

COMMISSION CONFERENCE**March 2, 2004**

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COMMISSION CONFERENCE

1:35 P.M.

MARCH 2, 2004

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

Also Present: Acting City Manager
City Attorney
Assistant City Clerk
Sergeant At Arms – Sergeant Dave Wheeler & Sergeant Abrams

I-A – City Clerk Recruitment

The Acting City Manager stated that the Commission had reviewed the applicants. Commissioner Hutchinson stated that the 3 finalists were present at today's meeting and could supply a brief synopsis.

Jonda Joseph stated that she was from the Midwest and had met with the Commission. She stated that she had lived in Florida since the early '70's. She added that she had municipal government experience and had spent some time in Miami, and was ready to make a commitment to the City of Fort Lauderdale.

Wendy Mathison stated that she had been an Assistant City Clerk in California and had been working in Lauderdale-By-The-Sea and in Deerfield Beach. She stated that she was looking forward to serving the City of Fort Lauderdale.

Linda Cohen stated that she was from Portland, Maine, and had been a City Clerk for 15 years. She added that she had enjoyed meeting the members of the City Commission.

Mayor Naugle stated the Commission needed to decide how they were going to rank the individuals and conduct the voting process. He reminded everyone that all votes would be part of the public record. He added that Bud Bentley, Assistant City Manager, would serve as Supervisor of Elections.

Commissioner Trantalis stated that he had reviewed each candidate, but he was not sure how to grade them. He added that anyone hired who already lived in the State would have less of a learning curve in the position, but it was important to have a person who had experience. He added that it took a certain type of person to handle this position and work in the vast bureaucracy.

Commissioner Moore left the meeting at approximately 1:41 p.m. and returned at 1:42 p.m.

Commissioner Trantalis further stated that such an individual had to maintain a level of professional attitude and be part of a team. He explained that he had given a lot of thought to both sides. He stated it was important that this person be able to interact with people. He advised that he also had been able to get a third-party response in regard to one of the candidates.

Commissioner Hutchinson stated that they had been able to interview 3 finalist candidates who had been well qualified for the position knowing the "shoes they had to fill." She further stated that this person would have to surround themselves with qualified

staff. She added that Lucy Kisela had been a team leader and that there had been a lot of work that went through that office.

Commissioner Hutchinson stated that during the interviews of the candidates, she had looked at their experience, and she also had been able to have a third-party conversation regarding a candidate. She added that she had also spoken with Lucy Kisela in order to receive her input regarding the candidates. She further stated that she felt each candidate would do a good job whoever was chosen.

Commissioner Moore remarked that he was concerned how the Commission was going to proceed with this matter, and the procedure used to make their selection. He stated he did not want a concept where they would change how the numbers were scored. He further stated that all 3 candidates were well-qualified, and he wanted to understand how they were going to be ranked.

Commissioner Hutchinson stated that they should put down whom they wanted for City Clerk as No. 1. Commissioner Moore stated it would be best to deal with the lowest number, and the individual would then be ranked based upon the count. Commissioner Teel stated that the person selected would be ranked No. 1 getting 1 point, and the person that was ranked third would get 3 points. Mayor Naugle confirmed. Commissioner Trantalis confirmed that the individual getting the most points would lose.

Mayor Naugle stated that Lucy Kisela had surrounded herself with very qualified and competent people such as Jeff and Donna, who would play a big role in filling in the new person. He added that the new person would also bring in some new skills to the position.

Commissioner Teel thanked all three of the candidates for coming in and meeting with the Commission. She added that everyone was very qualified which made their jobs harder, and she had been very impressed with their qualifications and personalities and willingness to share their information.

Mayor Naugle stated that while the votes were being counted, they would proceed with the next item of business.

I-B – Conduit Issuer Bonds

Boe Cole, City Treasurer, stated that Steven Chapman, Assistant Finance Director, would make the presentation since Terry Sharp was at jury duty.

Steven Chapman stated that the City was occasionally called upon to do conduit issuer bonds that meant that bonds were issued to a non-profit organization, but in order to receive the tax exempt status, they had to have a governmental entity as their sponsor. He stated the question was whether the City wanted to be in this type of business and do this. He explained there had been issues in the past where the City had done this. He stated that it took additional staff time to do this, and there could be contingent liabilities in case the issue defaulted. In some cases, he explained the City was named in the bonds, and in other cases it was not, but based on references received from their bond counsel that in the event of a default, the bond holders tended to go out to whoever they could get money from. He stated that was the issue before the Commission at this time.

He stated that staff was recommending that these issues be put on hold and send them to Broward County's Development Authority and have them be the conduit issuer.

Commissioner Teel stated that she had heard that by having the City named, they would not be accepting liability. Mayor Naugle agreed they had been told that in regard to the last one that had been done, but there was a new Finance Director.

Mr. Chapman further stated that anyone could be sued.

Commissioner Teel stated that the Henderson Clinics worked very well and she had great respect for them, but Broward County had a big Human Services Department and worked with them closely in many efforts and asked should they not be the ones to sponsor this.

Mr. Cole stated they had not been told why they had not gone to the County, and it was preferable that they do that because they were geared up to do it since they did it more frequently. He stated they were an infrequent issuer for this type of debt. Commissioner Teel stated they worked with the non-profits all the time, and they received a huge amount of money from the Federal Government, and she felt that would be more appropriate.

Commissioner Trantalis stated it did not make sense to a co-obligor on these bonds and asked if the prospectus specifically spelled out that the City would not be obligated on the bonds. Mr. Chapman confirmed. Commissioner Trantalis stated he did not know if there was any case law that suggested even if it specifically stated that they were not obligated, if Courts still found municipalities obligated.

The City Attorney stated that he was not aware of any case where the documents were written to say that the City would not be obligated and held liable. He explained that the problem was that the City's name was on the bonds, and then it became a matter of reputation. It was an appearance item more than anything else that could cost them in the market. The question was whether they wanted to be in that market and set standards for such a market. A standard could be set that stated if there were bonds sold to bond holders that they did not want to be involved. The City could participate if there was a letter of credit or other private financing. He stated that earlier he had spoken to Terry Sharp regarding this matter. He stated if the City got into this type of business, then people would come to them more frequently regarding this.

Commissioner Trantalis stated that it was difficult for non-profit organizations to raise money, especially for capital expenditures. He stated that he realized there were some foundations out there that did give money to non-profits for capital improvements and land purchases. He felt if there was a way to insulate the City, there could possibly be some merit to the fact that if they opened a separate bond fund, not so much for a specific non-profit but in order to establish a pool of money that non-profits could apply to, and it was identified as a fund separate and apart from other bonding obligations the City had, he did not personally think it would effect the name of the City. He felt it could be a wonderful thing for them to consider and help the non-profits flourish in their community because they added to everyone's quality of life. He stated that he was not saying today was the day they should do it, but he did not want to say it would be bad business for the City because in the end it could help the City in trying to maintain the dignity and respect of many non-profits.

The Acting City Manager stated that the problem might not be in the prospectus, but could be in the secondary market where people would not have the prospectus in front of them when making some of their decisions 4-10 years down the road after the issuance of the bonds.

Commissioner Trantalis reiterated that the bond itself could state disclaimers. The Acting City Manager further stated that a lot of times the investors looked at who the insurers were, and did not normally go back to the prospectus. He stated that he had bought bonds in the past, and did not necessarily look at the prospectus. He further stated that even if there was not a risk, it would not stop someone from suing the City and did not stop the City from having to enter litigation and spend large amounts of money. Commissioner Trantalis advised that those amounts could be factored into the cost of the bond to the non-profit. He felt they should not close the door on this opportunity because he felt this could help the communities.

The City Attorney stated that primarily these came with their own bond counsel, and the deal was normally already made and they were only looking for the tax exempt status. He explained the City charged a fee for doing this. Mr. Cole advised that typically they charged about \$30,000. The City Attorney stated they covered administrative costs, and sometimes outside bond counsel also reviewed these.

Commissioner Trantalis asked if they could get more insurance. The City Attorney explained that could be a criteria if they decided they wanted to be in this business, but it had to be a 501c(3) of a particular kind that delivered a particular type of service that had insurance over the bonds or did not have a bond issuance, but private financing through a bank. Commissioner Trantalis reiterated he felt this was worth looking into. He explained further he was not attempting to incur additional obligations or liabilities for the City, but if they could do this as a service for the community, he felt there were a large number of non-profits who were not able to borrow money because they were not bankable.

Steve Ronik, CEO Henderson Health Center, stated that an organization like theirs tried to put as much money as possible into direct service, and as little money as possible into other costs, especially occupancy, by obtaining bond financing where they could get a lower interest rate than what they were able to get with traditional bank financing. He explained they needed a government sponsor. He stated they looked to the City because they felt they had an outstanding relationship with the City. He further stated that the City had always been very supportive and had actually given them grants and contracts to renovate some of their facilities. He added that Henderson Health Center had been in the City since 1953 and were the oldest and largest non-profit provider of community based behavioral health care services in South Florida through to the Keys. He stated they had a track record of accomplishments in the area. He advised that they were looking for the City's partnership in regard to this matter, and stated it would help them put more money into services so they could help more individuals.

Commissioner Moore asked if they could get this same type of bond guaranty from the Broward County government.

Gary Johnson, Trip Scott, stated that he had served as bond counsel for both Broward County and in the past for the City of Fort Lauderdale. He stated these types of bonds

were common in the market place. He explained that in the title of the bonds, there would be a parenthetical that indicated which project was being financed, and was made clear to the market place. He explained the only way to sell these bonds would be based on their ratings, unless they privately placed them. The protection for the City from the sale of the bonds involved the rating process, and in order to get that rating, Henderson Health Center had already committed with SunTrust to obtain a Letter of Credit. He further explained that most of the time the pass-thru was done with a letter of credit or bond insurance or something similar, and the bondholder was protected. He stated there was a risk between the bank and the Health Center, but the bondholder would get paid unless SunTrust had a problem.

Mr. Johnson further stated that Broward County had a process through a Health Facilities Authority that issued bonds. He stated that some of the costs structured with that such as separate bond counsel, disclosure counsel, and fees connected with that, made it more attractive to talk to the cities. He hoped the Commission would consider this and they could work through this matter with them. He explained they were under some tight timeframes. He stated they had talked to the County and understood their process, and they could be relegated to that if there were no alternatives, but he felt it would be difficult to meet the timeframes involved.

Commissioner Moore stated that the County offered and solidified all social services, and he added that Henderson was an extremely quality-run operation. He stated the Center was located in his District and he had worked with them in the past. He stated that he did not believe they should cross the line, and if the County offered them the opportunity to do the bonding, then he would prefer to have this Commission encourage them to utilize such an opportunity. He stated he did not want to find himself in the position stated in their backup materials, as well as from the City Attorney. He felt they should be wholeheartedly supportive of the County "stepping up to the plate," and he felt that could be done by issuing a Resolution at tonight's meeting.

Commissioner Teel stated that she respected this organization, and if it was going to be a hindrance to them financially and time wise, then she wanted to consider that maybe this would be the last one the City did, thereby giving everyone headway and notice because the County's process took longer. She felt they should rethink what had been done, and not refuse anyone at the last minute.

Commissioner Hutchinson stated she was not sure if they should be in the business of doing this, and at the same time they needed to encourage non-profits to succeed. She reiterated that the County already had a process in place, and her concern was staff time knowing that staff was smaller and times were harder. She was concerned about the amount of staff time that would be involved. She stated she hated to say no, but she felt they should support this only with a resolution.

Commissioner Trantalis stated if there was a consensus to do nothing more than a resolution, then it was alright with him.

Mayor Naugle asked who had the better credit rating, the City or the County. Mr. John stated he did not know, but explained it was not the City's credit rating that they were sold on because the City was not obligated. He further explained the only way they got the bonds rated was if there was a bank or an insured that was accepted in the market place.

Action: Resolution presented for support of this item at the Regular Commission Meeting.

I-A – City Clerk Recruitment

Continued from Page 1

Mayor Naugle announced that Linda Cohen had been selected by the Commission as the new City Clerk. He further stated there had been a tie for second place. He continued stating that the City Attorney and Mayor would now have to come back with a contract.

Commissioner Hutchinson stated that the matter of the contract had been discussed at the last meeting. The City Attorney confirmed and stated that he and the Mayor had been assigned to negotiate the contract. Mayor Naugle stated if they could not agree on the terms, then they would have to go to the second place candidates.

The Commission congratulated Linda Cohen.

I-C – Tower Apartments – Update on Possible Acquisition and Use

Bruce Chatterton, Planning and Zoning Services Manager, stated that at the Commission's February 3, 2004 meeting, a presentation had been made suggesting that the County acquire the Tower Apartments site to be used for the Broward County Historical Commission. He reminded everyone that Christopher Eck of the Broward County Historical Commission had given the presentation. He stated that Commissioner Moore had a number of questions that he wanted answered, along with additional information to be provided. Therefore, Mr. Eck was back before the Commission to address those concerns.

Mr. Chatterton explained that the body of the memo consisted of notes provided by the County. He further stated that he wanted to clarify that the site was zoned RMM-25 which was residential, and they would probably have to rezone in order to accommodate this. He stated further if everyone agreed that this would be a proper use for the building, then it would not be a major challenge.

Mayor Naugle asked if there was a problem with the County's Land Use Plan. Mr. Chatterton replied there was no problem. Commissioner Hutchinson stated that she had been told there did not need to be a zoning change. Mr. Chatterton explained that he had double-checked on that matter. He explained further the current use was allowed under RMM-25, but an institutional use for an office would require them to go to one of their public purpose zoning districts for that, but if everyone agreed that should not be a major issue.

Mr. Chatterton stated they had also been asked to look at the tax roll implications. He advised that removing the parcel from the tax roll would have a negative impact of about \$8,300 per year at this time.

Christopher Eck stated that the Chairman of the Broward County Historical Commission, Chris Ryan, was also present to address the Commission's questions.

Commissioner Trantalis stated that one of his concerns related to traffic for the area.

Mr. Eck explained there could be a combination with the parking area that was available. He stated their staff was small and they would only be using one floor. He advised they presently had less than 6 people. He stated that mostly they would have research space making it more accessible to the public. The space on the other two floors could be used by other County offices in the interim. He stated there was ample parking for their staff at this time. He hoped it could inter-relate with the surrounding public parking, and with the potential removal of a small building in the back that was not part of the historic structure. He advised that half-a-block back was public parking, and possibly the shuttle buses going through the Downtown could be accommodating as well.

Commissioner Trantalis asked if the individuals who now lived there had cars. Mr. Eck replied that most did not have cars. Commissioner Trantalis stated that it was not now an issue. Mr. Eck replied that some staff had cars. Commissioner Trantalis stated there would be an impact in terms of more traffic to the area. He stated his concern was in regard to the shortage of parking already in the area, and if public parking spaces were to be consumed and used by the individuals of this building, he did not want it to interfere with the commerce taking place on Las Olas. He reiterated that he wanted this to happen, but they needed to deal with this problem up front.

Commissioner Hutchinson stated that she had the same concerns. She further stated that the County had an existing garage. She felt this was a great project and she supported it, and if the County had to "step up to the plate" to trolley the employees to the building, then they needed to do it. She stated if they were going to utilize a facility located in the heart of a mixed-use area, they could not impact an already impacted parking area. She stated there was not enough public parking at this time. She felt the parking needed to be part of the deal.

Commissioner Moore stated that this had been an issue he had raised previously which had not been addressed in the materials provided to the Commission. He stated that he had also asked who might be the other tenants in the building. Again, that was not elaborated in the backup. He stated further that it appeared there was neglect on their part providing the information, or maybe it was ignored because he had been the one to ask such questions. He stated if it had been a concern to him previously, why were his questions not answered properly in the report so an intelligent conversation could have taken place.

Mr. Eck apologized and stated that they had provided information regarding the building, but had neglected to provide some information into the memo since he knew he was going to attend the meeting and could address the concerns himself. He stated that there were no other County agencies proposing to go into this building at this time. He reiterated that he had spoken with County Commissioner John Rodstrom this morning and the question of parking had been raised. He stated that knowing there were a certain inherent number of spaces on the lot that could more than accommodate their present needs, along with accommodating any visitors, but not knowing who might also be tenants in the building, they had planned on expanding over time the parking situation and had also hoped that the shuttle would become more a part of the project.

Commissioner Hutchinson left the meeting at approximately 2:13 p.m. and returned at 2:14 p.m.

Mr. Eck further stated that there was a small building on the site that could be removed and help to increase spaces for parking. He stated that there was also public parking behind Las Olas one a half-a-block away. He reiterated their office would only be used during regular business hours for the most part. He further stated that since the City had discussed hiring additional historic preservation staff, they would offer space in this building to accommodate such staff. He stated that viewed that as a partnership.

Commissioner Teel asked if there was a way to condition the parking in case other offices would move in.

Mr. Chatterton stated that what Mr. Eck was proposing was a feasibility study, and the draft resolution would call for a feasibility study. He suggested that the issues of parking and traffic, along with any other issues the Commission wanted to include, should be part of the study, and that it not just be a financial and physical feasibility study. Also, he stated that the study should be discussed with the Commission before moving forward.

Commissioner Teel reiterated that was very important and it would make it clearer what would work and what would not work. Mr. Chatterton stated that everything would have to be added to the resolution.

Commissioner Moore thought they had discussed the possibility of looking into historic designations by the City, but he was not aware of any position being added. He thought they were looking at options regarding outside contracting. He felt it was important to understand the uses that would take place in this building, and if some of the uses would have more of an impact on the parking. He felt what was being proposed still left a "gray" area. He felt if it was going to be a County governmental area, then the trolley and transportation made sense, but if they were proposing to contract out to other entities and employees entered the picture on a daily basis, then this contractual obligation might not have any merit. He felt such questions should be answered and was requesting such data because he wanted to support this project.

Commissioner Hutchinson asked if that would be part of the feasibility study. Mr. Chatterton replied it could be.

Mr. Eck stated he did not want to get too far ahead looking into such matters because if the City was not going to offer any type of support to begin such a study, then he could not invest his time. He advised that he dealt with preservation issues throughout the entire County and assisted the City on a weekly basis in such matters, and to devote time on potential issues would be moving too far ahead. Again, he apologized that he had not fully addressed all the issues, but explained they would be addressed in a feasibility study.

Mr. Eck stated further that they had spoken to the Civic Association, along with the President of the Beverly Heights Civic Association. He added if they had any additional concerns, he would be happy to address them.

Richard Mancuso, President Beverly Heights Civic Association, stated they had a love/hate relationship with this property. He stated they loved the building, but the use

had major negative impacts on the area over the years. Since the market had weakened, it gave them the opportunity to save the building. He further stated that no one was more sensitive than his or her Association as to the impacts of parking and traffic for the area. He stated they wanted to make sure that whatever use would be placed at that building that it would have a minor impact on the neighborhood. He stated they wanted to create a "win-win" for the property owner, and they had avoided having the property declared historic out of respect for the owner's property rights. At the same time, they needed to balance the needs of the community and the needs for the future use of the property. He stated that Mr. Eck had indicated that the building could become a resource for the neighborhood as well in regard to meeting space. He further stated that he was open to discuss this matter and make sure the Commission's concerns were addressed, as well as those of the neighborhood.

Mayor Naugle stated that they had a lot to gain in this matter and he felt they needed to find a way to make this work so it would minimize the impact on the neighborhood, but still be able to preserve the building.

Mr. Mancuso stated that last week they held the groundbreaking for the Himmarshee Court Apartments that had taken a long time, and he reiterated that in conjunction with the efforts of the Las Olas Company, Dr. Harry Moon, and the Hubert Family, they were able to save the remainder of the building. He felt it would be a real coup for the neighborhood and the Downtown to have these historical structures preserved and be a resource for the community.

Commissioner Moore stated if they could look at the number of parking spaces available at the site at this time, and knowing the square footage of use space, possibly they could offer the historic group information to allow them not to consider various entities as tenants so they could capture what was presently available.

Mr. Chatterton clarified that he wanted them to look at the tenant mix and the impacts that would be created. Commissioner Moore stated he also wanted to see the parking required for various uses such as restaurant use in comparison to office use, and encouraged them to exclude uses that would impact the area.

Mr. Eck stated that he was willing to state that the Historic Commission did not want to enter into the restaurant business, and he was willing to propose to the County Commission, who would eventually decide on this matter, all the suggestions mentioned by the City. He stated there were great uses along Las Olas and they had no intention of competing with those, but they were trying to create a resource that would be the pride of the City and County in regard to historic preservation. Mr. Eck stated he would not be able to attend tonight's meeting due to their having their board meeting at the same time. He stated if the Commission desired they could provide another representative to attend. Commissioner Hutchinson stated that was not necessary.

Action: Resolution to be presented at the Regular Commission Meeting.

I-D – Participation in Meetings via Communications Media Technology

The City Attorney stated that this item had caused a great deal of discussion. He further stated that in the past there had been occasions where one or more of the advisory boards had used telecommunications technology in order for members to attend. He

explained that one of them used the technology in order to obtain a quorum which he had indicated in his memorandum could not be done. He explained the statutes permitted, along with the regulations adopted, participation by phone if a quorum was physically present. He stated the question was raised by a member of the Planning and Zoning Board whether this was permitted. The City Attorney stated that his memo stated that there was no prohibition against this unless an applicant raised issues. He advised that the member had attended by phone and the meeting proceeded without a problem, but the issue was being brought forth to see whether the Commission wanted this to open a door that possibly they might not wish to be opened.

Mayor Naugle stated that the member of the Planning and Zoning Board who had objected to this procedure was present at today's meeting.

Gerry Cooper stated that he was not the member who objected, but he also objected to this procedure. He further stated that for the last 20 years he had had the great privilege and honor to serve on a number of City and County boards. He stated that he had been in attendance at the Planning and Zoning meeting last month where a member had phoned in. He stated he had some problems with that, but he was not the member who had objected. He explained that it was very distracting because when someone wanted to speak the button was pressed and the light came on. In this way, it was like a "voice from heaven" speaking out occasionally. He felt the Chair lost control of the meeting in that manner. He also stated that a number of the applicants brought in large presentation boards, but when seeing reruns of the meetings on computer, he did not feel the visibility was very good. He felt that would limit the applicant's ability to present their case.

Mr. Cooper further stated that since the Board was quasi-judicial, it was his understanding that the veracity of the witnesses was very important at the meeting, and he did not feel that could be done telephonically. He stated that he planned his schedule around the meetings because when he accepted the privilege of serving, he realized he had a responsibility to serve. He explained that for the Planning and Zoning Board, he believed the quorum was 5, and therefore, if a member could not make it, then so be it, but unless there were extenuating circumstances, he hoped everyone would schedule their calendars around the meetings or permit someone else to serve that was interested and felt it was important to attend the meetings.

Commissioner Hutchinson stated that coming from an activist level, everyone encouraged public participation. She reiterated that this was 2004 and people did go out of town. She stated the Courts permitted participation by phones or some sort of media, and she felt they needed to set a policy, but cautioned the Commission to tread lightly because it would also affect their meetings. She felt that people should not be chastised because they might not be able to attend a meeting due to unusual circumstances. She further stated that the applicants should be notified, along with the board members. She reiterated that they did need a policy in regard to this matter. She felt they needed to catch-up with technology. She suggested that possibly they set up a policy permitting someone to attend a meeting a certain number of times using such technology, but she cautioned the Commission that whatever rules were set up for the advisory boards would apply to the Commission meetings.

Mayor Naugle stated they could have a policy for the City Commission and one for the advisory boards, and even some of the boards could have different rules. He stated

further that during the discussion for the ADA settlement due to costs for closed captioning, they might have to turn-off that switch.

Commissioner Teel stated that she agreed and felt they did need a policy and they were overdue. She stated in reading the Attorney General's opinions that had been provided to her by Alan Gabriel who had a client that needed such advice. She stated such information raised many questions. She advised that in the past she had sat on the Board of Adjustment and they had alternates, so what would happen with the alternates if a regular board member decided they wanted to be a part of the meeting using such technology. She further stated another issue would be how many board members would be permitted to call in. She reiterated it was clear in the Opinions that the quorum had to be made up of board members who physically attended the meetings.

Commissioner Teel stated that what was difficult was determining the type of situation which would allow a member of an advisory board to attend a meeting through such technology. She stated that vacations would be affected, scheduling conflicts would be questioned, and how would they be determined as affecting whose schedule. She continued stating that it appeared that Butterworth and other Attorney Generals had stated extraordinary circumstances would affect the determination. Out of curiosity, she stated that she had turned on her laptop and discovered that she was running about 45 seconds behind the meeting since she was on a regular line. She remarked that everyone did not have the means to have all such updated equipment, and the question would arise should they supply the individuals with the technology.

Commissioner Teel stated that in regard to extraordinary circumstances, one of the members at the Planning Council Meeting had asked if they could attend by phone due to being ill. She felt that would fall into such a category. She stated it was distracting having someone speak during the meeting using this technology.

Commissioner Trantalis stated that this involved two things. He stated there was the factual presentation and the visual presentation. He stated the closed door sessions did not involve visual presentations and the only thing visual was the chart that had been distributed prior to the meeting. He stated that not just the visual presentations, but also the demeanor of persons giving testimony were intangibles that were important, especially in a quasi-judicial proceeding. He stated that if there was going to be a policy, it needed to be specific and airtight. He stated if outside participation was going to be permitted, then the scope had to be narrowed and clearly there had to be a representation made by the member that they had the capacity and ability to use a visual device. He stated further he did not know if it was their responsibility to offer such a service, and would argue against allowing this except for extreme circumstances because as long as a quorum was present, they could make decisions. He felt they would be deluding the integrity of a board or a council if they permitted it to happen on a regular basis.

Commissioner Teel added that she felt it was important that notice be a part of this discussion.

Commissioner Hutchinson asked if they had talked to other municipalities as to whether they did this or not.

Commissioner Trantalis left the meeting at approximately 2:40 p.m. and returned at 2:42 p.m.

The City Attorney stated that they had not spoken to other municipalities about this issue, but would check into it further. He reiterated that they did not have a policy in this City regarding this matter at this time.

Mayor Naugle suggested that this not be allowed for the quasi-judicial boards, and it only be done in extreme circumstances. He reiterated it could not be used to establish a quorum.

Commissioner Hutchinson left the meeting at approximately 2:41 p.m. and returned at 2:42 p.m.

Mayor Naugle further stated that there appeared to be mixed opinions regarding the quasi-judicial boards. He stated that because some people had the affordability of having these options available to them would have the option to attend the meeting while out of town, while others would not have that technology available to them. He felt a policy was needed that would be fair to everyone involved.

Commissioner Moore stated that this could be considered for extreme situations, but he did not think such technology should be used because a person was away on vacation. He added that he did not think it should be used in regard to quasi-judicial boards. He further stated since a quorum was present, it would negate the whole matter. He stated he did not object to anyone participating using such technology if they desired, but not to establish a quorum and the vote should be taken from the individuals present at the meeting.

Mayor Naugle clarified that it was being said a member could participate in a board meeting using such technology, but could not participate in voting. Commissioner Moore agreed. He stated he was concerned about the fact that if a member of the Planning and Zoning Board thought issues were going to be addressed at a meeting that were important enough to make them want to participate by such technology. He suggested that a policy should be put in place stating that this type of technology would be used in extreme circumstances. He believed such people should not be able to participate in the voting.

Commissioner Teel stated that a lot of individuals on the boards would fly back to town for meetings and admitted doing so herself over the years.

Mayor Naugle stated it was not easy to make all meetings and next month it would be his 19th year without missing a meeting.

The City Attorney stated that he would prepare a policy and bring it back to the Commission.

Action: Proposed policy to be presented to the Commission for approval.

I-E – Public Services Department – Construction Management

Cecelia Hollar, Acting Public Services Director, stated that in an effort to improve upon how Public Services managed City construction projects, they had done an evaluation which took a comprehensive look not only at how they bid out the project, but the types of contracts afforded to them. She stated they looked also at how they administered the contracts and the construction in the field, along with looking at the qualifications of the contractors being utilized. She stated they had discovered there were a number of variables across the board, but they needed to address significant areas within their operation. She advised that with the assistance of Administrative Services, they had been coordinating many discussions to see how they could improve things and better select the contractors being used. She stated that they looked at design bid and design build and materials had been distributed to the Commission and marked as Exhibit I. Basically, she stated they found that if a project was designed in-house, it gave them better control over the end result both with the contractor, as well as what got built in the field. She stated the problem was that they had limited resources both with the number of people available, as well as skilled individuals for doing such work. She announced that in some instances, they needed to add more design professionals and would help them be more flexible and more responsive quickly when they wanted to make a change either because of something found in the field conditions, or because of a desire by the community or Commission. She added that it helped from a cost end result, as well as from a time end result.

Mayor Naugle left the meeting at approximately 2:46 p.m. and returned at 2:47 p.m.

Ms. Hollar further stated that in some instances they had to use design professionals for extra special types of projects when they did not have the skills to perform them. She stated they found in a design build situation where they can team up the design professionals, whether in-house or from outside, with the contractor early on in the process helps to avoid delays and cost overrides. She stated the problem with that was that those projects were a lump sum and the accounting was difficult, and it became a contract administrative problem.

Ms. Hollar continued stating that they then looked at the idea of a construction manager or management at risk, and the closest thing they had to that was what was being done with WaterWorks 2011. She stated they did not have the ability today to actually do the concept of construction manager at risk. Basically, she explained that was where they hired professionals who would then be liable for both the scheduling and the cost overrides. She stated further that their experience with WaterWorks 2011 had been very good, and they had learned some lessons and were changing things with their outside team, as well as in-house team, as to how it was being managed. She reiterated that ultimately the City was still responsible. She remarked it was still a good tool and a necessary one to use when there were large projects such as WaterWorks 2011.

Ms. Hollar stated they then looked at contract administration and found that they needed to add on resources in order to do a better job of contract administration. She stated they did not have that at this time. It would be a team effort and she had spoken with Bruce Chatterton and Kirk Buffington and they were all willing to work this out. She stated they needed their technical expertise in regard to contract details for the construction and engineering issues, and she remarked they needed their expertise in regard to the administering of a contract. She stated additional resources were needed, especially if

they were going to do design build in the future which required hands-on contract administration.

Ms. Hollar further stated they then looked at what some of the issues were that they would be facing with their outside contractors, and how they were being hired. She stated they had looked to see if they had any benchmarking standards when picking the low bidder. She stated that Kirk Buffington was presently working with a national organization, as well as a software program company formulating this here in the US, and they had walked through such a program with them. She explained they were setting up a database of contractors and those types of design professionals so they could be evaluated and measured, and then they could pull from the database and get information regarding their corporation, insurance, types of work they had previously done, and ratings from other government agencies. She added that this would help them and they were recommending that they continue working with that group. She stated that she felt the cost of doing business with that group would save them money in the long run, and help them to pick the right contractor for the specific job in question.

Ms. Hollar stated that the summary of their presentation was that as part of the upcoming budget, they wanted to identify both an in-house need from a resource standpoint for design professionals and in-field inspectors. She stated they then wanted to review how they bid projects from henceforth, and add the costs for those individuals. She stated they also needed to look towards additional contract administration staff, and partnering with the international organization, and at some point registering for the benchmarking of design professionals and the selection of contractors.

Ms. Hollar stated further that in the meantime they could not go back and fix how they bid projects, but they were presently moving forward with other contractors in regard to some of their current projects. She stated they had to stay on top of this and get responses from the contractors and all other individuals involved. She reiterated that they had been more forceful in their approach with the contractors, as well as with the agencies.

Ms. Hollar recommended that they finish out the projects, and that in the future they add on resources or the resource value to the bill before proceeding with any additional projects.

Commissioner Hutchinson stated that the system was broken and it was obvious from the last audit that had been done relating to the park. She reiterated they needed to find a way to not just pay the bills, and to be able to know the expense and had it been paid. She did not think there was additional staff for that, but they had to find a way to do this if they were going to continue to build projects that had their name on them so someone could be held accountable. She stated that now they were paying bills that should not be paid or building things 3 years behind schedule. She reiterated they had to find a better way to do things. She emphasized they needed to find the necessary resources if these projects were important. They had to find a way to do business differently. She stated they were now doing things with a broken system. She felt they could go back and audit every project that had been done and find that they had overpaid on the projects with public money. She further stated that she had looked at the construction manager at risk and if administrative services were needed, then the resources had to be available to do things. She reiterated that as they moved through the budget process, they had to find a way to do things.

Mayor Naugle stated that he agreed and remarked that some projects had been very successful. Commissioner Hutchinson added but there had been projects that were not successful and did not come within the budget. Mayor Naugle further stated that there was a need for some sort of clean-up regarding the code of ethics. He felt some of their problems had been in regard to the individuals involved in the projects, and the notion of doing business with people supervising had to stop. He stated that the old regime had a different moral outlook on what was right and wrong, and they needed to clean up the organization's ethics and stop the business of doing work on the side for the contractor. He stated that gave the appearance to the public that they were looking the other way and allowing money to flow out to build it. He further stated that there had been a lack of ethics in previous years. He felt there were good people working for the City, but when they saw their supervisors getting things, they wanted those things too. He stated they had to make sure the supervisors were setting the proper examples that started with the City Commission and the City Manager.

Commissioner Hutchinson asked if their budget would include how they planned to proceed. Ms. Hollar confirmed.

Commissioner Moore stated that whichever way they decided to go, it would cost a larger amount of money than what they had been utilizing. He hoped in time when they began bringing in the necessary professionals that they would not be haunted by the fact that they made the list of best paid. He stated they seemed to want to run that about every 30 days here as if it was something inappropriate to pay a person a salary that would allow them to have high ethics. He further stated that he liked the concept of a construction risk manager because it would lessen staffing, and give them the chance to address meeting guidelines and timelines. He stated that he constantly was getting inquiries regarding the Joseph C. Carter Park project. He reiterated such projects were a concern to the taxpayers. He continued stating that a way they could do this was not just by the components in their backup, but he felt they could utilize a different method of selection, and instead of an RFP process they might want to use a ULI process. He asked if possibly someone could explain the difference between the two. He felt that one allowed by cost, while the other allowed by experience. If that was the case could that be an option that could be utilized. He further stated that they were suggesting that they wanted a quality-end product that would have merit in meeting timelines.

Commissioner Moore further stated that he felt there should be a caveat in their process. He stated that often times they took small disadvantaged businesses and put them through a test of issue with bonding, but they did not do anything to review the bonding company that the major corporation was using. He stated they ended up wrestling with the bonding company regarding the completion of a project they had bonded. He felt that was more of a delay than anything else. He stated further that he preferred to deal on the front end as to which bonding companies they would accept.

The Acting City Manager stated that from the point of view regarding the code of ethics, one of the things they were putting finishing touches on was a new Code of Ethics that would be provided to all employees, and was being put forward by the Office of Professional Standards.

Commissioner Moore left the meeting at approximately 3:01 p.m.

The Acting City Manager stated they recently in the Office of Public Services had a disciplinary action that had resulted in a 5-day suspension for someone involved in the appearance of a conflict of interest. He stated they were going to be monitoring these things closer than in the past.

Commissioner Trantalis asked if in a capital improvement project they factored in the cost of a project manager.

Ms. Hollar explained that some costs were factored in, but what happened was that they did not factor in the delays. She added that sometimes designs also changed. She stated that many of those costs got added on. From her analysis and their discussions, she believed that they agreed that they needed to factor in more based on the resources that were needed. She reiterated that they needed to be more realistic about what resources a project would take. Commissioner Hutchinson stated it was now at 17%.

Commissioner Trantalis stated that in a construction project, a general contractor was hired who was to monitor the subcontractors. He asked if they had a general contractor in regard to such projects.

Hector Castro, City Engineer, stated that when they did such projects they had either an in-house project manager and inspector, or they used the consultant who had originally designed the project provide such services under their contract. He further stated that 17% was added on to each project, but he did not want them to confuse that figure with the resources that they had to manage such projects. He stated that was a number added to the project budget as a revenue to the General Fund and allowed them to transfer capital monies, but it did not equate to what they had in the way of resources to manage a construction project. In essence, everyone designer in the City was handling about 2-6 different projects simultaneously, and likewise the inspection force had similar workloads. He stated if an inspector could spend about 2 hours on a job each day that was pretty good.

Mr. Castro stated further that tonight regarding item M-11, they were asking the Commission to approve a full-time inspector for the garage because they did not have the resources available to do it. He advised the cost of that would be about \$90,000 for a 6-month period.

Commissioner Trantalis stated that obviously the in-house staff was stretched thin and there was no way there could be an oversight staff or committee to monitor each project, but it was unfortunate what had happened with the City Garage. He further stated that he hoped that was more of an exception than the rule. He could not imagine moving forward without factoring in a full-time person to handle the job. He reiterated that he was surprised how they were doing business.

Commissioner Trantalis advised that an issue which arose at every neighborhood meeting he held was the issue of design changes, and whether they were initiated by the City or Change Orders. He stated they not only cost additional monies, but also looked suspicious because they were recurring. He reiterated there were a lot of design changes listed on tonight's agenda and asked if they were staff or contractor initiated. He stated that in regard to one project a 24" pipe had been needed, but previously had been listed for a 20" pipe. He stated those things should be anticipated in designing the project.

Commissioner Moore returned to the meeting at approximately 3:05 p.m.

Mr. Castro stated that in regard to that project, they had done the project with a 20" main, but now that additional analysis was being done for wells, the computer analysis stated that if they went to a 24" main they would be able to save about \$50,000. He stated that was something where they received additional information. In terms of change orders, he explained they received requests for change orders on about a 4/1 ratio and many were rejected. He explained they were a result of different things and about 1/3 were changes the City initiated because they usually thought of a better way of doing things or unexpected field conditions.

Action: No action taken.

I-F – Hardy Park Property/South Side School

Bud Bentley, Assistant City Manager, stated that there was a team putting together the purchase of the South Side School project. He explained that one of the primary funding sources was the Florida Community Trust Grant. He stated that the things being shown today were fulfillments of their requirements, and also the basic planning processes that had to be gone through in order to identify the types of improvements that would be made over the long run, along with their costs. He explained they were working with the FCT Funding and the County, they were moving those up. He stated there was a management plan that had to be adopted, and the master plan for the site was a major component of that plan.

Cathy Connor, Parks and Recreation, stated that Scott Clark was the Chairman of the Park Committee for the Tarpon River Civic Association, and had been instrumental in getting this planning effort going, along with Commissioner Hutchinson and 7 other citizens.

Commissioner Hutchinson stated that Mr. Clark also worked for the Land Preservation Office in the County and was very familiar with the parks.

Ms. Connor stated that they had been awarded the grant in 2003, and in June and July they had began talking to the civic associations regarding the planning effort and formed the subcommittee. She explained the first thing they did was to figure out a survey to mail out to everyone. She further explained they had done a service radius around the park which was about a half-mile. She advised that 9 civic associations had been involved and they had mailed out about 7,000 surveys. She stated surveys had been responded to and meetings had been set up to answer all questions. She proceeded to show a chart of the top 15 activities listed. He reiterated that walking, jogging and tennis were the highest rated activities. She advised they had what they called a "design a park" session. She stated they considered everyone's interests and then took an aerial shot of the site, and overlaid the drawings of what everyone wanted in the park.

Ms. Connor further stated that they arrived at a rough concept plan and went to Keith and Schnars for assistance with the master plan. She proceeded to show a unified site and the vision was that they wanted a more cultural community center. She stated the focus had been shifted and it would be a combination of active and cultural uses. She explained that the site would be active and passive, and 60% of it was required to have

native landscaping with a half-mile trail through the area. She stated the sidewalks would be widened as a buffer from the traffic along Andrews Avenue, and other sidewalks installed where they did not presently exist. She stated there would also be a signature playground in one area that would be called the "boundless playground," including different playgroups based on age. She advised it would be about 20,000 sq. ft. to 30,000 sq. ft., and there would be a pavilion for family picnics and parties. Basketball, volleyball courts, and baseball fields would be included but the clay would be removed from the fields to create a multi-purpose field. She also added that the lighting would be redone. She explained there would be a greenway, along with an area for skateboarders.

Ms. Connor stated that the implementation schedule had been provided to the Commission, and that Phase I would include the design fees and costs for the buildings. She added that the price tag might be high, but they figured it was better to overestimate than to under estimate. She stated that many of the improvements had to be done in a certain number of years due to the grants.

Commissioner Hutchinson added that a zoning change would have to be done. Ms. Connor stated that she had built into the implementation phase that rehabilitation would not begin until after the rezoning. Commissioner Hutchinson stated they were presently working with the group in an effort to create a not-for-profit "Friends of South Side," so they could receive some assistance for the renovation of the building. She stated that many people in the community wanted to do in-kind services regarding construction, and other people wanted to donate monies toward the renovation of the building. She stated they were working through the legal issues and creating a board. She advised that she would not sit on the board. She further announced that one of the past Chairs of the Educational Advisory Board, John Wilkes, was assisting in the process. She felt there was community support regarding financial help so as not to burden the City with the cost.

Commissioner Trantalis stated this looked great, but he was concerned about the school building. He stated he would have preferred a private party preserving it. He further stated that in the backup material it stated: "A condition of the Broward County funding was that the City shall rehabilitate the building within 2 years." In looking at the costs for rehabilitation and the availability of funds, he asked how they could comply with such a timetable. Also, he stated that when they decided to acquire the property from the School Board and using County money, as well as City money, he had been subsequently informed that the County itself had been interested in buying the property and rehabilitating it and the building would have been saved maintaining its integrity as an historic structure. He stated he had not been aware of that, but it had been brought to his attention by a County Commissioner that would have been an option. He further stated there had been another option from a private contractor also who had wanted to build a high-rise on Andrews Avenue. He stated that they had summoned all available resources at the time to get the property, and now that they had it could they afford to renovate it, especially within the timeline being imposed upon them.

The Acting City Manager stated they wanted the two years to start after the land use and zoning issues were resolved. He added that would take about 12-18 months. Commissioner Trantalis asked if the County had agreed to those terms.

Mr. Bentley stated that such documents were still being negotiated. Mayor Naugle stated they should look for a user of the building because it was too large to just be a community center. He suggested they find a user who had the funds to restore it.

Commissioner Trantalis added that a County entity was taking it over and occupying it, and probably would be using the entire building. He stated that his impression when voting on this was that the City was going to use it.

Mayor Naugle remarked that it could be used for a Charter School, County or City offices, or a cultural facility. Commissioner Trantalis stated they could always find a purpose for it, but did the non-profits have the wherewithal to step in and write a check for the millions of dollars that were needed for restoration of the building. He stated that Hardy Park was another issue.

Mr. Bentley stated that the Mayor had talked about the different types of uses they preferred for the site, but it was important to know that they were still negotiating with both the School Board and the County to improve their ability to do those types of uses. He stated that the FCT would not budge at all on the types of uses their money would be used for, and then they still had the School Board whose use restriction was on the entire property. He stated then there were the County's restrictions. He stated their money now stated the site could only be used as an associate use for the open space.

Commissioner Trantalis stated he realized there were many people who would want to use the space, but the question was that it had to be brought to the point where it was legally useable with all changes necessary for the rehabilitation. He stated that he hated to think they would drain their CIP account and apply it to one project when there were many projects throughout the City. He added that he saw they were intending to budget \$500,000, but what would happen if that \$500,000 turned into \$2 Million because they did not have the monies necessary while still complying with the imposed timetable. He asked where was the plan.

Commissioner Hutchinson stated that she felt they would be able to comply with the timeframe if they could do it after the rezoning. If they allocated \$500,000 per year as it related to CIP money, they would have the funds for the renovation of the building. If the process did not start for 18 months or longer, then they would have monies and in-kind services through the "Friends for South Side" to rehabilitate the building.

The Acting City Manager stated that to the extent they were talking about a financing plan, they were looking at a half-million this year and next before construction started. Then, they were looking at the possibility of not only the question of a non-profit, but also getting State and Federal grants to leverage the City's funds. He added they were looking at \$1 Million for the short term, and possibly by the third year another half-million or million added on. He stated when those funds were matched to a Federal or State grant or a non-profit, they would be in the \$4 Million ballpark.

Commissioner Hutchinson stated that there were grants available, but they had to have something to match it with, and until this purchase the City had nothing to match.

Commissioner Trantalis asked what was going to be proposed for next year's budget for CIP. The Acting City Manager stated that he would propose no less than the normal amount that would have gone in otherwise. Commissioner Trantalis asked for an

amount. The Acting City Manager replied about \$2.8 Million for CIP, and \$2 Million into the accelerated CIP. Commissioner Trantalis stated he was just cautioning everyone because they were getting into a project, and he did not want to find himself in a situation where they would be stuck because there were not enough funds. He felt that going into any project, they needed to know the full ramifications and know there was an available backup. He felt they could not be taxing the citizens because they did not anticipate the result. He suggested they have a plan in place for the funding of this project without wishful thinking.

Commissioner Hutchinson stated she felt the CIP could fund the renovation along with help from the Broward County Historical Commission as it related to grant funding. She stated there were historical grant renovation dollars available to governments, but they had to be applied for and in order to apply they had to have a purchase.

Mayor Naugle felt it would take a partner that would be agreeable to the neighborhood. He did not think that the CIP could support the amount.

Commissioner Trantalis reiterated they were limited to the type of activity for the site. Commissioner Hutchinson stated that would not apply if they pulled out the purchase of the building. She added the County still had limitations regarding open space for the park.

Commissioner Moore stated that he knew they were stepping into waters of unknown depths because there was no indication of construction costs, and for that reason his greatest concern was the timeline the Commission had placed on the building. He felt they needed to approach the County now and obtain the understanding that the timeline would not begin until after the rezoning. He reiterated that this matter needed to be expedited.

Commissioner Hutchinson stated that it was her understanding that the County money was what was pushing them to do the rezoning. She stated that she understood Commissioner Rodstrom's concern in that he wanted the two-year renovation time, but it was the County's money that put them in the position where they had to go through the 18-month rezoning. She stated they had to give the City a little leeway because their land preservation money was contingent on the rezoning for public purpose or open space. She stated if their hand was forced to rezone which would be done, then the County had to give a little leeway regarding the renovation.

Commissioner Moore stated he wanted them to be aware of that now and have the discussion with the understanding of what dynamics were on the table so they could move forward. He felt this needed to be done as quickly as possible. Commissioner Hutchinson remarked that it was Commissioner Rodstrom that had put the hinge on the money because it was coming from his discretionary fund. Commissioner Moore stated that with regard to the land preservation issues and the rezoning requirement, the City needed to get the Commissioner to agree that he understood when the clock should start ticking.

The Acting City Manager stated that in order for them to have the two-year time period for construction, they needed the 1 ½ years for the rezoning, and the question was had there been an agreement with the County that the two-year timeframe would begin after the rezoning.

Robert Dunckel, Assistant City Attorney, stated that there had been an indication at the staff level that they would work with the City, but he realized that was not the same thing as having it approved at the Commission level. He further stated that the timetable they were looking at would have the interlocal agreement going to the County Commission at the first meeting in April.

Commissioner Moore stated that he felt the foundation concept was great, but they had a performing non-profit at this time that would meet all the caveats of these conditions. He stated there were two that would be viable for such use. He further stated that the Children's Theater could be a possible user at the location and this could be a great venue especially with its historic designation. He hoped everyone would consider that entity as a possibility. He further stated that the other entity could be the Performing Arts Theater, and he hoped they would also consider that group.

Commissioner Trantalis asked if a check made out to the City of Fort Lauderdale not for taxes or for municipal services would be a tax deductible contribution. Mayor Naugle stated that normally a 501C(3) was set up to receive the funds.

Commissioner Moore stated that a 501C(3) could give a tax credit. If a foundation was created with a 501C(3) status, it was more attractive to an individual making such a contribution. He further stated that the reason he urged the consideration of the Performing Arts Theater was because the players already had an affectionate relationship, as well as the funds available. He felt it would add to the opportunity.

Mayor Naugle stated that anything would be considered that would be compatible to the neighborhood and met the standards of the grants. He felt the suggestions were good ones to be considered.

Action: None taken.

I-G – Air and Sea Show

Commissioner Teel stated that she wanted some information on the entity known as Pro Series Inc. In the past, she stated she had always heard the name MDM in regard to the Air & Sea Show and asked when Pro Series became involved.

Johnny Williams, Presidents Pro Series, Inc., stated that the initial contract that had been entered into with the City in 1995 had been entered into with Pro Series. Commissioner Hutchinson advised that Pro Series, Inc. was a subsidiary of MDM.

The City Attorney stated that MDM had basically been the interface with Pro Series, Inc.

Bud Bentley, Assistant City Manager, stated that the change had been made in the first amendment. Commissioner Teel stated that she wanted to see a copy of the original contract.

Commissioner Trantalis stated that he was not sure how to read the numbers on Exhibit No. 1. He asked when it stated reimbursement to the City, which last year had been \$203,000 and this year's objective was \$231,089, was the City getting a check in that amount from the corporation.

Earnest Burkeen, Supervisor Parks and Recreation, explained the corporation wrote a check in those amounts to the City.

Mr. Williams stated that prior to the event they received an estimate each year after the amendment to the agreement in 1999, which estimated the cost of City services for the upcoming event. Then, after the show they received the bill from the City outlining their expenses for each department, and then the corporation paid the amount project. The overage would be the cost to the City, and in actuality there were no out-of-pocket expenses.

Commissioner Trantalis stated that the cost of City services last year was \$576,000, and the cost this coming year was to be \$347,000. He remarked there was a significant decrease in the amount of cost of services, and asked if less services were to be provided. He asked who was making up the difference in the services.

Mr. Burkeen stated there would be a reduction in staff being used at the site, especially in the police and fire departments. Commissioner Trantalis asked if that was a good idea.

Bob Edger, Division Chief – EMS, stated that there would be 7 less employees used this year than in the past. He stated that a total of 66 employees would be working the event.

Bruce Roberts, Chief Police Department, stated that the big roll back in their costs had been affected by Fleet Week. He stated that there were some other issues they did not have to contend with in the next year, such as the USS Cole, pre-show setups, and less employees for traffic direction. He added they were not going to do escorts for the dignitaries and military as in the past. He stated that as the show developed, they would see how things went.

Commissioner Teel asked if they were going to pay overtime as in the past. Chief Roberts confirmed. Commissioner Teel asked if the officers who were normally scheduled for those hours would receive overtime. Chief Roberts explained that those officers that were regularly assigned to the Beach would be part of the in-kind contribution. He stated that anything else brought in would have to be done on overtime basis because they could not force individuals to work details on a volunteer basis. He stated they also sent letters to other agencies for assistance, and had received a response from Miami already who was providing about 8 officers, horses, boats and other things. He reminded them that they had approved the MOU a few months ago and they would be taking advantage of that also.

Mayor Naugle stated that letters should be sent to the League of Cities. Chief Roberts stated that was a good idea and any help promised would be appreciated.

Commissioner Trantalis asked if the County had stepped to the plate to provide some services, such as the Sheriff's Department or fire-related personnel, to augment the services being provided by the City for this event. Chief Roberts stated that each year they asked the Sheriff's Department to assist and last year they had requested overtime in the amount of \$58,000. He stated that they could assume such costs themselves if they were going to pay overtime, but they were going to revisit the situation.

Commissioner Trantalis stated he was looking for other agencies to offer their services at their costs. Chief Roberts reiterated that in the past that had been done, but explained it was not a definite commitment each year. In the past 2-3 years, they had receive a lot of support from other agencies, but last year they did not receive such support unless the City paid for their overtime. He stated they were going to revisit the situation.

Commissioner Trantalis stated that since the services had been cut, could they not cut them further and still provide adequate services, thereby not costing the City anything. Chief Roberts stated he would not want to make any further cuts in services due to the size of the crowds. He felt they were at the minimum threshold at this time and still were comfortable with the service that would be provided.

Commissioner Hutchinson stated that due to how this contract was constructed, the extra \$81,000 was involved because they felt it was necessary to have a certain amount of public safety personnel available. Chief Roberts confirmed. Commissioner Hutchinson continued stating that in the next contract negotiations, she felt it would be to the City's benefit to put the burden on the promoter because it was a for-profit event. She added that the County always states the Beach belongs to the County too, but yet they never wanted to step up to the plate with any funds.

The Acting City Manager stated that the City intended to put the promoter on notice that the contract would lapse and would not be extended, and that the show would be cancelled for next year. He stated there would be a different contract or no show, and the new contract would be like other special events contract with no cost to the City.

Commissioner Trantalis stated he did not want to say that the show would be cancelled. Mayor Naugle stated the message needed to be that the contract had to be renegotiated. Commissioner Moore stated the only way to do it was to say that a new contract had to be renegotiated. Commissioner Trantalis stated he did not want the message going out that there would be no fireworks next year and then everyone gets upset. He did not believe that was the way to handle things. He felt one did not throw mud in someone's face and then expect him or her to wipe it off.

Commissioner Hutchinson reiterated that contingent on the fact that a new contract would be negotiated, then the show could go on. Commissioner Trantalis emphasized that he did not want the world to think that the Commission had just cancelled the contract at this time.

The Acting City Manager reiterated that the fact of the matter was that they had to come to a determination for next year, and they had to give the promoter 14 days notice that the City was not going to have a show next year under the present contract. Such notice would be provided, if not done already, and as a result they would schedule the first meeting in June to determine whether or not there would be a new contract. At that point, they would determine if there was to be a show or not for the next year.

Mayor Naugle stated that they needed to return with a new agreement. The Acting City Manager stated their intention was to bring back the matter at the first meeting in June because there was a time frame involved, which was 30 days after the show or the first of July whichever was later.

Commissioner Moore stated that he had met with Mr. Williams regarding cost, and there had been many issues that came to mind after reviewing that information. He stated the City offered a budgeted cost for services, but the City's end was left as an open checkbook without the opportunity of stating how the numbers could either increase or decrease. He stated the public safety issue was tantamount especially for such a large event. He stated he was concerned how they got the numbers from the Police Department regarding the services offered last year, and what was projected for this next year. Understanding that they were paying the employees time and a half, he felt that was where there was a problem with the other policing entities that stated they were doing the same work and only getting straight time. He also believed that this was a patriotic event that was well publicized giving a positive spin to the City. He stated that it also offered publicity to Broward County, who was the same entity who last week decided they wanted to tell the City how to zone things on the Beach. He reiterated that the County wanted to pick where their interest was with the City regarding such events. He felt this was an uncomfortable situation.

Commissioner Moore further stated that he wanted to know how they arrived at the figure for the actual need for an event of this size.

Otis Latin, Fire Chief, stated they had a good history with the shows, and over the years had used the number of resources at the Beach they felt comfortable with because they had to look at the Beach as a city. He stated there were still residents at the Beach who had to be serviced at that time.

Commissioner Moore asked if they could address utilization of some of the operations from the Port through mutual aid. Chief Latin replied that the Port was a separate entity, and additional pressure was placed on them to make sure their staff could handle everything. He stated that he looked at this event from the standpoint that it was a City event.

Commissioner Moore further stated that based upon the budget cuts, there would be no reflection on what they were providing as a projected use for this show. Chief Latin replied that they had reduced about 7 positions as a result of last year, and he felt it was more important to have the HazMat teams close to the Air and Sea Show.

Major Negri stated she had been involved in the setup for last year's show, and stated they had increased their staffing requirements last year due to assessing the threat level.

Commissioner Hutchinson left the meeting at approximately 4:00 p.m.

Major Negri further stated that was a concern for Fleet Week also, but the costs had been reduced greatly this year. She stated that they had been orange and had been downgraded right before the Air and Sea Show last year. This year they were able to reduce costs by 50% because they were not including any overtime for Fleet Week and reduced the preparation for Kids' Day.

Commissioner Hutchinson returned to the meeting at approximately 4:02 p.m.

Major Negri continued stating that after the show they did an assessment of their activities during the show, and then adjusted their plans for future years.

Commissioner Teel asked what were the plans for Sunrise Intracoastal for this year. Major Negri stated that no security had been included for the neighborhood. Commissioner Teel stated that she was referring to access to the neighborhood. She reiterated that they needed to turn at the Jewelry Store at 20th Avenue and Sunrise or they needed to be able to come down Bayview across Sunrise. Major Negri stated that the plans for the area around the show, including Sunrise Intracoastal would remain the same as last year. She stated she did not modify the amount of officers for the area and would be instructed to allow residents through to the area. She added that passes would be re-issued this year.

Commissioner Moore asked if PSAs were going to be used where possible, especially regarding traffic. Major Negri replied that they would use them this year as last, and advised they had trained some of their clerical staff to assist in traffic control. She stated that many volunteered and that helped to reduce their costs.

Commissioner Moore asked if they were meeting the professional requirements for necessary policing for the crowds that would be present for the show. Major Negri replied that the plan proposed for this year would meet the minimum necessary requirements. She stated if they had to provide emergency response to a catastrophic situation, they would need outside additional resources.

Commissioner Trantalis stated that considering the amount of the contribution made by the City, he asked why their name was never included in the title of the show. Mr. Williams replied that the City was a co-sponsor of the event and their logo was included.

Action: Notice to be provided to the promoter that a new contract was to be negotiated for the Air and Sea Show.

SESSION CLOSED DOOR

MEETING RECESSED AT 4:03 P.M.

MEETING RECONVENED AT 4:46 P.M.

I-A – City Clerk Recruitment

Continued from Page 6

The City Attorney stated that the Commission had selected Linda Cohen and she had withdrawn her name from consideration for the position.

Mayor Naugle remarked that the other two candidates had tied for second place. Commissioner Hutchinson stated they needed to revote. Mayor Naugle stated they had mentioned to those two candidates to stand by in case a contract could not be negotiated with the person selected. Commissioner Hutchinson clarified that the same procedure would be used in voting this time as previously. Mayor Naugle asked if any information was available regarding background checks for the two remaining candidates.

The City Attorney stated he had not received such information.

Mr. Bentley stated he did not have such information available. He stated that personnel was aware of some information regarding the credit checks which had been done because one report came back less than sterling and no reference checks had been done as of this time.

Mayor Naugle asked if such information could be shared with the Commission to aid them in making their decision. Mr. Bentley confirmed.

Commissioner Moore stated that if such information was to be given, then he suggested they recess and have the City Manager speak with the Commissioners individually before they began the voting process. The Commission agreed.

MEETING RECESSED AT 4:50 P.M.

MEETING RECONVENED AT 5:00 P.M.

Commissioner Hutchinson suggested that possibly Jeff Modarelli should be considered for the position of City Clerk.

Mayor Naugle agreed that was a possibility for consideration. He stated that the Assistant Clerk had not applied for the job even though he had been groomed for it. Mayor Naugle asked Jeff Modarelli if he had any interest in accepting the position of City Clerk.

Jeff Modarelli, Assistant City Clerk, stated that he would consider accepting the position, but encouraged the City Commission to continue to seek a replacement.

Commissioner Trantalis remarked that Mr. Modarelli appeared indifferent in regard to acceptance of the position.

Mayor Naugle asked Mr. Modarelli if he would serve if called upon to do so.

Commissioner Moore stated that there had been an open process for the selection of a City Clerk, and he asked that such procedure continue to be followed. He felt this sort of discussion should not be taking place at this time. He stated that there was a similar process taking place at this time for the position of City Manager. He remarked if they were not going to follow the procedures set up for such selection, then why do it. He added that his comments were no reflection upon Mr. Modarelli but were placed to the City Commission.

The City Attorney stated that they had followed a process to its completion and an offer had been made and then the candidate had withdrawn.

Commissioner Moore reiterated that if negotiations had failed with the individual selected, then they needed to proceed to the next two candidates.

Commissioner Hutchinson stated that she agreed but was disappointed in regard to the withdrawal and had made the remark "Let's hire Jeff." Therefore, they now had to vote on second best candidates.

Mayor Naugle stated that the City Clerk position was one that required the utmost trust and someone with a strong background and good history and experience. Mayor Naugle apologized to Mr. Modarelli to making the suggestion.

II-A – Incentives for Historic Preservation

Action: None taken.

II-B – Executive Airport Rescue and Fire Fighting/Emergency Operations Center – Proposed Funding Program

Horace McHugh stated that they needed this project to be fully funded before going out to bid, and this allowed for some short-term funding. He added that the Commission had supported an increase in fire assessment fees, and a decision was needed if they should proceed and include it in the November elections.

Mayor Naugle stated that money was at risk and they had intended to have both issues at the end of the year, but if the budget was not under control, they could not have a bond on the ballot in November since it would fail.

Mayor Naugle stated that his support of the bond was contingent on what type of budget would be adopted this year, and would need strong support from both the Commission and the public. He stated the question of the bond remained to be seen as to how they could administer the City and make the right decisions between now and budget time. He stated he did not want to continue spending money on a project that might or might not be funded through the bond issue.

Horace McHugh explained that this gave them the option in case they did not do the bond or if it did not pass, but in order for staff to move forward and engage the consultants.

Commissioner Hutchinson asked if the design low bid process was now going on at NW 2nd Street. She asked was that how that station had been built. Chief Latin stated that he was sure it had been the low bid. Commissioner Hutchinson stated she would not support that because it was 3 years too late regarding that station. She stated that when they raised the fire assessment fee, it had been for equipment and not buildings. She assumed things were moving in that direction. She remarked that she would not raise the fees for buildings.

Mike Fayyaz, engineering, stated that this project was design build. Commissioner Hutchinson asked what was the difference between design/low bid/build. Mr. Fayyaz replied it was their typical low bid process. He explained they had hired the contractor who had hired the consultant. Commissioner Hutchinson remarked that was a higher bid than normal, but it was still 3 years late. She reiterated that she would not support the low bid design build.

Chief Latin stated they wanted the best possible bid, even if it was the high bid. He further stated that the actual fire assessment did include monies for apparatus and stations.

Commissioner Hutchinson added that the biggest contingency regarding some people's votes was in regard to equipment and not stations.

Mr. McHugh stated that she did not want to support low bid, but from engineering and the City Attorney he was hearing that they could no longer support the process.

Commissioner Hutchinson stated they needed to increase staff and if they had reviewed the receipts, cancelled checks and the payroll regarding People's Civic Park, they might not have over paid, and that was the information she gathered from the audit. She asked why should she revert back to a lousy process.

Mr. McHugh stated further that possibly Ms. Hollar or engineering could explain how they were going to do this. He continued stating that he was being told that this was the process due to the staff that was available. He stated he was hearing her say to review the staffing situation, and therefore, in order to move forward they needed to clarify the situation.

Commissioner Teel asked if there was any movement regarding the sale of the building. Mr. McHugh stated they had reported back in December that there were some environmental issues, and they had asked the Commission to adjust the minimum bid. The Commission had asked that it be maintained. Mayor Naugle added they had also stated to have the property rezoned. Commissioner Hutchinson agreed and stated it would be more saleable. Mr. McHugh advised they were in the process of rezoning. He stated that at the next meeting, they were going to return with the consultant since it had to be rezoned and replatted. Therefore, the property was not yet on the market. The Acting City Manager remarked that it would not be on the market any time soon.

Mayor Naugle suggested that possibly everything be put on hold until the situation was straightened out.

Cecelia Hollar, Acting Public Services Director, stated that she cautioned the Commission that without the system in place to address the issues, she could not commit that things would be done right. She remarked it was a matter of resources. She stated that unfortunately this was in the process while they were attempting to solve the other issue.

Hector Castro, engineering, stated that he understood the Commission's concerns, but the issue was that they had an FDOT grant in jeopardy if not acted upon which was about 20% of the cost. Mayor Naugle stated they would have to apply for it another year. Mr. Castro stated that he agreed they were not equipped to handle a design build or construction management at risk right now due to the requirement that this had to be a cost plus not to exceed type contract. The only thing they were equipped to do was to handle a straight design bid where someone designed the project, they went for low bid, awarded it, and had a schedule of values, but basically it was set on a lump sum.

Mr. Castro advised that the RDC audits everyone was concerned about did not say that the City had paid too much for the parts. What the auditor had stated was that they did not follow the strict terms and conditions of the contract in paying the contractor. Now, they were sorting through the values and would return before the Commission and show them the difference.

Commissioner Hutchinson asked if this had to move forward, what if they hired a construction management at risk company and it was included as part of the cost of the project.

Mayor Naugle left the meeting at approximately 5:19 p.m.

Commissioner Hutchinson stated that she had spoken to builders who did that and asked if that could be an option.

Ms. Hollar stated they would have to pass an ordinance to allow them to do that. Mr. Castro stated he believed it could be done under a design build.

The City Attorney reiterated that an ordinance would have to be passed. He further stated that one of the things that could be done was that if a project was designed and was put out for bid, they did not have to go after a straight bid. He stated they could first go out with an RFQ to find out who was qualified, and then those qualified were selected, and would be the only individuals who could bid on the job. Then the bid would be put out for a lump sum bid. He stated what had happened was that they had issued a contract that said a certain cost not to exceed, and then had to monitor all costs which had to be justified. If there were any savings, they went to the City. He stated the City did not have sufficient staff to monitor the costs, and staff treated it as a lump sum contract. Therefore, when they were 25% complete, they were paid that amount. He stated they estimated the cost for one of the parks at \$300,000. They paid that amount for the park. The auditor had stated that during the course of the construction of that part, the City did not have justification enough to show that equipment they were paying for by the hour had been on site. There was no paper trail, and therefore, they disqualified the amounts.

Commissioner Hutchinson asked if there could be an opportunity to try the construction management at risk form of management for this type of project, while they were working to gain more staff. She asked if it was difficult to change the ordinance.

The City Attorney stated it was not a big deal to change the ordinance, but it would require additional staffing, and until the Commission entered the budget cycle to see what the staffing level would be, that could not be done.

Mr. Castro stated that where they went wrong with the RDC contracts was that every partial payment request from the contractor had to essentially be audited. Commissioner Hutchinson asked if that was something the construction management at risk could do. Mr. Fayyaz stated that someone still had to be hired and the documentation would still have to be checked.

The City Attorney added that it was still going to require in-house staff to manage the contract no matter what kind of contract there would be. Some contracts were more labor intensive than others, and one person could not necessarily do it. He stated that one person could monitor, while the other person would have to check the bills. Commissioner Hutchinson suggested that this might be a way to try the construction management at risk for one project without creating an entirely new system.

Mr. Castro stated that they had done design build successfully and had done the Airport Administration building in a lump sum, but the interpretation now was that they should

not do lump sum and should go with the cost plus. He stated that design build was still available under the ordinances if the funding issues were sorted through. He stated they could move forward with the straight design bid and not lose the grant money, or they could go with a design build but a construction management firm would have to be hired.

Commissioner Teel asked about the timeline regarding the FDOT grant. Mr. McHugh replied the date was December 31, 2004, and when it had been approved it was with the understanding that the project would have been completed by that date. He felt they would accept the fact that the project was moving on and would honor the commitment to fund the project to the tune of \$960,000.

Mr. Fayyaz stated that this grant was unique because normally they would not have received it. He explained it was a special case and they were giving them \$1.3 Million.

Commissioner Teel stated if the first step was to get the drawings done for the project which would run \$310,000, she asked if that would qualify as moving forward with the project. Mr. Fayyaz confirmed. Commissioner Teel stated that at the end of the process, if they discovered they were still having problems getting the funds would they be able to stop the project and pay back the grant if necessary. Mr. Fayyaz stated that he had not read all the details of the grant.

Mr. McHugh stated he thought that was why they were asking for a funding commitment now because they did not want to be strung along. In addition, they had spent \$192,000 in doing the designs which were 30% completed. Therefore, a portion of that money would be lost.

Commissioner Hutchinson asked if there were any monies from FAA.

Clare Bennett, Acting Manager Executive Airport, stated that this was not eligible for Federal grants because they were not required to have a fire station at the Airport.

Commissioner Teel stated she did not want them to lose the grant.

The Acting City Manager asked how much would it cost to contract manage this. Mr. Castro stated they still had more work to do in order to analyze this, but normally out of the 17%, 7% of that would be allocated for construction management. He felt a firm could be hired to do full time construction management either at risk or design build for about 20% of the total cost of the project.

Mr. Fayyaz remarked that the construction would take about 2 years. The Acting City Manager stated that it would be a \$6 Million project altogether with about \$250,000 for contract management. He suggested they approve it for the \$6 Million level and increase the required funding from \$2.85 Million.

Commissioner Hutchinson asked if they used an outside construction firm and changed the ordinance for a construction management at risk would they go out for a bid or how would the firm be chosen. Mr. Fayyaz replied that it was a CCNA process. Commissioner Hutchinson remarked that their price would be contingent on what they charged, and did not necessarily mean that it would be 20% and could be less. She further stated that it could be a way to try this if they could attempt to find a way to fund it. Mr. Fayyaz stated that in addition to construction management at risk who would

oversee the construction, they would have to make sure that payments being made were correct. Therefore, he felt they needed more accounting people to oversee the construction.

Ms. Hollar remarked that they did not know what that resource number would be.

Peter Partington, engineering, stated that the Engineering Division was very familiar with the design bid, but the problems with that were the low bids threw up all sorts of different detractors. They went through the pre-qualification stage where they looked hard at the people they were going to let bid.

Mayor Naugle returned to the meeting at approximately 5:28 p.m.

Mr. Partington continued stating that they would then avoid having to hire someone to double-check the design bid and construction management at risk process. Mr. Castro stated it was an attempt to make the selection more on qualifications and not strictly on price.

Mayor Naugle stated they had statutory requirements in regard to a bidding process, but other standards could be incorporated. Mr. Castro stated that typically they hired consultants by qualifications, but hired contractors by price.

Commissioner Hutchinson asked if there was enough staff and time to do it as they projected.

Mayor Naugle stated that he felt they should consider, or the future City Manager should consider, bringing in someone with extensive background in executing construction projects. He stated that the School Board had gone through a similar struggle with existing staff. He felt they might need to bring in someone who was used to implementing such large projects. He explained that the whole thing about design bid was that the conflict was removed between the architect and the general contractor. He stated it was almost a war automatically when there was a designer and a builder. He explained that the design bid made the team cohesive. He stated they had some design build projects that were not too bad, such as the post office and the administration building at the Airport. He remarked that all their experiences had not been bad ones, but the key was getting the right architect and builder who had a history of delivering projects on time and on budget. Sometimes such individuals had been hired, but they still failed. He felt they needed a construction manager that could save them large amounts of money.

Ms. Hollar stated that she agreed they needed to resource and was always in favor of hiring someone from in-house who was familiar with the system, and then it would not cost more every time they went outside. She stated they would not have that in time for this grant.

Mayor Naugle reiterated that they could reapply for it again. He asked if they would not grant it to the City at a future date. Mr. Fayyaz reiterated that this was a special case and they did not believe they could reapply and receive it again later on. Mayor Naugle stated that every time he was told it was a "one-time shot" and he refused, he was able to get it again later on. Mr. Fayyaz stated if they showed progress in the project, they could continue with the grant. He reiterated they only wanted to see some progress.

The Acting City Manager asked when they needed the construction management resource, and asked if it was to happen this fiscal year. Ms. Hollar stated their idea was to include this in the upcoming budget, along with the contract administration and engineering design, as well as the inspectors. The Acting City Manager asked if this was included in next year's budget, then there would be no problem. Ms. Hollar confirmed.

Mr. Castro stated they were asking if they should go forward with the remaining design.

Commissioner Moore asked what was the projected cost for the recommended staff persons. Ms. Hollar stated she was working with the City Manager's office in that regard, and stated they had not gotten that far yet, but would be ready in time for the budget discussions. Commissioner Moore asked if they would be estimating more than \$250,000. Ms. Hollar confirmed and stated it would probably be around \$500,000.

Mr. Castro stated that putting it in a global perspective, if one looked at Engineering's overall budget of over \$5 Million, 10% for construction management did not appear like a lot of money. He stated if they were going to target construction management for all projects in the City, it might be around 20%. He remarked they were still researching the matter which was part of the problem and that was why they did not have all the answers as of this time.

Mayor Naugle asked if there were people out there that had done this. Ms. Hollar confirmed. Mayor Naugle believed they needed to bring in those individuals who were familiar with the process.

Commissioner Teel stated that in the worst case scenario, if they moved ahead with this in order to guarantee the grant and began working on the remainder of the plan, and then stopped they would have to pay back the \$310,000 plus the 30%. Mr. McHugh stated that they would also lose the \$960,000. She stated they were hoping that everything would work out. She reiterated the worst thing was that they would have completed plans sitting on the shelf and not be able to build. She felt that was the way they should go, unless staff was going to be too burdened.

Commissioner Moore asked if there was an opportunity to outsource for construction management for this project, what would the cost be that would be incurred. Ms. Hollar replied the cost would be about \$250,000.

Commissioner Hutchinson added that in-house staff would still be needed to manage the construction management at risk.

Mr. Castro stated that since there was a lack of information for the Commission to make their decision, they were going to meet within the next couple of weeks with the County who did construction management at risk a lot, and would be able to obtain a better feel as to what would be required to manage such projects. He suggested this decision be delayed until the next Commission meeting and more information could be supplied.

Mayor Naugle stated they were claiming to build a 12,000-space garage at the Airport that was coming in under budget.

Commissioner Moore stated he did not object to tabling these discussions until further information was obtained.

Commissioner Hutchinson asked if tabling the item would have an impact on the timeframe or the grant. Mr. Fayyaz stated that tabling it for two weeks should be alright.

Action: Plan to be presented at the next Commission meeting.

I-A – City Clerk Recruitment

Continued from page 25.

The City Manager announced that Jonda Joseph was selected as the new City Clerk.

III-B – Advisory Board and Committee Vacancies

Beach Redevelopment Advisory Board

Commissioner Trantalis appointed Steve Glassman and Mel Rubenstein to the Beach Redevelopment Advisory Board.

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

Budget Advisory Board

Action: Deferred.

Cemeteries Board of Trustees

Commissioner Teel reappointed Franci Bindler to the Cemeteries Board of Trustees.

Commissioner Moore reappointed Richard Kurtz and Walter Boyd to the Cemeteries Board of Trustees.

Action: Formal action to be taken at Regular Meeting.

City Manager Recruitment Ad Hoc Committee

Commissioner Teel appointed Jim Concannon to the City Manager Recruitment Ad Hoc Committee.

Action: Formal action to be taken at Regular Meeting.

Code Advisory Committee

Action: Deferred.

Community Appearance Board

Commissioner Teel appointed Mary Graham to the Community Appearance Board.

Commissioner Trantalis reappointed George Henderson to the Community Appearance Board.

Action: Formal action to be taken at Regular Meeting.

Community Services Board

Action: Deferred.

Economic Development Advisory Board

Commissioner Teel appointed Mark Budwig to the Economic Development Advisory Board.

Action: Formal action to be taken at Regular Meeting.

Education Advisory Board

Commissioner Moore reappointed Dr. Dorothy Orr and Pearl Maloney to the Education Advisory Board.

Action: Formal action to be taken at Regular Meeting.

Historic Preservation Advisory Board

Action: Deferred.

Insurance Advisory Board

Action: Deferred

Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Action: Deferred.

Nuisance Abatement Advisory Board

Consensus Appointments for Caldwell Cooper, Harry MacGrotty, Douglas Reynolds, Dil Hatchett and David Svetlick to the Nuisance Abatement Advisory Board.

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

Unsafe Structures and Housing Appeals Board

Action: Deferred.

Utility Advisory Committee

Action: Deferred.

IV – Commission Reports

Unincorporated Land at the Executive Airport

Commissioner Teel stated that there was a parcel of unincorporated land at the Executive Airport. She announced that she had attended the Planning Council Board Meeting, along with Bruce Chatterton, and after placing their issue before the Council, they had voted to change the zoning to residential. She felt that was one of the worst decisions she had ever heard in her life, and the rationale used in making their decision was pathetic. She stated there was a process by which they could go to the DCA to challenge the decision.

Mr. Chatterton, Planning and Zoning Services Manager, confirmed and stated they could within the next 30 days challenge the small scale land use plan amendment.

Mayor Naugle asked if the City Attorney could review it and make a recommendation at the next Commission meeting. The City Attorney replied that he could do that.

Neighborhoods of USA Conference

Commissioner Hutchinson stated that she had received a letter from John Hart, Keith & Schnars, stating that Neighborhoods of USA was going to host their conference in May. She advised that Keith and Schnars wanted to assist the City with a contribution so they could have an exhibit booth at the conference. She stated the City had participated a number of times with exhibit space. She stated that people were interested in what was being done in Fort Lauderdale, and this would be an opportunity for them to participate and have Keith & Schnars foot the bill. She stated it would include registration for some of the necessary staff, the booth space, along with any printed materials needed. She advised that she had shown the letter to the Acting City Manager and the City Attorney, and she felt they had to do a resolution this evening in order to accept the money.

The City Attorney advised that one would be prepared for this evening's meeting.

Road Closure at NE 16th Avenue

Commissioner Moore stated that he had been approached by a concerned citizen regarding the road closure at NE 16th Avenue. It was stated that this particular location had a gate on the roadway which was opened, but the road was closed. He asked if this matter could be set for discussion at the next Commission meeting.

Construction Services

Commissioner Moore stated that in regard to the issue of design build and construction management at risk, he felt it was worthy of them to act on that as quickly as possible. He also complimented the actions of the community in regard to the Amnesty Program. He added that maybe the extra monies could address those issues since the goal had been surpassed.

Mayor Naugle stated that was money that would have come into the City's Treasury slowly over time, and he felt the monies should be placed in Contingencies.

Commissioner Moore stated he was making an opinion which was that the goal had been surpassed, and the obligation had been met. He stated they were also discussing something which would have a lasting effect and they knew assistance was needed. Commissioner Hutchinson stated that the system was broken. Commissioner Moore stated he was offering this suggestion so that when staff returned in two weeks, he wanted to see a consideration towards dealing with the gap with these dollars and then the reserves could be placed wherever. He felt this was a serious issue that needed to be addressed.

Charter Review Board

Commissioner Moore stated that in his opinion the Charter Review meeting had been held out of the Sunshine Laws. He stated that he had received a memorandum from the City Attorney regarding his assessment of what had transpired at that meeting, and he found it faulty. He explained there had been a meeting scheduled based upon the Committee's request for having them biweekly in an attempt to meet the Commission's directive for a public process. There had not been a posting of the meeting or an advertisement of such meeting. He advised that when the meeting had taken place, there had been deliberation, and it had come to the City Attorney's attention late on Friday afternoon that it had been posted an hour or a half-hour before such meeting. Since the room had been reserved and communications had taken place between the board members, the City Attorney felt having it posted in that manner it had met the issue of the letter of the law. He stated that he differed with that opinion and wanted the Commission to discuss the matter.

Mayor Naugle stated they would be given a report on the matter, and then there could be a future discussion held on the item.

The City Attorney stated that he had sent a Friday memo.

I-A – City Clerk Recruitment

Continued from page 33.

The City Attorney stated that no action had been taken regarding the new City Clerk.

Motion made by Commissioner Moore and seconded by Commissioner Trantalis that Jonda Joseph be selected for the position of City Clerk, and that the Commission offer her the position in the negotiated manner as suggested. Commission unanimously agreed.

There being no further business to come before the Commission, the meeting was adjourned at 5:50 p.m.

