

**COMMISSION CONFERENCE MEETING AGENDA
APRIL 19, 2005**

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COMMISSION CONFERENCE MEETING 1:30 P.M. APRIL 19, 2005

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

Absent: None

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

I-A – Waterworks 2011 Program Partnership Stranahan High School Engineering Magnet Program

Tom McCormick, Program Manager – CH2M Hill, said that they are working with Stranahan High School to take advantage of educating students regarding the various careers available in the engineering field. He said that construction teams are formed and bids are made. The students have to learn various software programs and learn how to read plans in order to be able to make bids and presentations. This year, they have been working with Dickey Consulting Services to do door hangers and communication pieces, including a 30 second commercial of the projects, including Jacobs Landing. He said the top two commercials would be shown today, and tonight awards would be given to the winning student team from this year's competition.

Mr. McCormick said that in making the commercials, the students are able to see the types of careers involved in major programming. The top two commercials were shown.

Mayor Naugle said that this goes along with the Mentoring Program being promoted by the Governor. Everyone should be commended on the work being done with the students.

Commissioner Moore said that he was discussing a mentoring program with high school graduates, and he hoped that it would be presented to the Commission in the near future.

Lauderdale Manors Phase II, WaterWorks 2011 Program

Commissioner Moore said there had been some delays in the WaterWorks Program regarding Lauderdale Manors involving the swales and incompleteness of some blacktop. He asked if a status report could be given.

Mr. McCormick said that they have stopped the contractor on many occasions and now taking a different approach. Smaller areas are being addressed at a time and the contractor does not go elsewhere until such work is done. This contractor is having a resource problem and he has been told that the area must be brought into shape before they could proceed with the pipeline work. He has been stopped four/five times. It is their intent to continue to stop the contractor until he is able to bring the driving surface back into a useable condition. The swales are a different issue and according to the

contract, the driving surface is what they are to be focused on. Swale clean-up is not a contract item.

Commissioner Moore said the roads are great, but the swales have caused a year of disruption to the property owners. He felt it was time they consider using a contractor that could do the work. The community is in favor of this project. It is a major improvement to the community, but things are not working very smoothly. He said the contractor is not meeting the community's satisfaction. It possibly is time to look at a different type of methodology, along with a different contractor, for this job.

Mr. McCormick said that they are looking to close out this contractor regarding this project, and he would not be allowed to proceed to Phase 3 until some sort of commitment is agreed upon. He added that he has a meeting scheduled later today with the subject contractor, and that they are also preparing another contract that would be used as a resource in case they run into other problems. It would be a work order contract. Money would be retained from the first contractor.

Betty Hayes said that she served on the Selection Committee regarding the bid for the Second Phase. She and another member attempted to not have this contractor chose, but staff felt there was not a good reason to not continue on with this contractor. She said it is unfortunate that appropriate language is not included in the contract to prevent these types of problems.

Commissioner Moore said that when a relationship ends with a contractor in the middle of a construction project, there are problems and great delays. He thanked staff for their efforts in attempting to motivate this contractor, but to no avail. He hoped the contractor would complete the work, and if not he wanted the City to move on.

I-B – Water Bus – Use of Area Underneath the SE 17 Street Bridge

The City Manager said that requests were received from Water Bus operators to utilize the area underneath the SE 17th Street bridge.

Robert Lochrie, representing Water Bus, provided an overview of what is being requested. He showed the proposed site on a map and said it is FDOT right-of-way. When the new bridge was built, FDOT entered into a lease with the City where the City has a lease for the Upland property underneath the bridge on both the east and west sides. The current lease extends to the seawall on the east and west sides, and in one case it even includes the seawall. The submerged lands underneath the bridge are not included in the lease.

Mr. Lochrie further said that they are seeking a revocable license from the City allowing them to install two gangplanks, one on the east side and one on the west side, to which they would attach a barge allowing them to dock the water buses in the evenings and early mornings before going to their routes. They would also use these areas to load and unload during various times of the day, and return at the end of the evening. They are not requesting any modifications, other than the inclusion of the gangway, along with some security.

Mr. Lochrie said they are requesting the City grant up to 24 parking permits in each space. In addition, staff determined there are additional needs on the part of the City,

thereby setting the amount to 70 permits on one side and 40 on the other. They will also have to go before the Board of Adjustment to request a temporary use permit. The revocable license would grant them 30 days to move forward.

Mr. Lochrie said their lease with Bahia Mar expires at the end of this month. He further said it is their intent to move forward with negotiations with FDOT who indicated they may lease the submerged lands and the waterway to the City, and then the applicant could enter into a lease with the City. He said that today they are requesting permission to begin the process.

Mr. Lochrie said one of the conditions that has been amended since staff's report was put together is that they agreed to not fuel from the east side of the bridge, and also agreed that no boats would be docked in the area during the Boat Parade.

Commissioner Moore asked for clarification of the areas where fueling would take place.

Mr. Lochrie said they are proposing to fuel from the west side only. They would bring in a fueling truck for the vessels. The hours of operation would be limited to very early in the morning. They agree to use bio-diesel when it is available, but at the current time it is not.

Commissioner Moore asked for further clarification of the quest for an attractive gate. Mr. Lochrie said they do not want to install just a chain link fence; the architect is working on an attractive solution. Commissioner Moore asked if the dock could be removed if things did not work out. Mr. Lochrie confirmed yes.

Bob Bekoff, Water Taxi, said they have been here since 1988, and they brought favorable exposure and press to the City. They have a compatible reputation with the Venice of America. When Bahia Mar embarked on a \$17 Million renovation of their marina to make this a five-star destination, they notified Water Bus that their operation was not compatible. He arrived at the creation of a floating facility to be put in one location that would be attractive. Everyone felt the northeast portion of the Las Olas Marina would be a great location for such a facility. They overlooked one detail which was that the adjacent condominium has the riparian rights for the area. Then they contacted the City, and FDOT who has been supportive of their operations. They transported 37,000 people in their first year of existence, 755,000 people last year, and 825,000 to 850,000 people are projected for this year. About 30% of those numbers are local residents. They have water taxi service agreements with Broward County and the City for public transit, and received considerable amounts of State and Federal funds so prices could be reduced.

Mr. Bekoff further said that they then met with Congressman E. Clay Shaw and proposed putting this facility on the west side of the Clay Shaw Memorial Bridge, but he did not feel the design was compatible with it. The Army Corps of Engineers said the facility would be good, but that no structures could be included in the project. The next step was to try and fit all 16 boats underneath the west side of the bridge which would have put them right up against the bridge abutments and FDOT said no. All along in the planning, it was contemplated to service the neighborhood on the east side and guests at the Best Western Marina.

Mr. Bekoff said they decided to cut it in half and put eight on each side. The gates that guard the gangway would lock from both sides with a hand-held combination. There has been a landing at the site for three and a half years, and they have not had any incidents or complaints. Questions arose about using one side on busy days. He discussed the current under the 17th Street Bridge and that it is stronger on the east side than the west.

Mr. Bekoff continued to state that the proposed site is not their first choice. Their first choice is Las Olas Marina. They embarked on this project last November, but in September he had approached the County about using another site which he proceeded to show on the map. It is Port property and a restricted area; it could not be utilized. In February and March he went back to FDOT and was informed that a temporary permit could be issued. A permanent permit could not be granted because the State has to enter into a lease with the City to extend their lease for the submerged lands. The City could sign as the applicant, and the State would sign as the owner so they could proceed for a permanent permit. A temporary permit was granted on March 18, 2005.

Mr. Bekoff said they then went to City and asked to place an operations facility on the west side consisting of a 450 sq. ft. building for temporary offices. FDOT said that no structures could be built at the site. Therefore, they rented offices and concluded they would add office space and use it for their operations center. They have looked and looked for a site. There is a shrinking marine facility environment in this City. There is no other place to locate this facility logically except for the proposed site.

Mr. Bekoff was open to suggestions regarding other sites.

Vice Mayor Teel said comments were made that the lease with the City includes one seawall, and she wanted to know which side. Mr. Lochrie said that it does not include the seawall on the west side.

Vice Mayor Teel said that the present floating dock which was the water taxi stop has been located at the site for the last three years, and she had previously asked if a permit was needed. Mr. Bekoff said that, according to FDOT, such permit is not needed. Vice Mayor Teel said that she is referring to a City permit. Mr. Bekoff said that the only City permit he could imagine would be to connect to the seawall that the City does not own.

Vice Mayor Teel said that in October, 2002, Assistant City Manager Greg Kisela wrote a letter to FDOT in regard to a request for a floating temporary dock, and was instructed that a permit was not needed. It goes on to state that if a decision was made to pursue making the dock permanent, then the City standard permitting requirements would apply. She asked if they are familiar with the letter. Messrs. Bekoff and Lochrie said no.

Vice Mayor Teel asked if any action was taken in regard to obtaining a permit for the dock during the last three and a half years. Jamie Hart, Supervisor Marine Facilities, said he was not aware of any such action being taken.

Vice Mayor Teel said that in the City there were many areas available for docking opportunities, such as Las Olas, the area around the Jungle Queen, Colee's Landing, and the area along the River Walk. She asked if any of those areas could accommodate the Water Bus. Jamie Hart said there are some locations that could be looked at, but there was only one location that could accommodate all 16 which is the site proposed north of Las Olas, otherwise, they would have to be split up. There is the leased area

near the Jungle Queen, but he did not think the lease would work and possibly only eight would fit, and perhaps near the Performing Arts Center. There are only 29 slips in service at Colee's Landing, and 16 are reserved for sailboats due to the manatee situation. Vice Mayor Teel said that alternatives are available.

Mr. Hart referred back to the Jungle Queen site, and said that the Legal Department would have to review the issue because he believed the Charter addresses leasing to another government agency. The lease is about to expire and it would be put out for bid. Presumably, the Jungle Queen would pursue it again since they have leased the area for the last fifteen years. Vice Mayor Teel asked if there are some additional spaces remaining in that area. Mr. Hart replied no.

Commissioner Hutchinson said there is the possibility of using the Las Olas Marina, but that they would have to go through the State. Mr. Hart said there are many hoops to go through in that regard. The Submerged Land Lease at this time does not permit overnight storage. Also, zoning does not permit marina use and that would have to be changed, and since the boat siting plan is not done with the County, they only permit the expansion of marinas to one slip per hundred lineal feet of shore line. Since this is a public purpose that rule may not apply. The situation would have to be reviewed. He also stated that the Portofino is also planning to expand their dock which is adjacent to the proposed site. They are still only in the planning process.

Commissioner Moore felt this should be in the Port since that is the most viable location. He felt it was ironic they are concerned about security since many individuals are coming from around the world getting off cruise ships in the area. This is a "wet" mass transit opportunity. Possibly the City could assist in getting the proper review. Perhaps it should be addressed in a temporary nature now. If they go through the process of dealing with the security issue and all the circumstances considered, then moving it to another location could be important. He asked if there was a way to begin reviewing this with the County with respect to security.

Larry Rollett said the neighborhood just discovered this issue recently. He was disturbed because Mr. Lochrie indicated there would be no modifications, yet Mr. Falkinger is holding a contest concerning the egress. He asked if Mr. Bekoff owns the business privately and are they going to pay the City. There are many questions regarding this issue. He did not feel they should be rushed to make a decision. He suggested that this item be pulled and that the public be permitted to provide input. He did not want the area park destroyed because residents use it. He further said that the company provides a valuable service, but he was not sure if 75% to 80% use it to get to work or a specific destination. He was not sure if it qualifies as mass transit, but wished it did. He suggested that a better marketing program be developed in terms of mass transit. He believed there are a lot of issues involved and this should not be "rubber stamped."

Christopher Pollack, Chamber of Commerce, said that he was also representing the Lodging and Hospitality Association. The water taxi is an icon of the City and even though this is temporary, they still need to look at this very diligently. He said that Mr. Bekoff does a lot to promote the City.

Joe Hessmann, Marine Advisory Board, said that Mr. Bekoff brought this proposal before the Board, but he felt the Las Olas Marina was too small for this project. With respect to the idea presented today, it was presented to the Board as a courtesy. The majority of

the Board was in favor of the project. If this project went back to the County, many delays would be encountered. The site is temporary and could be relocated. The business is good for tourism and transports many people. Las Olas, Jungle Queen and Colee Hammock are not appropriate sites. The Board agrees with his comments. He suggested the City put the water taxi at the proposed site, and then if they so desire and the permits are obtained it be moved in the future to the Port as Commissioner Moore discussed.

Genia Ellis said she is a big fan of the water bus, but she is President of a local association which abuts the proposed site. She said that she represents Harbor Beach, Harbor Inlet, Harbor Isles and the Great Water Surf Club. The neighborhoods worked for years with FDOT and survived the construction of the Bridge. They made it possible for the park property to be donated. It is an open public space and it was provided so individuals could view the river and the boats. About 500 people view the Boat Parade from this site. This Commission voted to allow only 16 permits under the east side of the bridge. They are asking for 40 permits. She asked what would happen to the parking. The small boat channel is used routinely. She said Water Bus needs to have a home, but the proposed site is not the best place. She asked that the City assist Water Bus in finding a place for their business, but this is a public place.

Mayor Naugle asked how the neighborhoods would feel about the area being used on a temporary basis and a strong push be made for them to locate in the Port. Genia Ellis said if a deadline was provided regarding temporary use, then possibly everyone could live with it. With no time frame, temporary could last forever. If the Port does not do it, then what would happen.

Commissioner Moore asked if the contract being negotiated for the agreement has a time limit. Commissioner Trantalis said it was a revocable license agreement.

The City Attorney said that it would expire February 1, 2006.

Commissioner Moore asked if Mr. Switzer, who had donated the money to improve the area, objects to this project.

Victor Appleby, General Manager of the Best Western Marina Inn, said they are adjacent to the proposed site and Mr. Switzer has owned the area for the last 28 years. He donated the money to improve the area. He is aware and 100% supportive of the proposed plans. He mentioned a problem in the past with a charter boat. A business proposition was made by the charter boat to their business to continue using the area, but Mr. Switzer did not approve it. But, he feels this idea is a good idea. Best Western will not receive any money from this.

Commissioner Moore referred to the agreement that boats would not be docked during the Boat Parade, and asked where would they be docked. Mr. Bekoff said the boats are normally chartered to individuals wanting to go out on the water for the event. Commissioner Moore asked if Mr. Bekoff would give the same sort of consideration to any other events held in the neighborhood. Mr. Bekoff confirmed yes.

Vice Mayor Teel felt the Water Bus is an important feature in the City and a great service, but she did not think this is the site for storage. She did not want the citizens cheated out of enjoying the view. She suggested they review alternate locations while

working with the County, since the County does own about ten of those vessels. Mr. Bekoff said that they own them, but they are in his company's care and custody. Vice Mayor Teel said this reminds her of the right-of-way at the south end of town where the Church simply took over the right of way because they needed parking. This issue needs to be presented to the public for their input and more thought put into it to find a solution. She agreed the item should be tabled to give the County the message that their help is needed. It has to do with tourism. She did not think they should rush this through because it would be a disservice to the City. Temporary uses seem to have a way of turning into long-term temporary uses.

Commissioner Hutchinson said she agreed with all the comments made, and Mr. Bekoff and his water taxi is an icon in the community. She felt staff was remiss if they had been dealing with this issue since November, and yet she was only informed of it about seven days ago. She felt there is still an opportunity because Bahia Mar has not yet presented any plans. By rushing things through, they always "bite them on the back side" eventually. She did not want to lose Mr. Bekoff and his Water Taxi because it is a premier transportation and tourist attraction for the City. They are appealing nine different items in the Code tomorrow night at the Board of Adjustment meeting. She was disappointed the Commission was not brought in sooner and could have possibly helped with the County and the Port. She could not support this until it goes before the Board of Adjustment. She discussed the efforts made to get a park in this area. She also noted that temporary uses seem to have a way of turning long-term.

Mayor Naugle asked if a notice to vacate had been issued by Bahia Mar. Mr. Bekoff said they do not receive a formal notice, but in negotiating the extension he had been informed that he had until April 30, 2005.

Commissioner Hutchinson said that she spoke yesterday to the lobbyist for Bahia Mar. She suggested that a phone call to assist in this matter would be in order. She said that Mr. Witschen is their lobbyist. The Blackstone Group just purchased it, but their plans are not yet ready. She felt the City could assist in obtaining 60-90 days in order for the City to approach the County again.

Commissioner Trantalis said they need to focus on saving the water bus service. With all of the items needed from the Board of Adjustment, he sensed they are desperate. Suggestions were made that it is important for the City to get involved with Bahia Mar, as they lease property from the City, to secure an extension. The proposed site is not the best location. The boats are gone all day long and there is not much to view at night except the underside of a bridge. They should not lose sight of the desire to preserve the Water Bus. The City needs to help so the service is not discontinued. He felt that staff needs to work with Mr. Bekoff to see how the neighbors want this addressed. It is a temporary measure. Admittedly, the current is a problem, but Water Bus feels it can be done and they have experience. He was in favor of a temporary solution. A permanent solution needs to be negotiated that would work for the neighborhood, but they also should not lose sight of the fact that the water taxi needed to stay in business. He supported this site temporarily as long as the Board of Adjustment approves it until another area could be chosen.

Commissioner Hutchinson asked if the City Manager could contact the property owners at Bahia Mar to see if an extension could be granted, thereby giving the City additional

time to work with the County. She suggested as much time as possible be secured. Mayor Naugle suggested that possibly contact could be made before tonight's meeting.

Mr. Bekoff said that their leaving Bahia Mar is not contingent on its redevelopment. They have a tenant for the building.

I-C – Organization of American States Conference Expenses Update

Bruce Roberts, Chief of Police, said that this is an update of the budgetary expenses. This is a cost estimate of what expenses would be incurred by the City for this event. Out-of-pocket expenses are included. An account needs to be set up to transfer \$2.5 Million in preparation for the conference, and to reimburse the account when monies are received at a future date. They are attempting to get monies from the County and the federal government. Congressional Lobbyists are working on that. He also said they need to acquire various pieces of equipment in order to complete their training and finalize the plan.

Vice Mayor Teel asked if the City would be reimbursed for the equipment being purchased as it would only be used for a few days. Chief Roberts said the budget is being reviewed by the State and County in order to see if such items are reimbursable. Vehicles would only be reimbursed for the amount of days used, but other equipment more specific to the event could be reimbursable.

The City Manager said that this is all speculation and that there is a lot of misinformation being put out by the Convention and Visitors Bureau regarding this event. He said that meetings were coordinated with hotel owners and local leaders and assured them that the City would receive 100% reimbursement. This is not true. They have been told the best they could hope for is \$.75 to \$.80 on the dollar. The event is going on with or without the City. He reminded everyone that Miami only got \$.40 on the dollar. After the event is the time they would find out what amount is to be reimbursed, which he said is the most upsetting.

Commissioner Hutchinson asked how long would it take to receive the reimbursement.

Ann Kelleher, Assistant City Manager, said the County is planning to submit their appropriation requests for fiscal year 2006, and are presently meeting with the Congressional offices. Their plan would request \$10.2 Million for all costs, including the City. They will be the contact point for the distribution of funds. The City along with any other agencies would submit their requests to the County. As such monies would not be available until after October 1.

Commissioner Hutchinson asked if the County would be another oversight group that would review the City's expenses. Ms. Kelleher said that the City sent their proposals independently through the County, and the City Manager has met directly with the legislative offices and spoken with Congressman Shaw and Congresswoman Wasserman-Schultz.

Mayor Naugle said the question is if the County would pick apart the City's expenses.

Chief Roberts said that the command system would be established between all the security agencies, they will be all on equal footing. He further said they agreed to use

the County Administrator to develop the grant. However, the three law enforcement agencies have agreed to sit at the table together before any disbursement is done, so it would be a fair disbursement for all the agencies involved.

The City Manager said that the final power rests in the hands of the County.

Commissioner Moore asked if on the front end, could the expenses be outlined today so there would be an understanding. Chief Roberts said it could not be done in that fashion because the situation is fluid and depends on flexibility on everyone's part. He said the estimate presented is the closest they could arrive at including the worst scenario.

The City Manager said that monies have not yet been appropriated by Congress, and no one on the bureaucracy side is not willing to sign off on anything that has not yet been approved.

Commissioner Moore asked the status of the item on today's County Commission agenda. Ms. Kelleher said it was a motion to file and that was done. The City Attorney said it means no action taken.

Commissioner Trantalis asked how they arrived at the dollar figure for federal funding. Ms. Kelleher said the spread sheet included estimated expenses from all the agencies involved. She said the City's intent was to include all expenses, in-kind and out-of-pocket of \$6,726,797. Commissioner Trantalis asked for further clarification of the \$6.7 Million. Ms. Kelleher said the \$6.7 Million is the City's estimate of expenses, and in addition there is a \$2.8 Million figure for mutual aid partners. She said the City has assumed responsibility, as the flow through of paperwork, for the mutual aid agencies. BSO is not included; going from \$6.7 Million to \$10.2 includes BSO, the Convention Center and all other entities involved.

The City Manager said they do not yet know what will happen with the mutual aid partners. Hollywood has indicated it has no intention of funding anything involving the event. This may cause a chain reaction. If a large amount of police are necessary, they will have to be put on 12-hour shifts so the entire City could be protected and resources are sent to the site of the event. He also said they do not know if such expenses would be reimbursed since some funds are being used to protect the remaining portion of the City. That was how Miami got stuck "holding the bag."

Commissioner Moore asked if there was any reason the City's third congressman was not consulted. Ms. Kelleher indicated that a representative of Congressman Hastings was contacted and the situation was explained.

Commissioner Moore asked if an audit could be done to assist with the City's case. The City Manager said yes, but there is no guarantee. They can only point to history which shows that 100% reimbursement has never been the case. At budget time there is going to be a lot of uncertainty which causes some anxiety over the situation.

The City Manager noted there is also the matter of the bridge closure and how long it will have to be closed.

EXECUTIVE CLOSED DOOR SESSION AT 3:06 P.M.

MEETING RECONVENED AT 3:50 P.M.**II-A – Elevator Control System – Fire Administration Building**

Commissioner Trantalis asked if the City is going to go after the manufacturer.

Albert Carbon, Director of Public Works, said that they are withholding \$200,000 and are in negotiations regarding the issue.

Commissioner Trantalis and Commissioner Hutchinson wanted to ensure they will not use this manufacturer in the future.

Action: None Taken.

III-B – Advisory Board and Committee Vacancies**Audit Advisory Board**

Mayor Naugle appointed John Aurelius to the Audit Advisory Board.

Action: Formal Action to be Taken at Regular Meeting.

Aviation Advisory Board

Action: Deferred.

Board of Adjustment

Action: Deferred.

Charter Revision Board

Commissioner Trantalis reappointed Ron Gunzburger to the Charter Revision Board.
Commissioner Hutchinson reappointed James D. Camp, Jr. to the Charter Revision Board.

Commissioner Moore reappointed Don Lewis to the Charter Revision Board.

Vice Mayor Teel reappointed Susan Tramer to the Charter Revision Board.

Mayor Naugle reappointed Chris Fertig to the Charter Revision Board.

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

Community Appearance Board

Commissioner Hutchinson appointed Cindy Wallick to the Community Appearance Board.

Action: Formal Action to be Taken at Regular Meeting.

Community Services Board

Action: Deferred.

Economic Development Board

Commissioner Trantalis appointed William Burrington to the Economic Development Board.

Action: Action to be Taken at Regular Meeting.

Insurance Advisory Board

Action: Deferred.

Marine Advisory Board

Commissioner Moore reappointed Robert Sadowski and Norbert McLaughlin to the Marine Advisory Board.

Action: Formal Action To Be Taken at Regular Meeting.

Nuisance Abatement Advisory Board

Action: Deferred.

Unsafe Structures Advisory Board

Action: Deferred.

Utility Advisory Board

Action: Deferred.

IV – City Commission Reports

Acquisition of Property for a Park at Riverland Road and State Road 7 – Land Preservation Board

Commissioner Hutchinson referred to a letter from the Council of Fort Lauderdale Civic Associations in regard to the parcel at Riverland Road and State Road 7 and asked if someone could explain in further detail about use of Utility Funds.

Mayor Naugle said the concept is that there are storage and other issues with the water plant, and it is being changed to an RO plant and the site is tight. If a use for the plant could be incorporated on the property the County is attempting to purchase, the Utility Fund may offer \$1 Million.

Commissioner Hutchinson asked if staff could check further into the matter.

Charter Revision Board Recommendations

Commissioner Hutchinson said that in 2004 when the Charter Revision Board was convened, there were some items to be placed on the ballot, and others to be saved for further discussion. She asked if this could be placed back on the Commission's agenda to review these changes being suggested by this Board. She wanted to have the opportunity to place additional changes on the November or March ballot.

Action: There was consensus to place the Charter changes proposed by the Charter Revision Board on a future conference agenda.

Code Advisory Committee and

Trash Transfer Station; Compost Plant

Commissioner Moore commended the Code Advisory Committee for their hard work, and asked if their term could be extended another six months, and that their recommendations be specifically voted on. The Commission needs to act one way or another on the recommendations. He said an operational manual is needed for code enforcement officers would be able to refer to a manual for direction. It should be clear how to even-handedly conduct a property review. The Committee could produce such a manual.

Mayor Naugle asked if it is normal procedure for a group of citizens to develop a standards and procedure manual. The City Manager said that normally that would be created by staff.

Commissioner Moore said that he has been asking for a manual for sixteen years and if the Administration could not perform the job, then the citizens should be given the opportunity to do so. He said if staff could not produce a manual within 60 days, then he suggested the Committee review the process and provide their comments.

The City Manager said they would provide such a manual, but he could not guarantee 60 days. He agreed that Code Enforcement needs some help. Like other areas in the City that suffer from dysfunction, it will take time to get where they need to be. He said they are attempting to get basic services to where they should be. He is a major staffing issue in that area at present, including leadership, which is in limbo until resolved. A manual would be part of an overall plan to fix the problem.

Commissioner Moore suggested that the life of the Code Advisory Committee be extended for another six months so the Committee could offer some recommendations regarding the manual.

Vice Mayor Teel felt there should be policy and procedure manuals for all employees, but the problem is that within the short six-month period the Committee should be addressing other areas where problems exist. At the same time, if the City Manager is promising to offer assistance regarding the manual, then the Committee should focus on the Code.

Commissioner Moore asked if there are still deficient areas in the Code that the Committee would be addressing.

Bunney Brenneman, Chair of the Code Advisory Committee, said that is the case. Other areas of the Code did come up in discussion.

Commissioner Moore said he is asking for a six-month extension for the Committee to address the remaining Code issues. If the City Manager cannot produce some type of manual within sixty days, then the Committee could address it during the remaining portion of their extension of time. He also wanted the Commission to act upon the recommendations previously proposed by the Committee within the next sixty days.

The City Manager said the first batch of recommendations from this Committee are before the Commission, and the second batch will be submitted within thirty days. Then all of the recommendations will have been before the Commission. The second issue is that the Committee wants to continue identifying other areas for Code changes. If the extension is granted, the Commission needs to decide if they were interested in that being done.

Commissioner Hutchinson said it is her understanding that this Committee was created to make recommendation for the Commission to act upon. The Commission is moving forward with final recommendations. She felt they had done a good job, and she agreed that a manual is necessary, but the City should have created such a manual a long time ago. The Committee did the job they were asked to do, and the time should be extended to see their recommendations are approved by the Commission.

Assistant City Manager Scott indicated that the next group of recommendations will be before the Commission at the May 3, 2005 meeting.

Commissioner Hutchinson wanted to add the citation process could.

Commissioner Trantalis said he would agree to extend the life of the Committee for six months, but wanted to have them address the garbage issue throughout the City. He is being informed that this problem exists due to the closure of the Trash Transfer Station. Possibly the station should be permanently closed at its present site, but the situation should be addressed. He was not sure if this Committee is the proper one to address the problem, but he did not want a new committee created to address this. The issue has been ignored, but the problem has not corrected itself. The station was closed because it was an imposition on the neighborhood and it was attracting undesirable individuals.

Commissioner Hutchinson reminded everyone that there had been financial issues involved in the closure of the station also. Commissioner Trantalis said the financial issues were due to how the facility was being operated.

Commissioner Moore said that a recommendation was made to staff by the Commission to deal with the I-595 site for the opening of a station, and possibly this item should be placed on the May 3rd agenda for an update. He did not have a problem in providing such a service, but the location was the issue and how it was being operated and the fee. Commissioner Moore believed the fee would cause the dumping to continue.

Commissioner Trantalis suggested that an update be provided and said that amenities, like mulch, that were provided by the City and made it a nice place to live, but a lot of such services are no longer being provided.

Action: There was consensus to provide an update of the trash transfer station/compost plant at the May 3, 2005 meeting.

Mayor Naugle said the Code Advisory Committee did a good job, and suggested that the present recommendations be voted on by the Commission. He said that in the future they could be re-commissioned to address specific issues.

Sistrunk Boulevard (Northwest Commercial Redevelopment - Milton Jones Proposal)

Commissioner Moore said there has been publicity regarding the Avenue of the Arts and the Sistrunk Boulevard site. He suggested this be placed on the Commission's conference agenda for further discussion. They are now aware of HUD's response and a report should be provided to the Commission.

The City Manager said the newspaper article was based on a memo drafted by the City Attorney's Office that outlined discussions with HUD. Since then, another meeting has been held with HUD, and they will not put anything in writing until a specific plan is provided by the developer. They have not received any information whether this site is in an urban renewal zone, and how it would impact HUD's requirements. He said the only way a response would be generated by HUD is if a project description is provided. Therefore, the developer would have to draft a letter and then a response could be provided by HUD.

Commissioner Moore asked when HUD made such a request. The City Manager said that the City did not receive such a request, but rather an explanation of their criteria. He said that at about the time of the newspaper article, the developer had not met HUD's requirements, and staff asked the developer to supply information on the project about three to four weeks ago.

Commissioner Moore said the developer needed to respond to the deadline because public property was being held up for development. If the deadline is not met, then this matter should be further discussed by the Commission.

The City Manager asked if such a letter should be forwarded to HUD. Commissioner Hutchinson said that is the only way a determination would be received from HUD.

Commissioner Moore felt the developer should be given a deadline to respond and if he does not respond, it should be placed on the agenda for discussion. This is public property being delayed. The City Manager said he would check as to when the verbal request was made to the developer. There was consensus for the City Manager to write to the developer and give him a one week deadline to get his project description letter to HUD.

NEAT Program & ACORN Organization

Commissioner Moore received a letter from the ACORN organization. He suggested that staff should meet with these individuals to clarify the intention of the NEAT program.

Code enforcement staff have nothing to do with acquisition of private property. The City has never acquired private property for development and the review of properties since December have not been fined.

Mayor Naugle said a moratorium on the transfer of property is not legal.

Commissioner Moore further said that this group claims to want to help poor people, but yet they want to charge \$30 per month for admission into the group.

David Hebert, Director of Public Information, said staff met with ACORN last week and explanations were provided regarding the program. They were told that 80% of the properties cited are not homestead properties; that landlords are being cited for being derelict in maintenance of their properties and to the community. Approximately 75% of the citation notices have resulted in action bringing properties into code compliance. He said they are continuing to call individuals before going to the Special Master to offer the grants that are available.

Commissioner Moore said it is not capturing reality and the group is not getting the message.

City Auditor

Commissioner Moore asked about the status regarding the City Auditor search.

Kirk Buffington, Director of Procurement Services, said the RFP to retain a search firm was released last week. No responses have been received to date.

When the responses come in, Commissioner Hutchinson asked that staff make sure that responses are organized and those that do not meet the RFP requirements are filtered out.

Galt Ocean Mile Motorcycle Noise

Vice Mayor Teel said that recently a meeting was held regarding motorcycle noise in the Galt Ocean Mile area. She thanked the Police Department and City Manager for their assistance.

Commissioner Trantalis believed the ultimate solution is to ban motorcycles in a certain geographic area along A-1-A. Some residents are in agreement to a restrictive approach because the noise is horrendous. This is the consequence to building a canyon effect of condominiums along that part of the beach. Mayor Naugle did not think the City has such authority.

The City Manager said he would come back with an action plan because this appears to be a chronic problem.

V – City Manager Reports

Water Bus

The City Manager said staff contacted Blackstone and relayed the Commission's concerns; they are going to contact their harbor master and report back.

There being no further business to come before the Commission, the meeting was recessed at 4:27 p.m.