

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
SEPTEMBER 18, 2007**

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COMMISSION CONFERENCE MEETING 1:38 P.M. SEPTEMBER 18, 2007

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

Absent: None.

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

I-A – Proposed Ordinance – Regulating Telecommunication Equipment in Rights of Way

Peter Partington, City Engineer, said the Commission discussed the appearance of BellSouth cabinets earlier this year. BellSouth is now part of AT&T. In April, staff was instructed to cease issuing any more permits. At that point there were less than twenty of the larger cabinets in place. Some are in the right-of-way and some are in easements.

Vice Mayor Moore arrived at approximately 1:35 p.m.

These cabinets are typically subject to two permits; engineering and electrical. In some cases engineering permits were issued, but not electrical permits. Since April staff has been working with AT&T on a draft ordinance. The most significant proposal is that there be a maximum size for telecommunications equipment at grade or above grade. The suggested size is a total dimension of 124 inches. He showed comparison photographs. Anything above 124 inches staff proposes should be below grade. He showed diagrams of the ordinance's impact.

In response to Commissioner Hutchinson's question about Exhibit 5 showing a conflict with a sight triangle, Mr. Partington said that he would have to check and report back.

Commissioner Teel asked about two cabinets in Imperial Point where there are setback conflicts. Mr. Partington said these cabinets were issued engineering and electrical permits. They would not meet the setback requirement in the ordinance. Commissioner Teel noted one is sitting two feet from the roadway, and the other four feet from the roadway. She questioned if this is a safe distance from the edge of the pavement. Concerning the distance of four feet, Mr. Partington said if curbing was installed, then it would meet the letter of the engineering standards.

Sharon Liebman, AT&T Florida, said they discussed all of the cabinets listed on the spreadsheet in the backup with City staff, including the one in Imperial Point that is only two feet off the roadway. Despite the fact that it was permitted, AT&T will relocate it. For the other cabinet, the proposal was to install curbing and AT&T is in agreement.

Commissioner Teel asked if landscaping is going to be discussed. Mr. Partington said that the ordinance requires landscaping. Staff has discussed landscaping with AT&T.

Commissioner Teel clarifying she is speaking to rectifying existing cabinets. Ms. Liebman said AT&T has prepared some landscape plans for some identified cabinets and they are willing to work on this. Commissioner Teel expected there would be landscaping also for the relocated and, or modified cabinets. Ms. Liebman acknowledged that as correct and noted the ordinance provides for landscaping or some other type of buffer.

Commissioner Hutchinson met with representatives from AT&T and the landscaping she saw was only on one side. She asked if it would be more than one side. Mayor Naugle asked how often AT&T would maintain the landscaping. Ms. Liebman said AT&T is not in the business of maintaining landscaping. They have discussed a professional landscape plan with the beautification committee of Shady Banks homeowners association. The association wants to maintain it themselves.

Mayor Naugle felt since they do not want to maintain them, the cabinets should be placed underground.

Vice Mayor Moore questioned the statement that they are going to sometimes landscape, tell the City what size cabinet they are going to install in the City's easements and there is no responsibility for maintenance. This is all because of providing DSL service for profit. He likened it to a developer. There are requirements. It costs to install landscaping, but if there was no ordinance requiring such landscaping, it would not be done by the developers. There should be a requirement that these cabinets are underground.

Mayor Naugle said that a telecommunications and quality coalition in the California League of Cities that established regulations for undergrounding of high speed internet boxes. He felt this is the course to follow because he did not think they would be maintained. He cited the example of Sun-Sentinel that has no maintenance program for their newspaper boxes. There will be graffiti.

Vice Mayor Moore felt the City's standard should be that these are underground because of their visual impact and safety issues.

Mayor Naugle commented that when a motor vehicle crashes into one of these cabinets and service is disrupted, AT&T will wish they had listened to this recommendation.

Mitchell Berger, representing AT&T, said that FP&L has installed much larger cabinets with landscaping and do not maintain those areas rather the community associations maintain the landscaping. This equipment is computer equipment. This is the Venice of North America. This equipment cannot be placed underground. Salt water intrusion will damage it.

Mr. Berger noted unlike Comcast and others, as the telephone company they are required to deliver telephone service. This equipment is used to deliver such service, along with the other services now required in today's modern society.

Vice Mayor Moore asked if these particular cabinets are for DSL service. Mr. Berger said they provide, among other things, telephone service, high speed internet and visual. Vice Mayor Moore thought that telephone service could be received without these boxes. Mr. Berger agreed it is true telephone services with switchboards and large

buildings is possible. It would be very inefficient. Today people expect telephone service with high speed internet, coupled with visual.

Mr. Berger said AT&T is the only entity required to deliver telephone service. There is a very complicated regulatory scheme, but essentially the federal and state governments require AT&T to deliver basic telephone service. This regulatory scheme has also allowed electricity to be delivered to everybody, along with water and sewer. Another reason the cabinet cannot be placed underground is that there are water and sewer lines in the right of way. It costs a great deal to move these lines.

Mayor Naugle said that in Fort Lauderdale water and sewer lines are under the streets and not the swales. Mr. Berger said the lines going to the house. Vice Mayor Moore noted that would be one spot on each property. Mr. Berger indicated they looked at this and it will cost money. They worked very close with staff to find equipment that mirrors the Comcast equipment. It is much smaller than FP&L equipment in the right of way and smaller than AT&T's current equipment. He understands the need for visual boundaries. They acknowledge that there have been ten complaints.

Mr. Berger commented that there are no basements in the city due to flooding. Mayor Naugle noted that is not exactly true. Mr. Berger emphasized that this is computer equipment; it cannot be put underground. There is no technological ability to place them underground especially with the saltwater issue. AT&T wants to work with the City.

Vice Mayor Moore asked if this DSL service would be available citywide and whether it is now available in every neighborhood. Mr. Berger said it will be citywide, but it is not yet available everywhere. Ms. Liebman did not know which areas where DSL service is available, nor where it would be offered in the future. Those decisions involve various factors.

Vice Mayor Moore explained Comcast has to provide service to all residents and could not cherry pick. DSL service is a cherry picking process because they think they can sell to a certain market. It has nothing to do with the delivery of telephone lines. This is for a specific service for profit for AT&T. If they have to have the cabinets aboveground, they should house it in a commercial site. Nothing mandates that the City's easements be used. If DSL is to be provided to all consumers, then he might be willing to consider using public right of way. If they cannot deliver a product that is cost effective with underground, then they should not be in that business. AT&T should have to build at risk like the cable company and not decide the momentum of offering it in various areas.

Mr. Berger said that Vice Mayor Moore is arguing for a monopoly and higher rates for everyone by having only Comcast provide the service. Mayor Naugle asked about the other providers. Mr. Berger noted they deliver telephone service through these boxes, so they have the right to be here.

Mayor Naugle reiterated his question about other providers. Mr. Berger indicated there are two or three others, but the City should want as many as possible. Mayor Naugle mentioned three other providers and noted that AT&T wants to do this a different way that includes building utility sheds on the City right of way which they are not going to landscape or maintain.

Paula Doublin, representing AT&T, said she is here from San Antonio; her responsibility is nationwide deployment of their highspeed network. She wanted to explain their direction across the country and in Fort Lauderdale. She showed slides of certain cabinet locations and underground versions. A copy of the slides is attached. The first slide shows a problem that will be fixed. She has made recommendations to the local engineering group for a smaller cabinet that will be positioned at a location that would be amenable to all parties.

Ms. Doublin said the new low profile cabinet, No. 248, is forty-eight inches in height. It will satisfy the majority of the work needed in Fort Lauderdale. Some installations, based on the neighborhood size, require a larger cabinet. They have a cabinet called an No. 448 which is also forty-eight inches in height. They want to continue working with City staff. She believed there is a need for approximately 75 to 100 of the No. 448 cabinets over the next couple years. This also addresses additional DSL services.

In response to Mayor Naugle, Ms. Doublin said she does not know how many larger cabinets will be needed. Moving forward the need to place the larger cabinets is simply not there. Mayor Naugle clarified his question is if the larger cabinets are eliminated, does that mean they will need more of the No. 448 cabinets. Ms. Doublin said they would be using more No. 248 cabinets. As technology changes over time, they can go smaller so it is not necessarily the case that more cabinets would be needed by eliminating the larger cabinets. These cabinets are being deployed across the United States.

Ms. Doublin showed an example of a large cabinet at 11 Sylvan Lane that exceeds the size provided in the proposed ordinance. There are a limited number that are needed. With the right screening, it is still a good cabinet. There are many in the right of way now that have been well managed.

Ms. Doublin understands the idea of undergrounding. She believed the company referenced is Cross Connect Systems. They have reviewed that concept. Cross Connect Systems offers a passive cabinet that contains no electricity or electronics. It is essentially a vault. She has reviewed this product for light speed deployment. Light speed deployment is an active electronic deployment that has to be protected just as one would protect a laptop computer. Underground vaults are available. They usually serve thousands of customers. There are usually no more than four or five serving a city the size of Fort Lauderdale. One must dig a hole the size of an Olympic size swimming pool in order to install such a vault. She also showed what is contained inside such a vault, including electronics, humidifiers, de-humidifiers and power systems. It is like a small exchange, underground. The cabinets get closer into the neighborhood. There is simply no small vault available to do this. There is simply not an underground cabinet vault in the market place. Even so, she showed a slide of how much would still be out of the ground. Therefore a lot is not accomplished. AT&T wants to cooperate and they also need the City's cooperation.

Ben Nolan, representing AT&T, made a slide presentation concerning construction issues in undergrounding these cabinets. A copy of the slides is attached. He outlined his experience and credentials. Anything over 124 inches has to be placed under ground or a portion of it must be placed under ground. AT&T has never put any cabinet under ground. He showed a slide of locations in the right of way. He showed photographs of obstructions including power poles, water lines, landscaping, art work,

accent lighting, monuments, sanitary sewer in the road, hardscapes, road signs, street lighting, FPL equipment, newspaper boxes, bus stops, trash cans and communication equipment, high water table. There are known and unknown utilities at these sites. Seawalls are also in the way. He discussed disruptions that could occur during installation. The installations would be primarily in neighborhoods. They will still protrude above ground to some degree. In response to Commissioner Hutchinson, Mr. Nolan indicated it might be twenty-two feet long. Commissioner Hutchinson indicated the excavation would be about the size of a swimming pool.

Mr. Nolan showed a slide of 1100 Cordova Road where a permit is pending and pointed out the obstacles in going underground. Mayor Naugle said that there are other suitable locations available. Mr. Nolan explained each is unique as to location. There may simply be no location for some. Mayor Naugle noted that half a block away by the cemetery where there is high ground would be suitable.

Mr. Nolan noted they have estimated if there are problems on a site, it would cost hundreds of thousands of dollars. He did not believe burying the cabinets is a practical solution.

Mayor Naugle believed Mr. Nolan loses his credibility when using an example in the lowest parts of the city. Most examples will not be that way. Mr. Nolan pointed out that most of the locations on the chart are on the east side.

Vice Mayor Moore noted AT&T is attempting to deliver this service to only one segment of the community. If accessibility to DSL for his constituents is not allowed, it is the digital divide. If there is not a level playing field, he would not join the team. His community is being divided from accessibility and keeping them from obtaining technology of the future.

Vice Mayor Moore thought they might find some difficult locations, but only four or five are needed and it would allow them to make the technology available citywide. Originally the cable companies took the same position at AT&T; they did not want to do a full build-out because it would cost too much money and their profitability margins lessen. Today the greatest profit centers for those same cable companies are the neighborhoods they originally did not want to build in. When one deals with putting out a product, a company traded over the NASDAQ and opportunity for profit, they have to put in an infrastructure. AT&T would increase its viability to Comcast when doing a citywide build-out. It is not fair to leave such equipment out of certain neighborhoods when that equipment could allow an individual to create a multi-million dollar business out of their garage.

Vice Mayor Moore suggested the undergrounding discussion include bundling for all utilities. He wanted to say no to this ordinance and work through the Utilities Advisory Committee and all three utilities. Mayor Naugle thought that saying no to the ordinance at this time might put the City in a precarious position. Vice Mayor Moore explained his thinking is to first offer an olive branch.

Elizabeth Hays, First Vice President, Council of Civic Associations, read a portion of the Council's resolution supporting an ordinance to regular the appearance and location of all telecommunication equipment, attached to these minutes. ***NOTED**

David Sandquist, resident of Imperial Point, said that one concern is that the cabinets have internal motors that make continuous noise, which the proposed ordinance does not address. The ordinance also does not address easements or the placement of cabinets and equipment on private property. He realized the City has no control over private property, but they do have control over the utilities or what could be built on private property.

Commissioner Teel said that she brought this forward months ago because it was occurring in her neighborhood. She agreed with it being citywide. She realized the challenges of undergrounding, but there are ways to approach this. AT&T might have to purchase land and build some type of structure. There are a number of utility structures in the city. If the structure supplies thousands of houses, the littering of these boxes will not be needed. There will be special cases, but there are ways of placing and shielding them. She wanted a moratorium until this is straighten out. She has a lot of questions on the ordinance.

In response to Vice Mayor Moore, the City Attorney said a moratorium could be implemented at tonight's meeting on an emergency basis.

Vice Mayor Moore suggested discussion with AT&T, FPL and Comcast and the Utility Advisory Committee.

Commissioner Teel felt the Utility Advisory Committee has done a great deal of excellent work and they are volunteers. She felt it is now time for the Commission although the Committee could be included.

Mr. Berger asked what is the basis for an emergency. The City Attorney said the emergency is the fact that the cabinets are unsightly and the Commission does not want them. AT&T has threatened to pull as many permits as possible in a hurry to beat the ordinance. Mayor Naugle added public safety.

The City Attorney responded to Mr. Berger's questions about FPL cabinets, but noted that the ordinance does not address FPL.

Vice Mayor Moore asked the City Attorney to bring the matter forward on an emergency basis.

Commissioner Rodstrom asked if staff is going to research the pros and cons of undergrounding.

Mayor Naugle pointed out that the information he brought forward concerning California came from the League of Cities conference in Reno, Nevada.

Vice Mayor Moore commented that many power companies are approaching state legislatures in order to get around the use of municipal easements.

Mr. Berger raised a concern about how telephone poles are addressed in the ordinance. The City Attorney said there is no moratorium on telephone poles. The issue is that permits will not be issued for telecommunication boxes in the right-of-way.

Mr. Berger felt that once the City realizes that this equipment cannot be buried, it will be worked through in a different way. He appreciated Vice Mayor Moore's comments about a digital divide.

Action: See Item II-A

I-B – Control of Vicious Dogs

Vice Mayor Moore introduced Edna Elijah, President of Lauderdale Manors Homeowners Association, representing Lauderdale Manors, Lauderdale Villas and Hillmont Heights, read her letter of July 13, 2007 that was provided to the Commission. A copy is attached to these minutes. She noted examples in other areas. She urged the Commission to hear their cry and do whatever they can to resolve this situation.

Vice Mayor Moore asked if there is some way to keep track of certain breeds of dogs.

Mayor Naugle said the County has a database for dogs because dogs are required to have yearly rabies shots and to have tags.

Vice Mayor Moore asked if there is some way to regulate how animals are kept and controlled.

Mayor Naugle said there is a current requirement that all dogs have to be on a leash and have rabies vaccinations. If an animal is not on a leash and does not have a rabies tag, the animal can be picked up by Animal Control.

Commissioner Hutchinson said Animal Control was enforcing licensing, but then they appeared to back off.

Mayor Naugle suggested inviting a representative from Animal Control to a conference meeting and possibly a state representative. Vice Mayor Moore said that Representative Perry Thurston assisted in gathering a position on this issue. He suggested that he be invited.

Elle Phillips, Representative Thurston's Office, said bill was filed as of September 6, 2007. It repeals another bill filed last year in order to give the cities more latitude. It is breed specific.

Vice Mayor Moore requested a response on methodology of control (caging, fencing and leashing).

Elizabeth Hays, resident, relayed a recent experience involving Broward County Animal Control and delays. She believed it has to do with the County budget and with budget reductions, there should be attention to how this service will be provided.

Mayor Naugle noted this would need to be scheduled so as not to conflict with the Legislature's upcoming special session the first week of October.

Action: There was consensus approval to invite a representative from Broward County Animal Control and State Representative Thurston to the October 16, 2007 Conference

meeting provided it does not interfere with the representative's attendance at the special legislative session.

I-C – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

No Discussion.

NOTE: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 2:58 p.m. to 3:04 p.m.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 3:04 P.M.
MEETING RECONVENED AT 4:15 P.M.**

II – A – Undergrounding of Above-Ground Utility Lines

Peter Partington, City Engineer, said in January a full report was provided regarding the City re-introducing the program of undergrounding by assessment. More recently the Commission asked staff to look at the possibility of the workload being largely handled by a private entity. Staff felt that ultimately it would not be possible for City staff having no role in the process. For a hypothetical project of 300 homes, staff's involvement, excluding the hiring of new personnel, would be \$59,000 and a total cost of \$339,000 or \$1,130 per home which is approximately a 6.8% overhead. This is additional to the actual cost of the work itself.

In response to Commissioner Hutchinson, Mr. Partington said the work function analysis includes the cost for a private project engineer. Mr. Partington said that predominantly there would be City staff involvement in the form of an engineering design manager, Finance Department and City Attorney. The day to day work would not be City staff.

In response to Commissioner Rodstrom's question about the 25% government discount, Mr. Partington said the proposal includes the 25% discount. Neighborhoods could deal directly with FPL, but that would not give them the 25%.

Albert Carbon, Director of Public Works, explained staff would work with neighborhoods to make sure they qualify for the 25% before they move forward. If the neighborhood did not qualify, they would have to make a decision on how to move forward.

Betty Burrell, Director of Finance, said the City's auditors, Ernst & Young, frown upon the practice previously used with respect to loaning money for projects. The City would issue debt, not necessarily selling bonds, which would obviously affect debt capacity. It would be a debt of the City.

Vice Mayor Moore questioned combining undergrounding with municipalization. Kirk Buffington, Director of Procurement Services, said there is an RFP award on tonight's agenda for a feasibility study on utility municipalization. Subsequent to that RFP, the City issued a second RFP for the study of undergrounding utilities, which is currently on the street and due back on September 22, 2007. There was discussion of bundling those two scopes. They are two entirely different scopes.

Mayor Naugle felt a different skill set is needed because one is technical and the other is financial.

Mayor Naugle said that certain neighborhoods do not want to wait for the City to make a decision on renewing the franchise. If a neighborhood goes forward, this discussion is about how would that occur. If the City decides to own the utility, it would no longer be a question of debt because it would then be the City's system.

Commissioner Teel asked if there is a way for the City to help facilitate homeowners getting bank loans without the City guaranteeing. Ms. Burrell said that Ernst & Young did not want the City to do the internal loans in order to front the money. She did not know if forming partnerships with communities in order to help them would be such that the bank would make the loan.

Commissioner Teel said this is about a part of town that has means; there would be liens on the houses.

John Herbst, City Auditor, asked if Ernst & Young suggested that the City do a formal loan agreement to do interfund loans. Ms. Burrell said they objected to interfund loans. Mr. Herbst understood there are frequently informal loan agreements where funds are loaned without documenting it and establishing an interest stream back and forth. If it was structured with a formal interfund loan, he asked if that would be objectionable as well. Ms. Burrell said she did not pursue it. She understood regardless of whether the City has something in writing, it was not an option.

Mr. Herbst asked if staff investigated a revenue anticipation note. Ms. Burrell said that is still City debt. Mr. Herbst agreed, but said since it is tied to the revenue, it would not necessarily be related to overall bonding capacity. Any review would include how much debt exists regardless of the instrument used.

Vice Mayor Moore asked what does this neighborhood gain by asking this question prior to the City discussing municipalization and undergrounding the entire City. Mayor Naugle felt the idea is they could get started quicker.

Ken Cooper, resident of Las Olas Isles, thought there could be a delay of five years.

Vice Mayor Moore questioned if that would be the case. Commissioner Rodstrom thought it has taken a long time already. Vice Mayor Moore felt the long time has been with how to finance it and how it will be delivered. He did not think the City is opposed to a neighborhood getting utilities put underground.

In response to Commissioner Hutchinson, Mr. Cooper said the 25% discount is not really the issue. Commissioner Rodstrom said it could be an issue for some neighborhoods. The idea was for the City to be involved in order to meet the criteria for the 25%.

Vice Mayor Moore said if they want to do this quickly and assume all of the risk, he would not be opposed. If the City is being asked to take the debt and not allow everyone in the city to have that opportunity, then he is concerned.

Mr. Cooper said he has discussed financing with a bank and a stock broker who is familiar with municipal bonds, but Las Olas Isles still needs a right of way agreement to

use the street with the City, and the City to execute construction contracts to get it done. The City would need to place a lien.

The City Attorney explained with the special assessment district, the City would collect the money. The City would contract to put it underground and charge the homeowners. The bank would not lend the neighborhood money, they will lend the City money on a bond issue.

Mr. Cooper understood that Ernst & Young has a problem with the City taking money out of the budget and loaning it to a neighborhood to be repaid over a period of 5, 10 or 15 years. He is saying that bonds would be floated by a stock brokerage company and repaid by the liens against the property. He did not think Ernst & Young has a problem with that process.

Ms. Burrell said the bottom line is if the City is going to borrow money, it is the City's indebtedness. Ernst & Young did not like the accounting entries made by the City to loan itself money for special assessment districts.

The City Attorney said if bonds are issued, it would not affect the City's general obligation bond capacity. The objection is interfund transfers. If the City just issued bonds and pledged the special assessment for payment of the bonds, it would be legitimate, but it would place the City in charge, and in the collection and construction business. The City would be dealing with FPL in order to get the 25% discount.

In response to Commissioner Hutchinson, the City Attorney said the cleaning out of canals was done exactly as just described, through a special assessment district. Commissioner Hutchinson said Lauderdale Isles does everything themselves including collecting taxes. The City Attorney noted the City would approve the budget. He said they are not authorized to issue any bonds. Commissioner Hutchinson thought what Lauderdale Isles does could be fitted to what Las Olas Isles wants to do. The City Attorney did not think they could give bonding capacity.

Vice Mayor Moore said City staff would then have to administer a project, taking them away from work for the rest of the city. If Las Olas Isles is willing to pay the associated cost with having that project being administered, then he would not object.

Mayor Naugle felt the only way to accomplish this kind of scenario is to get the contribution from the property owners upfront. If the process shows it cannot be done, the expense has still been incurred, but the City is whole. The neighborhood could lose that money.

The City Manager said the neighborhood's risk is the front money. If some residents choose not to proceed with the work, they have still paid this money.

Mayor Naugle said a hearing would be held to assess the property and create the district.

Commissioner Hutchinson pointed out the City must use the RFP process; the neighborhood cannot pick whoever they want. Mr. Buffington said the rule of thumb has always been if the City is writing the check, the procurement ordinance and rules have to be followed.

Mr. Herbst said the money would be in the City's name, along with the indebtedness,. The money is flowing through the City. It would become City assets. As part of what is being charged to the special assessment district could be an overhead charge that would recoup the cost of City staff to administer the assessments, procurement of the contract, and the engineering part of the project. This would be a legitimate charge to assess against the assessment district.

Vice Mayor Moore understood the City would not be losing their bonding capacity. Mr. Herbst confirmed that is correct because it is a non-recourse debt; only that specific revenue stream would be pledged.

Mr. Cooper said the next step is the right of way agreement. Then, FPL prepares the plans at no cost to the City. Las Olas Isles will work with AT&T and Comcast. Once that is done, a survey would be sent to the homes, asking who is in favor or not and would providing an approximate cost from FPL. If more than 70% of the neighborhood is in favor, it goes out in an RFP. He estimated about \$4-6 million. A contract is awarded. The City then gets the financing and they would then be ready to move forward.

Commissioner Hutchinson said the City would be in charge and that is not where they wanted to be. Mr. Cooper said the City would float bonds and collect the money via liens.

With respect to obligations that the City has to make debt service payments, Ms. Burrell indicated that the only obligation that does not get calculated in the City debt capacity is a moral obligation. Moral obligations loans are not counted as part of the City's overall debt. In this instance, the City would issue the debt irrespective of the source of repayment. It is not a moral obligation loan on behalf of the City. The City taking ownership of the debt and being responsible for repayment.

Mayor Naugle questioned why FPL, who will own this infrastructure, is not financing it.

Mr. Carbon could not answer that question, but he wanted to clarify contracting aspects and the assessment. Under the engineering permit process, the City allows private individuals to go into the city right of way and make improvements. If a neighborhood wants to do such improvements, they can obtain an engineering permit from the City, and have a contractor do the installation. If the neighborhood independently obtained a contractor and financing and liens against all the properties, then the City would not be involved.

Commissioner Teel questioned if FPL would allow bidding by other contractors using their plans. Mr. Cooper indicated there are FPL approved contractors. He was aware of one contractor that is approved by all three utilities.

Mr. Cooper believed that without the City being able to grant easement rights and work through FPL, 100% of the homeowners must agree.

Mayor Naugle said the reason the City is involved with the debt is because they have to force residents who do not want it to pay and only a government agency can do so. The question is whether the City is willing to issue debt under revenue bonds for an optional project. It has been done in the past. Galt Ocean Mile and Harbor Beach sidewalks and

entranceways are examples. He did not see any reason not to do so. Based on the revenue, the Commission would have to decide whether to assess on the holdouts. The question is the upfront cost to get the project done. It is reviewing the FPL plans estimated at about \$1,100 per household. Some homeowners will have to contribute more because of those who do not want to participate.

Mr. Carbon said the City needs plan review for anything that will be in the City right of way. The \$59,000 is for the Finance Department to make sure things are going okay including the legal aspect. The engineering manager would administer the contract for a consultant to review the plans. The City needs to have direct supervision over the individual reviewing the plans in order to protect the best interests of the City.

Mayor Naugle concurred the City needs to review the plans to make sure there are no conflicts with other utilities. Commissioner Rodstrom concluded that is the professional agreement at \$280,000 and the City staff involvement is \$59,000. Mr. Carbon concurred.

In response to Commissioner Hutchinson, the City Manager indicated the total upfront cost is \$339,000.

Vice Mayor Moore said he does not object to a community doing something they believe is beneficial to their neighborhood, and liked that all three utilities are being included. However FPL's letter of September 14th states that they would do this citywide. It is entitled "The Roadmap To Success." Recognizing the City is considering the possibility of municipalization and that FPL is offering to do undergrounding, he wanted to hold a workshop on all of these issues.

Action: There was consensus approval to hold a workshop on September 25, 2007, 1:30 p.m. to discuss undergrounding, municipalization and utility cabinets. FPL, AT&T, Comcast as well as the Utility Advisory Committee are to be invited.

III-B – Advisory Board/Committee Appointments

Audit Advisory Board

Action: Deferred.

Aviation Advisory Board

Action: Deferred.

Board of Adjustment

Action: Deferred

Cemeteries Board of Trustees

Action: Deferred.

Community Appearance Board

Action: Deferred.

Community Services Board

Action: Deferred.

Economic Development Advisory Board

Vice Mayor Moore recommended appointment of Dr. Rosalind Osgood to the Economic Development Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Education Advisory Board

Action: Deferred.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

Vice Mayor Moore recommended appointment of Delores McKinley to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Action: Formal Action To Be Taken At Regular Meeting.

Historic Preservation Board

Action: Deferred

Insurance Advisory Board

Action: Deferred

Nuisance Abatement Board

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Action: Deferred.

Unsafe Structures Board

At the suggestion of Commissioner Teel, a consensus appointment of Pat Hale in the citizen category of the Unsafe Structures Board was agreed upon.

Action: Formal Action To Be Taken At Regular Meeting.

Utility Advisory Committee

Action: Deferred.

IV – Commission Reports

Trash Pick-Up

Vice Mayor Moore said the trash was not picked up in his neighborhood on Saturday. This service is provided a private company. There was no way to contact anyone after hours. The company needs to be fined for not doing their job. The company should have a limited amount of time to pay that fine. Contact information needs to be supplied.

Mayor Naugle said the City can provide a limited amount of time for the company to develop a plan. Otherwise, the contract could be cancelled for cause. He recalled the company indicated they would develop a GPS program to alert them if a street was missed. There is technology available.

Street Vendors

Vice Mayor Moore was concerned that people are setting up food related businesses on empty lots and police are ignoring these violations. He wanted an individual from the Code Enforcement Division to shut down such vendors. There is no screening, no restrooms and so forth.

Mayor Naugle noted hot dog vendors, for example, have to be on private property with permission of the owner and require access to a restroom. Vice Mayor Moore noted preparing food in an empty field is a clear violation; there are no restrooms. It should not take weeks for this to happen. The City Manager indicated it is being looked into.

Vice Mayor Moore felt even if it is a church running the operation, if it is illegal, it should be shut down. The police should not be ignoring instances.

Fall Funk Fest

Vice Mayor Moore noted at the September 5, 2007 Commission meeting he had exited the room and a not-for-profit event proposed at Mills Pond **Park sp*** was changed. They are attempting to help HIV. The City was to waive a \$7,500 fee. If an item is being reconsidered, he wanted to be included in the discussion. He recommended waiving \$5,000 and the City co-sponsor it by displaying their logo.

Mayor Naugle said there is a process whereby the Community Services Board makes awards yearly. Vice Mayor Moore said this is a not-for-profit attempting to contribute to this; they are not asking the City to fund it. They are attempting to raise \$20,000 rather than ask the City for \$5,000, for example.

Vice Mayor Moore wanted to waive \$5,000. Also, he asked about allowing this organization to charge for parking in order to meet the funding gap. He wanted it reconsidered this evening along with the parking.

In response to Mayor Naugle, Phil Thornburg, Parks and Recreation Director, said this is the rental fee for the park because it will not be used by the public that day. It is similar to rental of space.

The City Attorney said the fee could not be waived. Mr. Thornburg said it is basically a donation for their cause which has been done in other cases.

Commissioner Rodstrom suggested using savings from the Commission budget and specifically monies for District II travel. Commissioner Hutchinson believed the deadline for use of 2006-2007 funds has passed. Mayor Naugle said the Commission could vote to transfer the funds.

The City Attorney said a motion would have to be made to approve a source of funds to be donated to this project.

Action: There was consensus approval to consider a motion at the regular meeting to reconsider the Fall Funk Fest voted upon on September 5, 2007.

Sunrise Bay

Commissioner Teel referred to a mailing received by John Custer of Seminole Drive from the Army Corps of Engineers in connection with Sunrise Bay, a body of water off the Intracoastal north of Coral Ridge Yacht Club. An application has been submitted to the Corps to fill the bay to create an island for a housing development of fourteen lots. The entity owns upland property that would be turned into a street with a bridge. The mailing was sent to homeowners adjacent to the perimeter of the body of water. It talks about receiving comments from federal, state and local agencies. She was not aware of the City or Broward County receiving.

In response to Mayor Naugle, Commissioner Teel provided information as to the zoning and land use designations.

The City Attorney said his office spoke with the Army Corps of Engineers and they claim there is no application, only a proposal. He wanted to evaluate this and bring it back at the October 2, 2007 Conference. The results of that conference discussion would be submitted to the Corps by October 7th.

Action: At Commissioner Teel's request, the City Attorney's Office will report at the October 2, 2007 conference meeting concerning a proposal to fill in Sunrise Bay to create an island for a housing development. Input from the City will then be forwarded to the Army Corps of Engineers.

Broward Caribbean Carnival

Commissioner Teel understood an application has been made to hold the Caribbean Festival at the Orioles' festival grounds. An email was sent to the Commission. She was concerned about this coming forward at the last minute. She could not support it.

Commissioner Hutchinson agreed with Commissioner Teel. This event should have been planned last year. An event of this size takes a lot of police from the streets. She also would not support it.

Mayor Naugle said this event was planned for Miramar, but it was voted down 3-2. This is a cultural event and people are coming from out of town. He referred to the need to promote different cultural activities and the City's resolution concerning respect for all

citizens in City's diverse communities and continued support for marketing the city to diverse groups and families as a vacation and resort destination. This group is in a bind and the City is in a position to offer use of a facility that was used for many festivals. It is an industrial area. The City's experience with this festival in the past was not 100% good. Broward County has indicated via email they have a facility (Central Park) where the event could hopefully be held next year. He understood the Orioles are agreeable if the City does not have a problem. He hoped the Commission would consider this provided the typical requirements are fulfilled.

In response to Vice Mayor Moore, a representative of the event said the event will close at 11 pm. Mr. Thornburg said the application was submitted yesterday. A meeting is scheduled for tomorrow. A site plan is required. The Fire Marshall decides upon capacity.

Vice Mayor Moore noted the requested number of police should be met.

Commissioner Rodstrom was concerned about the short amount of time being provided for planning. She had received an e-mail indicating 25,000 to 30,000 attendees. She asked about cleanup and posting of a bond. She asked about alcohol being served, restroom facilities. Commissioner Hutchinson said that staff would have to work overtime in order to meet the event's demands.

Mayor Naugle noted that the Orioles are involved in some aspects. This City has experience with this event. If it was considered tonight, it would be submit to standards developed by staff. Commissioner Rodstrom wanted to see those standards before deciding upon her recommendation. Mayor Naugle explained it cannot be done this quickly.

Commissioner Teel said there is trouble with last minute events. She referred to the SoFly event that was a bomb. She understood they did not pay for the police services. Assistant City Manager Gunn indicated that question is being looked into.

Commissioner Teel pointed out that this event is scheduled for October 7th and there are a lot of loose ends. There are many Broward County regional parks. She heard from two County commissioners yesterday, indicating this was a finished deal. The application deadline was not met; they are rushing the process; the City does not know about police and fire requirements. She questioned how it could be properly advertised.

In response to Mayor Naugle, Commissioner Teel indicated that the County commissioners that contacted her thought it was a good event. She mentioned one email from a Markham Park employee felt differently. The Sun Sentinel also reported that Broward County officials said that Markham Park was not a good site.

Mayor Naugle questioned if racism or bigotry has something to do with the objections to this event. Commissioner Teel said she has no reason to believe that. She is referring to events that are seeking last-minute approvals. She is not looking at who is sponsoring. Mayor Naugle pointed out that the other event mentioned was SoFly, also with Black entertainers. Commissioner Teel indicated that she had no idea about entertainment at the SoFly event. She felt it is objectionable to bring it up. The issue is it being last minute.

Commissioner Hutchinson pointed out the event is for 15,000 people. Commissioner Rodstrom noted it is a large event in a short period of time. There is no way to guarantee that all of the requirements will be met.

Vice Mayor Moore asked when this item would have been on the Commission agenda had they followed the normal process. Commissioner Hutchinson said it would have been August or September. Commissioner Rodstrom pointed out that Fort Lauderdale was not the first site choice. Mr. Thornburg noted that under the circumstances, staff tried to set a meeting for tomorrow. After that meeting, staff will know what they are planning. It will probably take police and fire a couple of days to figure out the personnel needed. Vice Mayor Moore understood if it was considered on October 2, the risk would be the need for time to promote the event.

Mario Zamora, representing Broward Caribbean Carnival, said they have a site plan already in place and this is how the Orioles were able to work with them. The same parade route is anticipated. Parking would be provided in the park and at a remote site. They have addressed every item. They will comply with the Police Department recommendations. The Commission approval would be contingent upon meeting all details. Otherwise, there would be no festival. With respect to the email, it is the opinion of a citizen and not of a County employee. The traffic problem faced at Markham Park should not be faced at this site because of the additional access points to the proposed venue.

Commissioner Teel felt it is so late. She did not feel that is the way to do business when there will be 15,000 people.

Anthony Joseph, representing Broward Caribbean Carnival, said the concerns are legitimate, but they have been backed into a corner. Another event is being held the same day in Miami, which was not the case last year. Consequently, this event was overwhelmed.

Commissioner Hutchinson felt this group should have gone to the City of Miramar in May, June or July. This is an event of 15,000 people. It is not Fort Lauderdale's problem.

Mr. Zamora explained that they had a memorandum of understanding, but they were misled.

Commissioner Rodstrom asked about a bond. Mr. Joseph said they would pre-pay the Police Department. Mayor Naugle said the clean-up would fall to the Orioles. Commissioner Hutchinson did not dump this on the laps of the Orioles. Commissioner Rodstrom said the City does not know if the Orioles have agreed with the clean-up.

Commissioner Teel pointed out that while the police officers are working at this event, they are not in the neighborhoods.

In response to Commissioner Rodstrom, Mr. Zamora said the parade begins at 11 am and the festival would run until 11 pm.

In response to Commissioner Rodstrom, David Herbert, Assistant City Manager, explained the Police Department process with respect to police coverage for events. If there are not enough volunteers for coverage, the department assigns officers. Assigned officers receive a high rate of pay. However, the cost is charged to the promoter.

Mr. Joseph said they are willing to prepay for police coverage.

Commissioner Rodstrom wanted to know when the check would be received. She wanted more information.

Action: Mayor Naugle said that this discussion would continue at the regular meeting.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5:39 p.m.