

COMMISSION CONFERENCE**OCTOBER 5, 2004**

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COMMISSION CONFERENCE

1:32 P.M.

OCTOBER 5, 2004

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

Also Present: City Manager George Gretsas
City Attorney Harry A. Stewart
City Clerk Jonda K. Joseph
Sergeant At Arms Sergeant Dave Lewis

I-A – Billfish Tournament

Mayor Naugle announced that the Marine Advisory Board has some concerns in regard to this matter, and since the event is going to take place very soon, he felt the Commission would want to offer some input.

Joseph Hessmann, member of the Marine Advisory Board, stated that this tournament has been in the City for about forty years. They finally have a home at the new City Marina. The tournament has been very successful. They expect about 100 boats this year. For some unknown reason, the parking situation has gone in the wrong direction. The event brings in a lot of money to the City and to businesses. The parking fee has gone in one year from \$2,000 to \$6,000, and the Board feels the increase is extreme. He announced that Kitty McGowan is in charge of the event and present at today's meeting to answer any questions from the Commission. The parking situation is a disaster and Dania is making offers to take away the tournament from the City of Fort Lauderdale. Mr. Hessmann stated that last year Deerfield Beach's show mobile is used at the tournament because the cost is less.

John Terrell, member of the Marine Advisory Board, suggested that the City begin recognizing their assets before they are lost. He felt that by increasing parking fees 400% in one year, the City is running the potential of losing this great asset. The hurricanes did great damage to the state this year, and the tourist industry is dramatically affected. Florida is attempting to get the word out that the entire state has not been decimated, and it is an uphill battle. People thinking of coming down for this tournament might have second thoughts. The City needs to support the groups benefiting from such tournaments. He suggested that the Commission seriously review the parking situation. He indicated the City should be proactive and support the industry.

Kitty McGowan, Fort Lauderdale Billfish Tournament, stated that she had sent the history of the tournament to the Commission. She continued stating that if a person does not fish, it is probably hard to imagine what fishing and boating brings to this community. These types of events give people the opportunity and reason to use their boats. It is the engine that helps drive the local economy. This group has been doing that for over forty years, and previously the tournament is held twice a year. She felt it is an integral part of who they are as a boating community and the "Venice of America." She definitely wanted to keep the tournament in this City, but as a non-profit event, the group counts on business sponsorships which are hurting this year due to the hurricanes. She spoke with John Hoelzle earlier today regarding the parking situation. A few months ago she had decided to move the tournament to Dania Beach, but Joe Hessmann convinced her

to keep it in Fort Lauderdale. She wanted to have a long-term commitment with the City of Fort Lauderdale.

John Hoelzle, Parking and Fleet Services, proceeded to distribute a summary to the Commission that staff department had prepared. The revenue from special event parking at the Birch/Las Olas Intracoastal lot goes to the General Fund. He explained when the Commission approves an event agreement, it does not mean it is a City sponsored or sanctioned event. When the language is changed last July in the ordinance, along with the parking rate increase, it stated: "Upon recommendation of the City Manager, parking may be provided at no charge, or at a reduced rate to organizations holding co-sponsored or City sanctioned events...." He stated that the intent is when events, such as Paint the Beach Wall or Clean the Beach are held, people having a direct benefit to the City could park for free. Attached to the summary distributed is a list of events that pay for parking and bring in additional revenues to the City in the form of people going to restaurants, hotels, and motels. He explained the City charges for such events, such as the International Boat Show.

Mr. Hoelzle explained the Billfish Tournament is not on the list. He stated that 82% of the revenue from spaces at the south beach lot is put back into the General Fund, and 50% of the revenue from the Intracoastal lot is put back into the General Fund. He further stated that for the Air and Sea Show, the City collects a \$10 rate at the lots. The City is not paid upfront.

Mayor Naugle stated that normally the Commission does not receive information at the time of the meeting because there is no time to digest it. Mr. Hoelzle stated that this item is added to the agenda at the last minute, and therefore, he did not have time to prepare beforehand. Mayor Naugle stated that staff failed to note that there are concerns about this tournament. Mr. Hoelzle indicated that he is not notified of this tournament at all.

Commissioner Hutchinson asked how they calculated the numbers for the Boat Show when the Marriott uses the area under the bridge. Mr. Hoelzle explained that the metered rate is used for the number of hours the lot is used.

Vice Mayor Trantalis asked if the \$10 per space, per day, is considered for an 8 hour day. Mr. Hoelzle explained that if the City is collecting at a lot, then every space would be \$10 until they are all filled. Vice Mayor Trantalis asked if the tournament could just charge \$10 per space for parking. Mr. Hoelzle confirmed yes and explained the group is not being charged extra. The reason the tournament pays for the lot ahead of time is because a tent is set up, along with accessories, which use 94 spaces. Over and above the 94 spaces, 120 spaces are paid for because they are used for VIP parking and observers. Mr. Hoelzle stated that the cheapest way to charge the group is one-half of a permit rate for all the spaces. The monthly rate is \$55 plus tax. When all calculations are done, the \$6,000 figure is arrived at.

Vice Mayor Trantalis stated that when he found out about this, it brought out a general issue that needs to be decided by the Commission. He indicated that the same issue was discussed regarding the Air and Sea Show. He asked to what extent does the City want to partner with people who want to organize such events in the City in order to entice them to use the City beach. As a policy issue, he wanted to encourage outside promoters to use the City because it promotes the City in a favorable light and causes a

ripple affect throughout the year. He believed that is how they would build a tourist trade. He continued stating that in regard to partnering with special event promoters, he was concerned about establishing standards and if it would open the flood gates to everyone who wants to hold an event; where do they draw the line. At what point do they find themselves using the parking spaces and police staff, along with other services, as a burden on the City. He asked if they are going too far to encourage such events. In his opinion people come to this City because it is a tourist destination, and they want to take advantage of what the City offers.

Commissioner Moore left the meeting at approximately 1:50 p.m.

Vice Mayor Trantalis further stated that this is a fun city and should be kept that way. He was disappointed that the Billfish Tournament sponsors found the parking costs to be a burden to the participants of the event. He wanted the Billfish Tournament to take place in this City, and did not want to discourage them from holding the event here. He was willing to consider a proposal to have the City participate with them, but he wanted some direction as to what standard they are going to choose.

Commissioner Hutchinson stated that in 2002 the City charged a flat rate for a significant part of the lot that was used, and a pro-rata share was created for the extra spaces needed. She asked what is the flat rate.

Commissioner Moore returned to the meeting at approximately 1:52 P.M.

Ms. McGowan stated that \$12.50 plus tax was charged two years ago for the extra spaces, and they paid a flat rate of \$900 for a significant amount of spaces used for their tents and accessories.

Commissioner Hutchinson asked if the 94 spaces cost about \$900, and an additional \$12.50 is paid for each of the extra 120 spaces. Ms. McGowan confirmed that as correct, and stated that last year the rate per space increased from \$12.50 to \$29.15 plus tax.

Mayor Naugle stated that the amount charged is for one-half month. Ms. McGowan indicated that she did not use the area for half-a-month, only about five days. She stated that two years ago they were able to give her a flat rate, along with a pro-rated fee, but last year there was no flat rate, and the per space fee doubled, and she was charged for every space. She stated the participants would not object to putting money in the meters, but they cannot do so because the meters do not go into effect until 8:00 a.m., and the participants leave the dock at 6:00 a.m.

Mayor Naugle asked if other people come during the event and use the meters. Ms. McGowan confirmed yes and stated that if it was not for the event, people would not be using those meters. It is not a highly utilized lot at that time of year.

Mayor Naugle asked if the group would agree to pay the 2002 rate. Ms. McGowan replied yes.

Mr. Hoelzle stated that last year during the event, Wednesday and Thursday were needed to set up, and the event was held Friday through Sunday with Monday being used as a tear-down day. Ms. McGowan explained that they used the lot for about one

week. Mr. Hoelzle indicated that last year the City felt the best thing they could do was charge for half a permit rate for the spaces.

Vice Mayor Trantalis indicated that now the Commission needs to make a policy decision regarding such events. He did not want to be inconsistent. He believed this should be an administrative issue through the City Manager's Office.

Commissioner Moore stated that he did not disagree about the revenue the tournament brings to the City, nor does he differ about the benefits the Air and Sea Show brings to the City, but he felt the Commission continually picks the individuals they like and want to work with, while offering another process to individuals they are concerned about. He felt there should be a consistent process in dealing with public property for everyone. He felt if the City continued this practice and makes the same mistakes that got them into trouble, it is a mistake once again.

Commissioner Teel asked what is the difference between non-profits and corporations for profit regarding parking fees. Mr. Hoelzle stated that the only distinction made is in regard to events that do work for the City, such as cleaning the beach. They receive free parking. Commissioner Teel classified the Billfish Tournament as for profit. Mr. Hoelzle concurred.

Ms. McGowan explained it is a not for profit corporation. Vice Mayor Trantalis indicated it is not a City function.

The City Manager stated that the Commission could decide the issue today, and then an analysis could be done of the events, and then they could make a recommendation as to which events should be funded. He indicated that some events bring economic benefits to the City, and others are a part of the City's image. He was not sure if the distinction between for-profit and not-for-profit is a good one, but rather if the event adds a value to the City.

Vice Mayor Trantalis stated that the City Manager would never get that answer because the economic value of each event could not be gauged. He felt it is an intangible. In regard to the Air & Sea Show, different numbers are given by each group involved. He did not want the City Manager going down a path where he would find no answers. He believed they should not choose favorites and use a standard that is not objective.

The City Manager suggested that staff would consider the intangibles as well. Vice Mayor Trantalis asked how they would be gauged. The City Manager explained that ultimately that is where the policymakers would have to look at the list, and they would know it when they see it. Some events would be considered losers in terms of revenue, but the events that would add something else would be preserved.

Mayor Naugle stated that something is being missed in talking about operating these events as a business. If the Billfish Tournament goes to Dania Beach, what would be brought in as revenue for that weekend from that lot in its place. It would price them out of the market. By not having the event, there would be less money in the City treasury. He wanted to have the City Manager figure out a policy to maximize the parking revenues so money would not be lost. He did not feel it is a matter of subsidizing anything.

Commissioner Teel stated that sometimes when one event leaves, other opportunities present themselves. She was not suggesting that this tournament leave the City. She continued stating that information is important, and she believed the analysis should be done. The Commission would be short-sighted if they do not proceed with the City Manager's suggestion.

Commissioner Moore stated that this same discussion was given as an argument in regard to the Air & Sea Show. The City should offer everyone the same playing field. He agreed with the recommendation made by the City Manager, but stated that if they are to do anything different for this group, the City would be compromising what the City Manager might come up with in his analysis because the rules are changed for one particular group.

Mayor Naugle indicated that the recommendation is to charge the \$14.30 that had been charged in 2002, and the City Manager would return with a policy for the future. He asked the Tournament not to leave the City next year until the matter is worked out.

Mayor Naugle explained that the Air & Sea Show operated at a deficit because the City's expenses are billed at time and a half instead of straight time.

Commissioner Moore stated that another City's show mobile is being used because of this City's cost being too high. He asked what it would cost for the Billfish Tournament to use Fort Lauderdale's show mobile.

Phil Thornburg, Director of Parks and Recreation, stated that he is not sure of the cost.

Ms. McGowan stated that the City's show mobile requires a staff person to be present who is paid per hour, whereas Deerfield charges a \$500 flat rate fee. It is dropped off and a key given, and then picked up on the following Monday. She explained that the City of Fort Lauderdale's cost is close to \$2,000.

Commissioner Moore asked who had given Parks and Recreation the policy to follow. Mr. Thornburg stated that it came to be before his time with the City. Commissioner Moore wanted to know the answer to that question. Mr. Thornburg explained that the City covers their costs, and is not profiting on the arrangement. They are charging a minimal fee for the show mobile as recurring costs for replacement.

Action: The 2002 rate is to be charged for the tournament. The City Manager is to provide an analysis and recommendation at a future meeting.

I-B – Right of Way Permit Policy – First Christian Church – 13th Street Median

Commissioner Moore stated that the individual who is the avid spokesperson regarding this matter is unable to attend today's meeting. He suggested that this matter not be discussed until such individual could attend.

Commissioner Hutchinson believed that people are present from the community who want to speak on this issue.

Mayor Naugle asked if the concerned parties were notified about this meeting. Commissioner Moore stated it was his understanding that they had not been notified, but he received such information second hand.

Peter Partington, Acting City Engineer, stated that he had personally told Mr. Fulman at approximately 6:00 p.m. yesterday about the meeting.

Mayor Naugle stated that this matter had been placed on the agenda last week, and he thought it was unusual not to notify individuals ahead of time.

The City Manager stated that at a meeting yesterday, he had questioned whether the Church had been notified, and therefore, they were called.

Commissioner Hutchinson stated that they have been dealing with this for quite some time and she wanted to put it to rest, but at the same time people are present at today's meeting to speak on the matter. She was under the assumption, which should not happen again, that staff had done their job and that people were correctly notified.

Cal Deal stated that he would be willing to attend another meeting on this matter, if the Commission preferred that a representative be present from the Church.

Commissioner Hutchinson asked that a confirmation be given to the Commission that the appropriate individuals are contacted regarding the meeting in a reasonable time.

Action: Deferred.

II-A – Purchase of Emergency Fuel – Hurricane Season

Vice Mayor Trantalis asked if this is budgeted. The City Manager explained that emergencies are taken out of reserves, and the reserves are presently \$2 million.

Mayor Naugle explained that many of the expenditures are reimbursed by FEMA.

Vice Mayor Trantalis wanted to make sure there is a way to pay for these expenditures.

The City Manager stated that they do not have a choice in the case of an emergency. This is just a contract to make sure the City would not be hijacked in the price.

II-B – Contract Extensions, First Calendar Quarter of 2005

Commissioner Hutchinson asked if the City is going to look for a sponsor this year for the July 4th fireworks.

Kirk Buffington, Director of Procurement Services, stated that staff is going to rebid the contract because they just received notice from the incumbent contractor that they want an outrageous price.

Commissioner Hutchinson left the meeting at approximately 2:12 p.m. and returned at approximately 2:14 p.m.

Mr. Buffington continued stating that they are going to rebid the contract, but would work with Parks and Recreation in obtaining sponsors.

Commissioner Moore asked if special events has not been included in the budget, or is the City still looking for an underwriter for the 4th of July. He asked what direction had been given to Parks and Recreation by the Commission.

Phil Thornburg, Director of Parks and Recreation, stated that there is money in the budget for the 4th of July fireworks. Commissioner Moore preferred the City not to seek sponsors for the event.

Mayor Naugle preferred to obtain a sponsor for the event.

Vice Mayor Trantalis stated it is good to include this in the budget, but he felt it is wise to seek sponsors. He did not think it would demean it. He felt the City is still doing their job by holding the event.

Commissioner Moore did not have a problem with anyone giving the City money to sponsor an event, but he believed there should be a pool where monies are put for all events. Vice Mayor Trantalis stated that groups sponsoring the events want “bragging” rights. Commissioner Moore stated that “bragging” rights could be given, but the monies would go into a pool, and then it would be a revenue generator for special events. He stated there are numerous events held in the City where additional dollars are needed to make them work. He did not think they should limit the opportunity to have such revenue. He suggested that this be placed on an agenda to discuss concepts of how this could be done, and then the City would not be selecting one event over the other.

Commissioner Hutchinson agreed, but she believed there are companies who want recognition for a specific event, and would not want to contribute to a pool.

III-B – Advisory Board and Committee Vacancies

Budget Advisory Board

Action: Deferred

Community Appearance Board

Vice Mayor Trantalis stated that he wanted to appoint Les Hollingsworth to the Community Appearance Board.

Action: Formal Action to be taken at the Regular Meeting

Community Services Board

Commissioner Teel reappointed William Goetz, Sanford Rosenthal and Robert Brady to the Community Services Board.

Action: Formal Action to be taken at Regular Meeting

Education Advisory Board

Action: Deferred

Historic Preservation Board

Commissioner Moore stated that he wanted to appoint Edith Colden to the Historic Preservation Board.

Action: Formal Action to be taken at the Regular Meeting

Insurance Advisory Board

Action: Deferred

Nuisance Abatement Advisory Board

Action: Deferred

Parks, Recreation and Beaches Advisory Board

Mayor Naugle announced that he wanted to reappoint Victoria Revier and John Rude on the Parks, Recreation and Beaches Advisory Board.

Commissioner Moore stated that he wanted to reappoint Shirley Small and Andrew DeGraffenreidt to the Parks, Recreation and Beaches Advisory Board. He added that he also wanted to appoint Agnes Burrows to the Parks, Recreation and Beaches Advisory Board.

Vice Mayor Trantalis stated that he wanted to reappoint Michael Natale and Bob Hoysgaard to the Parks, Recreation and Beaches Advisory Board.

Commissioner Hutchinson stated that she wanted to reappoint Elizabeth Hayes, Joe Shover, and Timothy Nast to the Parks, Recreation and Beaches 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

II-C – Status of 637 SW 15 Avenue Property (Sunshine Apartments)

The City Manager stated that Marc LaFerrier, Director of Planning and Zoning Services, would recap the issue described to the Commission regarding Sunshine Apartments to make sure everyone is aware of the matter.

Marc LaFerrier, Director of Planning and Zoning Services, wanted to update the Commission on the status of the Sunshine Apartments, a HOPWA property owned by the City that has been vacant for about two years. In July, 2004, the Commission met and decided to demolish the property. A contractor will be on the site within the next two weeks, and staff would return within 60-90 days to bring a plan forward regarding disposition of the property.

The City Manager stated that there is a cost issue involved that needs to be discussed.

Mr. LaFerrier stated that the funds to purchase these apartments had originally been from a HUD grant which exceeded the amount they could receive back from the sale of the property. Staff believes there are other opportunities for redeveloping a larger area, including other properties owned by the City in the area, and the possibility of obtaining other privately owned properties. He advised they have received in grants from HUD about \$823,000. An appraisal showed it is worth about \$400,000. Property values constantly change and the gap between Block Grant funds and the monies received from disposition of the property could tighten up.

The City Manager did not want the building demolished until the Commission is aware of the possible cost involved.

Commissioner Hutchinson stated that this problem has been around for a long time. Originally the demolition date was September 20, 2004, but due to the hurricanes, it had not been done. Therefore, the sooner the better.

Mayor Naugle stated that this was at a time the City assigned their HOPWA monies to Broward County because they are in the social service business. He further stated the County made some terrible choices and monies were stolen by unscrupulous operators, and now the City is inheriting the mess.

Commissioner Moore agreed with the demolition, and asked if they are already involved in negotiations regarding private land. Mr. LaFerrier clarified that when they are ready to dispose of the property, they will look at all redevelopment opportunities, and possibly the gap would be tightened. Commissioner Moore believed three developers were chosen for the Community Development Housing opportunity involving the model row homes, and maybe the City could offer them the opportunity to build housing on that site. He felt that should be explored as an alternative.

Vice Mayor Trantalis asked if they are responsible for replacing the 32 units that are at this site. Mr. LaFerrier stated that before the property was vacated, all residents were relocated. Vice Mayor Trantalis asked if they are responsible for keeping a certain number of HOPWA qualified units in the City limits. Mr. LaFerrier explained that was done by relocating them within the City, and now the City is responsible for the repayment of the HUD funds for the original purchase.

Action: Matter will be presented to the Commission in 60-90 days.

IV – City Commission Reports

Broward County Airport Task Force

Commissioner Hutchinson stated that she talked to County Commissioner Rodstrom about 10-12 days ago, and he wanted to replace the City's best advocate, Randy Dunlap, on the Broward County Airport Task Force. She stated that she also serves on this task force regarding expansion of the South Runway. She further stated it is vital that the Commission send a letter to Commissioner Rodstrom, encouraging him to retain Randy Dunlap on the Task Force. She indicated that Mr. Dunlap is the City's representative, and according to the information she researched, the City was requested to make the appointment which was done.

Commissioner Moore suggested this be done in another way. They should reappoint Randy Dunlap to the task force. Commissioner Hutchinson indicated that it is not a reappointment situation, the County Commissioner just wants to pull him off the task force. She stated that Commissioner Rodstrom is going to take it to his County Commission, and therefore, she felt the City needs to have a voice in the matter. Commissioner Moore indicated that the City should state that they want to continue adding the names of Commissioner Hutchinson and Randy Dunlap to the Airport Task Force. Commissioner Hutchinson stressed that County Commissioner Rodstrom is going to remove Randy Dunlap from the task force.

Vice Mayor Trantalis stated that if there is an interest in removing Mr. Dunlap, then it should be done at the end of his term. Commissioner Hutchinson explained that there are no terms for the members of the task force. They are just appointed to the task force which is in existence until the South Runway is built.

Mayor Naugle indicated that Randy Dunlap ran against Commissioner Rodstrom, and therefore, he would probably remove him from the task force.

The City Attorney explained that the resolution which was passed by Broward County created this advisory committee and it is not a model of clarity. Although, he believed it is relatively clear that the Broward County Commission appoints their representatives, and where it designates representatives from other governmental entities and/or agencies, such as the Water Management District, that such districts appoint those members.

Commissioner Moore recommended that the Commission reappoint the two individuals who are advocates of the runway expansion for the airport.

Mayor Naugle stated that it might be more accurate if the Commission continued to support the two individuals since they are not up for reappointment. Therefore, he suggested that they write a letter signed by the City Manager, stating that the Commission continues to support Commissioner Hutchinson and Randy Dunlap as members of the task force.

Commissioner Hutchinson added that the letter should include the date of this meeting for the recommendation.

Mayor Naugle supported Randy Dunlap who has spent countless hours on this matter, helping the residents.

The City Manager stated that the letter could state the City Attorney's opinion regarding this matter, and serve notice to the County that the City intends to fight for those appointments based on law.

Commissioner Moore did not think that should be done; that they should just do as suggested. The Mayor and the Commissioner should make their colleagues on the County Commission aware of what the City wants to do.

Mayor Naugle stated that there are discretionary funds for various projects, and he did not want to jeopardize any significant funding over this issue. The City Attorney stated that the County created the task force and passed the resolution. Commissioner Hutchinson stated that the County asked the City to make appointments. The City Attorney further stated the County would only have to amend their resolution.

Mayor Naugle recommended that the City Manager send the letter, stating the Commission continues to support the appointment of their two representatives.

Broward County Mayor's Gala

Commissioner Hutchinson announced that Broward County is having their annual Mayor's gala "Jewels and Jeans" and she is on the host committee. The event is to build a transplant house in Broward County. The North Broward Hospital District is going to donate the land. She stated that every city is donating, as a sponsor to the event, and most are doing what they refer to as a "Hammer and Nails" sponsorship of \$5,000. If Fort Lauderdale does not participate as a sponsor, they would be the only city that is not participating. Also, Fort Lauderdale is the host city for the event and for the transplant house. She explained that this would be the same thing as what the hospital district did for the Ronald McDonald House. She asked the Commission agree to be a sponsor. The \$5,000 includes a table at the gala and a full page advertisement.

Commissioner Moore asked if this falls under the City Manager's discretion since it is under \$10,000. Commissioner Hutchinson confirmed that is true, but she wanted to bring it forward because it is something she wants to do and is more comfortable bringing it to the Commission. Commissioner Moore expressed his support.

Commissioner Moore stated that the Elk's Club is requesting a contribution of \$2,500 for elderly housing. He planned to ask the City Manager to take care of this under his discretion.

Vice Mayor Trantalis stated he is in support of worthy causes but asked if the monies are to come from the Contingency Fund. The City Manager replied yes.

Mayor Naugle expressed support in the sponsorship for the Mayor's gala.

Commissioner Teel did not object, but felt it is wise to look at this because there are so many non-profits.

Affordable Housing

Commissioner Moore felt the Commission should participate in affordable housing, as well as utilize the National League of Cities' program, the "American Dream". To that end, discussions have been held, and it was decided that various individuals would be chosen to serve on a panel to discuss the American Dream concept. It is a great process. On September 28, 2004, the concept was presented and dialogue had taken

place, which was well received. The panel is to consist of a City representative, a developer, a lending organization, and a politician. They would review the topic and there would be break-out groups afterwards. He asked that a Steering Committee be created and he named the following individuals who have agreed to serve on such a committee: Stan Brown, Robert Lochrie, Alan Hooper, Peter Feldman, Genia Ellis, Margaret Hayes, Pam Brown, and Marc LaFerrier. The first meeting is to be held on October 7, 2004. A roundtable would be scheduled for November 6, 2004 from 9:00 a.m. to 1:00 p.m. at the African-American Research Library.

Commissioner Moore continued stating that this concept would be televised locally, and they would also ask the media to participate.

Mayor Naugle wanted to appoint Clare Vickery to the Committee. Commissioner Moore stated that Stan Brown is to serve as a member of the Community Redevelopment Agency, but he did not object to the appointment. Commissioner Moore explained that the Commission does not have to make any appointments to this Committee. He indicated that this is to be a community dialogue regarding the American Dream. However, he did not have a problem extending an invitation for Ms. Vickery to be present at the meeting. The meeting will be open to the public.

Vice Mayor Trantalis asked for further clarification regarding the symposium on affordable housing scheduled for October 22, 2004. Commissioner Moore stated that that is a good opportunity to see a County-wide dialogue on affordability and he intended to participate.

Fire Rescue Bond Issue

Commissioner Moore stated that he is speaking throughout the community against the fire bond issue. He believed there is a valid need, but felt it should be a public safety bond issue with the fire and police departments, along with the Wingate site all included.

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

Mayor Naugle clarified that Commissioner Moore would only support the fire stations after he has a golf course in his back yard.

Commissioner Moore stated that it should be a public safety bond issue. He is explaining to the community that they could still meet the needs of the Fire Department with a loan until the City puts together a full package for March, 2006, during that election process. He did not think it is fair to leave the police separate. He felt this should be sold altogether.

Commissioner Hutchinson understood that the Police Department wanted to wait. Although everyone is entitled to their opinion, she was disappointed that Commissioner Moore is actively campaigning against this issue.

Hyde Park

Vice Mayor Trantalis stated that the Downtown Development Authority is complaining that their Huizenga Plaza and Park are costing them money. He believed that during the

debate of the Hyde Park Supermarket, there was discussion that the DDA might be interested to swap their land for the Hyde Park parcel. He clarified that he is referring to the parcel in front of Hyde Park. The discussion was to give the developer the park owned by the DDA, and then the developer would release the parcel in front of Hyde Park and allow the DDA to maintain their park which would be known as the Heritage Park. He asked if there was any dialogue regarding this proposal.

The City Attorney stated there was no dialogue with the Hyde Park individuals. He had talked to a member of the DDA who had heard of such a proposal, but was concerned that the park was purchased with state monies that would have to be reimbursed if the land is not to be used as a park. There are deed restrictions involved, and the DDA is checking into the financial impacts. He believed the amount that is to be reimbursed is in the area of \$4.5-\$5 million. He had not heard anything further on the matter.

Mayor Naugle stated that it is conceivable that something could be worked out, but he cautioned everyone that litigation is taking place on this matter.

The City Attorney stated that currently they are attempting to find a date for a last effort at mediation before going to trial on the damages claim in November.

In seeing the willingness on the part of another entity to help out in this situation, Vice Mayor Trantalis encouraged the City Attorney's Office to pursue such dialogue because if they want to settle, more options are needed.

Commissioner Moore stated this proposal is being made due to the fact that the DDA is stating they are losing money in operating Huizenga Park, but felt they would be able to generate revenue at the Hyde Park site. Vice Mayor Trantalis clarified that they are just willing to swap properties, and other details as to use have not yet been pursued. Commissioner Moore felt the special tax received from the new development would assist them in balancing their budget.

Mayor Naugle stated if it is a residential building, there would be no tax. Vice Mayor Trantalis stated that he wanted this issue pursued.

The City Manager cautioned the Commission in discussing this issue.

Adult Use Ordinance

Vice Mayor Trantalis stated that an ordinance had been presented to the Commission in connection with the Hustler Hollywood store, and the Commission had voted against the ordinance because if the law was applied to that site, it might cause a lawsuit from the owner. Since the store opened, he asked if the Commission is willing to consider enacting the law for future applications. He wanted the item to be placed back on a meeting agenda.

Commissioner Moore asked if the Hustler store's sign and lights meet requirements of the existing City Code. Commissioner Teel stated that she was told that the sign would be larger.

Low Income Housing

Vice Mayor Trantalis stated that there is a program regarding low-income housing where the City participates by offering property to such individuals at a price lower than market value so affordable housing could be built. A developer had told him that he was offered such property by a prospective property owner for development at a major profit. He asked if this is permitted.

Commissioner Moore wanted to have this matter investigated further and wanted to know who offered the property to the developer. If someone is doing this, then they should not be permitted to obtain the property.

Vice Mayor Trantalis believed the program permits this and that is the first problem. He felt there should be some sort of check to prevent "flipping of property".

Mayor Naugle stated that normally there is a provision, that if an individual moves out during the first five years, monies have to be reimbursed.

The City Manager stated that he would check into the matter.

Parking

Vice Mayor Trantalis stated that while having lunch on a Sunday at Max's Grill, he had received a parking ticket. He believed the lesson is that there are two departments frustrating one another in this issue. There are people trying to encourage economic development in the City by cutting business prices, and the City is discouraging people from coming to such places by issuing parking tickets the minute the meter expires. Many people are making such complaints to him. He suggested that at the next meeting, the waiving of Sunday parking fines should be discussed. He felt the City should be "user friendly."

The City Manager explained that in White Plains the parking meters have a grace period contained in them. He continued stating that more information would be supplied at the next meeting on this item.

MPO Workshop – Long Range Transportation Plan

Commissioner Teel stated that the Metropolitan Planning Organization held a workshop regarding the 2030 long-range transportation plan. There were four different options with respect to equipment. The lowest level would consist of buses, bus rapid transit, light rail, and monorail. In looking at the different prices involved, discussion went back to bus rapid transit and light rail. Light rail costs \$2.6 million per car, but it carries 5,800 passengers versus 1,500 passengers on bus rapid transit at a cost of \$1 million. She further stated that the majority of the cities agreed that they do not want to see 6-8 lanes on a roadway, and preferred the 4-2 arrangement.

Commissioner Teel continued stating that they are still pushing for the widening of roadways, especially NE 62nd Street to four lanes. They had assured her that NE 62 Street was off the list, but it again appeared. She suggested that the Commission send a letter to the County, stating their feelings regarding these various issues.

Commissioner Teel stated that there are two workshops scheduled for October 6, in Pompano Beach at the Emma Lou Olsen Civic Center on NE 6 Street, and October 7 in the South Regional Broward County Library on Pines Boulevard in Pembroke Pines. This is a large project that is to be sent to the federal government by the end of the year, otherwise the funds will be taken away. Some are not ready to make firm decisions on the issues, such as the lines running to the Airport. She stated that changes can be made every two years.

Mayor Naugle indicated that he is glad to see the FEC Corridor on the list.

Commissioner Teel stated that there is a lot of discussion regarding greenway usage for bicycles versus bicycle paths in the street.

In regard to 62nd Street, Commissioner Moore believed a letter should be sent by the Commission to remove this item from the list. He further stated consideration is being given to going through another entity instead of through the County. The staff of municipalities meet on a technical advisory committee, and possibly that is the reason that the 62nd Street item continues to remain on the list. He felt that in order to move traffic, they are keeping this on the list. He suggested that a meeting be held with Peter Partington, Acting City Engineer, to see what is being said during the technical advisory committee meetings.

Commissioner Moore stated that the South Florida Regional Planning Council did the State Road 7 collaborative. There were fourteen cities involved and some wanted 6-8 lanes. This road has been a detriment to business and economics since it became six lanes and a lot of the parking was taken away. They are a policymaking board. The County has agreed to narrow Sistrunk Boulevard. He stated the County Auditor had requested a study regarding the flow of traffic before they would agree on what this Board had decided.

The City Manager stated that he would look into this issue.

Commissioner Teel remarked that a lot of the issues are interwoven.

V – City Manager Reports

Water Main Break

Mike Bailey, Public Works, stated that the water was shut down and repairs are being made in the middle of Davie Boulevard and 37th Avenue. He explained there is no boiling water precaution necessary. It blocked all three eastbound lanes, and it would be open as soon as possible.

Roll Over of Deferred Compensation Plan/City Pension Plan

The City Manager stated that this involves an ordinance adopted by the Commission concerning the rollover of deferred compensation plans for non-classified employees. He stated that the Director of Finance asked him about two weeks ago to authorize implementation of the ordinance, which would allow some employees, who at one time were not allowed to participate in the state pension plan or opted to participate in their own deferred compensation plan, the opportunity to buy-in their time. He stated there

are a series of memoranda from the former Acting City Manager which outline his position as to why this would be a good idea. It was his impression that the Commission relied on the information provided in the memoranda and based on what was presented to them at their meetings. A portion of a previous Commission meeting video tape was played.

The City Manager further stated that the problem is that the information presented is inaccurate. There are two issues. One was a litigation issue which they were trying to resolve, and along the way a recommendation was made to include eleven non-classified employees. Unfortunately, those employees are among the highest paid in the City. He stated further that he did not know if the Commission had been provided any details as to who the employees were, and what type of benefits they would receive if the ordinance was adopted. He just received a letter from Stephen Palmquist City's Actuary, stating that the cost to the City on the eleven employees would be \$1.8 million.

Commissioner Moore asked how they should go about reconsidering the ordinance. Commissioner Hutchinson stated that it could be brought up at tonight's meeting. Mayor Naugle stated that the ordinance could be rescinded.

The City Attorney explained that the ordinance could be amended at the next meeting because it would have to be advertised.

Commissioner Moore asked for the City Attorney's Office to properly word the methodology by which this could be done for tonight's meeting.

Commissioner Hutchinson asked if it was a matter that the Commission had voted without proper information.

The City Manager stated that based on the information he received, it appears that the Commission was not provided with proper information, and he did not know if proper disclosure had been made in terms that the Assistant City Managers are beneficiaries of the recommendation. In practice, if he implemented what had been authorized, the Assistant City Manager who made the presentation to the Commission would take \$134,000 accumulated in deferred compensation funds, give it back to the City, and the City would then put him in the Pension Plan, and at retirement of age 55, he would receive an annual payment of \$50,000. He explained if a 20-year path is assumed, the amount received would be \$993,000.

Commissioner Teel asked if the information presented had not at the time come from the Actuary. The City Manager stated that he had no evidence that information regarding these individuals was provided to the Commission, and in fact, he believed there was a legal situation involving some employees, and at the back-end the eleven employees were embedded into the legislation. As a consequence, two of the Assistant City Managers would benefit.

Commissioner Moore stated this had been discussed based on the 55 age rule issue. At the last minute, the eleven employees were added, but the cost was never indicated. A report was given that there would be no impact to the City. He wanted the ordinance rescinded.

Mayor Naugle stated that they need to take care of this item properly in case litigation occurs over the situation.

The City Manager stated that five of the eleven employees applied for the rollover. Two of those five employees are former Assistant City Managers. The cost would depend on how many actually apply. There is a deadline of November 30, 2004 to apply.

Commissioner Hutchinson clarified that this had been done due to dealing with litigation that was taking place. The eleven were an aside thrown into the mix. This is a big problem due to the fact that she had based her decision on erroneous information.

The City Attorney suggested that all information be gathered pertaining to the issue. He indicated that the situation began as part of litigation, and the issue was raised about future litigation because a number of individuals were in the 401 Program, not the General Retirement Program, and they were going to be paid less for retirement.

Commissioner Hutchinson indicated it was the employees' choice to take the 401 versus the retirement program. The City Attorney stated the matter had been discussed with the Commission in various workshops as to whether or not the Commission wanted to "true up" the disparity between the GERS employees and the non-GERS employees. The answer to that question was yes. Commissioner Hutchinson stated the answer was yes, based on the information the Commission had received.

The City Attorney did not know what question the Actuary is answering in his report, or whether there are any offsets because the \$1.8 million could be offset by the amount of money paid in.

If there is an interest in changing the vote on that portion of the ordinance, Vice Mayor Trantalis asked if they could sever out that portion so as not to affect the other part of the ordinance.

The City Manager asked for the Commission to give staff more time to find out what other information is available. Normally he would not bring forth such information until he had received it in its entirety, but the problem is the document from the Actuary is public information, and he did not want the Commission to hear about it from other sources.

Mayor Naugle stated they would attempt to correct the matter. The City Manager stated if the Commission decides to include this and it is worth the \$1.8 million, then such decision would have to be made by the Commission as policymakers. He would not pass judgment on the Commission's decision.

EXECUTIVE CLOSED DOOR SESSION AT 3:20 P.M.

MEETING RECONVENED AT 4:10 P.M.

There being no further business to come before the Commission, the meeting was adjourned at 4:11 p.m.