

**COMMISSION CONFERENCE MEETING AGENDA
MARCH 7, 2006**

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COMMISSION CONFERENCE MEETING 1:30 P.M. MARCH 7, 2006

Present: Mayor Naugle
 Commissioners Hutchinson, Moore, 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 – Sergeant Mary Gillis

I-A – Sales Tax Increase Dedicated for Mass Transit

Roger Del Rio, Acting Director, Broward County Metropolitan Planning Organization (MPO), said the County wants to implement this in the future. The MPO has developed a long range plan covering until the year 2030, approved in 2004. It addresses roadways, transit, bicycle and pedestrian projects, along with a water system. The penny surtax is not an MPO initiative, it is a County initiative. The MPO would provide support to the County for potential projects, but the first place the MPO would look in terms of projects would be from their own long-range plan.

Mr. Del Rio said there is no set program of projects for this penny surtax which will hopefully be on the November ballot. The Broward Workshop is spear-heading the initiative.

Mayor Naugle asked when the City would be given a list of potential projects. Mr. De Rio said that he did not know when that would be available.

John Hart, People for Progress Initiative sponsored by the Broward Workshop, said that 75% of the monies raised would be dedicated to transit initiatives or transit infrastructure, and 25% would go toward other transportation related projects. In order for this to be a feasible process, it is important that the cities be part of the partnership. Therefore, the recommendation would be that there be a percentage of revenue sharing directly to the cities to be spent on transit oriented projects at the city's discretion.

In response to Mayor Naugle, Mr. Hart indicated that the percentage to the cities has not been reached at this point.

Mr. Hart further said that what has proven to be successful around the country is that if an independent trust is established for transportation purposes only with a citizens group overseeing such trust, it becomes not so much county or city driven, but a transportation opportunity. Monies would be monitored and audited by the citizen group. Various models are presently being examined to see which one fits.

Mr. Hart also said that a ballpark price tag, with the long-range transportation plan and the transit investment plan, would be about \$10- \$12 billion short in meeting those goals and objectives. Broward County does not presently have a dedicated funding source for transportation, and without one, federal and state funding cannot be leveraged. In order to get into the funding cycles to get into the new start programs and receive federal

participation for major projects, a dedicated funding source has to be established. By 2009 the next six-year will commence. If Broward is not in it, they will have to wait another six years. They are seeking input as to what should be done in order to get this on the ballot in November.

Mayor Naugle said that Commissioner Moore and Vice Mayor Teel are members of the MPO.

Vice Mayor Teel said that sometimes this tax is referred to as a sales tax or a dedicated tax. Mr. Hart said that the statute addresses a sales surtax. It is a surtax on the sales tax and would be dedicated for transportation. Vice Mayor Teel asked if this could also be a gasoline tax. Mr. Hart said a sales tax would generate \$260 million a year. Vice Mayor Teel said that at the last meeting everyone felt that there was not sufficient information being provided for the MPO members to vote. She said one city submitted a resolution demanding 36% for their city.

Mayor Naugle asked if large items would be exempt from the surtax. Mr. Hart replied yes, anything over \$5,000 along with traditional items such as food and medicines.

Commissioner Moore asked Mr. Hart who he is representing. Mr. Hart said that he is representing the Broward Workshop. Mr. Jim Cummings is the chair of this effort and of the Broward Workshop as well. In response to Commissioner Moore's question about how many elected officials serve on the committee, Mr. Hart indicated that the committee is being assembled at this time. Commissioner Moore said the problem is that there is a lot of dialogue taking place without the individuals who will face the taxpayers. There should be membership from five to ten largest populated cities in the county. He was insulted that this matter was taken directly to the MPO, bypassing the cities. The idea of it going to a not for profit or quasi organization is also a concern. He questioned the purpose of an MPO, if a trust is being created, although he is not suggesting that the MPO is the best. He has always been critical of the fact that the MPO is housed in the County and the County Commissioners pull items of interest to them, and have them addressed by the MPO. He felt these types of issues should be discussed before this Commission takes a position. If the City does not participate in such discussions, then it would be inappropriate for them to be asked to take on this issue. The City will be the face on the surtax proposal, not the committee.

Mayor Naugle asked the City Manager to prepare a letter, saying that this Commission is requesting that city officials participate in the discussion regarding the surtax. Commissioner Hutchinson asked how the committee is going to be formed, and if there are going to be political appointments.

Commissioner Hutchinson agreed that city officials should be part of the discussion. She wanted to know what this City's fair share would be before she takes a position on this issue. She wanted to be at the table and discuss it.

Mayor Naugle said that there should be a minimum of five of the largest cities involved.

Mayor Naugle said that such a tax always has an impact on retail business, particularly near the county border.

Vice Mayor Teel asked if this issue is going to be on the MPO's agenda for a vote. Mr. Del Rio said that he wanted members of the Workshop to be able to first make a presentation as they have done today, and therefore, the item will not be on the next MPO agenda.

Commissioner Moore left the meeting at approximately 1:53 p.m.

Mr. Hart said that Commissioner Moore's observations are well taken. This is the beginning of an educational process, and they are not yet presenting a final consideration to be voted upon. The business community is attempting to bring forth a funding source that would meet the transportation needs of the County as defined by the cities and County's participation in the MPO process.

Commissioner Moore returned to the meeting at approximately 1:55 p.m.

Mayor Naugle said that before the Commission takes a position on this matter, he would like to see the proposed project spending plan, the duration and who will be on the committee.

Commissioner Moore felt it make sense to consider the full cent in comparison with the half cent.

Commissioner Trantalis hoped the Commission would not look at this in a parochial way because this City's transportation needs stem from outside of the City's boundaries, and this should be reviewed from a global standpoint.

Action: There was consensus for the City Manager to draft a letter requesting that at least five of the largest municipalities in Broward County have representation in the deliberations. The matter will be brought back to the Commission when additional information is available (i.e. spending plan).

I-B – Expedited Plan Review Program – Building Department

Commissioner Moore asked if the contractors would be able to do any type and size of development.

Valerie Bohlander, Director of Building, confirmed that is correct and said it would include building, electrical, mechanical, plumbing, landscaping, zoning and engineering of any size unit.

The City Manager said that there is no schedule for the estimate of costs. If it is a large project, they come in first and staff will work with them regarding costs.

With respect to large projects, Ms. Bohlander said that the outside vendor, staff and customer would review the design drawings. A fee is provided within 48 hours. For smaller projects, they can decide immediately to take advantage of the expedited plan review program, which is a five-day turnaround.

In response to Commissioner Moore's concern, Ms. Bohlander explained that all preliminary plan review, Development Review Committee, Planning & Zoning, and Commission approvals would be obtained prior to expediting. Five units or less would

immediately go into the process. The larger projects would not get reviewed by the outside vendor for engineering, zoning or landscaping; those reviews would be in-house review. Larger projects would get building, electrical, mechanical and plumbing review by the outside vendor.

The City Manager said that ordinances will need to be created. The City Attorney said that it is his understanding that zoning and other things would be reviewed for the smaller projects, but not for the bigger projects. Ms. Bohlander noted that five or more units is the trigger for reviews both by the outside vendor and City staff.

Greg Brewton, Zoning Administrator, said that items normally reviewed under the development review process would be excluded from the expedited process and an ordinance will so identify this.

The City Attorney said that included in the ordinance would be that that ultimate responsibility and arbiter for zoning would fall under the Zoning Administrator. They will be trained on the smaller projects. The vendor's work will be reviewed on a sampling basis.

The City Manager said that they will also explain what services the vendor will be providing with regard to the larger projects.

Commissioner Moore asked about the fee basis.

Ms. Bohlander further said that this went through the RFP process. It is an hourly rate for each discipline.

Kirk Buffington, Procurement Services, said that on tonight's agenda is an item awarding the contract to the vendor which lays out the RFP, along with the ranking and submittals received from four different engineering firms. CSA, from a price point of view, ranked number two. They looked at the market and what other agencies are paying, along with a competitive price comparison.

Commissioner Moore asked which firm had a lower price. Mr. Buffington said for example if one looked at plans examiner for building, Capri Engineering was at \$72.50, and L&M Engineering Inc. doing business as GFA, was at \$74. The RFP process also considered other things beside price, and the criteria included experience, evidence of ability, understanding of the required services, the quality and depth of the scope of response, successful experience, and background in similar services. He further said that one of the things they had found was that CSA brings true governmental experience to the table. All CSA does is governmental entities. The other firms do work with developers besides governmental work. Therefore, there could have been some possible conflicts.

Commissioner Moore asked how many other municipal entities in Broward County does CSA service. Cosmo Tornece, from CSA said that they service Margate, Lauderhill, Weston and several other cities, including many in Dade County.

Action: An Ordinance will be prepared based on the recommendations contained in the Commission Agenda Report 06-0104.

I-C – Proposed House Bill 949; Application of Charter County Provisions, Ordinances, Land Development Regulations or County-Wide Special Acts Within Municipalities

Mayor Naugle said that the City Manager is recommending this item be included in the City's package.

Commissioner Hutchinson said this is going to be part of the Florida League of Cities package. Broward County has asked the Broward League of Cities to include opt-out language that would take Broward County out. She referred to home rule power, and expressed her support of this bill. Commissioner Moore concurred. Commissioner Hutchinson requested a resolution for consideration this evening.

Action: See walk-on resolution 06-31 at Regular meeting.

II-A – January 2006 Monthly Financial Report

Action: None Taken.

II-B – Alternative Water Supply Issues and Renewal of Water Consumptive Use Permit

Commissioner Hutchinson asked if they are going to proceed in hiring a legal advisor.

The City Attorney replied yes, this will be brought back before the Commission in the next couple of meetings.

II-C – Raw Water Main Repair; West Commercial Boulevard and NW 21 Avenue; Emergency Purchase

Mayor Naugle asked if this is going to be recovered from the Department of Transportation's contractor.

The City Attorney said they will apply their best efforts; he was optimistic.

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

Action: Deferred.

Board of Adjustment

Action: Deferred
Cemeteries Advisory Board

Action: Deferred.

Charter Revision Board

Action: Deferred

Citizens' Police Review

Commissioner Hutchinson recommended Alan Stotsky for appointment to the Citizens' Police Review Board.

Action: Formal Action To Be Taken at Regular Meeting.

Community Appearance Board

Action: Deferred.

Community Services Board

Action: Deferred.

Education Advisory Board

Action: Deferred

Fire-Rescue Facilities Bond Issue Blue Ribbon

Action: Deferred

Historic Preservation Advisory Board

Action: Deferred.

Northwest-Progresso-Flagler-Heights Redevelopment Board

Action: Deferred.

Utility Advisory Committee

Commissioner Hutchinson recommended Geri Udell for appointment to the Utility Advisory Committee.

Action: Formal Action To Be Taken at Regular Meeting.

IV – Commission Reports

Fort Lauderdale Stadium

Vice Mayor Teel announced that the stadium restoration from the hurricane is beautiful.

Galt Ocean Mile

Vice Mayor Teel was glad that Galt Ocean Mile is going to get some trees because the residents have been waiting a long time.

Farewell Party; Commissioner Trantalis

Commissioner Trantalis said that it appears there is a tradition to have a farewell party for outgoing commissioners. Chima's has been selected. It was difficult to find a location in District II because everything is under construction. There was concern about the cost, and he thought about how to limit the list of people. He understood there is some concern about having a party and spending the money. He wanted to bring it to the table for discussion and a decision.

Commissioner Hutchinson did not object to a party, but did not approve of a private guest list. It should be open to the public, with advisory board members encouraged since the City is paying for it. It could be by invitation, but to people who do service in the City also, similar to the State of the City. There is no objection to the Commissioner having some people to invite.

Commissioner Moore asked if the party would cost less than \$10,000. The City Manager confirmed that is correct.

Vice Mayor Teel was concerned about the location due to the cost that may be involved. Upon inquiry, she was informed that the party would cost about \$3,000. She also asked the cost in 2003 that was held for two outgoing commissioners, and she was told \$2,200. She was also concerned about an exclusive guest list. She was concerned about the cost. There should be a policy to govern this. She asked who would control the guest list and is it a public purpose. She offered the Beach Convention Center for the event if Commissioner Trantalis wanted to hold the event in her district.

Commissioner Trantalis said that the per person charge for the party are very reasonable. As far as the list is concerned, he was trying to save money. All of his appointees to the advisory boards, advisory board chairs were included, the heads of neighborhood district associations, individuals who helped him get in office, the City Commission, County Commissioners, along with his immediate family. Some City staff expressed an interest in attending. Opportunities such as this should be taken to bring together the community and show respect to individuals who have participated in the government.

Commissioner Moore felt this is something within the Manager's discretion and each commissioner can discuss it with the Manager during his evaluation. He did not object.

Vice Mayor Teel asked about public purpose in regard to such events.

The City Attorney said a policy has been adopted that ceremonial farewell parties for outgoing commissioners meets a public purpose, and therefore, each party has to be considered on its own merit to determine whether or not the private benefit enjoyed by a commissioner or two commissioners is incidental to the public purpose. If it is incidental, then it meets the public purpose test. The issue boils down to the fact that if the public is invited, then there is clearly a public purpose. The more the public is restricted from attending, the more one must consider whether the private benefit is incidental.

Mayor Naugle said that possibly it should be announced to the public that if anyone wants to attend the event, they should call a certain number to RSVP.

The City Manager said that if the event is to be open-ended, then he would like some direction regarding a budget.

Commissioner Trantalis felt it would be helpful to have some sort of formula.

The City Manager said that space could also be an issue.

Vice Mayor Teel said that approximately 244 invitations had been sent out.

The City Manager indicated that staff has been asked to pay their own way if they decide to attend the event, the same as is done for retirement parties.

Commissioner Moore said that possibly contributions would be made by an outside entity.

Vice Mayor Teel said that she suggested in her letter to the City Manager that possibly other public funding opportunities could be found to help support this event. She was concerned about spending \$3,000. She felt it is excessive for taxpayers to fund.

Mayor Naugle suggested that possibly \$1,500 be spent to account for inflation since 2003. Vice Mayor Teel said that might be the way to go if there is a consensus.

Commissioner Moore appreciated the Vice Mayor's position, but the City Manager has the discretion regarding spending for this event, and he felt that further discussion should be held in the future regarding other events and issues that may arise. He hoped there may be private support.

Commissioner Hutchinson said that a policy should be set for the future. As long as this is an open-ended affair, she does not object.

Mayor Naugle said that a policy should be set for the future. He thanked Commissioner Trantalis for raising the issue. He recently learned that another event was held costing the taxpayers \$7,000 for the State of District III, which was not brought before the Commission. There used to be an advisory board appreciation event held annually. He came to the Commission and suggested combining that event with the State of the City to save money. It was cleared by the Commission. He did not feel that it is right for the Manager to be put in such a position. Such spending should cease until a formal policy is adopted.

Commissioner Moore did not have any objection as long as it also applies to the State of the City Address. He felt it is important that a state of the district address be afforded any commissioner because they are informing their constituents as to what is occurring in that district. It is creating the opportunity for the community to raise their concerns and see what has taken place. This matter should be placed on the Commission's agenda for further discussion, including what was spent on the State of the City address.

Mayor Naugle said that the State of the City address was approved by the Commission. Commissioner Moore said he wanted to know the cost. He believed such policy should be implemented. Mayor Naugle said that the State of the City address occurred after the election, whereas the district event was during an election, making it appear that public funds were being spent for election purposes.

Commissioner Hutchinson said that now is the time for the Finance Department to review the Commission's budget. Perhaps each commissioner deserves their own budget.

Commissioner Moore said when the new Auditor is in place, such things could be addressed. Commissioner Hutchinson wanted to do it now before the new budget year.

Mayor Naugle said that a policy is also needed regarding travel expenses for City staff.

The City Manager said that three years ago it was broken into actual expenses and in-kind services. He asked if the \$3,000 cap for the event includes actual expenditures or inclusive of in-kind services.

Commissioner Moore said that the Commission's position is that the City Manager has the authority to spend \$3,000 for the event, and requests would also be made to other entities for contributions.

Vice Mayor Teel said that the City was hit with in-kind services with the Air and Sea Show. Commissioner Hutchinson said that in-kind is not for the City, but for any corporation that wants to participate. Vice Mayor Teel said that in-kind services are an expense they are incurring, and if a cap is being placed at \$3,000, then that should be part of the formula. Commissioner Hutchinson said that \$3,000 is from the City.

The City Manager asked if that includes staff time or actual dollars to be spent. Commissioners Moore and Hutchinson felt it is dollars.

Election; District III

Commissioner Moore referred to the individual who paid \$400 to offer himself as a candidate, but has not attended any public events, nor answered the financial disclosures in a timely manner. This individual has not attended any candidate screenings. For District III, the election will cost the taxpayers \$78,000. He did not know if the candidate is still running or has withdrawn.

The City Attorney said that he would provide some further information at tonight's Regular Meeting. He further said that as of noon today, Mr. Haynes phoned and said he was in limbo and not sure if he would run, but wanted to have some further discussion. He said that after this meeting, he would phone Mr. Haynes to see what his thought process was involving the election. In phoning the number given for Mr. Haynes, a voicemail message said he is no longer a candidate. The City Clerk, therefore, opened the qualifying period for three days as required by statute. If no one qualifies, then the only remaining candidate would be declared the winner. Otherwise, there would be a race among the candidates, and the individual receiving the most votes would be declared the winner. He further said that the qualifying period would be closed at 5:00 p.m. on Thursday.

Commissioner Moore asked if the person who is now withdrawing would be able to qualify again.

The City Attorney said reviewed that yesterday Mr. Haynes called and left a message that he is no longer a candidate. When staff called Mr. Haynes, a voicemail indicated that as of March 6th he was no longer a candidate. However, Mr. Haynes has indicated he would like to speak with him. After consulting him, the Clerk opened the qualifying period this morning for three days as required. The ordinance provides if there is a withdrawal, death, etc. greater than six days prior to the general election, the qualifying period would be reopened for three days. If nobody qualifies, the only remaining candidate will be declared the winner.

Commissioner Moore asked if the individual who is withdrawing could re-file. The City Attorney indicated that the question is whether the individual could change his mind and still be a candidate. He believed that is not the case, but he could become a candidate again if he re-qualifies. If the withdrawal notice was received on Wednesday, that would only be six days before the election, and therefore, the election would have to be postponed for fourteen days, have another election and open the qualifying period for an additional three days which would cost a substantial amount of money.

Vice Mayor Teel asked if there is any requirement that the candidate submit his withdrawal in writing.

The City Attorney said that there does not appear to be any requirement that the withdrawal be put in writing. Rather than wait for a written withdrawal on Thursday; have to cancel the election and cost the City a new election, staff left a telephone message for Mr. Haynes, confirming his withdrawal.

Commissioner Moore said he finds it offensive to have costs incurred for an election when there is not a serious candidate involved.

Crime Reduction

Mayor Naugle said that crime is down 16%. He complimented the work of the Police Department.

V – City Manager Reports

None Given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 2:48 p.m.