Since the capital component cost would be built into the hourly cost, they would have a higher annual cost that would result in a higher capital cost of contracting yield. In accordance with this scenario, there would be \$1.1 Million going into the capital component, including the vehicles that would be amortized over 5 years, shelters and pedestrian amenities estimated at \$751,020, and the grant

administration costs. He stated that this would increase the annual operating cost to \$168,597 that would be split between two parties. He felt there could be Federal funds available.

Commissioner Trantalis asked if this program would be available if the vehicles were leased. Mr. Goodman replied that it would still be available and there were capital leasing provisions that would pay for 80% of the value. Commissioner Trantalis asked what was the benefit of purchasing the vehicles. Mr. Goodman replied that the cost for leasing and the interest would be built into the lease cost, and at the end of the lease the vehicles had to be returned. He added that if the vehicles were well maintained, they would still have life after 5 years. He explained that capital leasing became popular when the Federal government provided tax credits for the capital leasing of equipment. He stated that was not presently available.

Mr. Goodman reiterated that in order to start the grant process, one had to become an eligible FTA grantee.

Mr. Goodman advised that this had been available for 2 years. Commissioner Moore asked why they had not done this earlier. Mr. Goodman stated that there were many plans that were evolving, but not together and recently the DDA and the TMA had combined a 10-year plan. Therefore, the planning process had to come together which also included the master plan for the City that adopted the recommendations for mobility. He further stated that another reason was the City had to commit operating revenues in order to support transit that would not begin before October 1, 2004, and they had recommended for some time an increase in parking that could be linked to support public transportation. He stated that this commitment did not have to be made at this time, but once the grant was filed and monies were accepted, they would then be saying they would find a way to pay their fair share of the operating costs. They felt this fund in the future would be a natural link to support transit.

Mayor Naugle asked if there was a fare box revenue. Mr. Goodman replied that he had not included one, but there could be one. Mayor Naugle suggested that advertising be done on the vehicles. He stated that the parking fund had been mentioned as the City's contribution, and if these vehicles were circulated between the Beach and the Downtown it would cause individuals to park in the City lots, and revenues would be increased. Therefore, this would not be a cost to the system because the demand for transportation would have brought about additional revenue.

Mr. Goodman stated that their experience indicated that if a commitment was made to transit, they would have the opportunity in the future to work with the delegation and appropriations to have millions of dollars in discretionary money that would come as a reimbursement.

Commissioner Moore stated that he felt one other step had to be a part of this. He stated that the first step was that they had to make the person want to use mass transit, and the way to do that was to deal with the possibilities of increased parking costs in those areas. He continued stating that they needed to encourage the use of such lots and garages. He felt their goal was to come up with a mechanism that would encourage mass transit usage, and he felt they would have to make additional contributions to making the vehicle attractive with convenient schedules and routes.

Mayor Naugle stated that in order to cover the City's expense, there could be an increase in parking revenues in the system, a contribution from the fare box, along with advertising revenue.

Mr. Goodman stated that the vehicles could also be used for special events that would provide additional revenue.

Mr. Partington explained that as a result of this discussion, they would schedule a resolution adopted by the City Commission. He explained that 4 elements were involved. He congratulated Mr. Goodman in getting the \$1.5 Million earmarked. He further stated that the position of Assistant to the City Manager had been eliminated due to the budget, and that resource had worked on the administration of the TMA. Therefore, they were presently short of resources.

Mayor Naugle stated that since the monies were available and for purpose of discussion, would it be worthwhile to meet with the DDA and see if they wanted to cover the responsibility realizing they would be reimbursed.

The Acting City Manager stated he would prefer that because there was a present problem with staffing, and he did not want to add an individual to staff to deal with this issue.

Commissioner Moore reiterated that he wanted quality, and the DDA had not proven to him that their selection of the TMA to do Downtown transportation had been a sound decision. He stated that he had raised this issue many times in the past, but nothing was done. He stated he would prefer finding a person that the Federal grant would pay for to do a quality task that was needed. He stated that what was being received from the TMA had never met his satisfaction, and he realized other individuals were satisfied with their performance. He reiterated that he had not seen their dedication to creating an instrument that would allow the public to feel they had a timely, quality, and well-operated mass transit system. Then, they could piggyback for the DDA to be the applicant and recipient of the monies, and continue to do what they had unsuccessfully done in the past. He reiterated that he would not agree to that and felt the City needed to be in control.

Commissioner Hutchinson stated that one of the Assistant City Manager positions had been paid for out of the City Manager's budget, but crossed departmental lines. She asked why could they not use some monies from the grant to offset an existing person's salary and again cross-departmental lines. Mr. Goodman stated that was a possibility.

Cecelia Hollar, Acting Public Services Director, stated that position had been moved into fire and police, and there was a long list of work for such individual. Commissioner Hutchinson stated she was not specifically referring to a certain individual. Ms. Hollar explained that based on the workload, they would have to retain someone. She added they had other mass transit operations in place at this time that the individual had been working on.

Commissioner Moore reiterated they needed to develop a program to meet the City's desires and staff an individual so they would have a better chance at success. He felt that was the road they should travel.

The Acting City Manager asked if the \$75,000 was a one-time deal. Mr. Goodman replied it was a one-time deal integrated into the grant. The Acting City Manager stated he did not have a problem coming up with the money because it could come from the parking revenue, and could be included in next year's budget. He felt they had to make sure they moved forward with their eyes open.

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

Mr. Goodman stated that he understood the City's administrative demands in regard to the TMA's oversight, but in his experience he believed if they found the right individual who would be dedicated to transit, there were resources available annually beyond the budget that could be relied on. He gave the Convention Connection as an example and explained the budget they had put together utilizing a variety of resources was how they had done this. He explained they had incorporated a strong administrative marketing component in that which was theoretically TMA, but he believed it would be possible to do that. He felt the cost for that individual could be shared by at least 3 entities, and the annual impact would be miniscule.

Commissioner Moore returned to the meeting at approximately 2:15 p.m.

Mayor Naugle asked the Acting City Manager to bring back a recommendation to the City Commission when they were presented with the resolution, along with the Letter of No Prejudice.

Mr. Partington stated that there were two other things that he wanted to flag to the Commission. He stated that about a month ago, they had received a report from the Parking Division regarding their finances. He reminded the Commission that their capital reserves were depleted and they were attempting to rebuild them. Therefore, they were concerned about the commitment to be made over the next several years. Mr. Partington continued stating that starting in 2004, the budget called for a contribution of approximately \$150,000 per year from the Parking Division.

Mr. Partington further stated that this earmark had initially arose out of the beach study for enhanced transit. He stated there might be a revision presented to the Commission regarding the scope of the work the consultants were doing regarding beach transit and remote parking.

Commissioner Moore asked if they would be able to obtain that from the beach CRA. Mr. Partington stated it was not a funding issue, but more of a scope of work and what they were expecting from the beach study and beach transit system. If it came to a funding issue, then possible that could be done.

Mayor Naugle asked if this could operate on weekends and could parking in the Downtown be utilized for the Beach, which would supply additional revenue for the parking system. Mr. Partington confirmed. Mr. Goodman suggested they could possibly park Downtown, but ride the transit for free. Mayor Naugle reiterated they could possibly utilize more existing facilities, and still increase revenues.

Commissioner Moore stated their goal should be not to have a fare box for at least a 24-36 month period. He stated this was to change a practice and felt that should be the last mechanism to be used.

Mayor Naugle stated that staff could explore the possibilities and make a recommendation. He asked if there was a time line involved.

Mr. Goodman explained that the money would lapse on September 30, 2004 if it was not obligated. He stated they needed for the Commission to act as quickly as possible.

Action: Resolution to be scheduled for the February 3, 2004 City Commission Meeting.

I-D – Fort Lauderdale Historical Society

Chuck Adams proceeded to introduce Bill Crawford, Chairman of the Fort Lauderdale Historical Society, who would give a presentation. Then, Art Bengochea would explain the concept plans.

Bill Crawford, President of the Fort Lauderdale Historical Society, stated that Joan Mikus was also present and was their Executive Director. He added that Art Bengochea was also Vice-President of the Fort Lauderdale Historical Society, as well as their architect.

Mr. Crawford stated that within the last 5 years the Historical Society had raised over \$5.2 Million in capital funds, and had secured a \$1 Million cash endowment. He further stated that their programming had been exceptional in the last year, and they had collected a lot of local history. He stated that under their Voices of the Past Program, they had received a grant funded in part by the Community Foundation of Broward County, and they had taken their old reel-to-reel audio tapes and had them converted to CDs. He explained one of the first ones they had done was a speech by Carlton Moore given on September 22, 1988. He also stated they had digitized the voice of Eulah May Johnson, Betty Mae Jumper, Ivy Stranahan, Mrs. William Marshall (wife of the first Mayor), Tom Bryan, and Archie and Molly Robbins. He stated that last year they had also held a map exhibit.

Mr. Crawford announced that on February 10, 2004, they would hold the second of a series of Hotels of Fort Lauderdale Luncheon to be held at the New River Inn. He stated they would be covering the 1930's and 1940's hotels, and the social and architectural histories. Gerry Howard Burrey, Las Olas Bridgetender's daughter, would be talking about the floating hotel that existed in the City in the 1930's. He further stated that Elizabeth and Professor John Hill, III, would be talking about the Hill Hotel, and Mary Gore would speak about the Governor's Club Hotel. He added that other presentations and discussions would be held. He stated that these luncheon series were being recorded by the Broward County Performing Arts Center so a history record could be made.

Art Bengochea, Vice President Fort Lauderdale Historical Society and architect, stated that they were requesting the \$100,000 that had been put in escrow by the Riverfront developers for use in the historic district. He explained they were looking to complete their master plan and create a plaza where a parking lot now existed between the King Cromartie House and the Philomen Bryan House. He stated they wanted a multi-use plaza and pavilion that could also be used as an outdoor classroom. He announced that approximately 5,000 high school students came through their facility each year.

Mr. Bengochea stated they were presently in the process of working with the DDA in terms of improvements they were scheduled to make along Second Avenue so they could have a unified façade from the Hoke Heritage Center to the New River Inn. He proceeded to show drawings done by Ed Stone, Master Planners. He stated they would have to go through the approval process with this project, and today's presentation was in regard to obtaining the \$100,000 so they could move forward with the project.

Mr. Bengochea advised they were about 80% completed with the Hoke Heritage Center improvements that included building handicap ramps, renovating bathrooms, air conditioning, lighting, and creating a library reading room. He stated they also had a special collections room and a curator was putting information into the computers. He added they were also in the process of having their photographs digitized so they could be accessed on-line. He stated that once the building was completed, they would then begin the sidewalk and landscaping improvements.

Mr. Bengochea stated that the Philomen Bryan House would be their next goal, and they were attempting to obtain funding for sprinklers because they wanted to move their offices at that location. Then, the Philomen Bryan House could be used as a gift shop for the museum and possibly include a coffee shop or ice cream shop.

Mr. Bengochea continued stating that they had recently completed installing handicap ramps at the King Cromartie House with funds from the Einstein Foundation. He added that ramps were also built at the School House. He proceeded to show photographs of the project, including photographs of the pavilion. He added that the pavilion would be composed of the same rusticated stone that was used on the New River Inn. He stated that a volunteer by the name of Rocky Lombard had created molds for the stones. Mr. Bengochea stated that the area could also be used for special events.

Mr. Bengochea stated that they wanted to unify the property and market it as a tourist destination.

Mayor Naugle thanked the Historical Society for their tremendous work.

Action: Approved as recommended.

I-E – City Manager Recruitment

Russell Campbell, MGT, stated that they wanted to accomplish a couple of things today. He stated they had just gotten into the process, and apparently in the beginning there had been some communication snafus between them and the ad hoc committee. He advised they had been responsible for those snafus and had met with the committee at 7:30 a.m. today, and now roles and responsibilities had clearly been defined. He introduced Mark Kurfman, Project Manager, for this project.

Mr. Campbell stated that in talking to various individuals in this organization, the Commission, committee members, and community groups, along with employees, he felt they needed to put a few issues up front on the table because it would ultimately impact what happened down the road. He stated there was no doubt in his mind that they would come back with a highly qualified and skilled individual for the City Manager's position.

Mr. Campbell stated that when they began putting together the profile and assessment of this organization, it was clear there were a lot of dynamics within the organization at play. He continued stating that they needed to find an individual who would be skilled at being a consensus builder, good and effective communicator, and someone with a clear vision as to how to lead and transform an organization. He stated that one did not reinvent or transform an organization incrementally. He explained that one started from the top down and bottom up. He felt there were a magnitude of issues in this organization that needed to be addressed, and it was important that such conversations start. He stated their main concern was that this individual would drown when they came in and began sorting through the issues and concerns currently taking place within this organization. He felt they needed to start looking at the organization from a structural standpoint, and begin taking the steps towards reorganization.

Mr. Campbell further stated that there were staffing and allocating of resource issues within the organization, combined with fiscal issues which had arisen. He advised that he was a former City Manager and had also done executive searches for large organizations, and he had put in a great deal of research in addressing these issues. He felt that if he had to capture the sentiment of the employees, it would be that they were thirsty for leadership from the executive level within the organization. He added there was a definite morale problem that was beginning to bubble. He felt there were also productivity and efficiency issues crossing the organizational lines, along with the allocation of resources. He stated they had asked for some explanation of the budget process because they had heard from various individuals that the process needed to move quickly.

Mr. Campbell continued stating that the last thing the City wanted to do was to make a haphazard decision, and then 6-8 months down the road the City would have a worse problem. He reiterated they needed a person that would be the right fit to address the circumstances they were currently dealing with in the City. He felt if that required additional time, then it would be time well spent.

Mr. Campbell stated that one of the things they had discussed with the interim City Manager was budgeting and process procedures, and felt it was time to move towards a zero based budget. He stated further that they needed to put together the structure and framework of how the organization should look. He felt the bulk of the City Manager's time should be spent listening to the Commission and the public, and discovering their needs and wants. They would, therefore, need a structure in place where the day-to-day operations would be getting done.

Commissioner Trantalis asked if that should not be the job of the new City Manager to identify the strengths and weaknesses of the organization. He added that many vacancies had occurred at top-level management positions. He felt that would give the new City Manager the opportunity to build his team.

Mr. Campbell replied that they needed to place the boxes where they were needed. He would then fill-in such boxes, but the foundation needed to be repaired before he arrived. He stated there were now better ways to do things. He reiterated that he saw levels of frustration on many faces of the employees. He stated the organization had an inherent value at this point in time to set up the building blocks and the foundation based on internal and external needs, put such structure in place, and then the new City Manager could deal with its implementation. He felt to ask someone to come in from the outside

and take on such duties, while still maintaining daily operational responsibilities, would be a huge challenge.

Mr. Campbell stated they had asked some individuals how they would measure the productivity within one or two departments, and their answers were not quickly forthcoming. He felt they should have been able to do that, but the processes were not in place. He stated that the Commission should not take what he was saying as being critical or negative because every organization reached a point when it was time to re-evaluate and reassess how they did business. Some of the things which happened in the City during the last 6-12 months had forced these issues to the surface. He remarked there was now a great window of opportunity. He reiterated that someone needed to come into the City and hit the ground running.

Mr. Campbell stated that there were a few things he wanted to point out as to where they were going. He stated that so far they had done an organizational assessment, and put together an initial position description, along with a candidate profile. He stated they were asking the Commission to review this information and provide feedback because they wanted to receive such information by January 30, 2004 so they could then begin the advertising and marketing campaign for the position.

Mr. Campbell stated that they expected to have the position nationally advertised by February 6, 2004. He stated that they were to receive the committee's input by the end of next week. He advised they had begun looking at the benefit and compensation package and recommendations had been made based on what was occurring nationally. He stated they were looking at comparable communities around the country, along with size and demographic data to see what type of issues they were facing and looking for similarities. He stated if they could find a candidate who was presently employed and was "battle-tested" somewhere else, there was nothing wrong in seeing if that person was ready to make a move. He stated that a major benefit in hiring an outside executive search firm was that they had many contacts throughout the country. He advised that they had already received a dozen or more inquiries and received about 3 telephone calls per week about this position. He felt there was not going to be a problem locating an appropriate candidate.

Commissioner Hutchinson left the meeting at approximately 2:48 p.m. and returned at 2:51 p.m.

Mr. Campbell further stated that they expected to receive about 150-200 applicants, and they wanted to rank the top 20% of the number received, and then put together a strength and weakness profile for each individual. Then, they would bring that back to the committee for their feedback and ranking. He advised that a scoring process would be used to narrow down the list to about 7-10 applicants. He stated they would probably do initial interviews through video conferencing and lower the list of candidates down to 5-7, and from there they would have face-to-face interviews, and finalize the list to about 5 of the best qualified applicants. He explained they would then like to bring the top 5 candidates before the City Commission, and "whittle down" those 5 to the candidate that would be selected for the position.

Mr. Campbell stated that one did not have to be a rocket scientist to do executive recruiting. He further stated that two reasons why an organization of this size should bring in someone from the outside to assist in their selection was that they had large

amounts of information that might not be readily available to others, and they could put together a list of top-notch applicants without bias. He explained they had a vested interest in making sure this was a successful engagement.

Commissioner Trantalis left the meeting at approximately 2:53 p.m.

Mr. Campbell advised that they would be forwarding information to the City this Friday. He stated that they had been working with Pam Brown and she would distribute the information to the Commission. He stated they were going to attend every ad hoc committee meeting from now on until conclusion of the project. He stated they were being attentive to the City's budget process and would move as prudently as possible.

Commissioner Trantalis returned to the meeting at approximately 2:55 p.m.

Mark Kurfman, Senior Consultant and Project Manager, stated there were a number of stakeholders involved in the process which were the City Commission, ad hoc committee, employees, unions and the community. He proceeded to review the scheduling timetable that Mr. Campbell had presented in regard to this project. He reiterated they were expecting feedback from the Commission in regard to the job description, profile, advertising, and compensation and benefit package. He stated that discussions were still to be held in order to decide how the interviews would be conducted. He emphasized that the final selection of the candidate would be up to the City Commission.

Mr. Kurfman stated that they needed input also from the employees, unions, and the community-at-large in terms of the organizational assessment, and the candidate profile. Mr. Campbell reiterated that they wanted to receive comments from the Commission on an individual basis.

The Acting City Manager stated that there was a question as to the role of the ad hoc committee in the process. He further stated it was questioned if they would have input regarding the profile and whether they should accompany the entire process. He stated that this presentation assumed that the committee would accompany the entire process, including the selection of the 5 finalists. He asked if the Commission was in agreement.

Commissioner Moore stated that he had a problem with that recommendation. He felt their input was needed, and they were dealing with the screening. He felt when it got to reducing the applications, he was not sure if they should go as far as what was presented today. Personally, he felt the committee would do the profile and offer the expertise of their management skills, but when it came to the elimination of candidates, he was not sure if he wanted to include them.

Mr. Campbell stated they were advocating for the committee to go through the minutiae and detail of reviewing the resumes in order to get to a working number of 5 finalists, but they would present all the resumes to the Commission for their review. He stated that since the committee was comprised of a cross section of the community, they would have a vested interest in finding the type of leadership that was needed. He felt the more people included, and the more inclusive the process, it would better serve the City.

Commissioner Moore stated it was his opinion that he wanted the community input, but he was not sure how to use them in the elimination process.

Commissioner Hutchinson stated that when they had discussed this matter at the October 28, 2003 Commission meeting, it had been her intention to have this committee follow the process to the end. She stated it was ultimately the Commission's decision as to who would be hired. She felt everyone would be privy to the applications, and she had always envisioned that this committee would be a part of the process from the start to the finish. She felt they could offer input in regard to the interviews also.

Mayor Naugle stated that if a candidate did not show on the list of the 5-7 but the Commission wanted to discuss additional individuals, he hoped there could be a system whereby such names could be added to the list. Mr. Campbell stated they would also develop a list of names with a brief description stating why they had not been included in the top 20%.

Commissioner Trantalis stated that the ad hoc committee should "whittle down" the list and bring it forward the finalists. He stated further that he would prefer that the committee did not rank the semi-finalists and felt that was the Commission's responsibility, but he felt they needed their assistance.

Commissioner Teel stated that she felt the ad hoc committee was an important part of the process because they were the community representatives, and she was relying on their input. She felt there was a good group in place. She stated that in regard to the ranking, the matter was still going to come before the Commission for a final decision, and therefore, she was comfortable in them ranking the candidates as long as the Commission would have the ability to pick from the entire list.

Ed Barranco, Chair Ad Hoc Committee, stated that they had reviewed the minutes of the Commission meeting which had created the committee, and one of the things specifically mentioned was that they were only to narrow the field to 5 possible candidates, but they would not be grading or ranking such candidates.

The Acting City Manager stated that Pam Brown had been acting as the liaison between the committee and the contractor. He asked if the Commission wanted her to continue in such a position, or would they prefer personnel to get involved. Mayor Naugle stated that he preferred that someone from personnel got involved who had experience in dealing with such situations.

Commissioner Moore asked for some further clarification, and then agreed that Human Resources should be involved because he did not want to place responsibility upon an individual who was not used to dealing with such issues.

Action: Human Resources would be in contact with the contractor.

Mayor Naugle announced that a request had been made to next discuss the neighborhood capital improvement program.

I-I – Fiscal Year 2003/2004 Neighborhood Capital Improvement Program (NCIP) Proposed Projects

Action: Approved as recommended.

I-F – Village at Sailboat Bend Development – Damage to Trees on S.W. 14 Avenue

Mayor Naugle stated that he had asked that this item be placed on the agenda because he had received an e-mail in regard to a complaint, but the e-mail had been omitted from the back-up information, and therefore, he was distributing it now. He explained this was a case where Lennar had hired a contractor to install infrastructure, and the contractor had gone on private property and destroyed trees in a natural resource area. He stated the contractor was not authorized to be in that area. He reiterated that it was actually a criminal activity to trespass on the property. He further stated that the answer he had received from engineering was the following:

“Contractors have to clear trees and right-of-way for placement of sanitary storm sewer and then install road base. There was little the contractor could have done to avoid this impact.”

Mayor Naugle stated that he disagreed with the statement, and felt that for the City to have knowledge of a contractor engaging in criminal activity by destroying private property should never be accepted. He further stated that he did not want to be part of a City that was willing to look the other way when a contractor did engage in criminal activity. He stated they would not allow Lennar or their subcontractors to destroy property, and he hoped that he never received such an e-mail again. He hoped that a better job could be done by the City, and that this never happened again. He stated further that this subcontractor was supposed to be inspected by City inspectors.

Commissioner Moore left the meeting at approximately 3:13 p.m.

Cecelia Hollar, Acting Public Services Director, stated that she agreed, and they would do whatever possible to prevent this from ever happening again. She further stated that they had cited the contractor and Lennar, and she agreed there was no excuse to violate the law within this City.

Mayor Naugle stated that the damage could not be corrected because native species had been present in that area. He reiterated that criminal activity had taken place, but his argument was that the City had been very cavalier about the situation.

Don Wilken, property owner contiguous to this project, stated that he wanted to know how the City was going to approach any mitigation. He asked if trees were going to be donated to the City, and if an additional fine would be placed on them.

Mayor Naugle stated that they would check into the matter. He asked if the developer was being a “good neighbor” during the construction. Mr. Wilken stated he did not want to speak on behalf of the entire neighborhood, but he had asked engineering to have the contractor put more road fill in and it appeared there had been a good response. He stated that the recent rain had helped keep the dust down, and the trees in the area also assisted in keeping the dust away.

Commissioner Moore returned to the meeting at approximately 3:17 p.m.

Mayor Naugle asked if water trucks were being used to minimize the dust. Mr. Wilken stated that occasionally they were doing so, and possibly more could be done when the weather was dry. He added that the quicker they got in and got out, the better.

Ms. Hollar asked Mr. Wilken to contact her directly if there were any future problems at the site. She further stated that both Lennar and the contractor had been cited, and the matter was now in the code enforcement realm and fines would begin to accrue. She added they would be working with her office in respect to responding to the mitigation plan. She stated there were additional fees for the after-the-fact tree removal.

Bruce Chatterton, Planning and Zoning Services Manager, stated there was a Mitigation Plan that had been prepared by Dave Gennaro, Chief Landscape Plans Examiner, which estimated about \$17,000 to execute it, in order to cover the 9 trees that had been removed, along with the 18 that had been damaged or abused in the process.

Mayor Naugle asked how far into the property had the contractor trespassed. Mr. Chatterton replied that it was clearly outside of the right-of-way.

Dave Gennaro, Chief Landscape Plans Examiner, stated that some of the trees were close to the right-of-way line, but many were well inside on private property.

Ms. Hollar added that they were also being fined by the County. Mr. Chatterton stated there was a settlement hearing with the County scheduled for January 29, 2004, and a public hearing to be held on February 19, 2004. Mr. Gennaro added that the January 29th hearing would be at 9:30 a.m. at 218 SW 1st Avenue. He stated that the information would be sent to the Commission.

Mayor Naugle asked what was being done to assure that contractors would not engage in such criminal activity in the future.

Ms. Hollar explained that the first issue was that the City's field inspectors needed to do a better job, and staff had discussed this issue.

Commissioner Moore left the meeting at approximately 3:23 p.m.

Ms. Hollar added that unfortunately they were not able to control the contractors and what they do, but what everyone should learn from this was that if they saw something going wrong, the City should be notified immediately. She felt code enforcement would then proceed to fine them and work would be stopped at the job site.

Commissioner Hutchinson stated that she disagreed, and she felt they needed to find a way to control them better. She felt they needed to get a better handle on people who were doing business in the City.

Mayor Naugle asked if a City inspector had been present when this happened.

Hector Castor, City Engineer, stated that to his knowledge one was not present. He reiterated that they had a resource issue, and explained they had 2 right-of-way inspectors, but only one of them was available at this time. He stated if they received approval, they wanted to fill the other position temporarily.

Commissioner Hutchinson asked if any of those individuals had been moved to WaterWorks 2011. Mr. Castro replied they had not.

Mayor Naugle asked about requiring permit fees and expenses for inspectors from the developers. Ms. Hollar replied that they were currently charging certain fees, along with some cost recovery involving overtime. She felt that they needed to look at a possible Construction Manager, and this should be looked at as a resource issue and a function. She stated they were researching this issue, and she felt there were a number of ways to fund such a position. She stated they had been working with the construction industry and had advised them of the City's regulations, and how critical it was that they be followed so these incidents would not occur.

Mayor Naugle stated that possibly an agreement could be prepared stating that if a contractor or developer began a project and violated the laws of the City, the job would be stopped.

Commissioner Teel asked if any pre-inspections were done of the sites to see if there were significant trees or other native vegetation.

Commissioner Moore returned to the meeting at approximately 3:25 p.m.

Mr. Gennaro stated that the damage on 14th Avenue was done in the right-of-way, and they had received a survey afterwards. Mayor Naugle remarked that they had been identified in the City's Comprehensive Plan as an NRA. He further stated that someone in the Department needed to read that Plan.

Commissioner Hutchinson stated that they had added a separate natural resource area in the PUD for Lennar, and asked if this was part of that area.

Lisa Maxwell, Lennar Homes, stated the damage was not done in that area. She added that they took this matter very seriously and accepted full responsibility for it. She remarked that this was an accident. She explained that the backhoe driver had done the damage in a short period of time, and rumor had it that he was also Captain of the Exxon Valdez. She stated that he was being dealt with accordingly. She reiterated that the damage had been done, and they were fully prepared to face the County and the City, and deal with the issues in terms of mitigation and paying fines, along with pulling the permits after-the-fact. She stated that she was very cognizant of making sure they could proceed with the project. She reiterated it was very important that they be in and out of the neighborhood as quickly as possible. She stated they were working very diligently to complete the project. She explained they had taken steps to provide better supervision and involvement on the site, and less reliance on the contractors for that purpose. She reiterated that they took full responsibility for this, and were prepared to deal with the issue.

Action: Mitigation Plan to be drawn up and presented to the neighborhood. Update to be provided to the City Commission regarding the payment of fines.

I-G – Broward League of Cities (BLC) – Intergovernmental Relations Group

Commissioner Hutchinson stated that concerns had been raised, and a list had been provided to the City Commission of questions and items they wanted a response to. She encouraged the Commission to respond to this information. She added that there was discussion in regard to R-4 that had been approved at the previous Commission meeting.

Mayor Naugle asked if she wanted to rescind that item. Commissioner Hutchinson confirmed and stated that she wanted that done until the League would make a decision.

Commissioner Moore stated he would support rescinding Item R-4. He stated that the methodology used in that resolution was giving Broward County too much input into the City's process. He stated it also gave them a clear indication that the City supported their position, and he felt it would be appropriate to rescind the item. He stated that in regard to the items on the list dealing with redevelopment opportunity, he felt the County was making recommendations that would impact the municipal entity and home rule. He felt they were overstepping their bounds. He stated there were only 2 counties in the State of Florida that had the opportunity to review the Comprehensive Plans. He stated they needed to have further discussion with them to attempt changing the process. He also stated that staff needed to follow and make comments to the issues in the document from the Redevelopment Committee.

Commissioner Hutchinson asked if staff could review the questions, and bring back answers to the next Commission Conference meeting. She announced that the next meeting of the intergovernmental relations group was scheduled for February 26, 2004. The City Attorney agreed.

Commissioner Moore stated that the Broward League of Cities had sent out numerous opportunities for the City to respond on these issues, and reiterated that they had not received any such responses. He felt any response required by the City be acted upon.

Mayor Naugle stated that he believed some information had been sent to Mr. Johnson.

Commissioner Moore stated it was embarrassing when the group consistently stated that correspondence was being sent to their municipal entity, and no response was being received. He felt this should be a high priority and responses sent out in a timely manner.

Mayor Naugle stated there was a question on the list regarding impact fees, and asked if any other county was requiring a city to not issue permits if such fees had not been paid. Commissioner Moore replied that there were only two chartered counties in the State, which were Hillsboro and Broward. He did not believe Hillsboro was utilizing this as their methodology. He reiterated they needed to rescind the resolution dealt with at their previous meeting.

Mayor Naugle asked if the Planning Council had met yet regarding the County's involvement regarding density on the Barrier Island. Commissioner Moore stated he believed that meeting was to be held on February 19, 2004.

Commissioner Teel stated that the other item to be discussed by the Planning Council in February was regarding the unincorporated land by the Executive Airport. She reminded the Commission that they had taken the position that the zoning should not be changed from industrial to residential.

Commissioner Trantalis left the meeting at approximately 3:35 p.m. and returned at 3:36 p.m.

Commissioner Hutchinson suggested that possibly a letter should be sent to the Planning Council regarding the Commission's position on that matter. Commissioner Teel stated that the County Commission had voted to forward it without any comments. She reiterated it was important that this Commission's feelings be made known to the Planning Council.

Mayor Naugle asked for a letter to be sent, and that someone from the City's Planning Department attend the meeting. He further stated that the issue on the agenda was a recommendation to the Planning Council of the County playing a role in the approval of development on the Barrier Island, and having some sort of say over development in the RAC.

Kim Jackson, Director CRA, stated that they were aware of the matter.

Bud Bentley, Assistant City Manager, stated that he had a copy of a resolution they thought was to be on the County's February 10, 2004 agenda that would severely impact the CRAs. He stated that this item would be included in the February 3, 2004 discussion.

Mayor Naugle stated that this item would be discussed during the CRA meeting.

Commissioner Trantalis stated that on October 14, 2003, the Board of County Commissioners initiated a proposed text amendment to modify the Broward County Land Use Plan to remove the Barrier Island from the exemptions for compatibility reviews. He remarked that this item was on the agenda for tomorrow's meeting.

Commissioner Hutchinson left the meeting at approximately 3:37 p.m.

Commissioner Moore stated that he realized they would continue to have home rule, and any move the County was making to diminish the City's role in being the final decision maker as to how their community should be developed was out of bounds.

Commissioner Trantalis stated that no specific language was being recommended for amending the process for the RAC, but it was an opportunity for the County Commission to hold a public hearing regarding this matter. He added there was a recommendation being made regarding the Barrier Island.

Mayor Naugle remarked that he felt Senator Geller was on top of the matter regarding the Barrier Island proposal. He stated that he was not sure if that office was aware of the matter regarding the RAC, and suggested that be done.

Commissioner Hutchinson returned to the meeting at approximately 3:39 p.m.

Mayor Naugle asked how many cities had RACs. Commissioner Trantalis proceeded to read the cities that had RACs. Mayor Naugle suggested that a possible coalition be formed with those cities.

Commissioner Moore stated that through the League of Cities Redevelopment and Governmental Relations Committee, they had member cities as part of addressing this matter, but stated that this City was not a part of that group. Communications had been sent, but this City had not responded.

Bruce Chatterton, Planning and Zoning Services Manager, stated that there were a number of issues they had been attempting to schedule a conference item for, and the County was presently doing their Evaluation Appraisal Report (EAR) and staff had made some comments. He remarked that some of the specific issues, some of which dealt with the RAC, had to be brought to the Commission for discussion and those issues would be scheduled in the near future. He further stated that there was an ongoing problem with the Planning Council because the agendas were posted on line less than a week in advance. He suggested that a regular monthly meeting be held a week before in order to review the agenda. He added that they were aware that they had done a Barrier Island study a few months ago and staff had been monitoring the issue, but he was not aware that the item had been placed on their agenda.

Commissioner Trantalis stated that possibly he should request to have this item tabled since they had no advance warning.

Mr. Chatterton stated that there were several cities concerned about the implications regarding home rule and regulation being at the County level. He stated that 5-6 cities had formed a consortium to deal with these issues, and he felt the question was whether this City shared issues with them and should they join with that group.

Commissioner Moore stated they should be placed on the agenda, and the EAR report was very important.

Mr. Chatterton remarked that from a policy standpoint, this item would be scheduled in the near future.

Commissioner Trantalis stated they wanted to add the Barrier Island as an area they would be allowed to include considerations on, such as public school facilities, affordable housing, urban landfills, and special residential facilities. Previously, this area had been excluded, but now they wanted to expand their jurisdiction.

Action: Rescind Item R-4 which was approved on January 6, 2004, at tonight's Regular Commission meeting. Resolution tabling the Barrier Island and RAC items be presented at the Regular Commission Meeting.

CLOSED DOOR SESSION

MEETING RECESSED AT 4:10 P.M.

MEETING RECONVENED AT 4:45 P.M.

I-J – Code Amnesty Program

The Acting City Manager stated there was a question as to whether the program should be extended to property owners not in compliance, and extending this amnesty period for 30 days. He stated there was a question as to whether they should pay 25%, but have an additional 30 days to bring their properties into compliance.

Mayor Naugle stated that the program should only be extended to property owners who were in compliance.

Commissioner Hutchinson asked if the committee wanted to present their suggestions.

Jon Albee, Vice-Chair Amnesty Committee, stated that this would give Code the opportunity to clean-up. Historically, he announced they were collecting about 30% of liens and fines. He added that in regard to Item No. 2, he agreed that the City was not a bank, but the idea was that if there were problems information would be provided, but they would not get involved in funding. He urged the Commission to adopt the program. He stated the issue before them was in regard to information, and for this program to be successful, they had to market it properly. He stated that there was a problem with the merging of data.

Mr. Albee continued stating they were proposing to send a letter consisting of the amount owed, and the settlement amount. He asked for the Commission to make this matter a priority. He explained that phone banks were also being set up, and PSAs would assist in distributing flyers.

Mayor Naugle suggested that they review each item. He stated they had already discussed that the property owners had to be in compliance in order to be eligible for this program. He reiterated they were not going to do not-for-profit loans.

Commissioner Moore asked for some further clarification regarding not-for-profit loans. Mr. Albee stated that the committee would only provide information. They understood that the Bank of America had some type of program, but they were not aware of the details. Mayor Naugle remarked that it was hard for the City to endorse a private company. Mr. Albee added that the information given to the Commission had not been written clearly. He stated that it would be the responsibility of the property owner to pay their fines.

Mayor Naugle suggested that the information also be available in Spanish and Creole. The Acting City Manager stated he would prefer to have the information translated. Mayor Naugle stated that the Acting City Manager would sign the letter because he was not in support of the amnesty program. He added that normally he did not sign administrative matters regarding code.

Mayor Naugle stated that once this program had expired, the Commission would not negotiate such liens in the future. He agreed to the holding of a press conference.

Commissioner Moore stated there were reasons that individuals had problems with the payment of their liens, and he did not feel that negotiations should be stopped.

Commissioner Trantalis reiterated that a burden needed to be placed on the property owner.

Commissioner Hutchinson stated that there had to be a reason for them to come in between February 1, 2004 and March 1, 2004 to pay the 25%. She added if they could "roll the dice" and come before the Commission on March 3, 2004 and maybe only pay 15%, then they wasted time and effort. Commissioner Hutchinson reiterated what was going to happen on March 2, 2004 in regard to these properties.

Mayor Naugle stated that it could be stated that once the amnesty period was over, the City Commission would be reluctant to adopt any further negotiations regarding liens, or would only consider unusual circumstances.

The City Attorney stated that his office made some suggestions regarding the letter that was to be sent. He stated that one of the changes they had recommended was the deletion of the language regarding future negotiations of liens.

The Acting City Manager stated this was not the letter that was to be sent, and was only subsequent policy that was to be reviewed by the Board. The question was, what would happen on March 2, 2004.

Commissioner Moore stated the individuals were being given an opportunity to receive a reduction of 25%, and if they wanted to then "roll the dice" that would be up to the property owner. He stated it was not appropriate for them to offer something and then state that further negotiations could not be held with the policymakers. It was not good government, and he did not think they were living in a Third World Country.

The Acting City Manager stated that concerns had been raised regarding future negotiations. He continued stating that the first question was should there be future negotiations, and the next question was whether the Commission should be involved in such negotiations. He stated that other cities had delegated that authority to the City Manager regarding such settlements.

Commissioner Trantalis suggested that matter be discussed further in the future.

The Acting City Manager stated that some of the language in the letter had been obtained from Tallahassee.

Lori Milano, Director Community Inspections, stated that they had thought of mailing the letter to all property owners, including those in compliance and those not in compliance, so maybe some owners not in compliance could possibly correct their violations and encourage more compliance.

Commissioner Hutchinson suggested that more information be included in the letter regarding compliance.

Commissioner Moore suggested that the letter not be sent to individuals who were not in compliance. He reiterated there was already a backlog for permits, and to have such individuals running in and claiming they attempted to get a permit to correct their violations would only add to the problems.

Mayor Naugle stated they had to send the letter to all property owners with liens on their properties.

Commissioner Hutchinson reiterated they needed to add the compliance language into the body of the letter.

Ms. Milano stated they had merged the database and were about 99.9% ready.

Bruce Larkin reiterated that they would do whatever necessary to meet the deadlines established by the City Commission.

Ms. Milano stated they would be mailing out about 2,000 letters, and stated they had removed lot clearings, board-ups and demolitions.

Commissioner Trantalis stated that the issue regarding the farming out of legal work was very important.

Mayor Naugle stated that the City Attorney could make a recommendation regarding this item in the future. The City Attorney stated they were now going along two different paths. One was turning things over to a collection agency, and if that did not work they would put together a different program. Mayor Naugle remarked that by turning over the matters to a collection agency, it would then affect the people's credit. The City Attorney confirmed and stated the debts would be properly reflected.

Commissioner Moore stated that these were individuals who in some cases had taken corrective measures, but the fines kept running. Now, they would have to deal with collection agencies, and he was not comfortable with that aspect.

Commissioner Trantalis felt this matter warranted further discussion.

Commissioner Trantalis left at 5:02 p.m. for the remainder of the meeting.

Commissioner Moore stated there were no guidelines offered by the department at this time.

Mayor Naugle stated that extra monies that would be collected were to be placed in the General Fund.

The Acting City Manager stated that he felt any claims on the monies collected should first go towards the administrative costs for the program, and up to \$550,000 goes to the Police Department. Anything over those amounts should be considered as additional revenue. He reminded everyone that this was a "one-shot deal" which had an impact on this year and the following years. He added that he had no problem with the volunteers running the phone banks, but there had been some indication regarding individuals going door-to-door, and he did not think that was a good idea and could be a dangerous situation. He reiterated there should be a script so everyone would be giving out the same message.

Mayor Naugle reiterated that there should be some supervision from the City. He proceeded to thank the Committee for all their work.

Action: Letter to be sent to all property owners owing liens. The City Attorney would make a recommendation to the Commission on February 17, 2004 or March 2, 2004.

I-H – Save Our Swales (SOS) Stormwater Program

Commissioner Moore stated there were a number of opportunities where this initiative had worked well in the City. He stated that the City's position was that they had to acquire the property owner's permission to go on the swales, and he did not understand

why they had to do that. He stated there were guidelines regarding the maintenance of the swales, and if they were located in areas where flooding took place, the quality of life had to be maintained for the entire community and not just for an individual swale. He reiterated this was a low-cost method for dealing with stormwater and it worked. He added that other communities wanted to do this program.

Commissioner Hutchinson stated that she represented an area that had flooding problems, and reiterated that this program would not solve those problems. She stated her other issue was in regard to funding because if the City required this, then the \$730,000 would go beyond \$1 Million. She asked how could they take a voluntary program and make it mandatory, when no monies were available.

Commissioner Moore stated that \$730,000 was available and they had targeted a problem area, and therefore, put the monies in those communities.

Mayor Naugle stated that staff would not recommend doing this in an area where swale reclamation would not be a tool to solving flooding problems. He stated if there was a consensus in a neighborhood for the program, then he would support this being made mandatory. He also stated that they needed to make sure that all of the funds in the stormwater fund would not go to the swale reclamation program, and that funds be left for problem areas.

Commissioner Moore stated that they needed to come up with a formula for the communities impacted by flooding so when the 2011 project began everything could be done at once.

Mayor Naugle stated the funds could be acquired through assessment or a contribution from stormwater funds.

Commissioner Teel stated they should not raid the funds for WaterWorks 2011. Commissioner Moore reiterated that he felt the assessment concept was the appropriate way to do it.

Commissioner Hutchinson stated if this was made mandatory, she felt they would see more neighborhoods wanting this program. She stated she would only support this program if a contribution was to be made by each property owner. She stated the crews were going to be overtaxed even more.

Commissioner Moore reiterated it was the same as blacktopping and could be done on a time line.

Cecelia Hollar, Acting Public Services Director, stated that the key issue was also enforcement.

Mayor Naugle suggested that a pilot program be initiated where sewers were already in place.

Commissioner Moore stated they needed to consider a two-wheel on/two-wheel off parking requirement that had been previously discussed. He stated that some housing did not have the capacity for an additional or curbed driveway for stacking. Staff had stated that this program would allow the water to rollover into the swale area and then

percolate. He explained they had attempted to do a pilot in Lauderdale Manors and 2400 letters had been sent, but at the last minute they had backed out due to 18 individuals not wanting the program.

Commissioner Teel suggested that possibly a pilot program be done in a smaller area. Commissioner Moore suggested Riverland be used for the pilot.

Karl Shallenberger, Environment Program Coordinator, stated they had identified a number of streets and they were doing a 6-month pilot program.

Mike Bailey, Assistant Utilities Director Operations, stated that he understood the program, but was concerned about the maintenance involving the swales. He proceeded to show photographs of swales maintained properly and those not maintained.

Mayor Naugle asked if they had used other ground cover besides grass. Mr. Bailey stated he did not believe so, but possibly they could use beach sunflower.

Action: Pilot Program to be initiated.

II-A – Project 10032 – 24-Inch Raw Water Main – Peters Road and S.W. 45 Avenue – Construction Claims by ARZ Builders, Inc.

Mayor Naugle stated that he asked for this matter to be placed on the agenda, and in looking at the evidence he felt the City put this person out of business. He suggested that the Commission consider a small amount to be given to the individual so they could possibly resume their business.

Cecelia Hollar, Acting Public Utilities Director, stated they had met with the person and reviewed all documentation. She stated the person had gone to Court and sued the supplier of the material and various incidents were involved in this matter. She stated it was her understanding that the individual could have cross-claimed the City if he felt they had caused the problem with the supplier. In meeting with the surety, it was in their best interest to recapture as much from the City as possible so they could recoup their investment. She explained that they were asking for additional documentation so they could look further into the matter. It was indicated to her that he had provided all documentation available for the Court case, but had not retained any copies. She remarked they were being placed in an awkward position to say whether they could substantiate the matter because they were responsible for public monies and could not pay monies without proper records.

George Aboujawdeh, President of ARX Builders, Inc., stated that all documentation had been submitted. He was surprised the City was still taking a backwards position on this matter. He stated they were much further along on the issue, and he had met with Ms. Hollar previously. He stated further that all documentation had been submitted for over the last 3 ½ years. He stated he was still being asked to pay about \$49,000.

Mayor Naugle continued stating that the City was not “clean” in this matter and the matter had dragged on for a long time. He suggested that someone from the City Attorney’s office meet with the bonding company and negotiate a settlement whereby they would free this individual of the amount for a nominal fee.

Commissioner Teel asked if they would only deal with the bonding company, and therefore, not require any additional documentation. Mayor Naugle stated there was sufficient documentation supplied that showed the City had not paid for things they were obligated to pay for. Mayor Naugle stated he was suggested they pay a nominal fee.

Commissioner Moore stated if the City was not going to do what was appropriate to do, then they should do nothing. He asked how this matter should be handled.

The City Attorney stated they needed to review the matter further because from the City's perspective, they had a contract and the project was not completed and the bonding company had been called in. They completed the project and then sued the City.

Mayor Naugle reiterated that the contractor had completed the project, but then the City sat on the bills for years, and therefore, put the company out of business. He emphasized that the City's hands were not clean.

The City Attorney reiterated that he had been under the impression that the job had not been completed by the contractor. He stated they would review the matter further.

Hector Castro, City Engineer, stated that this was one of the most arduous projects that had occurred during his tenure with the City. He stated the project was not done satisfactorily, and included a dispute between the City of Plantation and the City of Fort Lauderdale for poor work. He stated further that claims had been made by property owners, and he reiterated this was not a good job. He stated he would have to check and see who the completion contractor was for the job.

Commissioner Moore stated if the person was unwilling to produce the necessary documentation being requested in order to come to some sort of closure on this matter, then the issue would never be resolved. Mayor Naugle stated that he had submitted the requested documentation and a person could only be required to keep things so long.

George Aboujawdeh stated there had not been any problems on the job, and the problems that had surfaced were due to the City.

Ms. Hollar asked for some further clarification regarding the \$49,000. Commissioner Moore stated if the City was in the wrong, the matter should not be settled for \$49,000 because the person deserved a fair consideration, and this matter should be handled in a different manner.

Action: City Attorney's office to review and bring forth a recommendation to the Commission.

II-B – Proposed Purchasing Contract Extensions for the Second Quarter of 2004 (April to June)

Action: Approved as recommended.

II-C – Monthly Financial Report

Action: No action taken.

III-B – Advisory Board and Committee Vacancies

Audit Advisory Board

Mayor Naugle stated that he wanted to appoint Mark Burnam to the Audit Advisory Board.

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

Aviation Advisory Board

Mayor Naugle stated that he wanted to appoint Christopher Pollack to the Aviation Advisory Board.

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

Board of Commissioners, City of Fort Lauderdale Housing Authority

Mayor Naugle stated that he wanted to appoint Robert Kelly.

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

Budget Advisory Board

Action: Deferred

Code Advisory Committee

Commissioner Trantalis appointed Alexander Heckler to the Code Advisory Committee.

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

Code Enforcement Board

Commissioner Hutchinson stated she wanted to reappoint Larry Hayes and Bob Young to the Code Enforcement Board.

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

Community Appearance Board

Action: Deferred

Community Services Board

Commissioner Hutchinson stated she wanted to appoint Marie Conroy to the Community Services Board.

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

Downtown Development Authority

Action: Deferred to the Regular Commission Meeting.

Economic Development Advisory Board

Action: Deferred

Insurance Advisory Board

Action: Deferred

Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Action: Deferred

Parks, Recreation, and Beaches Advisory Board

Commissioner Moore stated he wanted to reappoint Shirley Small and Rosalind Osgood.

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

Unsafe Structures and Housing Appeals Board

Action: Deferred

Utility Advisory Committee

Action: Deferred

OB - Land Preservation Appointment

Mayor Naugle announced that Commissioner Hutchinson's name had been put in for the Land Preservation appointment. He announced a resolution would be adopted for this matter at the Regular Meeting this evening.

IV – City Commission Reports

State Route 84

Commissioner Hutchinson asked if anything had been stated regarding the Commission giving their nod about the property on State Route 84 so it could be moved forward.

The City Clerk stated that it was reflected in the minutes.

Code Enforcement

Commissioner Moore proceeded to give the Acting City Manager photographs of code violations discussed previously, and stated they were still existing at this time. He stated that he had recently discovered they did not have a Policy Procedure Management Manual of how individuals were trained to perform code enforcement jobs in this City. He felt that was part of the problem regarding code violations. He stated that he wanted to see a draft by Tuesday, and then wanted a final document completed for the February 2, 2004 meeting.

V – City Manager ReportsOvertime

The Acting City Manager stated that a memorandum had been distributed to the Commission regarding overtime and the monitoring procedure being used. He announced that the overtime was reduced by 42% since last year at this time.

Mayor Naugle asked for a summary of the final audit report regarding overtime to be given as a Commission report so input could be given.

Commissioner Hutchinson stated they were receiving a lot of memorandums regarding overtime and suggested that they be discussed further.

There being no further business to come before the Commission, the meeting was recessed at 5:45 p.m.