

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
MAY 15, 2007**

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COMMISSION CONFERENCE MEETING 1:38 P.M. MAY 15, 2007

Present: Mayor Naugle
Commissioners Hutchinson, Rodstrom, and Teel

Absent: Vice Mayor Carlton Moore (via telephone)

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

Mayor Naugle said they had a great tour of District III conducted by Vice Mayor Moore.

I-A – Electric and Telecommunication Distribution Systems – Municipalization and Undergrounding

Trevor Underwood read his prepared presentation which is attached to these minutes.

Mayor Naugle wanted this proposal considered, analyzed and a recommendation made.

Commissioner Teel thanked the Utility Advisory Committee for their hard work. She also thanked Mr. Underwood and Lynn Shatas.

Commissioner Rodstrom asked about Mr. Underwood's qualifications. Mr. Underwood said he was trained at Cambridge University as a mathematician and physicist. He has a long history of being involved in the early stages of electricity. He studied economics at the London School of Economics, University of Rochester, Harvard, along with graduate studies. He worked for government: Bank of England, British Treasury, and advised on the International Monetary System Reform. He spent thousands of hours to prepare for this presentation and researched the history of electricity and its development in the United States and in Florida. He particularly researched the regulatory control of electricity in the United States from 1935 and the role of the Florida Public Service Commission over the last 15 years. He also got involved with the hearings in Tallahassee on hardening of the infrastructure. The idea at the Utility Advisory Committee was to bring in experts in each area. There has been a very expert group of people involved. As a treasury expert, he has a wealth of knowledge regarding bond issues. One of his major clients is Escom in South Africa which is a huge electric utility. Their system is already underground. He advised them on the management of their finances.

Commissioner Rodstrom asked if Mr. Underwood had done any financial analysis. Mr. Underwood said that he drew on existing analyses that had been done in other municipalities for undergrounding. He has consulted with various engineers. He noted that he is not a substitute for the RFP. The next part would be to bring in consultants who actually build systems and feasibility studies will be conducted.

Mr. Underwood said that the beauty of this proposal is that it is a 100% guaranteed self-financing operation. The Authority will control the rental rate. The rental rate has to

cover not only the franchise payment to the City, but also the bond debt service and the maintenance. Since the Authority will have the ability to control the rates, it could guarantee that it would never run out of money and would always cover the cost. The rental rate would not just be an add-on to the existing electricity bill because there would be reductions in those bills and in the telecommunications bills due to the introduction of competition. The extraction of money out of monopoly profits would basically pay for the debt service. Calculations would have to be refined. The RFP is addressing municipalization per se, but it would be useful to include an addendum on the cost of undergrounding.

Vice Mayor Moore was extremely impressed with the report and excited about the concept. He hoped the City's consultant would evaluate the idea of running the lines and paying the City for the cost of the lines separate from just looking at it as a service of electricity. He first thought it was about the City running the electrical services. There were concerns whether it was too big of a task and could the City meet the challenges of a hurricane aftermath. The revenue opportunity makes this an extremely valuable document, considering what is being discussed in Tallahassee with ad valorem taxes.

In response to Vice Mayor Moore, Mr. Underwood clarified Item 20, Comparison of benefits from alternative options for undergrounding, with and without municipalization, refers to the arrangement of a totally independent municipal authority with targets and all of the incentives to get this done on time in the most effective manner.

Vice Mayor Moore felt an authority arrangement is very value added. He asked how much would it cost to underground citywide. Mr. Underwood said there is no fixed idea. He outlined the factors he considered and noted his estimates do not take into account existing underground utilities, therefore, the estimate is on the high side compared to what Winter Park and Orlando Utility are indicating. He estimated between \$300 million and \$600 million. There is the cost of acquisition. His estimate is based on Winter Park adjusted for population. He estimated \$300 million which is also on the high side. In the Winter Park acquisition, they paid stranded costs. Stranded costs may not have to be paid; it is battled out in the courts. The electric company makes the claim about having to build the power stations and the City might have to pay for that cost if the company's ability to sell is removed. His answer to that is the competitive electric supplier issue. He envisions there being two suppliers initially. The ability to rent the lines would be offered to FPL and the City could be a supplier. As a result, there would be no stranded costs. Therefore, he expected half his estimate.

Vice Mayor Moore felt it is important to begin publicly saying the dollar amount of \$900 million.

Mr. Underwood said the feasibility study should provide more accuracy. After looking at the debt service and profit from renting the services, his view is that the rental income and reduction in price through competition will actually fully support the debt service. Commissioner Rodstrom pointed out that it will not be simultaneous; there will be debt service while installation is occurring. Mr. Underwood said money is needed to buy the assets initially, but that provides immediate rental income. Money for undergrounding is borrowed as needed.

In response to Vice Mayor Moore, Mr. Underwood confirmed bundled services and undergrounding would cable competition and other revenue streams. In response to

Vice Mayor Moore, Mr. Underwood indicated the City has no other electrical supplier; it is either FPL or municipalization. He went on to comment about the utility cabinets appearing in the rights of way and the lack of regulation.

Action: There was consensus for the Underwood proposal to be considered and analyzed in the City's consideration of this matter.

I-B – Mediated Settlement Agreement – Swim School – Swim Team

The City Manager explained on October 3rd, the Commission deferred awarding a single contract. The City Attorney began negotiations between the swim school and the swim team in order to reach an agreement so both contractors could continue at the Aquatic Complex. On January 17th, the mediated settlement agreement was pulled from the agenda to allow staff time to investigate information brought to the City's attention. On March 15th, the Learn to Swim Program contractor, Jack Nelson Swim School, Inc., initiated a lawsuit against the City's current swim team contractor, Aquatics Management, including a count of interference with JNSS's relationship with the City. Staff is seeking Commission direction regarding moving forward with the settlement agreement, considering the bids presented at the October 3rd meeting or rejecting the proposals received and issuing a new RFP.

Commissioner Teel had little faith that these two entities can co-exist at the facility, therefore, she believed the City should issue an RFP.

Commissioner Rodstrom disagreed. In response to Commissioner Rodstrom, the City Attorney said the agreement was prepared on the City Manager's recommendation.

Vice Mayor Moore said there are standards regarding use of public property. He wanted an RFP written to ensure that the public has availability to this public venue. He wanted emphasis on the fact that the facility is a public venue. He did not care about the arguing between the two. This public venue has almost been used as a private operated facility and he did not want that to exist any longer, especially considering the amount of money the City may have to invest into the facility to make it functional in the future. He wanted to totally break the relationship. He preferred to see it run by the City and accessible to individuals not based on their affordability of getting private lessons. He wanted the Parks and Recreation Department to respond to the RFP as to how they would implement the services, just as they did with the lifeguards.

In response to Commissioner Rodstrom, Kirk Buffington, Procurement Services Director, said originally the City received three responses to the RFP and one was found to be non-responsive. In re-issuing the RFP, he expected they would receive responses from the same groups. Vice Mayor Moore explained that is why he wants it written differently.

Mayor Naugle commented that part of it had to do with a competitive swim program. Vice Mayor Moore felt any competitive swim team who wants to utilize the venue would have to pay for the time and the City should monitor the amount of time it would be used.

The City Manager wanted to first provide an analysis of such costs, along with expanding public availability and another scope. In the meantime, he would have to come back to the Commission as to what should be done in the interim.

In response to Commissioner Teel, the City Manager said the Aquatic Complex is estimated to lose \$800,000 to \$900,000 a year. Commissioner Teel referred to the unknown outcome in Tallahassee. If the City has to tighten its belt, this facility is one of the first to examine. The swim team is not an essential government service. Many of the children are from other cities. She would not object to hearing from the Parks Department as suggested.

Commissioner Rodstrom felt something different will have to be done in the future regardless if the pool is going to be re-done.

Vice Mayor Moore said the pool might not be re-done. Commissioner Rodstrom believed the land has certain stipulations on it. The City Manager said there are conditions on the park and the land regarding the museum and public use.

Commissioner Hutchinson noted the two groups still do not get along and they do not have the same goals and objectives. She wanted to cut bait and move on. Many other groups want to use the pool, but they are not allowed in.

Action: There was consensus to not approve the mediated settlement. The City Manager will provide an analysis on expanded public use availability and a new RFP as well as an interim course of action including any necessary associated extensions.

I-C – Downtown Master Plan – Revisions To Design Guidelines

Commissioner Rodstrom asked if they are going to address additional parking for the Downtown area.

In response to Commissioner Rodstrom, Marc LaFerrier, Planning and Zoning Director, said there are three different parking requirements in the downtown, which he described. There has been some concern about the parking exemption area, primarily areas along the east and west boundaries, but there is also some argument that the Village area have a standard parking requirement of suburban. Mayor Naugle noted this will be brought back to the Commission in June.

Vice Mayor Moore asked about a provision that affordable units be included in the design guidelines. This city is the job center of Broward County, the only real downtown, concentration of mass transit, the largest tax base of any municipal government. He asked where are the workforce housing units in this plan. Mayor Naugle said this study is about the shape and design of the buildings, width of streets; it is not about rent or price control. Vice Mayor Moore felt it is about the opportunity of having a design concept that would allow attainable units. The City needs to think about density of the units based upon having a lower cost. This is why it should be done now. Mr. LaFerrier said there has not been a specific guideline for design of affordable housing in the plan, however there are principles in the frame work plan that encourage it in the downtown. It was provided in the original plan, not the update.

Vice Mayor Moore wanted the development community to know this is an important emphasis by the Commission. The legislature is saying that local municipalities have to do this. Mayor Naugle asked about adding that developers are encouraged to have a certain number of small units. Vice Mayor Moore felt this document needs more. Mr. LaFerrier said in the original plan, there is a goal and an action relative to encouraging

workforce housing. Vice Mayor Moore indicated that wording does is meet the State's legislative mandate.

Mayor Naugle said the regulation of prices is different than building design. Vice Mayor Moore commented when talking about things like sidewalk width, open green space and building design guidelines, the development community will say in order to address attainable units, the density will have to be increased. They will then want to reduce the green space and so forth. The City should address it on the front end.

Mayor Naugle commented the City is currently experiencing an attainable housing glut. A two-bedroom condominium on Riverwalk can now be purchased in the high \$200,000s. Vice Mayor Moore pointed out that the maintenance and insurance is not affordable. He did not want to provide any excuse for the developer.

Commissioner Teel felt the marketplace adjusting to this. Peter Feldman's project is being redesigned with smaller units, lowering the price and there are other such projects.

Vice Mayor Moore asked if there is an attainable housing glut, why are developers requesting extensions to their development time. They are waiting for the market to change. There has to be development goals for attainable units by percentages and it needs to be done now. He expected planning staff to tighten up the plan.

Commissioner Hutchinson said she does not disagree with the Vice Mayor, but when the Commission discussed an affordable housing ordinance, it was only the two of them which does not constitute a majority. Vice Mayor Moore was ashamed that the Downtown Development Authority and the downtown interests are not interested in developing housing for the workforce. Mayor Naugle believed they are interested, but perhaps not by choice.

In response to Vice Mayor Moore, Peter Feldman, Chair of Downtown Development Authority, believed all developments approved north of Broward Boulevard have a requirement to provide some level of attainable units.

Vice Mayor Moore asked if there are any developments in the south section of the plan meeting attainable costs. Mr. Feldman said he could not answer the question.

Mayor Naugle reiterated that there are two-bedroom condominiums at Las Olas by the River that are attainable. They have about one hundred units for sale.

Vice Mayor Moore found the fact that there are one hundred units out in all of the downtown area is unacceptable. The same reason they are using as to why they cannot do it will only further that charge if it is not in this plan.

Mayor Naugle said that experience shows that wherever there is rent or price control, price goes up and supply goes down. New York City is an example. It only works in communist countries where government owns all of the housing.

Vice Mayor Moore referred to the Legislature imposing goals and ordinances locally because they feel that government does not know what it is doing. He wanted the City to have its own say.

Action: There was consensus for approval by resolution at a regular meeting tentatively scheduled for June, 2007. Vice Mayor Moore wanted the guidelines to include a statement concerning provision of affordable workforce housing.

I-D – Downtown Regional Activity Center – Requests for Extensions of Site Plan Approval and Re-Allocation Process

Vice Mayor Moore was not supportive of any extensions.

Commissioner Teel was tired of seeing properties not being maintained and vacant for years, then extensions are requested. She does not feel any extensions should be granted. If there is a building on the site and it is not being maintained, it should be demolished, fenced and ground cover planted. These types of projects are turning the City into a slum. He gave Sunrise Boulevard as an example. If it is a vacant lot, extensions could be considered if the property has been properly maintained.

Mayor Naugle noted they also cannot clean up the site at the last minute before requesting an extension. Commissioner Teel concurred.

Vice Mayor Moore agreed. Also, if there are no attainable units in the project, an extension should not be granted. If units are available and a developer requests an extension because the market is not what they prefer and there is a need for attainable housing, the units should not be given unless they begin to deal with meeting the attainable necessity. This is a chance for the City to tell the development community that if they do not supply the units for workforce housing, extensions will not be granted.

Mayor Naugle said if they attempt to control prices, they will shrink the supply and prices will go up. Vice Mayor Moore felt someone else will build because the ones waiting on the market to change will wait for the next 3,000 units to become available.

Commissioner Rodstrom commented that the assumption is being made that more units will become available. Vice Mayor Moore noted that the developers do not think so because they are trying to hold onto these and keep others from developing. He is advocating 15%.

Commissioner Hutchinson asked if the City could require affordable housing in order to have a site plan extended without an ordinance. The City Attorney said it would violate an established policy; that the City does not require something that is not mandated by a written ordinance.

In response to Vice Mayor Moore, Mr. LaFerrier said the City allocated about 2,300 units in the last two years.

Vice Mayor Moore said developers who have been granted units want to wait for the market to change, while there are others who want to develop and cannot get an allocation. The City needs to take those units back and allocate them to those who are willing to build now with an attainable percentage. He questioned why individuals holding units are grandfathered-in on units that stifle the tax base, the redevelopment effort, and the necessity for affordable housing.

Commissioner Rodstrom asked if a site plan extension is not granted, what happens. Mr. LaFerrier understood if the Commission did not take another action to say they want the new amendments applied to the previous allocation of units from the downtown, those units coming back into the pool from the previous allocation would be reviewed again as they were initially.

Vice Mayor Moore wanted hard and fast criteria. Mayor Naugle said the criteria would be that code violations were found on the site.

Commissioner Rodstrom asked what criteria is involved regarding demolition of a building. The City Attorney said a permit is required. Commissioner Rodstrom asked if the criteria could be changed so buildings could be demolished quicker.

Vice Mayor Moore referred to the Housing Authority, a public entity federally funded that has acreage in the middle of a community that is blighted and there is no emphasis on bringing this property in check.

Commissioner Rodstrom agreed that could be done but also abandoned buildings throughout the city should be demolished.

The City Manager understood the Commission's intent. They will bring back a recommendation.

Action: Vice Mayor Moore did not favor any extensions. Commissioner Teel did not favor any extensions. If there are existing buildings on the property not being maintained, they should be demolished, the property fenced and ground cover installed. If the property is vacant and it has not been properly maintained, no extension should be granted. Mayor Naugle noted the denial would have to be linked to Code violations. Vice Mayor Moore wanted more clarity on the criteria for denial as well as a 15% allotment for affordable workforce housing. Commissioner Rodstrom wanted clear demolition criteria to expedite the process. Staff will present a recommendation at a future meeting.

I-E – City Commission Budget

Vice Mayor Moore said he needs more funds for travel.

Commissioner Hutchinson suggested using monies from the Contingency Fund for such expenses since funds were originally taken from this budget and transferred to Contingency. Mayor Naugle indicated this is a discussion about next year. Commissioner Hutchinson indicated it is about this year and next year.

The City Manager said there is \$61,000 in the Contingency Fund. Vice Mayor Moore requested an additional \$4,000.

In response to Commissioner Rodstrom, the City Manager indicated that monies saved goes back into the General Fund at the end of the year.

Mayor Naugle asked about next year. Commissioner Rodstrom said that Vice Mayor Moore should travel less since it is going to be a rough budget year.

Vice Mayor Moore said the only way to deal with some of the issues that impact the City is involvement in the League of Cities which requires traveling and lobbying. This is what comprises his travel budget. Mayor Naugle noted that there is reimbursement for some League travel. Vice Mayor Moore said there is reimbursement for one meeting a year. The City should either be engaged in the League and pay the membership or not pay the membership.

Mayor Naugle said next year is going to be a tight year and the City should try to live within its means. If any member of the Commission has trouble with their budget next year, it could be brought to the Commission and voted upon.

Action: At the request of Vice Mayor Moore, there was consensus to allocate \$4,000 from the current 2006-2007 contingencies for travel. If there are shortages for 2007-2008, it should be scheduled on the agenda for consideration.

I-F – Workforce/Affordable Housing – Legislative Update

Vice Mayor Moore asked about the affordable housing legislation.

Mayor Naugle said if the County makes 3,000 additional units available, the Downtown Development Authority proposed that 15% of those be set aside as affordable for developers who want to come forward on a program like the trust fund money for example.

Vice Mayor Moore did not understand the Mayor's dislike in giving workforce people an opportunity to live in the city. Mayor Naugle said he understands the marketplace and the fact that there is attainable housing throughout this city. The marketplace will determine where people can live. Placing attainable units in River House, for example, where there are many amenities, does not make economic sense. It is a market decision. Vice Mayor Moore said that some developments like River House are not attainable, but they could assist in making attainable units available elsewhere. The people who provide services to the occupants of River House need some place to live also. The developer should contribute to a trust fund so attainable housing could be developed elsewhere. He was not suggesting forcing development of affordable units in a development not designed for it. There should be an impact fee for affordable units.

Commissioner Teel left the meeting at approximately 3:00 p.m. and returned at approximately 3:01 p.m.

Mayor Naugle disagreed. He believed they are entering a period that will probably last about 10 years where impact fees will not be feasible because there is an attainable housing glut.

Vice Mayor Moore disagreed. He quoted examples where developers were asked to expend sums of money for improvements associated with their developments.

Vice Mayor Moore asked if the City is going to meet the State standard, mandating that city comprehensive plans contain an ordinance.

Mayor Naugle was agreeable to 15% of the units being set aside for affordable housing.

Commissioner Rodstrom said the 15% would be in addition to the housing that will be coming down in price.

Vice Mayor Moore asked where are prices coming down. Mayor Naugle pointed to the area around Pinecrest School where prices are around \$160,000. Commissioner Teel clarified they are not single family, but condominiums. Vice Mayor Moore explained that the individuals needing the units have children, and therefore, need larger units. A two bedroom condominium unit with additional cost for maintenance inflates the cost.

Mayor Naugle referred to the notion that condominiums are not attainable because of maintenance fees and noted that there is maintenance associated with owning a house but it is just not a fixed expense. Vice Mayor Moore pointed out that some of the maintenance items charged in a condominium could be handled by the owner in the case of single family homeownership.

Vice Mayor Moore pointed out that single family homeowners are not sued by the association because they did not contribute to a maintenance fee which was not projected prior to them purchasing because of an emergency. He said he has not seen single family home foreclosed by a condominium association.

Vice Mayor Moore asked if the Commission is in agreement with the 450 units in the manner proposed by the Mayor.

Commissioner Hutchinson said that every project before this was horse-traded from the dais for 15% of the project without an affordable housing ordinance and they contributed \$250,000 to a fund that does not exist. They also paid accelerated park impact fees.

In response to Commissioner Teel, the City Attorney indicated that his office has not yet had an opportunity to analyze House Bill 1375. Commissioner Teel did not want to make a decision until the City Attorney reports on that bill. She hoped the Legislature will look at the documentary stamp Sadowski funds again. She was concerned about mandates and the Legislature taking away funding.

Mayor Naugle said the City needs to allow individuals to begin claiming the available 3,000 or 450 units so projects are not delayed.

Vice Mayor Moore felt extensions should not be granted. He referred to page 4 of the back-up material, Community Workforce Housing Innovation Pilot Program, providing exemptions from taxes and questioned why a developer would not consider such an option if offered.

If people are exempted from taxes, Mayor Naugle asked how the City would pay for services. Vice Mayor Moore said that the City would have to adjust and stop doing some things in order to meet the circumstances of the budget.

Vice Mayor Moore referred to where the back-up speaks about authorizing certain public housing authorities to create self-insurance funds, and on page 5, Provision of Adequate Sites for the Future, and other items in the back-up document. Commissioner Teel said the Commission needs the City Attorney's advice on this.

Vice Mayor Moore referred to page 6, Assist Local Government in Housing Data Collection, and asked that the data be collected. He asked the City Manager to focus on this mandate.

In response to Mayor Naugle, Mr. LaFerrier indicated there are 172 market rate and 53 affordable units available north of Broward Boulevard, When the Downtown RAC was last amended, units were brought in as flex units. Flex units carry a 10% requirement for affordable housing. South of Broward Boulevard, there are 94 market rate and 76 affordable units available.

Mayor Naugle said additional units that may be coming from the County have been held until completion of the Master Plan and the City know if there is going to be an affordable housing mandate for rent and price control.

Vice Mayor Moore said the Commission should consider the extension requests on the 2,300 units based on site conditions and the opportunity for attainable units. He did not think the City has to worry about units it does not have.

Commissioner Hutchinson asked if any of the 2,300 units are flex units that could be put towards attainable housing. Mr. LaFerrier said the Reliance project on Andrews and 6th had 172 affordable units, but none of the other units approved by the Commission in the last 2 1/2 years had any affordable flex units. The vast majority contained a provision for some form of workforce housing either through contribution or by set aside. When talking about a site plan extension, it is understood that unless the Commission changes the conditions of that project, the original conditions contained affordable or payment into a trust fund for an affordable housing program.

Mayor Naugle said that without price or rent control, developers are now building smaller units due to construction costs. The cost of steel, concrete and lumber as well as labor have all increased. The market is dictating smaller units with fewer amenities in some cases in order to bring down the price. The median price of a condominium in this area has dropped to \$185,000. Units selling at \$450,000 two years ago have dropped to \$300,000. To impose price or rent control now would mean that developers will have to raise the price on units to underwrite the cost of the 15% government mandate. Now is not the time. This glut will probably last ten years.

Commissioner Teel felt that one benefit from the current status of the marketplace is to insist that the property be brought into a reasonable condition while the developer waits. If the developer does not want to invest the cost of that maintenance, then they will give up the units.

Mayor Naugle felt it should be based on actual violations. Commissioner Teel felt the he City Attorney's office should make sure that defensible criteria is put into place. For new projects, they may be required to demolish buildings if they are in disrepair after receiving Development Review Committee approval.

In response to Commissioner Hutchinson, the City Attorney said there is nothing legally binding the City to grant a site plan extension.

Mayor Naugle said the Commission has to adopt the Master Plan before the units are available. By the time the plan is available, the City Attorney will present his report.

Action: The City Attorney will provide an analysis of House Bill 1375 and Broward County Policy 1.07.07. Vice Mayor Moore requested the City Manager to collect housing data and analysis as noted in House Bill 1375, Section 2. Commissioner Teel requested proper maintenance of sites and that units should be forfeited without such maintenance as well as demolition as appropriate. Also see Item I-D.

Vice Mayor Moore left the meeting at approximately 3:20 p.m.

NOTE: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 3:20 p.m. to 3:23 p.m.

I-G – State Road A-1-A – Seabreeze Boulevard – Improvement Projects – Funding Consideration by Florida Department of Transportation

The City Manager said that in essence there is up to \$3 million. A list of items has been provided. If they are accepted, the list will be forwarded to the Florida Department of Transportation.

Vice Mayor Moore returned at approximately 3:23 p.m.

In response to Commissioner Rodstrom, the City Manager did not think a vote is required.

In response to Vice Mayor Moore, the City Manager indicated the request is for posting signage before the lighting is turned off, so the public knows why.

Action: There was consensus to submit the proposal prepared by Chen and Associates including trolley stop improvements, turtle safe lighting along A-1-A and a new entrance to the South Beach Lot (parking).

I-H – Construction of Fire Station 46 – Site Change

In response to Commissioner Rodstrom, the City Attorney said there is a restriction on the land that it be used as a fire station. Vice Mayor Moore thought the restriction was for fire services. The City Attorney said this item was put on agenda very late. The deed says if the land is not used for a fire station, it goes back to the original owner or their successors in title. If the station is moved, the City would lose the land.

Mayor Naugle said the issue is the value of the land in comparison with the services provided and the response time to individuals in need.

Commissioner Rodstrom wanted to keep possession of the land for fire-related services and still move the fire station to a different site.

Vice Mayor Moore said thought the City would meet requirements of the deed restriction if fire services are delivered. If that is not the case, he wanted a memorandum on the matter as soon as possible. He thought placement of EMS vehicles at the site to improve services would be acceptable.

Vice Mayor Moore said the position is to build a new station where it is proposed, but how to reuse the existing site.

The City Manager said staff will go forward with the proposal; a legal analysis would be provided. Assuming the site could be used for other fire-related services, a plan would be provided to the Commission.

Commissioner Hutchinson said the \$40 million bond did not anticipate two stations. Commissioner Rodstrom did not feel there is enough bond money to build the ten stations according to the City Auditor's comments to her group of citizens.

Commissioner Hutchinson said the City Auditor should report such findings to the Commission before commenting to the public. Commissioner Rodstrom explained it was a question posed. Commissioner Hutchinson noted the Commission has never been provided an update.

Vice Mayor Moore pointed out that capital projects go up in price and the bonding amount might not be adequate.

Mayor Naugle asked if the neighborhood knows about this station relocation. Vice Mayor Moore said staff met with the area civic associations and addressed programming at the park being continued. Most of the community's concerns are at rest.

Action: The City Attorney will provide a report on changes to use of the site. Based on the legal analysis, the City Manager will provide a report on alternative uses.

I-I – Establishment of a Beach Business Improvement District Advisory Committee

Mayor Naugle asked about having the top ten businesses to submit names with resumes and the Commission would select from that group.

Ronald Hicks, Beach Community Redevelopment Agency Director, said that businesses would be represented by the Beach Council, which is a segment of the Chamber of Commerce as well as the Beach Redevelopment Advisory Board.

Mayor Naugle felt the Commission should deal with the individuals not the corporate entities. Mr. Hicks noted the resolution will include conditions of selection, such as felonies, those current with code violations and, or assessments. The appointments would be one year.

Mayor Naugle asked if the members would have to be U.S. citizens. The City Attorney did not know the answer to that question.

Mr. Hicks guessed that most of the properties would recommend their general managers who are members of the community. If a corporate entity is recommended, that entity will provide a name and staff will convey that information to the Commission. If that representative got relocated, it would be brought to the Commission's attention.

In response to Commissioner Rodstrom, Mr. Hicks explained the participation opportunities available to the Central Beach Alliance.

Commissioner Rodstrom asked if a commissioner could serve on the committee. The City Attorney said the Commission decides upon the rules, but generally commissioners do not sit on committees. A commissioner could attend.

Commissioners Hutchinson and Rodstrom wanted more than one individual from which to choose for the appointments from the Beach Redevelopment Advisory Board and Chamber of Commerce. Mr. Hicks said they will make a recommendation at their meeting and staff will present it to the Commission.

Mr. Hicks said staff is seeking approval of the format; the names will be provided in June.

Action: There was consensus approval as recommended. Criteria will also include prohibition of convicted felons, properties should be current with Code violations and taxes/assessments. Term would be one year. A resolution will be presented and recommended names will be submitted to the Commission in June.

I-J – Regulation of Outdoor Cigarette Use

Mayor Naugle wanted to add cigarette butts to the definition of litter.

Vice Mayor Moore commented that this city has more litter in it than any other government he has seen. If cigarette butts are to be included, something should be done about the existing litter. Mayor Naugle said that citations have been issued. Vice Mayor Moore did not feel it is sufficient. There was an ordinance for businesses on the beach to do maintenance around their properties and that is not being done.

Mayor Naugle explained what purpose it would serve for cigarette butts to be included in the definition. The City Attorney said that it would clarify the language.

Commissioner Teel said that emptying ashtrays at a traffic light is very offensive.

Mike Moran, citizen, said that Waste Management have identified cigarette butts as the single greatest contributor to overall waste. He understood from the January minutes that he was to problem examples of how the City Attorney could craft something, borrowing from other states. Fifty-four precedents have been set around the country. He has statements from the legal consortium on tobacco that created the indoor act. The City Attorney is using an indoor act to cite outdoor regulation. He mentioned Cocoa Beach and Flagler Beach have made legal statements to the contrary. It is very clear that the City can regulate smoking on beaches and parks.

The City Attorney believed that the Attorney General's opinion is very persuasive. He has reviewed several cases on this subject matter and he did not believe they are persuasive. Rather than plow new ground and pay the legal costs to defend it, he felt the Commission should wait until it is done in another area.

Commissioner Hutchinson said she would have liked to see a ban of smoking on the beach or a designated area. She wanted to challenge it.

Commissioner Rodstrom asked about other things that could be done. The City Manager said staff could look at the issue of particular receptacles.

Phil Thornburg, Parks and Recreation Director, said they tried two locations for butt bags. Commissioner Rodstrom did not think people would be willing to carry a bag to the sand. Mr. Thornburg did not think people would be willing to walk back to a receptacle to deposit the cigarette butt. There are many entrances to this beach. They tried it at Las Olas and Sunrise, but it did not work very well. The City Manager thought the machinery would be the best option, but there are issues with state restrictions on turtle eggs. Commissioner Rodstrom asked about receptacles being placed near the trees. The City Manager said that the receptacles would have to withstand the wind.

Elizabeth Hays, Parks and Recreation Board member, said that the Parks Board discussed this about 1 ½ years ago. They felt it would be difficult to enforce. She questioned if the discussion is about smoking at the beach or cigarette butts on the beach.

Mike Bush, resident of Coral Ridge, felt the only solution is to outlaw smoking on the beach. Lifeguards could monitor it. He felt the Commission should adopt an ordinance. He suggested contrary opinions also be reviewed.

Commissioner Teel did not think people would use receptacles if they have to walk to them from the beach. She wanted a list of the cities that have acted in regard to this matter. The City Attorney said there are none in Florida.

In response to Commissioner Teel, Mr. Bush said that Flagler Beach has such an ordinance. Mayor Naugle asked for information regarding Flagler Beach to be provided to the Commission. Commissioner Hutchinson added the Ormond Beach.

Vice Mayor Moore commented that the City hesitates to implement their Code for fear of being sued. He elaborated upon the debris and abandoned vehicles citywide and nothing is being done. He does not object with addressing cigarette butts, but asked what would be done about enforcing existing laws. If the City is going to be sued, he preferred it be about visual impacts that cause crime, reduces property values.

Mayor Naugle felt the northwest area has improved, but the City still has a long way to go. He complimented Code Enforcement staff on their efforts.

Action: There was consensus to amend the definition of litter in the Municipal Code to include cigarette butts and to determine what other areas have such restrictions, including Flagler Beach.

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

No discussion.

Action: Consensus approval as submitted.

III-B – Advisory Board/Committee Appointments

Audit Advisory Board

Vice Mayor Moore recommended reappointing Kevin Blair to the Audit Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Aviation Advisory Board

Mayor Naugle recommended reappointing Christopher Pollock and Bunney Brenneman to the Aviation Advisory Board.

Commissioner Teel recommended reappointing Lloyd J. Evanson and Joseph Scerbo to the Aviation Advisory Board.

Commissioner Hutchinson recommended reappointing Debora Van Valkenburgh and William J. Aston to the Aviation Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Board of Adjustment

There was consensus to reappoint Scott Strawbridge and appoint David Goldman as full board members and Ken Strand as an alternate on the Board of Adjustment.

Action: Formal Action To Be Taken At Regular Meeting.

Cemeteries Board of Trustees

Commissioner Rodstrom recommended appointing Susan Telley to the Cemeteries Board of Trustees.

Vice Mayor Moore recommended appointing Delores Salett to the Cemeteries Board of Trustees.

Action: Formal Action To Be Taken At Regular Meeting.

Charter Revision Board

Action: Deferred.

Code Enforcement Board

Action: Deferred.

Community Appearance Board

Commissioner Rodstrom recommended appointing Scott Helms to the Community Appearance Board.

Action: Formal Action To Be Taken At Regular Meeting.

Community Services Board

Action: Deferred.

Economic Development Advisory Board

Commissioner Rodstrom recommended appointing Mark D. Krom to the Economic Development Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Education Advisory Board

Vice Mayor Moore recommended reappointing Niara Sudarkasa and Pamela Brown to the Education Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

Action: Deferred.

Historic Preservation Board

Commissioner Rodstrom recommended appointing Andy Cole to the Historic Preservation Board.

Action: Formal Action To Be Taken At Regular Meeting.

Insurance Advisory Board

Action: Deferred

Marine Advisory Board

Commissioner Rodstrom recommended reappointing Alec H. Anderson, Ryan Campbell and David M. Bernier to the Marine Advisory Board.

Vice Mayor Moore recommended reappointing Bobby Dubose, Norbert McLaughlin and Stephen Tilbrook to the Marine Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Northwest Progresso Flagler Heights Redevelopment Advisory Board

Commissioner Rodstrom recommended reappointing Michael Ferber to the Northwest Progresso Flagler Heights Redevelopment Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Nuisance Abatement Board

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Action: Deferred.

Planning and Zoning Advisory Board

Action: Deferred.

Utility Advisory Committee

Action: Deferred.

IV – Commission ReportsParks, Recreation and Beaches Advisory Board Meetings

Commissioner Rodstrom said the Parks Advisory Board Chair has asked about holding their meetings at various parks throughout the City. The City Clerk said that would present a challenge with audio recording the meetings. Tours could take place and then return to City Hall for the meeting.

Budget Advisory Board

Commissioner Rodstrom asked for a status report on the Budget Advisory Board. Commissioner Hutchinson said the board was sunsetted.

Budget Workshops

In response to Commissioner Rodstrom, the City Manager said the budget workshop will take place in June.

Mayor Naugle said that this year State employees are receiving a \$1,000 bonus, but no raises. He felt there will be serious cuts. Different scenarios of how to address this will be needed. He asked the City Manager to provide reports on potential actions the Commission may have to take.

The City Manager said that by mid-June they should know more of what is happening at the State level. A goal setting session will be held the second meeting in June or the first meeting in July.

Commissioner Rodstrom was anxious to start looking at the situation.

Take Home Vehicles: Police Department

Vice Mayor Moore reported to information provided and said there is a police officer who is out of state who has a police car. He was activated to military duty. Bruce Roberts, Chief of Police, said that the vehicle is at the Police Station.

Vice Mayor Moore noted there are 465 members of the Police Department and 486 take home cars. Chief Roberts said there are 510 allocated police positions; a vehicle is assigned to each police officer. All vehicles are not take-home, many are not.

Vice Mayor Moore requested a take-home car analysis. He questioned why individuals in training or administration would be assigned a take-home car. Since there is a difference between take-home and assigned, he asked for definition of both.

League of Cities' Recommendations; Staff Follow-up

Vice Mayor Moore wanted to discuss at a conference meeting how staff is following up on recommendations of the Florida League of Cities. He wanted to ensure that the Broward Delegation and legislators who are chairs of committees understand the City's positions. Perhaps a portion of the meeting during the legislative session should be assigned to responding to issues, so the City is playing a role in these matters. Mayor Naugle suggested the City Lobbyist could be available on a conference call. Vice Mayor Moore felt during the legislative session, the City needs to be more aggressive in voicing its opinions. Perhaps the City Manager should assign someone to ensure followup in terms of correspondence or emails.

The City Manager indicated that Mary Ann Slough is the point person from his office on the legislature. On state and federal issues, there tends to be differences of opinions among the Commission. If the Commission wants to take a strong position on something, he asked for direction to be provided at a conference meeting.

Contamination; Durrs Neighborhood

Vice Mayor Moore said there is another analytical report on contamination in the Durrs area. It is important that the City provide a written comment regarding the City's evaluation of action. He did not think the City should take a position on this, other than to see that the State is engaged with the area constituency. The City could provide the venue for a public meeting.

Mayor Naugle agreed as it is a health concern and the City does not employ health professionals. He suggested to the City Manager that the agency hold a community forum to explain the report and be able to answer questions. He felt it should take place in that community. Vice Mayor Moore preferred the meeting be held in the City. There is a structure where a community meeting could be held. He did not want complaints from people about having trouble getting to the meeting. Mayor Naugle referred to the bad experience at the Mizell Center, access, stairs and public address system. The African American Research Library is just outside the city limits and nearby, it has a good public address system, good lighting and exits, it is comfortable. Vice Mayor Moore felt the closer to the site, the better it would be. He suggested the meeting be held in the community. Commissioner Teel suggested the Research Library or City Hall. If transportation is a problem, a bus or trolley should be provided.

Mayor Naugle noted the study indicates that additional testing is needed. Vice Mayor Moore said there are contaminants everywhere in the city. This report suggests contaminants are being found along the roadway. It seems to be roof material and could be from businesses operating at the end of the roadway. There were no definitive conclusions.

The City Manager asked for direction regarding the meeting location. There was consensus for the African American Research Library or City Hall. Vice Mayor Moore did not agree.

V – Manager’s Report

None.

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