

**COMMISSION CONFERENCE MEETING AGENDA
SEPTEMBER 7, 2005**

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COMMISSION CONFERENCE MEETING 1:30 P.M. SEPTEMBER 7, 2005

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

Absent: None

Also Present: City Manager – George Gretsas
 City Attorney - Harry Stewart
 City Clerk - Jonda K. Joseph
 Sergeant At Arms – None Present

I-A – Broward Urban River Trails, Inc. – Waterways

The City Manager said a request has been made for the City to give a donation to this organization.

Commissioner Hutchinson said that the City has contributed to this organization in the past.

Commissioner Moore asked what the money would be used for, and what makes this different from other organizations.

Phil Thornburg, Parks and Recreation Director, said that John Rude is not yet present at the meeting. He would be the person to answer any and all questions about this organization.

Mayor Naugle said that the matter would be discussed at the Commission's next meeting.

Action: Deferred to September 20, 2005.

I-B – Repainting of Oakland Park Boulevard Bridge – Jose Quintana of Florida Department of Transportation

Jose Quintana, Florida Department of Transportation, introduced David Meyer also from the FDOT. He said that two options were previously offered to the City. One was a lane closure, and the other an 18-day closure, based on contractor estimates. The contractor provided a 10-day estimate, and FDOT expanded it to 18 days. As part of their process, they rechecked with the contractor. One contractor decided not to bid on the project, and another also said that they could not do it. The painting would be done in the middle of summer. For an 18-day closure at least two crews would be needed. The contractor did not want to invest such a large number of employees. They want to go back to the standard of 30 days or a lane closure.

Commissioner Moore asked if Mr. Quintana is saying that there is a limited group of people who can paint a bridge. Mr. Quintana confirmed that is true to an extent. There are about 4-5 painting contractors who would be able to paint a bridge of this type. Commissioner Moore asked what makes this project special. Mr. Quintana said that the

project is a massive undertaking. Barges are needed, along with other special equipment, and environmental issues regarding lead paint have to be addressed.

Mayor Naugle said that issues have to be addressed such as damage to surrounding properties and vehicles. Commissioner Moore said those issues are addressed when any type of painting is being done.

In response to Commissioner Trantalis, Mr. Quintana said there are three other bridges to be painted in the County which are Hollywood, Oakland Park, and Pompano. Commissioner Trantalis said if the contractors are attempting to gain as many jobs as possible, how could the City be guaranteed the time estimate would be honored. An inconvenience factor is involved in this project.

Mr. Quintana said that historically such a job takes about 100 days to complete when using one or perhaps two crews. Painting is normally done during the summer months so as not to interrupt traffic during the winter time which is peak season, even though it is better to paint in the winter months with low humidity.

Commissioner Trantalis said in using the 100-day estimate, it will interfere with the 4th of July weekend and hurricane season. Mr. Quintana said it is a "Catch-22" situation. Commissioner Trantalis thought that the 18 days made more sense. He asked what incentive could be provided to a painting contractor to do the job within a shorter period of time.

Mr. Quintana said that even offering a 30-day period, the City would have difficulty in finding contractors to bid on the job. He has two contractors willing to bid on the project involving a 30-day period, but most of the contractors are requesting a 45-day closure or a single-lane closure because they do not want to be tied down to one particular project using multiple crews.

Commissioner Moore asked about another season besides winter or summer. Mr. Quintana said that they view the season from November through May 1st or after the Air & Sea Show, and they try not to disturb the Intracoastal area during such time. They prefer utilizing the period from mid-May through November. Commissioner Moore asked why another timeframe is not being considered, especially considering the demand.

Mr. Quintana said that these projects are not short-term and sometimes go to six months. This project falls within a three-month period. He said the project could be moved from August through November. There is no perfect time. Commissioner Trantalis asked about May through July. Mr. Quintana said that is the beginning of the rainy season, and then they would run into the hurricane season. Commissioner Trantalis pointed out the entire summer is considered the rainy season.

Mr. Quintana again said that historically this work is done during the summer months.

Vice Mayor Teel said that the residents were convinced that the 18-day period could be tolerable. They were concerned about the emergency services using a detour route with the 90-day option. They were totally unsupportive of the 105-day option. She asked what assurances will be provided if they stick with the 105-day timeframe, and would there be a penalty imposed if the time ran over.

Mr. Quintana said that a penalty would be imposed, and it is included in the contract. There are damages in regard to the number of days they go over the contract period.

Vice Mayor Teel asked if there are a certain number of "rain" days are being provided. Mr. Quintana confirmed that is correct.

Mayor Naugle thought the 105-day timeframe would be a safer deal.

Vice Mayor Teel said that the Sunrise Boulevard bridge has a lot of mold on it. She asked if the contractor would use some type of anti-mold additives in the paint. Mr. Quintana said that the superficial painting is coming off, but the substructure is holding up. The Sunrise tower is going to be painted in the very near future.

Mayor Naugle said that in order to prevent mold, they previously used mercury but that has been taken off the market, and then they were using tribunal tenoxide which also has been taken off the market. He did not believe there are any effective mildew resistant products left on the market.

Mr. Quintana said that an incentive bonus is being provided to the contractor if the job is completed within the 105 days or less.

Action: There was consensus for Option 1; 105 day construction time.

II-A – June and July 2005 Monthly Financial Reports

Commissioner Trantalis asked if the City is about 10% ahead regarding revenues over expenditures.

Allyson Love, Management and Budget Director, said that when the departments do their estimates for the budget, they actually pro-rate costs to the end of the year.

Ms. Love said that the City appears to be in a better position than what they thought. It would still depend on what occurs in each department.

The City Manager said that during the presentation, it was stated that they would be between \$15 Million and \$17 Million, and they are presently leaning towards the higher end.

Commissioner Trantalis said when they determine the millage rate would that not be affected if there are higher revenues. The City Manager said that it would depend on where the Commission wants to be in terms of the fund balance level. They had set a policy of a 7% target. He believed the current numbers will keep moving towards that target.

Commissioner Trantalis asked what 7% equals in dollars. The City Manager said that 7% equals \$17 Million.

Mayor Naugle said that fund balance is non-recurring revenue. The City would not budget for such revenue. The millage rate is not lowered based on non-recurring revenue; expenses would have to be lowered.

The City Manager said they have discussed the national standard for a fund balance being 5% to 15%, and 7% being the target. They want to inch up to 10% gradually.

Commissioner Trantalis said that once such fund balance is achieved, it is in the “piggy bank” year after year. The City Manager said that you need to continue to grow the fund balance because expenses increase each year and the percentage changes. Therefore by definition more is needed to stay at the 7% level. Commissioner Trantalis was not convinced that it has to all be secured in one year.

Action: None Taken.

III-B – Advisory Board and Committee Vacancies

The City Clerk said that she has received notice from the Chair of the Parks, Recreation and Beaches Board that he is requesting the Commission to reinstate the individuals on the backup list with repeated absences.

Aviation Advisory Board

Commissioner Moore recommended Sharon Woods for reappointment to the Aviation Advisory Board.

Action: Formal Action To Be Taken at Regular Meeting.

Board of Adjustment

Mayor Naugle recommended Don Larson and Patricia Rathburn for reappointed to the Board of Adjustment as the consensus appointments.

Mayor Naugle asked the Commission to supply names of individuals at their next meeting to fill vacancies on the Board of Adjustment.

Action: Formal Action To Be Taken at Regular Meeting.

Budget Advisory Board

Mayor Naugle recommended Curtiss Berry and Don Winsett for reappointment to the Budget Advisory Board.

Commissioner Hutchinson recommended Elizabeth Hernandez and William Nielsen for reappointment to the Budget Advisory Board.

Vice Mayor Teel recommended Garry Johnson and Joseph P. Welsch for reappointment to the Budget Advisory Board.

Commissioner Moore recommended Delores McKinley for reappointment to the Budget Advisory Board.

Commissioner Trantalis recommended Michael McFarland and Kenneth Strand for reappointment to the Budget Advisory Board.

Action: Formal Action To Be Taken at Regular Meeting.

Charter Revision Board

Action: Deferred.

Community Appearance Board

Action: Deferred.

Community Services Board

Mayor Naugle recommended Robert A. Pascal and John Hurley for reappointment to the Community Services Board.

Commissioner Hutchinson recommended Marie Conroy and Alfred T. Imgrund for reappointment to the Community Services Board.

Vice Mayor Teel recommended William F. Goetz, Diane L. Schuster, and Sanford Rosenthal for reappointment to the Community Services Board.

Commissioner Trantalis recommended Avery A. Dial, Mike Kimmey, and Robert H. Smith for reappointment to the Community Services Board.

Action: Formal Action To Be Taken at Regular Meeting.

Fire-Rescue Facilities Bond Issue Blue Ribbon

Action: Deferred.

Insurance Advisory Board

Action: Deferred.

Local Law Enforcement Block Grant

Mayor Naugle said that since there is no objection from the Commission he recommended Sandi Johnson, Carol Lee Ortman, Bruce Roberts, and Monica Hofheinz for reappointed to the Local Law Enforcement Block Grant Board.

Action: Formal Action To Be Taken At Regular Meeting.

Northwest Progresso Flagler Heights Redevelopment

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Mayor Naugle recommended Victoria Revier for reappointment to the Parks, Recreation and Beaches Advisory Board.

Vice Mayor Teel recommended James LaBate and David McNulty for reappointment to the Parks, Recreation and Beaches Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Unsafe Structure and Housing Appeals

Commissioner Hutchinson recommended Hector Heguadero be appointed as General Contractor for the Unsafe Structure and Housing Appeals Board.

Mayor Naugle said that names of nominees are needed for a Citizen and an Attorney for the Unsafe Structure and Housing Appeals Board.

Commissioner Moore recommended Olivia Charlton be appointed as Property Manager for the Unsafe Structure and Housing Appeals Board.

Action: Formal Action To Be Taken At Regular Meeting.

Utilities Advisory Committee

Action: Deferred.

Commissioner Trantalis asked if an ad could be placed in the newspaper encouraging individuals to be part of the City's advisory board system.

Commissioner Hutchinson said that a lot of the individuals on the back-up list have been contacted and are not interested in serving on any of the boards. She felt there needs to be a purge of the applications.

IV - Commission Reports

Florida Power & Light Infrastructure

Vice Mayor Teel referred to the recent Hurricane Katrina, and indicated she would like everyone to start thinking how they could plan for the future in regard to infrastructure.

Mayor Naugle said that infrastructure he has seen in Vice Mayor Teel's district appears to be from the '50's. Vice Mayor Teel confirmed it is inadequate, especially with the larger homes that are being built. FP&L is not investing in infrastructure. Mayor Naugle agreed; stockholders are being favored, but nothing is being done for the customers.

Vice Mayor Teel said that she spoke with many individuals who are concerned about the situation, and are offering to serve in some sort of capacity, to address such issues. Some of the individuals are attorneys, and some are familiar with FP&L standards and methods of doing business.

Mayor Naugle asked about such individuals appearing before the Utility Advisory Committee.

Vice Mayor Teel said that the Utility Advisory Committee meetings are good, and very lengthy with a lot of attention to appearances. These individuals want to concentrate on

the actual infrastructure and requirements that re-emerging neighborhoods will need. It is apparent to lay people that such requirements are not being met. Lights are always flickering and outages occur frequently.

Mayor Naugle said that some of the infrastructure is underground and outages are still occurring.

Vice Mayor Teel said that they feel something needs to be done and possibly the situation could be reviewed in more detail.

Mayor Naugle suggested she work with the City Manager, and then bring something back to the Commission.

Commissioner Trantalis asked if there could be a City-wide undertaking of infrastructure issues, such as the WaterWorks 2011 Project. FP&L is a private enterprise, but all neighborhoods are being affected. When he became a Commissioner, he fell into a "hornet's nest" of debate over the issue in Victoria Park, and nothing was really resolved. If the City was to negotiate with FP&L and instead of charging \$10,000 per household, it was done on a larger scale, then possibly the City could float a bond and provide low-interest loans to individuals to tie into the concept of putting utilities underground in large sections of the City. Hurricanes are not going away, and facilities are getting older and more antiquated as time goes on.

The City Manager said he met with Vice Mayor Teel. Staff has been brainstorming about commissioning a study, and the matter is being explored as to cost and scope. The real question is why is this happening, and what can be done to fix the problem. It does not appear reasonable that the outages are occurring with every storm. The question is whether there is an infrastructure problem that FP&L has not identified, and if there is a solution that an outside expert could suggest. Then, they can decide how to address the situation. Staff would like to return before the Commission with a recommendation for a consultant to do such a study, along with the cost, and possibly this could be the first step in resolving the issue.

Commissioner Hutchinson thought that it is a great idea. As they move toward discussions on the franchise agreement in the near future, this would enable the City to have their "ducks in a row."

Mayor Naugle said there are factors not related to storms due to lack of power and lack of upgrades. With the franchise agreement coming in the near future, this would provide an opportunity for the Commission to decide whether they want to run their own electrical utility or remain in the system. There is a provision allowing the City to take back the utilities.

Commissioner Trantalis asked who owns the wires. Mayor Naugle said the wires are owned by the utility company, and they have sworn to its value in front of the Property Appraiser. The Commission could review the numbers and see what is needed to hire someone to operate such a system. He felt that not enough attention has been devoted to the replacement of infrastructure, as is being done with the WaterWorks 2011 Project. He said there are electrical distribution systems throughout the City that have not been changed since the original subdivision. A responsible company over time would replace such infrastructure with newer equipment, but very little of this has been done.

Vice Mayor Teel said that wooden poles are hollow shells in some areas where woodpeckers have attacked them, and FP&L refuses to replace them.

Commissioner Hutchinson said that FP&L does not do any preventative maintenance.

Vice Mayor Teel said if the Commission proceeds with a study, it would provide an independent look at the situation. She believed it would be helpful to have a representative from each quadrant of the City on a form of temporary committee to assist with this matter, so that the people can share the information and have a feeling they are participating in solving this problem.

Commissioner Trantalis asked if such a charge could be placed on the Utility Advisory Committee. Vice Mayor Teel did not think they would be able to handle this issue.

Commissioner Moore agreed with the recommendation of hiring a consultant. He felt that public input individually would be a better idea than forming a committee. Part of the consultant contract could be to hear their concerns.

Mayor Naugle said it would not prevent a group of citizens from doing something on their own. Commissioner Moore said it would probably have more meaning if the consultant evaluated their input and worked with the citizens.

Vice Mayor Teel felt there should still be a designated point person for the sake of consistency. Commissioner Moore agreed. Vice Mayor Teel said that she is not suggesting another board be created. The Utility Advisory Committee has a full plate at this time.

The City Manager said that when they get the timeline and scope together, they will bring the matter back before the Commission and see what recommendation could be made.

District I Alliance of Homeowners Association Meeting

Vice Mayor Teel said that on September 26, 2005, the Alliance of the Northeast Homeowners Association is having a meeting at Imperial Point Hospital Cafeteria at 7:30 p.m. The Crime Prevention Unit of Fort Lauderdale has been invited to present information to the citizens to help fight the escalating crime. Most of the crime consists of burglaries, attempted break-ins, and vehicle burglaries. Coral Ridge has had an increase in such crimes. She said that individuals from other districts have also been invited.

Mayor Naugle asked this be posted as more than one Commissioner may attend.

Hurricane Katrina; New Orleans, Biloxi

Commissioner Trantalis said that he has discussed with the City Manager what the City of Fort Lauderdale could do to assist the cities of Biloxi and New Orleans in connection with the devastation they have suffered from Hurricane Katrina. It was his understanding that employees of the Fire Department have gone to those areas to assist in the recovery work.

The City Manager said that at the present time, three have been sent to the affected areas, and another twenty individuals are ready to go.

Commissioner Trantalis asked if anyone was interested in donating to the American Red Cross as a City. He explained that he is not intending for the money to be sent to the City of New Orleans. He felt the mission of the American Red Cross is humanitarian in nature, and that the City should contribute in some way.

Mayor Naugle said that there is an inclination on everyone's part to assist these cities and individuals, but when government makes such a contribution, they are forcing individuals to contribute to one organization, while they may prefer to contribute to another, such as the Salvation Army. The Red Cross is getting the most attention. He felt there are other worthy organizations also helping out. With a government agency contributing, people may not contribute.

Commissioner Trantalis said that there are many debates over the nuances in regard to making such a donation, and he was not saying they should contribute \$1 Million. If this City was in the same situation, he did not feel their "kitty" of \$17 Million would go very far. Most of the expenses that Fort Lauderdale will incur would be reimbursed by FEMA. He was in favor of donating \$100,000 to the American Red Cross from the City specifically for the affected area hit by Hurricane Katrina.

Commissioner Moore was proud of Commissioner Trantalis bringing this matter forward for discussion. He was more concerned about the families that would be staying in other people's homes or staying in another city with no income and no job for an extended period of time. If the Commission could also look at a funding entity that would give direct contributions to families. Possibly they could look at a 501C-3. Comparisons could be made between such organizations. He wanted the citizens to see that the monies were going to help these families.

Commissioner Moore complimented the Citizens Volunteer Corp who tend to be wherever they are needed, as well as CERT who helped with local relief. Maybe the chairs of those two organizations could attempt to generate public dollars in the next 30-45 days, and the City could then match those funds up to the \$100,000 suggested as a contribution. This would show that the taxpayers are willing to help others in need. He asked if the Commission could also consider contributing to a funding group that would give directly to individuals who are housing people impacted by the hurricane.

Commissioner Hutchinson liked Commissioner Moore's idea. In Plantation there is a Red Cross set-up that is distributing credit cards to individuals and families who are arriving there from the impacted areas to assist them in getting wherever they need to go. If the public is supportive of the City's endeavor to match funds to \$100,000, then between the Citizen Volunteer Corp, CERT, and possibly the Police Explorers who also helped distribute ice for three days during the last storm, could help. Also neighborhood associations could be involved. This is a good idea and they could see where it would lead them in this cause.

Mayor Naugle said that the federal government announced today that they are considering giving \$2,000 debit cards to all of the storm victims. He spoke with the Mayor of Parkland, and initially they were going to attempt to find places for the victims

of the storm, but they had been told that southern Florida is also in an evacuation area and there will not be an organized effort to locate victims in this area. Some of the storm victims have family in this area, and are registered with the Red Cross. He said that will cause need for help in obtaining housing, jobs and schools for those individuals. The City may want to consider an effort to help individuals who have relocated here to be with family.

Mayor Naugle said further that the Workforce Development Board is working on trying to get employment for such individuals, and training if necessary.

Commissioner Moore felt there appears to be a consensus among the Commission to request the City Manager to ask the CVC, CERT, Explorers and civic association presidents to conduct a drive, soliciting funds that the City would match up to \$100,000.

Commissioner Hutchinson suggested a press release.

Commissioner Moore asked that research be conducted as to what entity would assist in this distribution of funds, along with the Red Cross, and that there be a consideration for any funding source that would assist impacted families directly.

Mayor Naugle cautioned everyone that the next headline down the road may be the drain of this tragedy on all charities and organizations. Non-profits are going to have the worst year ever due to everyone trying to help.

Commissioner Moore said that the City, along with other governmental entities, funds the organizations being discussed. This is a situation where individuals are in dire need, and other bridges will be crossed as the situation comes to them. He urged everyone to deal with this present situation.

Commissioner Trantalis asked if some sort of response could be supplied by the September 20th next meeting.

Vice Mayor Teel said that it should be realized that the City is contributing a substantial amount by sending fire personnel to the devastated areas.

Mayor Naugle said that water and sewer would probably be the next need; possibly the City should assist by sending some of their personnel in that field. He further said that Fort Lauderdale and south Florida learned a great deal from Hurricane Andrew and are now better prepared. He was in the Emergency Operations Center and he saw how the City was divided into squares and covered by building inspectors and fire inspectors; such individuals were out in every section of the City, and the information was available within three hours of the hurricane strike. He complimented staff for their preparedness and planning and how it was implemented. Ninety percent of the complaints were about utility outage. One challenge regarding garbage collection was due to the storm and individuals throwing away spoiled food and other debris, plus normal collections were missed in some areas. When they begin collecting garbage again, there is such a quantity of trash that it requires a longer time for collection.

Mayor Naugle said that residents should know that water should be stockpiled for a 7-day period, along with non-perishable foods, for the hurricane season.

Allocation of Units, Regional Activity Center; Regular Meeting Agenda Items R-6 Site Plan Review, Broward Group Pacific, LLC 41-R-05 and R-7 Site Plan Review Lauderdale Lumber Company, Inc. 96-R-05

Commissioner Trantalis said that there are two items on tonight's agenda regarding the final allocation of units.

Mayor Naugle said this is something for which court reporters will be present this evening. He asked if the issues could be discussed tonight.

Commissioner Trantalis said that he wants to help the situation, but if the discussion goes too far, then they could stop and continue this evening. He said that he wants to defer the items until the Commission's next meeting (Sep 20th). He did not want the applicants and petitioners to sit through long discussions and presentations, and then have the matter deferred.

If both applicants are present at this time and they agree to a deferral, Mayor Naugle asked if such action would be appropriate.

The City Attorney said that the applicant could be asked if they agree to such a deferral, but it is something that has to be addressed this evening in any event.

Commissioner Trantalis felt if there was a consensus of what is going to be done, then time would not be wasted.

The City Attorney said if the applicant consents to a deferral, that would be a good thing, but it does not require their consent. If the Commission has reason for deferring the matter due to the fact that additional information is required, then the matter can be deferred this evening, but not at the Conference meeting. They could be questioned as to whether they agree to a deferral.

Commissioner Moore asked what is the reason for the deferral.

Mayor Naugle was reluctant to discuss anything that is not on the agenda.

The City Attorney said the Commission should limit their discussion of potentially requesting additional information.

Commissioner Trantalis said that is the only reason he is seeking a deferral. There are only a few units remaining, and yet there are two applicants seeking a certain number of units and that would preclude the other applicant from obtaining approval for their project. He has spoken with staff regarding the projects. Technically, they both comply with the Master Plan standards and other requirements, but there are competing equities between them that he wants additional information on.

Mayor Naugle asked if the Commission is comfortable in asking the applicants if they agree to a deferral.

Commissioner Moore said that he has a question of clarity. He did not particularly feel that both proposals meet the City's vision. He did not have any problem addressing other issues, not reflecting on these proposals, but on the opportunity of advocating for

additional units prior to the time that the City is going through the EAR process with the State. He wanted to understand the opportunity the City, as a governmental entity, usurping Broward County, to deal with the recommended number of units that they felt were valid for the community, and what timeline would be required, along with options to address this. He is not specifically speaking to either of the proposed developments. He is speaking holistically, and wants to know if this would provide an opportunity to staff to validate the number of units, and what process would be used, and if there would be an opportunity to go around the County if they differ. He wanted to look at the opportunity of the units. He did not believe that it is valid for them to just receive 3,000 units because it would stifle the economy and the opportunity for the development process for almost one year if they do not advocate for their position regarding the allocation of said units in the Regional Activity Center. This is more germane than dealing with the specifics.

Mayor Naugle said that, in regard to the 3,000 units, staff has committed to bring back a recommendation to the Commission for a criteria as to how they would be dispensed.

Commissioner Moore said he is suggesting that they need to know an estimated timeline, and if there is a methodology they can use that would increase the residential units they attempted to receive from the County without the County's endorsement.

The City Manager said that they expect units to be on line in March, and they are hoping to have 2-3 months to get a recommendation together regarding criteria. The question is how to allocate the 3,000 units, and what criteria would be used so the developers would understand the requirements.

Commissioner Moore asked about the review, and whether there is a process that can be used to increase the 3,000 units.

The City Manager said he was informed that once the County set the limit, the only way to get additional units would be to go back through the process and submit a new application.

The City Attorney said that the County by virtue of its Charter and its planning supremacy, the City would be required to amend its plan, which would then have to be approved and certified by the County as being in compliance.

Commissioner Trantalis did not necessarily disagree with what Commissioner Moore was saying. In terms of this singular issue, however, it is separate in his opinion. These units have nothing to do with the new issuance of the 3,000 units.

Commissioner Moore said that possibly within the next two weeks, they would be able to obtain a clear indication from the City Attorney as to the opportunities the City might have with the EAR process, including the opportunity of increasing the number of units based upon whatever leverage the City might have either through the State Legislature or the EAR process.

Commissioner Trantalis asked if Commissioner Moore would support a deferral of this matter this evening. Commissioner Moore said he would only support a deferral if he received a clear understanding that it is the appropriate thing to do, and that answers would be provided to all questions by the next Commission meeting. Then the developers might be willing to wait and see their options.

The City Manager said that an answer would be provided within the next two weeks.

Commissioner Hutchinson asked what other information, except for staff's recommendation, is required.

Commissioner Moore referred to the DRT comments. The City Attorney said that such specifics should not be discussed at this time. Commissioner Moore said that in looking at the DRT comments, there are a number of questions that could be asked of staff to inquire of both developers for further clarification.

The City Attorney said that such requests should be repeated at tonight's meeting.

Mayor Naugle asked if any representatives of the two applicants were present at this meeting.

Debbie Orshefsky, representing Group Pacific which is Item R-06 on tonight's Commission agenda.

Mayor Naugle asked if Ms. Orshefsky had an opinion regarding a deferral or did she want to proceed with the matter this evening. Ms. Orshefsky said they filed their application in January, 2004, and have been diligently working on this matter for nine months. They want to move forward tonight. Mayor Naugle asked if they would object to the matter being delayed. Ms. Orshefsky indicated that they would object.

Donald Hall, representing Ellis Diversified Inc., said they also have been working diligently on this matter, and are prepared to move forward this evening, but if the Commission believes they have questions, then they would respect that.

Mayor Naugle said that it appears this discussion would take place this evening, and then a decision would be made.

Hurricane Preparedness; Evacuations

Commissioner Moore wanted the City Manager to deal with Hurricane Preparedness. In reviewing the reports of the incident which took place in the Gulf, there were people of limited incomes unable to evacuate. He wanted to review with the County what assistance would be provided to constituents with similar problems. There is an evacuation process in place urging people to move before the hurricane would strike.

Mayor Naugle said the plan calls for County buses to transport individuals out of the evacuation areas.

Commissioner Moore asked to what level does such a plan work, the specifics. Are individuals taken to a designated place, or is it the individual's obligation to financially deal with the evacuation. He asked if funds are available to assist them in an evacuation. Individuals with limited income are not readily capable of leaving their homes as other individuals.

Mayor Naugle suggested that a copy of the plan be given to Commissioner Moore.

Commissioner Moore referred to previous consensus to utilize community organizations to make an effort to collect for these victims, and that the City match up to the \$100,000.

Annexation of Rock Island; Osswald Park

Commissioner Moore said that when the City dealt with the annexation of Rock Island, they utilized a process with the Broward Delegation which stated that they would go through a partnership agreement with Broward County and the residents. In that agreement, it states that dialogue took place in reference to having a neutral impact on the City's budget. One discussion involved Oswald Park, and there appeared to be consensus that the park would continue to be operated by the County. Meetings were held with staff and County representatives to discuss how that park would continue in its operation. He asked for staff to indicate what is the County's position regarding the park's operation. If it is not based on the partnership agreement, then the City needs to do one of three things: place operations of the park in the City's budget, decline the operations of the park but annex the community, and suggest to the County that they stop the operation of the park, or not move forward with the annexation.

The City Manager said there are two basic issues. The first issue is if the County would sign the annexation agreement provided to them. The County's position is that unless the City takes over Osswald Park, they did not intend to sign the agreement. Additionally, the County is taking the position that unless the City agrees to take over Osswald Park, they would hold up the annexation of Twin Lakes North, as well.

Mayor Naugle said that agreement is already executed.

Stephen Scott, Assistant City Manager, said that the Twin Lakes agreement has not yet been signed by the County, and it has not yet been brought to the County Commission. The County refuses to take the issue before the County Commission until the matter of Osswald Park is resolved.

The City Attorney said it appears to be a staff function of not presenting it to the County Commission.

The City Manager said that as of yesterday that is the official word from staff.

The City Manager further said that this park is really not an issue for the City to open or close. It is a County park and would continue to be so, and therefore, it is up to the County whether or not to close it.

Commissioner Moore asked for further clarification of the partnership agreement and the Broward County Delegation's creation of such partnership to allow municipal entities, along with the unincorporated pockets and governmental entities, to deal with whatever is lacking that would disallow the annexation process.

Assistant City Manager Scott said that whatever was agreed to by those partnerships should be binding, but there is no arbitration process built in. The City is dependent upon the Broward Delegation to use whatever influence it has to encourage the County to cooperate with the obvious intent when reviewing the minutes of the meeting. The City Manager said that the minutes indicate there was a clear understanding that the City would not be responsible for Osswald Park. There is good evidence that the City

had every expectation that the County would maintain responsibility for the park. If it was the City's intent to take over the park, then the figures would be significantly different than what was presented to the Commission.

Mayor Naugle said it appears that the law appears to state that if there is no signed agreement by the 15th of September, then the annexation would not take place. The City signed their copy for Twin Lakes, and if they submit the Rock Island copy and it is not signed by the County, then the annexation would simply not take place.

The City Attorney said the legislation that was passed said it would be either annexed on September 15, 2005 or September 15, 2006, subject to an election. He said an election was held and the people opted for 2005. Section 3 says that the annexation requires, as a condition precedent to the effectiveness of the annexation, there has to be an interlocal agreement regarding the infrastructure. That is not in place. He believed that means the annexation will not occur on September 15, 2005, but it does not mean that the annexation could not take place the following year.

Commissioner Moore said there are two communities who decided to come into the City's government, and voted overwhelmingly to do so. The City agreed to annex both communities if they were revenue neutral. For one of the communities there is no impact. There is an impact in the Rock Island area. He felt it is important that the City allow the residents of both communities to understand the situation. He asked if it is clearly stated in the Broward Delegation meeting minutes that the park would not be operated by the City.

The Assistant City Manager said that it is clear in the minutes of the meeting.

The City Attorney said at that meeting the County had a representative present who indicated that the County would maintain the park, and the City should not be concerned. He said subsequently, the City was informed that the County had sent a low-level staff member to that meeting who was unauthorized to make such a commitment.

Commissioner Moore said that Broward County Mayor Lieberman attended that meeting and made it clear that was to be followed. He felt Fort Lauderdale's Mayor should have some sort of position for the City by this Friday. The City should state publicly to the community that Broward County is reneging on the annexation process that was agreed upon, and not the City. Prior to such a public announcement, the City needs to reach the Broward Delegation Chair, stating that their process was used and the City is asking for their aid to encourage the County to live up to their end of the annexation. He is making such a recommendation because he believed Mayor Naugle does not want to be characterized as a leader of a municipal entity that did not follow through. This should be done no later than this Friday.

Commissioner Hutchinson said the City needs to make everyone aware before the County does.

Mayor Naugle said that a press conference will be held this coming Friday. He asked if the district commissioners involved in the annexations would attend the press conference.

Fire Station #46; Safety Traffic Signal

Commissioner Moore referred to Fire Station #46 located on Powerline Road that is two blocks from Sunrise Boulevard. It has been in operation for about 35-40 years, but it does not have a safety signal in front of its building. This is a 5-lane highway and emergency vehicles come out of the fire station, and there is no way to slow down traffic. This is at least the third time he is requesting that something be done. He asked the Commission to demand that a safety signal be installed at this location.

Peter Partington, City Engineer, said that Powerline Road is a State road. The Department of Transportation has agreed that a signal is justified, but they want the City to pay for it. The matter is somewhat complicated because there is an adjoining road, and possibly there is justification for a signal at the intersection. Therefore, the City asked DOT to look at the matter of a signal for the entire intersection, including the frontage to the fire station. The bottom line is if this is to take place expeditiously, then the City would have to pay for it.

Commissioner Moore asked what would the cost be for the traffic signal. Mr. Partington said that an emergency signal for the fire station would be over \$100,000. Commissioner Moore said that public safety is number one for the Commission. He wanted to proceed with acquiring the signal.

Commissioner Hutchinson noted that such signals are located in other areas.

Mayor Naugle asked that action be taken.

Opening of Riverland Park

Commissioner Moore said that the opening of Riverland Park has been delayed a couple times. There are issues with the contractor, and now the City is at the point of charging them \$500 per day for late delivery of the product. It was to open in August.

Commissioner Moore said he is concerned that contractors consistently deliver products to the City late. He felt that \$500 per day to a large company means nothing. He asked if there is some way that the City could increase the fine to \$1,000 per day.

The City Attorney said that the fine could not be increased. Mayor Naugle said that the amount of the fine is included in the contract, but changes could be made to future contracts.

Commissioner Moore asked if the subject contractor could be penalized in another way. He asked if the contractor could be prevented from bidding on future contracts for the City for a certain period of time, such as 3-5 years.

The City Attorney said that they have to go through a process, and provide due process to the contractor according to the law, and provide them with the City's complaints in order to remove them from the City's list.

Commissioner Moore asked if that process could begin. He asked who is the lead person in the City making contact with the contractor.

Albert Carbon, Public Works Director, said that the Construction Manager is at the site on a daily basis.

Mayor Naugle asked if Catafumo is the contractor. Mr. Carbon confirmed yes, but they are now.

Commissioner Moore wanted to know if the contractor is attempting to complete the project.

Mr. Carbon said the City is pushing the contractor, making sure they have the personnel and equipment on-site, but the contractor is having difficulty.

Patricia Bonilla, City's Construction Manager, said there are difficulties with subcontractors. It is hard to get people on the job. She felt the contractor is trying, and she has seen progress during the last week. The bulk of the work should be done by the end of this month.

Mayor Naugle concluded that the opening could be held on October 1st, and then finish it.

Commissioner Moore did not object to waiting, but was concerned as to whether the City should take action to prevent this contractor from bidding on future contracts. The Construction Manager said that is not recommended. They helped to get Fire Station #47 completed for example. She considered them a good contractor, but the resources just aren't available.

Mr. Carbon said that staff is reviewing the City's specifications to increase liquidated damages on a daily basis.

Commissioner Moore asked that higher penalties be applied on future contracts for non-completion of a project by a required date.

Commissioner Trantalis cautioned the Commission that if the penalties are too steep with the shortage of available contractors, contractors may not bid on jobs.

Commissioner Moore said that the City needs to modify their process. He felt there are smaller contractors that would provide attention to a project and be extremely happy to get a City project, but there are bonding requirements and other requirements that keep them from bidding.

The Construction Manager said that one of the issues is certified payroll requirements. Subcontractors back out and cannot meet such requirements.

Commissioner Moore asked if staff could provide a compilation of the pros and cons to each issue that is slowing down the process. Then, the Commission could decide if process changes should be made.

Mayor Naugle asked that an update under Commission Reports at a future conference meeting be provided.

Mr. Carbon said they would work with the City Attorney's office and provide a report on construction contracting methods.

Commissioner Moore preferred to wait and have the opening once the park is completed, unlike Carter Park.

Mayor Naugle said this builder constructed the airport administration building and the City had good experience with them. They have had some problems, including vandalism.

Hurricane Katrina

Commissioner Hutchinson thanked staff for their help during and after the hurricane. She especially wanted to recognize Jeff Modarelli for his great work.

Hurricane Katrina, Trees

Commissioner Hutchinson wanted to consider having the City Forester assess the tree inventory. She mentioned that some of the very large trees caused serious damage during the hurricane and in fact one person was killed by a falling tree and families were trapped in their homes because of fallen trees. There are more healthy trees that could be planted. This is not necessarily an FP&L issue.

Mayor Naugle said that systematically removing trees on public property and encouraging individuals to remove those on private property makes sense. The root system is lacking. The City should organize vendors and see if a good price could be provided to the City as well as private individuals.

Commissioner Hutchinson wanted to move in this direction throughout the City.

Code Advisory Committee Recommendations

In response to Commissioner Hutchinson, Assistant City Manager Stephen Scott said that the balance of the Code Advisory Committee proposed ordinances will be on the next agenda, September 20.

2005-2006 Budget; Add to Staff; Historic Preservation

Commissioner Hutchinson said that since 2001 she has advocated and pushed to have an historic preservation employee. As the Commissioner that represents the historic overlay district, she feels it is a situation of being disjointed. She met with representatives from the Historic Preservation Board and Sailboat Bend District. They also feel the Board nor the District gets proper attention. The only way to address it is to have a staff person. Ms. Rathburn's job is to address the historic aspect of the property, and not necessarily the engineering and design. Developers are now asking for input from the neighborhood, instead of coming to staff to find out what is in compliance with Code. The disjointedness is causing more appeals to the Historic Preservation Board. She plans to bring up the matter at tonight's budget hearing. She knew that a certain amount is being paid to Ms. Rathburn for her consulting, and possibly they might not need her work if the City has a professional who knows historic preservation and is a planner.

Commissioner Trantalis said there was a time when the Broward Trust for Historic Preservation brought a lawsuit against the developers who were building the Las Olas Beach Club, and part of the settlement was an agreement by the developer to give funds to the City to pay for such a position.

Commissioner Trantalis asked if the City Attorney could expand on that situation. The City Attorney said the Historic Trust people wanted a department, not a person. The Commission counter-offered and said they would put two individuals in the department to address the work, with them funding one, but they refused. The Las Olas Beach Club gave the money to the Broward Trust for Historic Preservation.

Commissioner Trantalis said the Broward Trust was prepared to give the funds to the City, but the Trust wanted to establish a department of historic preservation. In consultation with the Trust, they were willing to fund a staff member who would be incorporated into the existing department ear-marked for historic preservation purposes. Then the matter came to a halt.

Commissioner Moore indicated that he always felt this should be done. He felt that there were projects in the past for which the City could have obtained funding. He asked that consideration be given to an assessment to developers for a staff person or office to deal with such matters. The assessment would be similar to the park impact fee and attainable housing fee currently under discussion.

Commissioner Hutchinson indicated that the minutes make reference to hiring a grant writer. The City now has a grant writer and there is money out there to help fund the position, but the City has to jump-start it. The City needs more than the outside consultant, if they are going to have the historic overlay district. They need a staff person dedicated to such matters.

Commissioner Trantalis asked what qualifications would be required of such a person.

Marc LaFerrier, Director of Planning and Zoning, said that a historic preservation staff person would have to be well-rounded in experience in architecture, archaeological resources, and cultural and historical resources. There are professionals that specialize in this nationwide.

2005-2006 Budget; Add to Staff; Historic Preservation

Commissioner Hutchinson said that Christopher Eck some time ago provided some suggestions relating to the Historic Preservation Board Ordinance. The ordinance is not working and it should be made a priority. She wanted it scheduled as a conference item and that the Director of Planning & Zoning provide comments at that time.

V – City Manager Reports

The City Manager thanked all of the City's staff for their help during and after Hurricane Katrina.

EXECUTIVE CLOSED DOOR SESSION AT 3:25 P.M.

COMMISSION MEETING RESUMED AT 3:53 P.M.

There being no further business to come before the Commission, the meeting was adjourned at approximately 3:56 p.m.