

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
APRIL 17, 2007**

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COMMISSION CONFERENCE MEETING 1:30 P.M. APRIL 17, 2007

Present: Mayor Naugle
Vice Mayor Hutchinson, Commissioners Rodstrom, and Teel

Absent: Commissioner Carlton B. Moore

Also Present: City Manager – George Gretsas
City Auditor - John Herbst
City Clerk - Jonda K. Joseph
City Attorney - Harry A. Stewart
Sergeant At Arms – John Kane

I-A – Citizens Police Review Board

The following members of the Citizens Police Review Board were in attendance: Stephen Muffler, Chair; Roosevelt Walter, Vice-Chair and Ted Fling.

Captain Rick Maglione, Police Internal Affairs, made a slid presentation. A copy of the slides is attached to these minutes.

Mayor Naugle noted that the Board sent a letter about what incidents are under their purview and the City Attorney wrote an opinion. The closing sentence is: “In conclusion we are of the opinion that the CPRB is charged with reviewing all complaints investigated by the IAD of the FLPD. The CPRB, however, does not have authority to review all investigations of the IAD.” In response to Mayor Naugle, the City Attorney said the Board can review any complaints that are not disciplinary; from outside of the department. Mayor Naugle felt the Board wants the Commission to affirm whether they agree.

Roosevelt Walters wanted a clear understanding of their duties as a board. He questioned if they are following the letter of the law or the spirit. There appears to be a discrepancy in the original ordinance C-94-47 that was amended by C-05-28. In the heading of the ordinance it refers to citizens, but in the body it says all. The Attorney’s opinion says they are to make recommendations based on what is submitted to the Board by Internal Affairs. However, Section 2-250 states: “The board decision may include a recommendation for a modification in a disciplinary recommendation by the Police Chief. However, such recommendation shall not be made without consideration of the board’s past disciplinary action taken in connection with misconduct or similar nature.” They were receiving 4-5 complaints per month to almost none at all. The opinion appears to render the Board useless.

Stephen Muffler felt confidence in the police force and management now from what it was four years ago. He wanted to bring the disciplinary process to the spirit of what the community wants. There are drastically less files coming to the board than 4-5 years ago. He could not promote less public scrutiny of a police department at this time. He read the following recommendations: 1) Citizens Police Review Board would get all Level I complaints whether generated outside or inside the agency. The public purpose is scrutiny, and to limit the files to this board does not set the proper atmosphere. This

would dispel suspicions and allow the public to provide comment and be informed as to how the police are policing themselves. The present code states any complaints. A simple pronouncement by the Commission that any complaints mean all complaints and investigations involving Level I charges will make the process transparent. This board only offers recommendations. It allows the public to participate in the government and see how the police are policing themselves. It builds the public's confidence in the Police Department. Limiting files creates the wrong atmosphere. 2 The Police Department should adopt an imbedded civilian Inspector General within its top ranks to oversee the Internal Affairs Department. Many large departments around the U.S. do this, including the BSO and other federal agencies. This program would help dispel any public suspicions that police officers could not be investigated by other fellow officers fairly. The Inspector General would only be sanctioned or directed by the City Manager or the City Commission. This person would be an employee of the Police Department and would conform to the Florida Statutes' Officer's Bill of Rights which requires that internal investigations be conducted by employees of the Police Department. This person would be both investigative and educational in nature in order to help keep officers out of professionalism issues in the work environment. This person would be the principal liaison to the Citizens Police Review Board and the public so there would be a marriage between the citizens and the Police Department. This person would set the proper atmosphere for community policing which is a two-way street. 3) Members of this board should be selected wisely and possibly look into extra training for these individuals.

In response to Commissioner Teel, the City Attorney explained that this ordinance was carefully crafted. There is a Charter provision that establishes a manager form of government, and that provision prohibits the Commission, committee or anyone else appointed by the Commission from interfering with disciplinary matters for those other than employees who report to the Commission. The ordinance authorizes them to review investigations, not investigate the complaint. They advise the City Manager, not the City Commission. To go beyond where this ordinance now goes would be a violation of the Charter. An independent Inspector General would violate the terms of the Charter. A Charter amendment would be necessary. The City Manager could establish something in the Police Department with the approval of the City Commission.

The City Attorney said the ordinance provides for complaints from the outside. The Charter prevents the Board from interfering with disciplinary matters. The ordinance carefully avoids the Board reviewing the complaint itself as to whether the officer should be disciplined. They should not issue opinions as to what the discipline ought to be, but simply whether the investigation was complete, and the information presented showed whether it was sustained, not sustained, unfounded, or exonerated. In the past they might have been given more to do than what should have been. Now, they should be investigating complaints from the outside. In looking at the legislative history, it was the clear intention of the Commission at the time. Citizens felt proper investigations were not being conducted and this was to make sure that the investigations made by citizens were fully and completely investigated.

The City Attorney said that the new ordinance basically just changed the name.

Commissioner Teel asked if it is possible to have a civilian Inspector General. The City Attorney said that according to the Charter, the individual could work under the City Manager, but not independent. Mayor Naugle said that the Police Officer's Bill of Rights

might have certain criteria that could be contradictory. Mr. Muffler said the Officer's Bill of Rights was interpreted by the Attorney General. It says that only that police department could investigate its members. However any employee imbedded into the police department is part of that department. There are other opinions that allow the city management, if they participate in the disciplinary action, it would be permissible. He cited Miami-Dade County as a recent example.

Captain Maglione said the taking of the statement and the actual investigation must be done by a sworn police officer.

Mayor Naugle noted that there are still cases going to the board. There will be lulls. Complaints could be down, but that is a good thing.

Commissioner Rodstrom wanted to see a formal presentation on an Inspector General's position, and to know how difficult it would be change the Charter for it to come under the Commission instead of the City Manager for more oversight. Mayor Naugle said that such changes would have to be presented to the Charter Review Board, and then eventually voted on. Traditionally it has been done during the general elections. The next occasion would be November of 2008. He suggested a review could be provided of agencies throughout the state that have such a position.

Both Commissioners Teel and Rodstrom were interested in seeing more information about an Inspector General.

Mayor Naugle noted there are other departments in the City. He questioned the Commission having a review of all employees in discipline and felt the Commission is treading on the City Manager's ground. He was comfortable with citizen-based complaints going to the board. The Commission could look at the Inspector General concept.

Mr. Walters was confused about the interpretation. He referred to the last paragraph of Section 2-250. Also, it should be clear they do not want to investigate, but rather to review.

Commissioner Rodstrom noted that it would be a recommendation only, another level of oversight.

The City Manager said the language is important. For every case reviewed, at the conclusion it is public information. The threshold question is whether the employee disciplinary process should be politicized whereby representatives of the elected body try to persuade management to change their decision before they adjudicate a case. He cited an example. It runs contrary to the management form of government, which is to keep politics out of personnel decisions. The real question is whether surrogates of an elected body will attempt to influence management's decision. It is a dangerous path. Mayor Naugle agreed and thought to go further would require a Charter change.

Bruce Roberts, Chief of Police, said there are recommendations through the chain of command regarding discipline, and sometimes additional training is suggested. He agreed with the City Manager. Part of what Captain Maglione is doing is educating the public on how the process works. The department sustains 32% of the complaints at this time. They take great pride in that percentage and their efforts. Complaints have

been reduced in the last six years. He felt it should be the purview of the department with the City Manager to discipline. A lot has to do with public perception and education.

The City Manager said that liability is involved. Sometimes the board's recommendation is for less of a penalty than management. When a case is appealed, the employee's attorney has used the board's recommendation against the City. He noted one case where the board was opposite to what he thought was appropriate punishment. When there is a full room of police officers or former police officers, asking for leniency, there is a chilling effect on what should be a non-political process.

Commissioner Teel agreed that the word, all, in the ordinance is confusing. She was interested in seeing how the Inspector General concept is used in other communities. She suggested a mechanism be created whereby communities that feel they are not being properly represented could meet with the appropriate official to voice their concerns so that there is an additional way to informally talk about it. Mayor Naugle thought the Chief of Police would be the appropriate official.

Mr. Walters asked the City Attorney to also look at duties in Subsection (5).

Action: There was consensus for the City Manager to provide information about an inspector general program and experience from other jurisdictions. The City Attorney was directed to make refinements to the Code covering the Citizens Police Review Board, including removing "all" complaints from Section 2-249, Duties. Section 2-250(5), Defer Case for More Information, was also highlighted. Commissioner Teel wanted another channel available wherein individuals who do not believe they are being properly represented could informally voice their concerns to a member of the City Administration.

I-B – Potential New Single Family Zoning District

Marc LaFerrier, Director of Planning and Zoning, reviewed a slide presentation in connection with a potential new single-family zoning district. A copy of the slides is attached to these minutes. The initial concept is that the new zoning district would moderate concerns raised in neighborhoods regarding redevelopment and larger homes being built. This only addresses the RS-8, not where multi-family zoning exists in single-family areas, which would be the topic of another study. Moderations were made in four areas: height of the structure; floor area ratio; lot coverage and setbacks. In two-story structures, the floor area ratio is the deciding factor of how large a building could be. In one-story structures, it is really the lot coverage. Height was reduced by about 7 feet. The rear yard setback was extended. If the homes are taller, there needs to be more separation to allow for more light and landscaping and as such the setbacks have been increased to 7 ½ feet.

Commissioner Teel asked about mechanical structures on roof tops. Mr. LaFerrier said that the definition of height is not being changed, simply lowering the maximum height. If it is allowed above the maximum height, it would continue. Commissioner Teel felt that should be addressed.

Commissioner Teel asked about giving discretion to divide the side setback footage between the sides. Mr. LaFerrier said that matter has thought about. It is something that would work better in a new subdivision. In situations involving a garage next to a

garage, it makes more sense. He offered to look into it more. It provides more interest character to the neighborhood. Commissioner Teel noted it gives more opportunity for landscaping.

Mayor Naugle noted that this resembles what was attempted in Rio Vista. The neighborhood was split down the middle. He did not think this is something the City should impose on a neighborhood. He anticipated there would be a petition process and a consensus from the neighborhood.

Mr. LaFerrier said today the Commission is being asked to direct staff whether to proceed. The new district would be presented to the Planning and Zoning Board and the Commission, and there would need to be a decision on a petition approach.

Commissioner Teel asked about neighborhoods with different zonings. Mr. LaFerrier said it would be difficult to handle. The district boundaries should follow natural features, roads or existing zoning categories. There are situations where a single family home is situated on multi-family zoning. It might cause a lawsuit to blanket rezone.

Commissioner Rodstrom commended the Planning and Zoning Department and City Attorney's Office.

Action: There was consensus approval to move forward as presented.

I-C – AT&T and BellSouth Utility Cabinets

Vic Beninate, representing AT&T (previously BellSouth until December, 2006), said he received a request from Bob Duncel, Assistant City Attorney, to address the matter in south Fort Lauderdale. AT&T representatives have since met with the beautification homeowner group. They have retained someone to do landscaping design. They will be meeting with Andy Ziffer, Tarpon River Homeowner Association, next week. In the past they received a permit, installed the box, and then discovered a problem. They have decided to do business differently. They are going to apply for the permit, review it with City staff, and speak with homeowner groups to find a common solution on the front end.

Vice Mayor Hutchinson asked why this was not done in the first place. Mr. Beninate said this is what they should have been doing and they are committed to doing it. There is no excuse.

Commissioner Rodstrom thought it looked pretty bad. It detracts from the community and appears to be just what works best for AT&T. For example, McDonalds restaurants can have a theme that the community would like. She asked what is going to be done about the existing cabinets.

Vice Mayor Hutchinson asked who would maintain the landscaping. She did not intend for the City to do so.

Mr. Beninate explained AT&T staff are engineers and that is why AT&T has retained Mike Fey to do a design. One has been done for Tarpon River. It is a beginning. They will meet with the homeowner group this Monday and try to reach a satisfactory solution.

Commissioner Teel said she raised these concerns many months ago. Mr. Beninate was at the Utility Advisory Committee when she addressed them. It has been going on long before Tarpon River had their concerns.

Mayor Naugle said that something similar was done with the WaterWorks utility cabinets, but the problem was fixed.

Mr. Beninate wanted the City Engineer and AT&T to look at these together and work with the homeowner groups.

In response to Vice Mayor Hutchinson, the City Attorney confirmed that their franchise agreement expired in 2003. He indicated that he does not keep track of franchises. Vice Mayor Hutchinson asked who is required to do this.

Sharon Liebman, representing AT&T Florida, said that in 2001 the Florida Legislature passed the Communications Services Tax Simplification Law and incorporated into that was a change regarding franchises granted to telephone companies for placement and maintenance of facilities in rights-of-way. The law changed the franchise system to one of registration for use of the rights-of-way. The City Code provides for that type of registration process. AT&T has undertaken that registration process. There are no franchises any longer.

The City Attorney said the question is whether this is phone company or cable television service. Mayor Naugle believed it is all becoming the same. Vice Mayor Hutchinson felt they are preparing for the future at the City's expense.

Commissioner Teel said that some of the cabinets in Imperial Point are as close as two feet from the edge of the roadway. She was concerned about safety. She mentioned NE 62 Street. She believed one on that street which she felt is totally misplaced. She would not approve of simply landscaping around it. Mr. Partington said the permit process has two stages: permit application for the box, and then there is a separate application for electricity for the box. He detailed the status of those in the permit process at this time. In review of the permit, staff looks at requirements of the ULDR for sight lines and proximity to driveways. There is an engineering standard for setback. He agreed the one noted by Commissioner Teel does not meet that standard. This particular one slipped through staff's scrutiny.

Commissioner Teel pointed out that liability if an accident occurs at this site. She asked about moving it back to the fence and situating the sidewalk around it. Mr. Partington said that in theory that could have been done, but there would also be hesitancy about moving the sidewalk nearer to the road. Commissioner Teel pointed out that it provides more visibility. She understood a permit was issued for the boxes, but not for the meters. Mr. Partington indicated they were able to install the cabinet and then wait for the electrical permit. There are cabinets in place for which electrical permits have not been issued. Three cabinets have been discovered where permits have not been issued. It is questionable whether they applied for permits.

Commissioner Teel thought generators were being placed on some sites when there is no electricity. The generator runs 24 hours a day. Mr. Partington indicated that BellSouth indicated in the event of a hurricane, they would bring generators to the

cabinets. Commissioner Teel noted that the motor is running 24 hours a day and there is noise.

Ralph Salgueiro, Engineer for AT&T, said the generators do make noise. The generator is there to operate the equipment. In response to Mayor Naugle, Mr. Salgueiro indicated there is no noise when there is a power supply. Commissioner Teel disagreed. She pointed out the problem with those cabinets next to bedroom windows. She reiterated the need to solve the safety issue.

Mayor Naugle felt this should go before the Utilities Advisory Committee. Commissioner Teel asked how many boxes are planned for the City. She did not feel that accurate information is being provided. Mr. Beninate said that about 18 boxes would be installed in 2007. There are probably about 20-21 already in the cycle, plus another 18. This is not the total number planned for the City. He indicated that the total number will be provided to the Commission in writing.

Mayor Naugle suspected they are being installed first in the higher income areas where there is a higher DSL demand. Anniken Patino, Area Planning Manager for AT&T, said it is based on demand for DSL service.

Vice Mayor Hutchinson wanted to see a list of where all the boxes are going to be installed in the City before any more permits are issued. Ms. Liebman said that such information is not available. They do have 2007 information which could be provided.

Mayor Naugle said at the National League of Cities Convention in Reno there was a display of an underground cabinet for these devices that would pop-up for service. It is in a waterproof vault. He wanted more information on this. He suggested no more permits be issued. He questioned who would be maintaining the landscaping or how often they would be checked for graffiti. For safety and because of the liability the City would face in having these boxes close to the roadway, they must be moved.

Ms. Patino explained that there are fans inside the boxes.

Andy Ziffer, Vice President, Tarpon River Civic Association, asked which three boxes were installed without permits. Mr. Partington said the City cannot find permits for three locations. He hesitated to make the statement anything was installed illegally. They are located in Tarpon River, Lauderdale Manors and the recently incorporated area.

Mr. Ziffer suggested no permits be issued until this matter is resolved. He asked if these boxes are legal with or without permits. This is going above the original intent of the easement. These are essentially mini-substations. He outlined the process that was followed for a substation in his neighborhood, noting property taxes are paid for the substation. These boxes are being placed on tax free property. They are so big, powered with fans and generators, an enterprise could function from them. As for landscaping, it is a bandaid. He mentioned the repeated followup that is needed with FPL with respect to maintenance.

Mayor Naugle said the City will determine whether equipment buildings are permitted in the right-of-way.

Mr. Ziffer also emphasized safety is a concern. The box in Tarpon River is next to a very busy corner. If the box in Tarpon River is not permitted, he asked that they be instructed by the City to cease work on it.

Dave Sandquist, Imperial Point, noted these boxes were not pointed out in the previous presentation. They will certainly be in all neighborhoods. BellSouth plans on putting them in the easements in yards and not just along the roadways. Rather than move a garbage area for an apartment building adjacent to his property, they have decided to move further into the easement and place it next to his bedroom window on a 10' x 10' concrete pad enclosed with a chainlink fence. Then they want him to continue paying taxes on the property. This goes beyond the purpose of an easement. Originally, he was told the boxes would be small, no more than three feet high. He has been told they can place them wherever they wish. He referred to House Bill 529 that has passed, but the Senate bill is going into committee this Thursday. It would give companies the right to put cable television and DSL service wherever they want, taking authority away from the cities. It is purely entrepreneurial; they might as well be selling hot dogs. Any telecommunications company that comes along will also want to install these boxes.

Ted Fling, Vice President, Victoria Park Civic Association, said this is a repeat of the lift station problem. He elaborated upon the lingering problems with the life stations. There is no notice to the neighborhoods. It seems like they do not care. They start something and leave it for almost a year without finishing it. They should not be allowed to just come out and dig up the streets. There needs to be a process, education and notice.

Betty Shelly, Imperial Point, asked if surveys could be done as to how many customers there are for DSL service before the boxes are installed. Apparently, there is a lot of demand in Imperial Point.

Dave Perez, Tarpon River, said it is clear that a program is needed to address this in a unified way. Aesthetics should be taken into account. The installation at 7th and 4th is too big; it blocks the entranceway.

Mayor Naugle pointed out that the underground vault would solve the aesthetics, maintenance, liability.

In response to Vice Mayor Hutchinson, the City Attorney felt permits could be held until the City knows exactly what is in these boxes to determine if they are properly there and probably could require better boxes. He was not sure about Mr. Sandquist's problem because it was on a private right-of-way. They could look into what could be done about private rights of way.

The City Attorney said they knew what they were doing. There are four bills in the House now that would take away authority from local governments. Mayor Naugle encouraged everyone to speak to their legislators and assured that the City would do the same through the City Lobbyist.

Gloria Reese, President, Tarpon River Civic Association, said this appears to be a legal issue and she hoped the City Attorney's Office would address it aggressively. It is happening across the country.

The City Manager indicated that he would work with the City Attorney.

Mr. Beninate acknowledged this is an uncomfortable position for him and his company. They want to work with everyone on the front end to avoid these problems. They are looking into the underground concept and would appreciate any information the City secures.

Ms. Liebman said that the bills pending in the Legislature preserve the local government's right to manage its rights-of-way as it currently does. It is AT&T's practice to pull necessary permits; the City Engineer just today indicated that three permits cannot be located for whatever reason. They will check into this. Mayor Naugle asked the Commission be furnished with the date that AT&T applied for those three permits and to whom the permit was issued. Ms. Liebman agreed to do so.

Commissioner Rodstrom asked that AT&T to research the underground option so that she could assure her constituents that the company has taken the ball into their court. Mr. Beninate said they research it and want to do this in the proper way.

Action: Mayor Naugle suggested this matter be referred to the Utility Advisory Committee. Vice Mayor Hutchinson wanted a list of proposed locations before any additional permits are issued. Mayor Naugle requested information from AT&T the date of the permit application and to whom on City Staff the application was submitted be provided to the Commission. Mayor Naugle suggested looking into an underground pop-up style. Commissioner Rodstrom asked that AT&T investigate using this style. Please refer to minutes concerning AT&T expressed commitments. Also refer to regular meeting agenda item CR-01.

I-D – Hurricane Debris, Large Stump and Non-Native Tree Removal – Evergreen Cemetery

Jeff Modarelli, Director of Business Enterprises, said this cemetery was established in 1910 and purchased by the City in 1917. It is green space and acts as a passive park. There are multiple native trees. Cliff Lake borders the eastern side of the cemetery. Along the lake there are native and non-native trees. Two species identified for removal are Australian Pine and Brazilian Pepper. Due to Hurricane Wilma there was damage to the interior and eastern bank of Cliff Lake. The neighborhood and Board of Cemetery Trustees are concerned about the aesthetics, safety, and overall condition of the lake.

Mr. Modarelli showed slides, noting damage occurring in the area. There are mangroves that protect the integrity of the bank. The Brazilian Peppers, which are proposed to be removed, pose a threat to the mangroves. Non-native species cause the most severe damage whereas native trees weathered the storm very well. At the Board's request, an RFP was done for Phase 1 and it appears on this evening's agenda. It is to remove the Australian Pines, Brazilian Peppers and trim some of the interior trees. An environmental permit was secured from the County. He noted the scope of Phase 2.

Michael Nardone, a resident of SE 12 Way, which is adjacent to the lake and representing Lauderdale Harbor Improvement Association composed of 300 individuals, distributed information to the Commission. Although the plan to eradicate the non-native trees seems like a good idea, the consequences would be significant for the residents of this area. Removal of approximately 200 non-native trees and pruning of

250 trees along the western boundary of Cliff Lake would devastate the existing eco system and leave residents along SE 12 Way staring at oversized, grey tombs. He showed various photographs contained in the information provided the Commission. About 100% of the vertical and 50% of the lateral vegetative buffer would be removed. The mangroves have extremely high wildlife utilization. One photograph shows a Brazilian Pepper in the midst of the mangroves, which proves problematic. Fort Lauderdale has lost many eco systems, such as Cliff Lake, to development. They question jeopardizing this eco system for propagation of large waterfront mausoleums. If the intention in removing the non-native species is to mitigate further bank erosion, he believed it could have the adverse effect. The Australian Pine root system is providing side wall support to the bank. He believed removing the trees will soften the bank. He noted that he is a licensed Florida professional geologist. Prior to removing the non-native trees, an independent geo-technical study should be performed to evaluate impacts along the entire bank, including installation of six mausoleums. He believed potentially compromising the limestone cliff after which the lake is named without a proper geo-technical study borders on negligence. He noted that existing mausoleums are already in structural trouble. The real issue is that City management has decided to sell waterfront mausoleums at about \$600,000 each. They are being put so close to the bank that they are in jeopardy of falling without any of the trees being removed. Although a license has been issued, the period for comment extends to April 23rd. He intends to appeal this. The existing license for permit for non-native tree removal is not consistent with the solicited contract or the scope of services because the scope of services specifically sets forth that mangrove pruning is prohibited. The permit specifically encourages the pruning of mangroves. This is inconsistent with the bid and could lead to change orders. The current license for non-native tree removal is a County license, but he believed the City would also need a State permit from the Florida Department of Environmental Protection because the work impacts jurisdictional wetlands. The existing license clearly states that it does not eliminate the necessity for obtaining required state and federal permits. The winning bid was \$43,000 and the next closest bid was double that amount. The average of the sixteen bids was actually \$233,000. The scope of the services is to cut down and trim about 450 large trees over a mangrove wetland shore line, remove, haul and dispose of all cuttings. The bid amount comes out to under \$100 per tree. A bid which is one fifth of the average price and half of the next lowest price is a concern. If the cost ends up being close to the \$233,000 average, he questioned where funding for phase two would come from. The Association is opposed to removal of the non-native trees. If the City decides to move forward, they ask that the geo-technical study be done, a landscape architect be retained to design the replantings, the plan be presented to their Association and it be funded prior to removing the trees.

Vice Mayor Hutchinson said she is not comfortable with this item. She met with the neighborhood and they are also not comfortable. This is a magnificent spot in the City. She did not believe the City is ready to do anything until appropriate studies. She noted that Mr. Nardone has a tremendous amount of experience in this.

Mayor Naugle asked for this item to be removed from tonight's agenda, staff meet with the neighborhood and come back with something that the Commission would be comfortable with.

Ann Platt, Cemeteries Board, said they are committed to working with the neighborhood. It is not their intention to do anything to make the neighborhood uncomfortable or cause

any environmental damage. The Australian Pine is classified as a weed. Its leaves that fall make the ground underneath them sterile. It is also dangerous to the environment. It is known to break apart existing groundcover. These trees need to at least be trimmed before the next hurricane season to protect loss of ground in the cemetery. They intend to replant with native species.

Brown Pierson, SE 12 Way, said this is like the Bonnet House. It is a beautiful spot. Replanting would not be optimum. It should be left environmentally ecologically sensitive the way it is now.

Action: There was no consensus.

I-E – Proposed Lobbyist Registration Fee

Commissioner Rodstrom asked how the amount was arrived upon. Mayor Naugle said that a comparison was done with other jurisdictions. The City Clerk said staff believes this to be reasonable; it is less than what Dade County charges. The City Attorney said it is a fee which covers the cost of administration; it is not a lobbyist tax.

Action: Consensus approval as presented.

I-F – Funding Request From Fire Museum – Fire Station 8 Sprinkler System - \$7,372.44

No discussion.

Action: Consensus approval as presented. See Regular Meeting WALK-ON motion.

I-G – City Commission Staff

Commissioner Teel was not sure if this is the best timing depending on what Tallahassee does in terms of funds.

Commissioner Rodstrom agreed. She also checked the number of elected officials and the number of assistants for the population. It appears there are plenty of assistants for this population. A raise is for someone who has been working hard and has too much to do. Cities who have more aides than officials have double the population of Fort Lauderdale.

Action: Deferred to May 1, 2007 when a full Commission will be present.

**EXECUTIVE CLOSED DOOR SESSION 3:42 P.M.
MEETING RECONVENED AT 3:59 P.M.**

II-A – Proposed Lien Settlements; Special Magistrate and Code Enforcement Board Cases

No discussion.

II-B – February 2007 Monthly Financial Report

No discussion.

II-C – Annual Report; Investment Results; Fiscal Year Ended September 30, 2006

No discussion.

II-D – Budget Process; Review of Practices, Procedures and Internal Controls

Commissioner Rodstrom referred to Finding 1.3 and was concerned that the Auditor did not receive information he requested in time for his review.

Allyson Love, Director of Management and Budget, said the information requested had to do with the process. The requisitions and associated documents provided to the Committee are accessible to the Auditor. All requisitions are first provided to Human Resources; then the Budget Department to verify funding; then they meet with the City Manager who reviews each position. The position information is not kept in the Budget Department.

The City Manager said if there is a concern that positions are being filled that do not exist, they are comfortable that this is not happening.

In response to Commissioner Rodstrom, Ms. Love explained that the Auditor did not ask for the documentation. The City Manager thought it was a miscommunication issue. If there is anything else the Auditor wants, he was happy to provide it.

Commissioner Rodstrom noted that the Auditor has been working on this for months. She pointed out Dade County that has phantom employees being paid for example. She questioned the controls in place. The City Manager said there are controls in place. The Auditor thinks a different system should be used. He did not believe there are any unauthorized employees. The Auditor is welcome to review anything he wishes. For example, if another attorney was asked how to try a case, he or she might have a different nuance than the City Attorney.

In response to Commissioner Rodstrom, the City Auditor said they were not aware of the requisition and To Hire a Worker (THAW) Committee's existence. It was not described to them when they asked about controls over payroll projections and reconciliation of positions against the payroll projection system. Otherwise they would have requested associated documentation and undertaken tests to determine if the system was properly functioning. This was not discovered until the end of the review. When asked what controls were in place, the Office of Management and Budget did not inform him of this committee that meets bi-weekly.

The City Manager said everything is about perspective; the Auditor's office asked a lot of questions regarding the budget; he believed there was some miscommunication; there was no intention to be confusing.

If the Auditor decides to request this information, Commissioner Rodstrom asked how long it would take to provide it, for example, the last set of minutes of the THAW Committee. Ms. Love indicated whatever is reviewed by the THAW Committee has their signatures. The requisition is approved in Human Resources; the Budget Office checks funding; then in Committee, the City Manager signs off on the appeal memo.

The Auditor could test whether this has been done for any requisition going through the system. The requisitions are in an automated system.

Averill Dorsett, Director of Human Resources, said no position can be filled unless there is an approved requisition.

In response to Commissioner Rodstrom, the City Auditor said it appears that effective controls are in place, but they did not have the opportunity to test them during the course of the review. He could test them now and issue a supplementary memo or at a later time, review implementation of the recommendations. Then the effectiveness of that particular control could be tested and a report provided to the Commission.

Commissioner Rodstrom preferred that this be done sooner than later. The City Auditor said he would address it.

The City Auditor said during the course of the review, the process itself was reviewed. There were no errors in the adopted budget. The adopted budget is a good, sound document. Opportunities were identified for Management to improve the process itself to ensure that errors are prevented or detected as they move forward. They have been receptive. Mayor Naugle felt it is fine tuning.

Commissioner Rodstrom complimented the City Auditor on the report.

Action: Consensus approval as presented. Regarding Finding 1.3 of the City Auditor's Report 06/07-1, New Positions, Commissioner Rodstrom asked the City Auditor to test effectiveness of existing controls for this process.

III-B – Advisory Board and Committee Vacancies

Audit Committee

Action: Deferred.

Board of Adjustment Advisory Board

Action: Deferred.

Cemeteries Advisory Board

Action: Deferred.

Charter Advisory Board

Action: Deferred.

Community Appearance Advisory Board

Mayor Naugle recommended that John Barranco be appointed to the Community Appearance Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Community Services Advisory Board

Commissioner Moore recommended that Jennie Brooks be appointed to the Community Services Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Economic Development Advisory Board

Action: Deferred

Education Advisory Board

Commissioner Teel recommended the reappointment of Michael Bacigalupi and Janice K. Olson to the Education Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Fire-Rescue Facilities Blue Ribbon Committee

Action: Deferred.

Historic Preservation Advisory Board

Mayor Naugle recommended the reappointment of Jay Marion Adams and appointment of Joanne Johnsen to the Historic Preservation Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Insurance Advisory Board

Action: Deferred

Marine Advisory Board

Commissioner Teel recommended the reappointment of Michel G. Widoff and appointment of John E. Custer to the Marine Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Northwest Progresso Flagler Heights Advisory Board

Mayor Naugle recommended the reappointment of Clare M. Vickery to the Northwest Progresso Advisory Board.

Vice Mayor Hutchinson recommended the reappointment of Ron Centamore and appointment of Jerry Heniser to the Northwest Progresso Advisory Board.

Commissioner Teel recommended the reappointment of James C. Brady and appointment of Alan Gabriel to the Northwest Progresso Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Nuisance Abatement Advisory Board

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Action: Deferred.

Planning and Zoning Advisory Board

Mayor Naugle recommended the reappointment of Ed Curtis to the Planning and Zoning Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Unsafe Structures Board

Action: Deferred

Utility Advisory Committee

Action: Deferred.

NOTE: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 4:13 p.m. to 4:17 p.m.

IV – Commission Reports

July 3, 2007 City Commission Meetings

Commissioner Rodstrom asked if the July 3 Commission meetings will be rescheduled. There was consensus for July 10th and 17th.

Better Meetings Academy II

Vice Mayor Hutchinson wanted to require the chairs and vice chairs of advisory boards to attend the May 29th Better Meetings Academy presented by the City Clerk. It will provide the opportunity to learn how to conduct a proper meeting. Mayor Naugle suggested there be two dates offered and people be required to attend one.

The City Clerk noted another idea would be to provide orientation to new chairs throughout the year.

In response to Commissioner Teel, the City Clerk indicated that staff liaisons would also be included.

Both Commissioners Rodstrom and Teel complimented the efforts being made.

Television Broadcasting/Videotaping; Advisory Board Meetings

Vice Mayor Hutchinson said it has come to her attention that the Planning and Zoning Board meetings have not been taped since December, 2006. The staff liaison needs to handle it or the City Clerk should budget for it. The Commission has required other boards to be televised and some have just decided to televise. The Commission should make this decision. It is expensive. The City Clerk said that this could be addressed in the orientation in May. Vice Mayor Hutchinson referred to the Clerk's memorandum on which boards are required to televise. She noticed that Northwest Progresso Flagler Heights Advisory Board would like to televise. The Commission should make that decision.

Mayor Naugle said if closed-captioning is implemented, the City probably will not be able to televise any boards. In the interim, he suggested and there was consensus to televise only meetings of boards already authorized. Vice Mayor Hutchinson read from the Clerk's memorandum:

Board of Adjustment
Beach Redevelopment Advisory Board
Marine Advisory Board
Parks, Recreation and Beaches Advisory Board
Planning and Zoning Advisory Board

Vice Mayor Hutchinson said it must be understood that these meetings should also be videotaped. She questioned if all of these boards have been videotaping. She wanted to have this looked into.

Mayor Naugle concluded that Northwest Progresso Flagler Heights Advisory Board would not be authorized to televise their meetings.

The City Manager believed there was some type of miscommunication with Comcast.

Community Meetings; Hold at City Hall

Commissioner Teel attended the community meeting held by the Police Department concerning the pedestrian accident that occurred on Sistrunk Boulevard. It was handled very professionally. The Public Information Office did a good job. She commented on how the atmosphere can control people's behavior. In the Commission Chambers, there was comfortable seating, air conditioning, people could hear. Mayor Naugle noted it was safe and there were good exits. Commissioner Teel wanted a policy for highly-charged issues that community meetings be held in City Hall. If City Hall is too far away from the affected community, signage could be placed and people be bused to City Hall. She mentioned another meeting held in Imperial Point after there was a homicide. She felt that was different because it was not a situation of the police being questioned as to whether they acted appropriately. For Imperial Point, the Police Department was informing residents of safety precautions made. If there is space, those types of meetings do not have to be held at City Hall.

In the future, Mayor Naugle indicated staff be available to complete the sign-in card for individuals if they wish and assistance also be offered for those who speak another language.

V – Manager's Report

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 4:31 p.m.