

**COMMISSION CONFERENCE MEETING AGENDA  
MARCH 1, 2005**

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None Given	

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

Absent: None

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

**I-D – Citizens' Board of Recognition Recommendations  
Honorary Titles for 2005**

Birch Willey, Member of the Citizens' Board of Recognition, said the Board met and recommendations were forwarded to the City Commission. He said it was not an easy job. The Board requested that he serve as Chair of this Committee next year. He said the recommendations will be as follows. The first recommendation for Citizen of the Year is Eugenia Ellis. He said that she is being recognized for her civic contributions to the City of Fort Lauderdale and her community, serving as President of the Council of Civic Associations. He further said that she has been involved in many projects over the years, including the development of the City's neighborhood official Recognition Program, and instrumental in the development of the Code Program.

Mr. Willey said the recommendation for Distinguished Citizen of the Year is Laura Ward. He said that she is being recognized for her civic contributions and involvement with organizations, such as the Community Health Purchasing Alliance, the Beach Redevelopment Advisory Board, the Bonnet House Board of Directors, and the Junior League of Fort Lauderdale, among others. He said that Ms. Ward's health is not the best at this time.

Mr. Willey said that the Honorary Founder Award is being recommended posthumously to L.C. Judd. He said the family is known in Fort Lauderdale for a number of years. He said further that Mr. Judd is being recognized for his civic contributions and significant role in the development of Fort Lauderdale's Harbor Beach area.

Mr. Willey further said the Honoree for Exemplary City Employee is Hector Castro, former City Engineer. Mr. Castro was with the City for over 24 years and is being recognized for his dedicated service to the City Commission and the citizens of the City of Fort Lauderdale.

The City Manager said that a consensus of the Commission is needed regarding the recommendations. The meeting for formal presentation of such awards is tentatively scheduled for April 12, 2005 depending on availability of the honorees and their families.

Mayor Naugle said that normally the presentations and luncheon are held on a Commission meeting day, and suggested the date of April 19, 2005. The City Manager said that the individuals would be contacted regarding presentation of the awards at a luncheon on April 19, 2005 at 11:30 a.m.

**Action:** The Commission concurred with the Citizens Board of Recognition recommended honorees shown in the Commission Agenda Report of 05-0188. A special meeting of the City Commission will be held on April 19, 2005, at 11:30 a.m., 7<sup>th</sup> floor conference room of City Hall, for formal presentation of awards and a luncheon, pending availability of honorees and their families.

### **I-A – Establishment and Selection of City Auditor**

The City Manager said the City Attorney would present his recommendations regarding this matter. This is a policy decision for the City Commission regarding the process of recruitment. A budget should be established since it is not included in this year's budget, and therefore, would be taken out of contingencies; then the item would be included in next year's budget.

Mayor Naugle said they should discuss the qualifications first, and then recruitment and hiring recommendations.

Commissioner Hutchinson said it was her understanding that the qualifications are listed in the Charter.

Commissioner Moore did not like the fact that the Auditor could remove items from an upcoming agenda. He felt matters should be brought to the Commissioners individually before removal. Commissioner Hutchinson said the City Manager could do this. Commissioner Moore felt that is a different situation. Commissioner Hutchinson asked if this is included in the Charter. The City Attorney confirmed that it is included. Commissioner Moore asked for further clarification. The City Attorney said the Charter includes similar language as to removal of items from an agenda. Commissioner Moore suggested that the language be changed to include a methodology for items to be discussed and the Commissioners consulted in order to see if there is enough support to recommend the pulling of an item. For example, he is presently involved in such a matter with Broward County. He asked what is the validity of an auditor pulling Sistrunk Boulevard and changing the street from four to two lanes.

Mayor Naugle said that the next time there is a ballot, amendments could be made, but it has already been adopted.

Vice Mayor Trantalis said they could withhold the item for one month. Commissioner Moore said such a time period could be critical. Vice Mayor Trantalis pointed out that four Commissioners could override the Auditor's decision. He found it a little extreme.

In regard to staffing, Commissioner Teel was concerned that staffing is too minimal. She said the Auditor will require sufficient staff in order to get the job done, and if this is set up properly, it would be a benefit to the City Manager and his office because he would then be able to identify savings and work more efficiently. She felt it is important not to set up the position in such a way so the person in that position is bound to fail. She said one administrative assistant, along with the Auditor, is not sufficient. She felt more consideration needs to be given to this because it is important that it be set up for success, and not for failure.

Commissioner Hutchinson agreed, but said the Auditor should be given the opportunity to supply input on staffing their office, and what he or she feels is necessary to

accomplish the job, versus the Commission telling them what they need. The individual will be experienced and know what is needed to have a successful office. Appropriate funding could then be included in the budget for such an operation.

Mayor Naugle said the City Manager has an internal Auditor, along with an external auditor, and that this would be an additional level.

Commissioner Teel said the position should not be short-changed because it could be valuable to the City.

Vice Mayor Trantalis said there is an internal Auditor who works with the City Manager's Office, along with an external auditor who is an outside consultant that performs an annual audit. The City would now be adding a third auditor which would be at par with the City Manager, and would be an oversight committee of the City in general.

Commissioner Hutchinson said the person would be an oversight person for the Commission.

Vice Mayor Trantalis said that everything they do goes through the City Manager. Commissioner Hutchinson disagreed. Vice Mayor Trantalis wanted to eliminate any overlap that might occur because this will be expensive. He felt monies could be saved in some areas. He asked if the outside Auditor could be eliminated. The City Attorney said the outside auditor could not be eliminated because it is required by statute. Vice Mayor Trantalis asked if the internal Auditor could then be eliminated. Commissioner Hutchinson did not think that should be done. Commissioner Teel said the auditors would not be doing the same thing.

Vice Mayor Trantalis asked for further clarification of the position roles.

The City Manager believed it is the Commission's intention to have someone on an ad hoc basis that could dedicate time to a specific matter the Commission wants investigated. This is different from the internal audit function, although the internal audit function is available to the Commission whenever needed.

Mayor Naugle said the staffing could be adequate because the Auditor could request the City Manager to look into matters also.

The City Manager said there should be a synergy between the Auditor and the internal auditing function so it would not become adversarial. The reality is that everyone is staff serving the Commission.

Vice Mayor Trantalis said they are looking at a \$500,000 annual expense, not including rent and he is concerned. This is in addition to the existing auditing expense. He did not want everyone looking over each other's shoulder. They are attempting to streamline the government, not add to it. In order to make government more efficient, he wanted to look at ways to understand the various functions so as to trim some expense. He did not want any office funded inadequately, impairing their performance, but if overlap could be identified, then it should be eliminated.

The City Manager said that overlap issues could be resolved once the person is in place to figure out what resources could be utilized that already exist. The City could decide

that an Auditing Department is not necessary, but only a key person is needed. The question is whether such a person has the willingness to work within the existing resources to do their job. On the other hand, if it is more of an adversarial operation, the person might decide they need additional staff.

Mayor Naugle said the Charter change ordinance states: "The City Auditor shall also be responsible for the performance of such other duties assigned by the City Commission." Mayor Naugle said it is his understanding that the City Commission collectively could request to assign a duty to the Auditor. He said the Commissioners individually would not be able to assign such duties.

Commissioner Teel agreed and felt this would involve special projects. It takes time for audits to be done due to the detail involved. This person would deal with the Commission as a whole, and she believed it would be an orderly process. She further said that this came about because of what occurred in the past, along with concerns about "watching the store." She said it definitely should not be adversarial and this should be stressed during the interviews.

The City Manager said the perfect example is that the City Attorney, City Clerk, and City Manager are co-equals, answer to the same body, and work together daily. Everyone needs each other to serve the Commission. Their hope and expectation is that the person coming in would have the same type of relationship so everyone would work in synergy.

Commissioner Moore did not think the position is necessary, but it was adopted by the Charter Revision Board. He wished Vice Mayor Trantalis had raised his concerns at the time of the original discussion because he believed it could be a "witch hunt department," especially since it would be led by the direction of the majority of the Commission in regard to a particular process or concept of spending money. He further said this person could potentially be a "thorn" in any side of a review. He felt this person is to be an individual that would allow the Commission to have another set of eyes on the budget. At the time of this discussion, members of the Commission felt truthful information was not being supplied to them. It might be worth \$500,000 to receive truthful information. He was concerned how it will work, and he felt it would be inappropriate for such appointee to have a directive of the internal Auditor. If the internal Auditor is working on a task deemed by the City Manager as necessary to see if it is proficient, and if the appointee required staff in order to address a political position taken by the majority of the Commission for review, then separate staffing would be required. This is going to be a "snowball" in regard to cost, as were other things done last year. There is a cost to government working more efficiently.

The City Manager said the best example is the City Attorney's Office. He continued to state that he does not have a staff of lawyers but relies on that office, however he cannot tell them what to do. When such staff is required, it is provided.

Commissioner Moore wished that was true because he sits in these meetings requesting things be done by that office which are not done. The City Manager then has to request that the work be done, and he is informed that additional staff is required, and they are doing the best with what is presently available.

Mayor Naugle said that if anyone believed the City Attorney's office was not following up on matters, then it should be addressed at the Commission level. He said he does not have such problems with that office.

Commissioner Moore said the necessary resources should be provided so it could be a stand-alone entity, and another department would not be impacted. He further said if an external auditor is hired, then whatever is necessary should be done to make it happen.

The City Manager asked how the amount of staffing could be determined, if they do not yet know what is to be done.

Commissioner Moore said such matters should have been addressed before this was adopted. The issue could be tightened down in regard to quality of the candidate and how the search would be done. It should be done in steps. First the person would be hired, and then they could deal with how the person wants to deploy the work force to meet the needs of the office.

Mayor Naugle said the person would be hired and then see what staffing is necessary.

Vice Mayor Trantalis asked if the salary range is consistent with the requirements of the position.

Commissioner Moore said he served on the County's Committee for selection of an auditor. A national search was done. They made the same mistake this Commission is making in requiring a Florida license to practice accounting. He questioned why this is necessary.

Mayor Naugle said the requirement is included in the Charter.

Commissioner Hutchinson said they discussed the individual being a licensed CPA.

Commissioner Moore understood what is included in the Charter, but was referring to the advertisement for the position. Once selected the individual could then apply for a Florida license.

Mayor Naugle said this is similar to hiring of a City Attorney. The City Attorney said that to practice in the State of Florida, one has to be a member of the Florida Bar Association. He said these discussions were held by the Charter Revision Board at great length and the matter was debated. A licensed individual was decided upon.

Commissioner Hutchinson said the Commission discussed the issue before it was voted on. The City Attorney said the Commission discussed each of the three issues in relative detail, adopted an ordinance, and approved it by referendum.

Vice Mayor Trantalis asked if this is a correct salary range. The City Attorney said he discussed the matter with individuals in and outside of the county.

Concerning salaries, Commissioner Hutchinson asked to whom he had spoken. The City Attorney said he spoke with the current County Auditor, and an individual in a similar position in Orlando.

Vice Mayor Trantalis asked if this is a complete compensation package. The City Attorney said this is the salary range; they are looking at about \$200,000. Mayor Naugle said the salary range is \$145,000 to \$160,000, plus 30%.

Mayor Naugle said the City Attorney is recommending one of three methods for selecting such an individual: select a search firm, advertise, or have the City Commissioners submit names of individuals for the position.

Commissioner Hutchinson did not object to using a search firm, but did not want to engage the services of the firm previously used.

Vice Mayor Trantalis said one does not know how they would fare with a firm until such services are utilized.

Commissioner Hutchinson said if such a position is advertised, who would be in charge of doing so and in reviewing the applications. This was tried previously and things were not done expediently. Vice Mayor Trantalis suggested that a search firm be used.

Mayor Naugle said an RFP would be prepared for the selection of a search firm.

Vice Mayor Trantalis said that another alternative is available and suggested that an advisory committee review the applications. Previously such a committee felt a search firm was superfluous and in the way. Commissioner Hutchinson preferred a professional search firm.

Mayor Naugle said they wanted wide community input for the Office of the City Manager, but he did not think it is necessary for every position.

Commissioner Hutchinson asked if the Commission could review the RFP before it is put out. The City Manager acknowledged that would be done.

**Action:** The City Manager was directed to prepare an RFP for a search firm and allow the Commission to review the RFP before issuing it. There was consensus that once the position is filled, input would be sought from the individual concerning staffing.

### **I-B – Billboards**

Marc LaFerrier, Director of Planning and Zoning, said they want to hold a policy discussion in regard to the potential for relocation and location of new billboards in the City. There are currently 31 billboards from Cypress Creek to I-595, along the I-95 corridor. Eighteen of such billboards are located within the City limits. Current City Code provisions do not permit new billboards to be constructed, but there is a Settlement Agreement between the City and 3M Corporation permitting two additional billboards to be located along the I-95 corridor. Federal guidelines regarding separation of existing billboards are about 1,500' on either side of the roadway, and therefore, there is the possibility of 80 billboards being constructed within the City limits along the I-95 corridor.

Mr. LaFerrier indicated that today staff would like to present policy options for the Commission to consider. The first option is not to change the present Code; no billboards would be permitted, except for the two included in the Settlement Agreement. The second option is a replacement approach and would require a billboard company to

present a proposal for the two billboards along I-95 with such approval being conditioned upon removal of old billboards in the community. It could be based on value, and an appraisal could be done as to what the old billboards are worth versus the value of new ones. A modification to the second option would be that the replacement approach be done to one Commission district, thereby eliminating later discussion regarding moving billboards from one district to another.

Mr. LaFerrier said the third option is intrinsic to the second approach, and would be to have the City move forward and look at the billboards discussed, hire an appraiser, and then review the value of the billboards. This could be a way to eliminate the billboards that were causing blight to an area and the City could buy them outright.

Mayor Naugle asked about the issue of bright lights on the billboards which are distracting and dangerous. He hoped such lights could be eliminated totally, and asked if that would be part of the discussion.

Mr. LaFerrier said that if the Commission chose the second option to amend the Code permitting some billboards with conditions, lighting could then be one of those conditions.

Mayor Naugle hoped the Commission would agree not to permit electronic billboards. He was not sure if the existing billboard is legal.

Greg Brewton, Deputy Planning & Zoning Director, said the existing billboard north of Oakland Park Boulevard is not within the City limits. Mayor Naugle said that it is a County billboard. Vice Mayor Trantalis said that it presents a nuisance. Mayor Naugle agreed. He said hopefully they will have something in place so as not to permit those types of billboards.

Commissioner Teel said it is clear that many cities and citizens feel billboards, depending on location, could be a blight. The former packet of information the Commission received stated: "These signs contribute to the slum and blight in the area and their removal would create a visual improvement to the area." She said they were referring to signs on Sistrunk Boulevard. Removing such billboards and moving them elsewhere would only contribute blight to another neighborhood. She has a problem with moving billboards to one of the prettiest office park areas in the City. She said billboards do exist on 62<sup>nd</sup> Street and Andrews Avenue. She did not oppose the removal of billboards from Sistrunk Boulevard, but to move them to another area is not a good policy decision. She felt the present Code should be retained and effort should be placed into purchasing them or having them, through virtue of attrition, be removed. She was opposed to message boards and felt they are distracting and blinding to individuals, especially the elderly who have night vision problems. She felt they are hazardous. She said that individuals from the Uptown Development Group are present at today's meeting and want to speak on this issue.

Commissioner Teel felt no new billboards should be permitted in the City. The City should look to purchase the existing billboards either with City or CRA funding.

Commissioner Moore said he listened today to a County Commissioner representing the district he lives in, tell his elected body that everything the district residents had gone through, including a planning process and many meetings, should be reversed before



dealing with additional RAC units. That official said the community wants two lanes instead of four lanes on 6<sup>th</sup> Street, and four lanes on the 7<sup>th</sup> and 9<sup>th</sup> Avenue connector instead of six. The community did not permit an FPL substation to be located within the area even though new units are coming in. The water tower and the methodology for water has not discussed. The official does not want the City to move forward with securing additional units in the Downtown RAC until such matters are addressed.

Commissioner Moore further said that the former City Attorney decided in a settlement argument, without consulting the Commission that billboards would be located up and down I-95 in his district. Billboards are located only in the northwest quadrant of the City when speaking of Broward Boulevard and again along Sistrunk Boulevard, but no other sectors into the city from I-95. The NEAT Program addressed broken windows. Billboards are the same as broken windows.

Vice Mayor Trantalis asked if anyone on the Commission wants to add to the billboard population. He was not interested in doing so.

Commissioner Moore said this issue arose for one purpose: a billboard company wanting to use the two available spaces, and willing to remove visual blight from other areas. He further said that the previous City Attorney came up with the concept of limiting billboards and their location according to the State Statute provision of 1,500' distance apart. He did not want to pit one district against another. He did not approve of the staff's comments that pit one district against another. He felt they should all be doing what is good for the City. In this case, he felt they could keep the number of signs reduced, and therefore, everyone share the problem. In looking at 19<sup>th</sup> Street and I-95, there is a single-family home with a towering billboard in their yard. He realized no one wants such signs in their yards, but in relating to the rules of the game placed on the table through the lawsuit settlement, parameters were set. Clear Channel had an opportunity to own signs, but they preferred the visibility of I-95 and removing visual blight. He asked if they could provide further information on the matter.

Michael Brown, attorney for Clear Channel, said they would remove several billboards in the CRA district and replace them with billboards on the I-95 corridor.

Greg Hills, representative of Clear Channel, said there are five billboards in the CRA area that they agreed to remove, and relocate two existing billboards to I-95 near 19<sup>th</sup> Street and shift two smaller signs 700' at a higher level to I-95 and Cypress Creek.

Mayor Naugle did not know the implications of this counter proposal he is going to suggest, but asked if the sign could be placed at the southern end of Fiveash Utility Plant is that the correct name instead of at Cypress Creek. He asked if that would be objectionable.

Commissioner Moore said to allow such signs to remain when they could be removed at no cost to the City should be considered. He realized there is a requirement regarding the citing of signs, but asked if there is an available spot.

Mr. Brown said in their assessment there are limited areas, considering the rules and regulations, along with the settlement agreement and State Statutes. Mayor Naugle said the City owns the property adjoining I-95. Commissioner Moore said that based on the State Statute, the 1,500' rule would apply.

Mr. Brown further said that as long as the statutory requirements are met, other locations could be considered.

Cort Neimark said his office is located in the same office park complex the billboards are to be located. The reason they oppose the installation of a billboard at I-95 and Cypress Creek is because they do not want certain advertisements. They are a group wanting to incorporate an upscale image and high-tech environment for the Uptown Business District and enhance the City. He said there is no means to control the message content. It could contrast with the image they want for the area. He agreed they should be removed from the CRA also. Due to the configuration of the roadway at that location, the sign base would have to be quite tall.

Mr. Neimark further said that this particular sign is located within the City of Fort Lauderdale limits, but it is less than 500' from a residential area in Pompano Beach, and less than 65' from the City of Oakland Park. He felt placing it at this site would be in contrast also to these other cities' regulations.

Commissioner Moore agreed with the comments made, but everyone has been playing by the same rules, since the settlement option by the former City Attorney. Based on that settlement, it falls within the boundary of the specifications.

Commissioner Teel asked if the City Attorney could provide further explanation regarding the settlement agreement. She asked if Clear Channel has the right to place the sign at the proposed location or anywhere else along I-95.

The City Attorney replied they do not have such right because they are not a party to the agreement. When the agreement was executed, there were existing signs along I-95 and in the City. The agreement said there would be an additional ten signs permitted, but only along I-95. Subsequent to the signing of the agreement, eight signs have been erected that did not exist when the City adopted the ordinance stating that additional billboards would not be permitted.

Commissioner Hutchinson asked when the ordinance was adopted. The City Attorney said it was adopted in the '90's. There is a right by National or its successors to place two additional billboards on I-95 if space is available. This does not mean that someone else could not find a spot and apply for it. They have to be zoned and spaced properly in accordance with State Statutes. In regard to City property, there could be a problem with the City Charter as to whether or not the City could selectively choose a particular billboard company. If a billboard is desired, the matter might have to go out for bid. It would require a vote of the Commission to approve the recommendation.

Commissioner Hutchinson said a billboard was erected about 1½ years ago along State Road 84 west of 18<sup>th</sup> Terrace. She asked if that would be part of this proposal. Mr. Neimark said that any billboard since the settlement is part of this proposal.

Commissioner Moore that his district has so many because the company at the time of the settlement attempted to grab the available spots due to the 1,500' rule. He asked how the issue with National is to be addressed, and do they differ with the City Attorney.

Mr. Brown said that it is unquestionable that if 3M wanted to erect a billboard at the proposed site, it could be done pursuant to the settlement agreement. Commissioner Moore said he wanted the Uptown businesses to understand the situation. Mr. Brown further said that in reading the agreement, it is obviously an issue being addressed across the country up to the Supreme Court, but it does not preclude a third party from taking advantage of it. He said the agreement is interesting; it came about during a time when the Legislature was also addressing the issue. Many of the terms in the agreement are consistent with the statute the Legislature passed. He is confident that a third party, such as Clear Channel or National or anyone else, could come in and make the argument that they have the ability to put a billboard at the site. He was convinced that since the site meets all requirements of the Statute and Ordinance, those companies would be on solid legal ground.

Mr. Brown said further that Clear Channel does not like being litigious, and therefore, approached this from the standpoint of removing the signs and relocating them.

Mayor Naugle asked who owns Parcel No. 8. Mr. Brown said he did not know the individual's name, but such information was submitted to staff. He said they met with them and they are in agreement.

Mike Scarpino, Commercial Property Realty, said he also works with the Uptown Business Association. He said that Leo Geddes is he on the sign up sheet owns the property, along with other sites in Broward County. He said that Mr. Geddes also owns the building behind where he is located and the billboard is being proposed, but is not a member of the Uptown Business Association.

Mr. Scarpino asked if the 1,500' refers to lineal or is it a radius. He mentioned there is a sign across the highway where the new dealership is located. The City Attorney said it is lineal on the same side of the street.

Commissioner Moore said he did not select the Uptown site; it is available due to the 1,500' rule. There are only two locations remaining along I-95 that meet the requirements. This is a chance to remove some billboards and have the new one blend with the others along I-95. It would be no different than the other billboards along I-95.

Commissioner Teel said a class of office space is located at the proposed site, but she is also concerned about the signs on Sistrunk. The biggest advantage is that they are old signs, do not have a lot of visibility, and possibly are located on private property. This is an opportunity to look at buying the signs and to begin eliminating visual blight.

Commissioner Moore asked what Clear Channel received per month for advertisement of a billboard on I-95 versus what is received for a billboard on Sunrise Boulevard. Mr. Brown said about \$2,500 to \$3,500 per month is received for billboards along I-95, and about \$1,000 to \$1,700 for those on Sunrise Boulevard. Commissioner Moore asked about the income received from the cantilevered boards. He asked what is the value of the sign on Sistrunk Boulevard. Mr. Brown said the value would be in the range of \$150,000 to \$200,000.

Mayor Naugle said the I-95 sites are more valuable than others, and possibly the counter proposal could be two on I-95 for the five on Sunrise and Sistrunk. The City Attorney said that such proposal was made. He suggested they move the two billboards

on I-95 and adjust them to their optimum location in exchange for the five they are thinking of taking down. This could be an alternative.

Commissioner Moore asked for further clarification of the alternative proposal.

The City Attorney said it would be two for five, that would not include 62<sup>nd</sup> Street.

Mayor Naugle said this could be a good counter-proposal.

Commissioner Teel said it would be a fair offer due to the amount of money they would be able to make from the signs on I-95.

Mr. Brown said that Clear Channel would not be obtaining any new boards and would only be adjusting the existing ones. From a practical standpoint, he said "fair exchange" is no bargain. Mayor Naugle felt it is the right thing to do.

Commissioner Teel said it would show a good corporate image; they would be a good neighbor.

Mr. Brown further said that if 3M applied tomorrow, the City would have to let them erect a sign at the site.

Commissioner Moore asked if 3M could come in tomorrow and erect a sign without input from anyone. The City Attorney said that could be the case, but he has not reviewed the location as to whether it meets all the criteria. Commissioner Moore asked if it would not be better if two positions were erected, and a number of other signs removed. The City is going to end up with a sign no matter what, therefore, he wanted some signs removed.

Mr. Neimark asked if there is an agreement between National and the City to erect two signs, but the City permitted another company to erect signs, could the City still end up with additional signs. Commissioner Moore indicated the requester would have to find a permissible site.

Commissioner Teel said that Fiveash Utility Plant is a possibility which would be more appropriate than the Uptown area.

Commissioner Moore said he spoke with the City Attorney about this matter, but the issue is that it is public property. A number of things could happen. It has to be a competitive process. If the door is opened and public property is used, other billboard companies could challenge the decision.

Mayor Naugle asked if the compensation is to make a site available, how many billboards could be eliminated elsewhere.

Commissioner Moore said this could open legal issues because previously the City did not allow them on public property. The City Attorney said the City is presently in litigation regarding billboards, and is working on amending the sign ordinance in an attempt to answer questions raised in litigation. Adding billboards is problematic, but taking them down could probably be justified. He was not certain billboards would be permitted at

Fiveash because of the zoning. The area is zoned Utility and would probably have to be rezoned.

Vice Mayor Trantalis asked if a precedent is not going to be set by allowing private enterprise to exist on public property. He did not want to continue a bad practice.

Commissioner Teel suggested that both options be further explored. Mayor Naugle also wanted to know the impacts regarding Fiveash. Commissioner Teel said the matter needed to be fully investigated. Commissioner Moore agreed, but said the only reason the Uptown site arose is because it met the requirements of the settlement, and only two available spots are left in the City. His intention is to place them in the best possible place so one neighborhood is not totally impacted. Visually, the community sees it when driving along I-95. He has no problem with evaluating Fiveash or the rights of Clear Channel taking their position. If this is done, when could a cost evaluation be provided regarding the acquisition of signs, along with the other two issues being addressed.

The City Attorney said someone would have to appraise the value of the signs. The procurement process would be involved in order to hire an appraiser, which would take about 60 days. Then, the values would have to be reviewed involving another 30 days.

Commissioner Moore did not agree about the appraisal value. He felt it should be the willing selling value. If the City is taking away a company's revenue, would the City have the power to only give them the appraised value.

Mayor Naugle said the City would make an appraised offer, and if it is challenged, they would all go before a jury for resolution. There would then be a battle of the appraisers. It would be similar to a condemnation. The City Attorney said it would involve 90 to 120 days.

Commissioner Moore asked Clear Channel if they heard the discussion. Mr. Brown said he understood and appreciated the Commission's consideration. According to the Statute, the Commission has the ability to consider what is being proposed and move forward with it. They are not asking for anything that is not part of the law.

Commissioner Moore asked if they could present their beliefs to each of the Commissioners and the Mayor as to why this process would work. Mayor Naugle said the information should be given to the City Attorney. The City Attorney said he did not disagree that the City could not do what it is doing based on the Statute, but the disagreement lies in the fact that the agreement is between the City and 3M. Clear Channel, nor anyone else, cannot step into 3M's shoes. Mr. Brown believes the settlement agreement is not exclusive to 3M regarding the site, and he disagrees with Mr. Brown. He said they could stand alone and negotiate the site.

Mr. Brown said that if an agreement does not want anyone other than the parties in the agreement to be able to utilize any of the terms of the agreement, it is stated in such agreement. In this case that was not done. What is unique about this agreement is that it incorporates concepts and findings from the U.S. Supreme Court, the Florida Supreme Court, the Legislature. It is uniform. He believed it could be applied to other companies.

**Action:** This item will be presented at a future meeting, after additional research is conducted.

**I-C – Comprehensive Annual Financial Report and Auditor’s Opinion – Fiscal Year Ended September 30, 2004**

**Action:** None taken.

**I-E – Appropriations Requests for Federal Fiscal Year 2006**

Mayor Naugle asked if there were any additions or corrections to be made to the list of projects provided. Commissioner Hutchinson thought the list was great.

Commissioner Teel asked if the Commissioners had read the article in the Sun-Sentinel regarding the Baltimore Orioles entitled “*Keeping Baseball Priority for Bush*”. It shows that Governor Bush is interested in preserving spring training. She suggested the Commission send some communication to the Governor independently from the City’s lobbying efforts. She would be lobbying for this in Tallahassee in March. Mayor Naugle said he would deliver the message personally to the Governor since he has a meeting scheduled later in the month with him.

Ann Kelleher, Assistant To The City Manager, said the City just learned this morning of another opportunity. Staff submitted four projects for the reauthorization of TEA-21 (Transportation Equity Act) which was done for FY 2005, but learned it could be also submitted for FY 2006. She said they are asking for the Commission’s concurrence to do so, and to resubmit the projects which include the 2<sup>nd</sup> Street transit and pedestrian project, NE 6<sup>th</sup> Street enhancement project (Sistrunk Blvd), costs of contracting the Water Bus, and the NW 7<sup>th</sup> and 9<sup>th</sup> Connector.

Vice Mayor Trantalis said it is important to note that these projects could not be pushed over into another year.

**Action:** There was consensus on the recommendations contained in the Commission Agenda Report 05—190 and for the City to resubmit for Fiscal Year 2006 funding, under the Transportation Equity Act, 2<sup>nd</sup> Street Transit & Pedestrian Improvements, NE 6 St – Sistrunk Streetscape Improvements, Water Bus Service and NW 7<sup>th</sup>/9<sup>th</sup> Avenue Connector.

**OB – March 8, 2004 Referendum - Slot Machines**

Mayor Naugle said the slow machines ballot initiative is coming up. Hollywood is concerned about the increase in police protection and traffic. He hoped this would be included in the City’s legislative position. When the Legislature acts on this, he wanted neighboring cities to be reimbursed for such costs. He hoped this would be included in the package for the lobbyist to work on.

Vice Mayor Trantalis said it would make sense, but he felt the electorate is going to turn this down. He said there is too much uncertainty involved. Commissioner Hutchinson concurred.

**Action:** There was consensus to include in the City’s legislative position a request for State funding to address what may arise with gambling facilities being situated in the area.

**I-F – Fort Lauderdale Beach Transportation Improvements – “3 plus 2” Plan – Addition of Northbound Lane to Seabreeze Blvd (Bahia Mar to Las Olas Blvd)**

Peter Partington, City Engineer, said the current estimate is slightly in excess of available funding. However, the land acquisition costs are difficult to pin point, and therefore, Staff wants to proceed to retain right-of-way acquisition consultants, the Urban Group, which had been selected through the process for the Northwest Progresso CRA. Staff also wants to engage special counsel for the next stage of the project. If the Commission agrees today, then two contracts would be placed on the next Regular Commission Meeting Agenda. The timeline would involve returning to the Commission regarding acquisitions because a resolution would have to be passed. Then, they would provide updates regarding funding.

Mayor Naugle said if there is a gap, then their first choice would be to go after State funds. Another option is to seek CRA funds.

Mr. Partington confirmed that as correct and said using CRA funds could be a possibility.

**Action:** There was consensus to proceed as recommended in the Commission Agenda Report 05-0195: plan approved subject to funding; retention of right of way acquisition consultants, Urban Group, and special counsel will be scheduled on the March 15, 2005 regular meeting agenda.

**EXECUTIVE CLOSED DOOR SESSION 3:04 P.M.****COMMISSION CONFERENCE MEETING RECONVENED 3:15 P.M.****III-B – Advisory Board and Committee Vacancies****Audit Advisory Board**

Vice Mayor Trantalis appointed Alan Silva to the Audit Advisory Board.

Commissioner Moore appointed Dolores McKinley to the Audit Advisory Board.

**Action:** Formal Action to be Taken at Regular Meeting.

**Aviation Advisory Board**

**Action:** Deferred

**Board of Adjustment**

**Action:** Deferred.

**Cemeteries Board of Trustees**

Mayor Naugle appointed Connie Christensen to the Cemeteries Board of Trustees.

**Action:** Formal Action to be Taken at Regular Meeting.

Community Appearance Board

**Action:** Deferred.

Community Services Board

Commissioner Moore appointed William Dandy to the Community Services Board.

**Action:** Formal Action to be Taken at Regular Meeting.

Economic Development Advisory Board

**Action:** Deferred.

Education Advisory Board

Vice Mayor Trantalis appointed Jack Law to the Education Advisory Board.

**Action:** Formal Action to be Taken at Regular Meeting.

Insurance Advisory Board

**Action:** Deferred.

Marine Advisory Board

**Action:** Deferred.

Nuisance Abatement Advisory Board

**Action:** Deferred.

Parks, Recreation and Beaches Advisory Board

Mayor Naugle appointed Ron Perkins to the Parks, Recreation and Beaches Advisory Board.

**Action:** Formal Action to be Taken at Regular Meeting.

Unsafe Structures and Housing Appeals Board

**Action:** Deferred.

Utility Advisory Committee

**Action:** Deferred.



**IV – City Commission Reports****Uptown Development Improvement Group Meeting; March 11, 2005**

Commissioner Teel said that the Uptown Business Council Uptown Development Improvement Group meeting will take place on March 11, 2005, at 8:00 a.m. at the Airport. She said the officials from Oakland Park and Pompano Beach were invited. Commissioner Hutchinson indicated that she would attend. CRA Director Alfred Battle has experience with business improvement districts and is willing to help out. She said there is a lot of momentum going now. They hope to do a regional business improvement district that might be unique enough to bring in some funding.

Mayor Naugle asked the City Clerk to post the meeting.

**Landscaping/Commercial Boulevard**

Commissioner Teel said FDOT does not want to provide enhanced landscaping on Commercial Boulevard. A letter was sent to the City, indicating that segment from the Intracoastal to U.S. 1 (NE 19<sup>th</sup> Avenue) only has \$70,000 budgeted for landscaping, and if they patterned the area similar to Lauderdale-By-The-Sea, the cost would be about \$850,000. She said decorative lighting would cost an additional \$500,000.

**One Stop Shop Roof**

Vice Mayor Trantalis asked if there is an update regarding the roof leak at the One Stop Shop.

The City Manager said they are planning to flood the roof tomorrow, and they believe the de-humidifier process is drawing out gallons of water. The initial engineer report is very strong, but the City needs a letter, stating the roof is in sound condition and that everyone could move in.

Vice Mayor Trantalis said it was his understanding that the leakage is due to moisture accumulating from the inside. The City Manager said that in flooding the roof, they are just making sure water is not seeping through. Vice Mayor Trantalis asked if a mechanism is in place to maintain the de-humidifying process so this would not be a continuous problem.

Mayor Naugle said the air conditioners will draw out moisture and keep things at an acceptable level. The de-humidifiers are used to take out excess moisture.

The City Manager said that hopefully the issue will be resolved this week; he will keep the Commission informed.

Commissioner Teel asked if the air conditioning was working when the leakage occurred. The City Manager said it was his understanding the air conditioning was working, but once people were inside there was no longer an equilibrium. The consensus is that water seeped through during the construction process.

**Zoning - Victoria Park**

Vice Mayor Trantalis said there is continuous discussion among the residents of Victoria Park regarding the changing of zoning within a particular area. Residents attempted to obtain points of view and circulate a petition, and they felt they had a significant number of people in the area in favor of reducing the zoning to maintain single-family housing. Proponents of the measure are asking this be moved forward to a public hearing. He met with the City Attorney to obtain direction.

Vice Mayor Trantalis felt if the neighborhood wants this, they should have it. He asked if it is appropriate to move forward to a public hearing and let the neighborhood decide, and final action could then be taken by the Commission one way or the other.

As the District Commissioner, Vice Mayor Trantalis felt the character of the neighborhood has changed significantly, and that it is impaired to a degree due to overbuilding. He felt certain areas would benefit with a down zoning, and asked for some direction from the Commission.

Mayor Naugle said historically the Commission has said if the neighborhood association requests a rezoning, they would be the applicant with no fee involved, and go before the Planning and Zoning Board for a public hearing.

Commissioner Teel said that several years ago this was done regarding 17<sup>th</sup> Way.

Mayor Naugle said it would be a challenge and commented for example that Rio Vista was not able to come to a consensus.

Vice Mayor Trantalis said he would inform the neighborhood that a majority vote is needed.

Mayor Naugle said he would not use the term "downzoning," but identify it as "right zoning" because they would be increasing the value of the property with an R-1 zoning.

The City Attorney said that historically the neighborhood is asked to send a petition to the owners in the area, and provide proof that 51% of the neighborhood desires the change before proceeding to the next step.

Mayor Naugle said if the District Commissioner wants the Commission to review the matter without the 51%, then he would agree to do so.

Vice Mayor Trantalis felt this is important, but he did not want to impose his opinion on the neighborhood. It needs to be the neighborhood's decision.

The City Attorney said that 51% of the affected individuals need to support the change. Vice Mayor Trantalis asked if 51% respond, whether affected or not, would it be sufficient to move forward. The City Attorney said that in the past that was not sufficient. Commissioner Hutchinson said if it pertained to her district, she would want to hear from the individuals affected by the change. Mayor Naugle believed 51% responding should be sufficient to proceed.

Commissioner Teel felt 51% would be enough to get it before the Planning and Zoning Board, which would provide the opportunity for a public hearing.

Vice Mayor Trantalis asked how the matter should proceed to be taken before the Planning and Zoning Board.

The City Attorney said an application should be filed, and if a petition is provided showing the neighborhood is the applicant, then the fee will be waived.

Broward County Planning Council Meeting and Proposed Land Use Plan Amendment for City's Downtown Regional Activity Center – 13,000 Units

Vice Mayor Trantalis said the Broward County Planning Council met last week regarding the additional 13,000 units. He said the City Manager sent a letter to the Council, summarizing the consensus of this Commission regarding the units, and three components were detailed in that letter. One component involves transportation. The Council's staff report did not recommend passage of the 13,000 units because the City did not submit a regional plan for traffic mitigation. He said the City is the hub of the County. He asked why the City must provide a regional plan. He questioned if it was not the County's responsibility to provide such a plan that would include various jurisdictions. He felt such a request is an unfair imposition on the City. This appears to be recognized by the Council because they voted almost unanimously to move this measure to the County Commission level.

Commissioner Moore said the matter is to be discussed on March 15, 2005. It is important that the City Commission attend that meeting. He asked if the Regal Trace meeting also scheduled for that date could be set for another time. Public hearings at the County level normally begin at 2:00 p.m.; possibly a specific time period could be requested.

Commissioner Moore thanked Vice Mayor Trantalis for attending that meeting

Commissioner Moore said it was made clear today the issues to be discussed would pertain to water, traffic, citing of substations due to increase of power, the 7<sup>th</sup> and 9<sup>th</sup> Avenue Connectors, and narrowing of Sistrunk Boulevard.

Mayor Naugle asked if the County Commission looks to the District Commissioner for a recommendation. Commissioner Moore confirmed that as correct, but said in this case the City is being forewarned that the City needs to supply answers to such matters.

Vice Mayor Trantalis said the City should be prepared to respond. No matter how many of the 13,000 units that are ultimately built, that number has been arrived at by consultants to justify the type of rapid transportation and interactive downtown urban core they speak about. He did not know if they could ever build close to such a number due to the limitations imposed by the City Master Plan. He felt this number could never be achieved even if the market would support it. The individuals living in such units would most likely work Downtown. Consequently the discussions regarding transit pertain to people servicing the Downtown area. Therefore, the number is not necessarily the "linch-pin" in determining how Sistrunk or the 7<sup>th</sup> or 9<sup>th</sup> Avenue corridors should be designed.

Vice Mayor Trantalis continued, saying that in discussing this issue they are not looking to clutter up the City, but to anticipate the demand and eliminate the black market of available units that is developing within the City. The rumor is that units are selling for

\$50,000 to \$75,000 each. If that is used to subsidize housing, it means units are being pumped up in prices, but if an equilibrium was established according to demand, high prices would not be paid for such units. It would allow homes to be allocated to individuals who could afford them, and not for individuals with the most money.

Mayor Naugle said one of the requirements he hoped to be placed on the additional units is that they could not be hoarded. The theory would be "use them or lose them," and they could not be traded. With the vast number of these units being sold for second homes, the formulae used by the traffic planners for traffic is skewed. Maybe a traffic analysis should be done on some of the buildings in the City, and look at established ones. He suggested they review the projections against the reality. This should be tested similar to the way the school formula at New River Village was tested. He felt this could place the traffic people at ease.

If passed by the County Commission, Vice Mayor Tarntalis said the City has until June before the matter goes back before the Planning Council.

Commissioner Hutchinson said that regarding what the County wants to do with their governmental center knowing no units are available, she did not see how they could not pass the issue on March 15, 2005.

Commissioner Moore thought they might be trying to nix the City on this.

Commissioner Moore said the Commission was eloquent regarding the 15% attainable units of the 13,000 units, and it helped the argument about the individuals that will be utilizing it. It presents opportunities to meet the goal of work force people who would be out of the price range without it. Regarding the Downtown concept, since there were no parking requirements and many of the traffic studies and issues were waived to stimulate development, it should be the County's initiative to deal with transportation. To keep throwing it onto this City is inappropriate. The elected officials need to find a method to deal with mass transit. There will always be congestion in the City because they keep suggesting the development and movement of people through cars.

Mayor Naugle said the City took care of the water and sewer. High-rise units use significantly less water per unit than single family homes because of irrigation. The City is dealing with the electric as well. Commissioner Teel said a large amount of the units are empty for a good portion of the year.

Commissioner Moore said there might not have been a resolution of matters, but the City has acted on various issues. The City has acted on the water and sewage issues. There has been movement to attain the development interest that the City has in mind. The City needs to indicate to the County this is their responsibility.

Commissioner Teel said she attended the Metropolitan Planning Organization meeting at Nova University. It was about getting financial resources into the program for the east/west corridor. She said both Commissioner Scott and Commissioner Wexler attended the meeting. She said a lot of information came out of the 3 1/2 hour workshop. She pointed out that the County knows the City is working on it.

Commissioner Moore felt the City did what the citizens wanted.

NEAT Program

Commissioner Moore said a meeting was held with the NAACP last Thursday to address individual concerns regarding the NEAT program. There were 1,600 citations for violations in a concentrated area. It was strange to him that the ACORN organization stated this is being dealt with through racial lines. He tried to explain to them that it is being dealt with as a response to a community's request. He said 40% of the properties have complied and once aware of the violations, the individuals willingly took care of the problems.

Commissioner Moore commended Building Director Valerie Bohlander for her hard work and effort regarding this program.

Mayor Naugle hoped time would be given to individuals to plant ground cover.

Commissioner Moore said that staff needs to decide what ground cover encompasses. He hoped such information would be supplied to property owners expeditiously.

Mayor's State of the City Address; State of District III Address

Commissioner Moore complimented the Mayor on giving recognition to each District Commissioner in his State of the City address. He said the venue chosen was good and well presented.

Commissioner Moore said that on March 16, 2005, the State of District III Address will be presented and everyone is invited. He announced that Joseph C. Carter Park is officially opening on April 1, 2005. He thanked the staff for all their hard work.

Dillard High School Reunion

Commissioner Moore said there are three public high schools within the City, and one of them is Dillard High School who is going to do an all class reunion July 1-5, 2005 at the Marriott North. The task force is requesting \$3,000 to underwrite nationwide promotion of the event. The City has complied over the years. It generates visitors and a great boost to the economy. He asked if the Commission would support the request.

Mayor Naugle asked if the money could be raised through private donations. Commissioner Moore said that most of the money has been raised privately, but they have always requested the support of the City in the past. He mentioned various organizations that also contribute and support this event. He said the event is held every five years.

Commissioner Teel asked where the money would come from. This is a period where everyone is supposed to be tightening their belt.

Mayor Naugle said the problem is if the Commission supports this event, other groups will make the same request. Commissioner Hutchinson asked how it was justified in the past. Mayor Naugle said it was not presented to the Commission in the past. Commissioner Moore said the money was donated before; the City Manager has the discretion to make such donations up to a certain amount.

Commissioner Teel said there are other schools in the area, but she did not know if they made such requests. The City is trying to be careful with spending, and she felt if they do this for one group, others will come forward. Possibly corporate entities could assist.

Commissioner Moore felt the City always attempts to promote the City. Support is already being given by other groups.

Mayor Naugle was also concerned about the precedent being set.

Vice Mayor Trantalis said he would support the request, if the Commission is ready to do so for other schools.

Commissioner Hutchinson did not have a problem with this request since the City has contributed in the past.

Vice Mayor Trantalis did not think the City should be involved. Commissioner Moore said the event is promoting the City with nationwide exposure. Vice Mayor Trantalis said other events in the City give nationwide exposure and do not ask for contributions.

Mayor Naugle said there is a mechanism for such funding through the Convention and Visitors Bureau. The tourist tax collected for hotel rooms is used to promote special events in the City. Commissioner Moore said the Visitors Bureau is already contributing to this event.

Commissioner Teel pointed out the OAS is being held in the City, and yet it will require money on the City's part for extra police protection.

Commissioner Moore respected such concerns, but the City only has a certain number of high schools and he did not think there will be an avalanche of requests. The request is only for \$3,000 and would not break the bank.

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### Airport

Commissioner Hutchinson said she and the City Attorney attended recent airport meetings. The Broward County Commission submitted a proposal to the FAA for an 8,600' runway. By submitting this proposal, it changes the original project. It will again kick in the environmental impact statement process and will give them the opportunity to study only 7 alternatives instead of 11 to the south runway. She said one included another north runway, a higher capacity for a diagonal runway, and the relocation of the entire Airport.

In 1997 a project was mitigated which included 38 new gates, a parking garage, new roadways, and a 9,000' runway. She asked where things now stand. Building permits were issued, work was done.

Vice Mayor Trantalis asked why this is being kicked back. Commissioner Hutchinson said a proposed project is being submitted to the FAA on a vote from the County Commission. They never finished the environmental impact statement. The FAA is

being asked to start the environmental impact statement process again on the project, along with the other alternatives.

Vice Mayor Trantalis asked how they determined that a 8,600' runway will be more appropriate than 9,000'.

Commissioner Hutchinson commented that Dania Beach did not like it; Fort Lauderdale negotiated in good faith on the project, and now they are back at square one.

The City Attorney said the FAA comment was because of the passage of time, the process had to begin over. The application from the County was submitted in November, 2004, and that will be the beginning date. All alternatives will be reviewed. The City does not have any good alternatives. The City abated the effectiveness of the development order, but development continues. If the City exercises their rights, he felt they will be successful, and will play into the hands of the people who are opposed to the development of the airport.

Mayor Naugle said the closing of the airport will hurt the economy.

Commissioner Hutchinson asked what will happen to all the years of mitigating the project that was shoved down the City's throats. It was a serious process for some of the neighborhoods, and now what can be said when going back to the same residents that are involved.

Mayor Naugle commented on what the City allowed after negotiations, but noted that ultimately the City received nothing. Commissioner Hutchinson said the City permitted them to mitigate 17% of the airport traffic through the port, and then it was closed. Now, that traffic is being shoved down the City's throats.

The City Attorney said the City asked for a meeting regarding the mitigation plan for quite some time and are still waiting on a response. Commissioner Hutchinson said nothing is going to be done. They are not in compliance with the mitigated traffic. They do not care.

Mayor Naugle asked if there is a way to continue operating the airport, but give up no City rights to enforce the agreement.

The City Attorney said that is what has been done. The agreement has not been enforced, but no rights have been given up. Other issues were raised along the way. The City has been reluctant due to traffic issues. For instance they want to delete a portion of the old DRI and build a parking lot. The City said a Notice of Proposed Change could be done, and then they could go through an amendment process where it would be reviewed again by the City. They were upset about that; the level of cooperation regarding certain issues is not as good as it used to be.

Mayor Naugle said the City will continue to work with the attorney and options will be brought forth to strengthen the City's position.

Commissioner Hutchinson said they are attempting to dictate to the City what they should do in their Downtown, yet they could not complete a project they started, in good

faith, with the City. She felt the Convention Center project is dead and she is no longer interested.

Citizens Volunteer Corp (CVC) – Sistrunk Blvd Clean-UP Project

Commissioner Moore said the CVC Project for cleaning Sistrunk Boulevard is scheduled for March 12, 2005 and will begin at 8:00 a.m.

Dillard High School Reunion

Continued from page 21

Commissioner Moore said the City donated \$5,000 to the Broward County Mayor's Gala.

Vice Mayor Trantalis said he is willing to donate \$1,000 and reminded everyone that other groups may come forward for similar donations.

**Action:** There was a 3-2 consensus for \$1,000. Mayor Naugle and Commissioner Teel were opposed.

**V – City Manager Reports**

None Given.

There being no further business to come before the Commission, the meeting adjourned at 4:08 p.m.