

**FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
NOVEMBER 20, 2007**

Agenda Item	Page
I-A Control of Vicious Dogs	1
I-B WaterWorks 2011 Program – Program and Performance Audit	2
I-C Owner Controlled Insurance Program	6
I-D Proposed Ordinance – Regulating Telecommunication Equipment in Rights-of-Way	8
I-E On-Site Hypochlorite Generation Equipment – Fiveash Water Treatment Plant	13
I-F Damage to Fort Lauderdale Stadium As a Result of Hurricane Wilma- Claim Settlement Offer by American International Group, Inc.	11
I-G Proposed Lien Settlements	11
II-A Davie Boulevard – Connecting Water Mains and Installation of Guard Posts	12
III-B Advisory Board and Committee Vacancies	12
1. Audit Advisory Board	Deferred
2. Aviation Advisory Board	Deferred
3. Board of Adjustment	Deferred
4. Board of Trustees of the General Employees' Retirement System	Deferred
5. Cemeteries Board of Trustees	Deferred
6. Citizens Police Review Board	Deferred
7. Community Appearance Board	Deferred
8. Community Services Board	Deferred
9. Economic Development Advisory Board	12
10. Education Advisory Board	12
11. Fire-Rescue Facilities Bond Issue Blue Ribbon Committee	13
12. Insurance Advisory Board	Deferred
13. Marine Advisory Board	Deferred
14. Parks, Recreation & Beaches Advisory Board	13
15. Unsafe Structures & Housing Appeals Board	Deferred
16. Utility Advisory Committee	Deferred
IV Commission Reports	15
1. Water Symposium	15
2. Beach Master Plan	15
3. Homeowner Association Meeting	15
4. National League of Cities Annual Conference	15
5. Holiday Lighting; Riverwalk, Las Olas Boulevard and Downtown; and Betty's Restaurant; Food Service During Boat Show; Las Olas Riverfront Gazebo	15
6. WaterWorks Project/Davie Boulevard	17
7. Citizen Volunteer Corps (CVC) Project	17
8. Expression of Sympathy; Helen Ferris	17
V City Manager Reports	17
None Given	

CITY COMMISSION CONFERENCE MEETING 1:30 P.M. NOVEMBER 20, 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 K. Joseph
City Attorney - Harry A. Stewart
Sergeant At Arms – Sergeant Ray Hall

I-A – Control of Vicious Dogs

Edna Elijah, President of Lauderdale Manors Homeowners Association, said this matter was brought to the Commission's attention a few months ago because there have been instances with vicious dogs in various communities. She hoped the Commission would do something to make neighborhoods safer.

Ella Phillips, representing Florida Representative Perry Thurston, said that Representative Thurston filed House Bill 101 in reference to Pit Bulls. There is presently a regulation prohibiting most municipalities from being able to enforce breed specific regulations. This bill would remove the restrictions and allow municipalities to address the problem as they see best.

Vice Mayor Moore wanted to wait until after the legislative session because the City could possibly have greater control if the legislation passes and the City chooses to be breed specific.

In response to Mayor Naugle, Ms. Elijah said their concern is about any vicious dog that attacks people, not necessarily targeting Pit Bulls.

Commissioner Hutchinson wanted to hear from Broward County Animal Control as to the procedure when called to a scene where a vicious dog has attacked someone. Tim Keller, Chief Investigating Supervisor, Broward County Animal Care, said it is his job to declare dogs dangerous in Broward County. Dogs that have been declared dangerous are registered. Every case is investigated. In a big percentage of severe injuries, the dog is put to sleep. Broward County pursues the others in legal action.

In response to Vice Mayor Moore's question concerning staff level, Beth Chavez, Acting Director of Animal Care, said there are field officers who assist in the investigation, in addition to Mr. Keller.

Vice Mayor Moore said it appears that several animals have been trained to attack and fight and to be more aggressive and they are walking through the community unleashed. They are looking for legislation to allow for greater control prior to a dog biting someone. He asked if the County would support it. Mr. Keller said there is a problem with mixed breeds if the ordinance is breed specific.

Vice Mayor Moore said the proposed legislation is not talking about the banning of dogs, but how they would be controlled. Registration of dogs would determine the breed upfront. Mr. Keller indicated there are problems with proper identification of the breed. Also Broward County does not have any ordinance requiring fencing.

Commissioner Teel knew of a dog who attacked and harmed another dog. It was declared dangerous and now it is muzzled. She asked at what point would the muzzle come off. Mr. Keller said the muzzle comes off when the dog expires. If the dog is not muzzled, the owner can be fined and taken to court.

Vice Mayor Moore suggested that proposed House Bill 101 be forwarded to the Broward County Animal Care for their review and comment. If the legislators agree on this legislation, the Commission can bring up the item and be specific.

Mr. Keller said that if dogs are walking around unleashed, residents should call Broward County Animal Care or the police. He announced the phone number for Animal Care.

Commissioner Teel said that many dog owners claim their dog is under control by voice and do not need a leash. Mr. Keller said the ordinance requires the animal be in direct control at all times by means of a leash.

Dennis Ulmer, 1007 NW 11 Place, asked how many dogs have been declared dangerous and what are the breeds. Mr. Keller did not have that information with him. There are less than 20 dogs in Broward County who are required to have a dangerous dog tag. Most are Pit Bulls, a couple Shepherds, and maybe one Akita.

Ms. Chavez pointed out that Broward County cannot enforce a city ordinance. Mayor Naugle understood if the City decides to have a breed specific regulation, they would have to address enforcement or perhaps contract with the County.

In response to Commissioner Teel, Mr. Keller said that anyone having authority, such as a police officer, may declare an animal dangerous.

Ms. Elijah was satisfied with what is being done.

Action: There was consensus approval to forward a copy of House Bill 101 filed by Representative Thurston, removing breed specific restrictions from existing legislation, to Broward County Animal Control for review. When the bill is adopted, the City may proceed with whatever is necessary for breed specific restrictions.

I-B – WaterWorks 2011 Program – Program and Performance Audit

Anthony Brunson, Sharpton, Brunson & Company, drew attention to the report provided.

Commissioner Rodstrom said that WaterWorks 2011 is a city-wide bond issue. All rate payers will pay. The City is trying not to increase the rate. The original budget was for \$560 million, and it presently is at \$768 million. There is a \$79 million contingency. Change orders and inflation came out of the contingency. In order to now stay within the \$768 million, projects totaling \$22 million have been deferred. She believed more projects will need to be deferred. She wanted to know the process used with respect to

deferral of projects. Albert Carbon, Public Works Director, said the original scope was based on the 2000 Master Plan and the Project Delivery Plan, a planning level document. As they get into specific projects, there is additional information as to the exact needs and higher priority projects come forward such as hurricane damage that occurred at Fiveash. Work at Fiveash was an add-on. Consequently other projects are deferred. There are also changes in regulations. Also, they are presently conducting an alternative water supply study. A membrane filter plant at Fiveash was identified in WaterWorks. Without the additional water supply from the Biscayne Aquifer, the project is no longer needed. Those monies could be used for higher priority projects. These are examples of what is occurring continuously.

In response to Commissioner Rodstrom, Mr. Carbon said some projects will not be done. For example, the Fiveash Treatment Plant membrane project will not be done. The WaterWorks Program is a fixed program; it will cease in 2011, but the City will still be improving the City's water and wastewater program. For the utilities portion in 2012, it will be \$15-20 million in improvements and possibly more.

Commissioner Rodstrom wanted to know who decides which projects are deferred. Mr. Carbon noted the staff involved and the evaluation process followed. Three percent of the project is pay as you go, not all bond funding.

Commissioner Rodstrom asked if the Commission would be informed which projects are being deferred before a decision is reached. Mr. Carbon explained once an analysis is done by professionals hired by the Commission to operate the utility, the matter is brought to the Commission for their information.

Commissioner Rodstrom questioned whether some of that information should be included in the Commission's backup to assist them in making decisions.

Commissioner Teel felt there is concern that some neighborhoods may be eliminated or left to the end and possibly not done if the money is depleted. She did not think that would be the case. Mr. Carbon concurred it is not the case. WaterWorks' main mission is to provide sanitary sewers to all of the city. An example of a project added is replacement of a water line that is found to be necessary. Commissioner Teel understood that staff is not 100% sure what will be found until the digging begins. Flexibility is needed to change priorities, or add or subtract some things. She wanted to leave it to the experts. She is comfortable with the expertise of staff at this time.

Mayor Naugle pointed out that there has not been any decision to leave out an area. While existing rate payers are paying for the improvements, people on septic tanks are not rate payers. There will be new rate payers contributing and paying a surcharge. If staff ever decided to leave an area out, it would come to the Commission. He does not need an explanation of changes made from what is discovered in the field. Add-ons will occur to maintain a level quality of service throughout the City. With respect to new regulations, he noted that dewatering was not anticipated when the project was conceived. He believed Fort Lauderdale is the only city in South Florida with a systematic program to replace aging infrastructure.

Commissioner Rodstrom asked if the backup includes draw down on the contingency. She thought the \$79 million in contingencies is not sufficient which is why there are deferrals.

Vice Mayor Moore did not think that the deferral of projects have anything to do with the budgetary amount. The bond funding is not the only method of payment. It is not about fiscal issues, but rather about timing, relationship to other projects coming on-board.

Vice Mayor Moore was pleased with the timeliness of the audit and its findings. He asked what is the plan of action for improvements that could be made. The City Manager said the management responses and proposed steps are detailed in the report. Albert Carbon, Public Works Director, noted one recommendation was that program reporting be enhanced to better reflect project status, performance measures. Additional enhancements have been implemented. He provided some detail on those enhancements. Fund source tracking and contingency fund reporting will occur quarterly. He expanded on sewer connection tracking data and its importance. The Change Control Board that examines each change order in detail will be improved. He noted the board's composition. There will be a list of items that will be included for each matter brought before the Board.

The City Manager noted that nothing was found to be problematic with change orders thus far.

Commissioner Hutchinson said she meets with WaterWorks weekly because of the amount of work being done in her district. This audit is a great tool for staff. It is a big project and from the onset, it was understood that flexibility would be needed. For example, some of the annexed areas will be at the end. Overall it has been challenging but staff is doing a good job. There will always be change orders.

The City Manager offered staff to meet with Commissioner Rodstrom on a weekly basis regarding the change orders. Commissioner Rodstrom wanted more information in the back-up as it relates to the contingency draw down.

Commissioner Rodstrom appreciated that staff is trying to fulfill needs as the project proceeds. Since this is a city-wide project, she wanted to make sure the intention is to keep the rate at a certain level, whether it be 3% or 4%, and deferral of projects is done by a priority basis.

Commissioner Hutchinson said eventually every neighborhood on public right of way will have sewers. Water upgrades which are done daily will be done over the course of time. The basic goal of the program would be met. Mr. Carbon noted WaterWorks' mission is to sewer the city. After 2011, the City will continue to maintain the water and sewer system. Aging infrastructure throughout the U.S. is a crisis waiting to happen. With this program, Fort Lauderdale has gone ahead of the game.

In response to Commissioner Rodstrom, Mr. Carbon indicated that no scheduled sewer projects have been deferred.

Mayor Naugle noted infiltration problems including the Las Olas area.

Mayor Naugle predicted that all South Florida cities' rates will go through the roof, because desalinization will probably be necessary. It will not be attributable to WaterWorks 2011.

Vice Mayor Moore asked what intervals of time are recommended between future audits. The City Auditor suggested at the project end a project close-out audit be conducted or an evaluation from this time forward.

The City Auditor thought this is an excellent audit, staff was very cooperative. He applauded the City Manager for implementing so many of the recommendations. Two major areas of discrepancy has to do with how the contingency amount was determined. There are two approaches and both are equally valid. For example, an insurance company can indicate with reasonable precision how many 40 year olds are likely to die, but not which ones. This is the difference between the approaches. Sharpton, Brunson recommend looking at every 40 year old and assess their risk factors. In a larger program looking at the total population approach makes more sense. The real number is probably somewhere in the middle. Sharpton, Brunson is very conservative. Staff is probably more reflective of their actual field experience.

The City Auditor said the other observation by Sharpton, Brunson is to include the original budget in each agenda item. He endorses this recommendation. However, it would be helpful to show an inflation adjusted budget. Vice Mayor Moore preferred the inflation adjusted figure. The City Auditor concurred. The City Manager thought that number is even somewhat fictitious because the original estimates were based on 30% of construction drawings. Plus many things changed the environment, like hurricanes. It is a meaningless number.

Vice Mayor Moore emphasized all of the facts should be included with the amount for the benefit of the public and not after-the-fact.

Mayor Naugle commented that sometimes it is not about inflation or building material costs, but about supply and demand.

Mr. Carbon emphasized that the engineer's estimate is the most important. There is an estimate in the Master Plan, in the Budget Delivery Plan and when the design was originally initiated, but the reality is that there are scope changes. He outlined the process from the point of the engineer's estimate to presentation to the Commission.

In response to Vice Mayor Moore, Mr. Carbon indicated that the GIS system is will be helpful in terms of accuracy moving forward.

The City Auditor referred to the contingency. Twenty million dollars is anticipated in credits, many of which have not yet shown up. Part of the problem is that the project close-outs are not taking place in the system timely enough to provide feedback through the accounting system as to how much money may be freed up. He strongly encouraged management to move forward with the overhead allocation of the project close-outs. It provides critical information as to how much of the contingency may be available.

Bunney Brenneman, resident, indicated she received complaints from residents about water quality and water color. She commended Paul Bohlander and his staff for the level of customer service provided.

Action: The report was received. Commissioner Rodstrom wanted more information provided with change order agenda items as to the draw-down on the contingency as a whole. She wanted to make sure that the rates do not escalate dramatically and those projects deferred are on a priority basis. She wanted to be able to inform residents in areas where projects are deferred, the timeline for when they will be completed.

I-C – Owner Controlled Insurance Program

Mike Madden, representing the Florida League of Cities, presented slides on the Owner Controlled Insurance Program. A copy of the slides is attached to these minutes. Federal government, states, municipalities and school boards across the U.S. have used it successfully, including Florida. The airport in Fort Lauderdale used this program. Both the State Legislature, the League's Board and Board of Trustees for the program support it. It was presented to the City's Risk Management Committee and they have seen its benefits. South Florida Water Management District, Palm Beach County Schools and Pembroke Pines presently participate. The first five projects that have reached completion represent about \$75 million in construction value. There has been \$1.5 million savings on that \$75 million. He noted this is a fully insured program; it is not self-insurance. The League administers the program. There is a 2%-4% savings on the construction value of a project. Limits provided are full statutory limits for worker compensation, \$2 million per occurrence in general liability, \$4 million in aggregate and \$25 million excess liability. Higher limits may be purchased. Other coverages available are professional and environmental liability.

In response to Commissioner Rodstrom, Mr. Madden indicated a construction company would still need to purchase other types of insurance besides those offered in this program.

Vice Mayor Moore asked what is a normal sized project in the program. Mr. Madden said that some school projects have been as small as \$7 million and some South Florida Water Management District projects have been in the \$10 million range. Florida Statutes provide from a system-wide standpoint, a municipality's collective group of projects in their water system, for example, would qualify with a cumulative amount of \$75 million.

The City Manager indicated the question is whether enough of the projects in the WaterWorks program are sufficiently interrelated according to the State's standards to reach that \$75 million threshold. If the Commission wants to move forward, this would be the first question to be addressed.

Vice Mayor Moore asked where the City would get the money to pay the premium. Mr. Madden explained the contractor would bid the project. After the contract is awarded, with the League's assistance, the exact cost of insurance for the project would be subtracted from the contract. The cost is usually 3%-4% of the project.

Vice Mayor Moore noted the League would be dealing with safety issues on the job site. He asked about workers' compensation claims and who would ultimately be responsible with the League having conducted a safety inspection. The City Attorney did not know the answer. Mr. Madden said the responsibility for safety does not leave the contractor who is the employer. The League is inspecting the site and the contractor has agreed to adhere to the program's safety regulations. If training is required, the League provides

it. As worker compensation is an exclusive remedy under State law, one would be limited with respect to suing the City or their employer if the individual accepted worker compensation benefits.

In response to Vice Mayor Moore, Kirk Buffington, Director of Procurement Services, said the City would not use a bid process. It is similar to a cooperative purchasing group. Florida League of Cities has done this under their cooperative purchasing group. He has not reviewed the documents or their competitive process. He did not know if the City could accomplish it themselves or bring the same economies of scale to it.

Vice Mayor Moore asked the Mayor's objective in bringing this matter forward. Mayor Naugle felt with the WaterWorks projects underway the City could save money. He knew some of the City's contractors have had large claims with respect to safety. He does not know how good of a job their insurance companies are doing. There was a death on a job recently. The League has been conducting a safety program for the contractors. It is stressful to the neighborhoods when a worker is injured on the job. It would be good to know there was a uniform product wherein people were given instructions on how to operate on the job safely.

The City Manager said if the Commission wants to explore this further, as many WaterWorks projects as Public Works and the City Attorney's Office felt a nexus could be justified would be identified and a determination made whether it would meet \$75 million.

Vice Mayor Moore asked if there would be a minimum savings before deciding to go through this. Mr. Madden said there are minimum savings by eliminating the traditional cost of insurance and substituting this program. It is roughly about 1% of traditional insurance costs. The program is averaging about 2% on the construction.

In response to Commissioner Rodstrom, Mr. Madden indicated this program has been in existence for about two years.

Commissioner Rodstrom questioned using the program in a City project that has already begun. Mr. Madden indicated he would not suggest it, although it may be possible to do.

The City Manager said staff would review projects slated from this point forward that have not yet been approved and determine how many are interrelated sufficiently to justify to the State that they are one project and that they total a minimum of \$75 million.

Commissioner Rodstrom asked if the company issuing the City's bonds would have to be alerted that the City was going to do something different. The City Attorney replied no, provided the City provides the finished product for the amount of money bonded.

Vice Mayor Moore felt it would make sense with major capital projects, but he was not sure it would be needed for WaterWorks or if there are other projects that would be adequate in order to use the program and if so, what savings could be achieved.

Commissioner Teel thought this is a good opportunity to understand the process works. There may be enough of a connection for it to make sense.

Mayor Naugle pointed out that the whole program is a billion dollars. The question is how much is left and how much of that is interrelated. Commissioner Rodstrom noted that other small projects may be able to be included.

In response to Vice Mayor Moore's question of the City Attorney's understanding of the Attorney General's letter, the City Attorney emphasized the projects have to be interrelated and reach the threshold amount; essentially, punt. Mr. Madden indicated since that Attorney General letter, pending legislation clarifies it must be a system connection program like water and sewer. For example, it would appear that a downtown governmental complex project would meet the test of being interrelated.

Action: Mr. Madden will meet with staff to determine if any City projects qualify and provide the most recent legislation on the subject.

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

Peter Partington, City Engineer, explained the starting point of the ordinance is a presumption that telecommunications equipment should be installed underground, below-grade or flush to grade unless an exemption based on several criteria is granted. The provider must demonstrate that a hardship results from the below-grade requirement. A hardship is demonstrated when the City Engineer determines that placing equipment below-grade is: 1) technologically infeasible or 2) financially infeasible or 3) not available in the marketplace, and 4) all reasonable alternatives have been exhausted.

Mr. Partington indicated the City retained Power Services and their report addresses the feasibility of having all equipment flush to grade or below-grade. In summary Power Services does not recommend such a policy. Power Services has indicated that Cross Connect Systems is furthest along with a system that ultimately could provide below-grade installations, but there are no successful operating examples. Power Services indicated that the City should allow the installation of above-grade cabinets. At least currently AT&T could demonstrate a hardship. In the case of above-grade installations, the ordinance proposes a maximum size of 124 inch total dimension: 48 inch height; 50 inch width; and 26 inch depth. A copy of the ALP 248 photograph shown in the presentation is attached to these minutes.

In response to Mayor Naugle, Mr. Partington indicated existing equipment that is larger will not be removed. The City Attorney noted that the ordinance does not address it. Vice Mayor Moore wanted to include an amortization schedule for replacement of existing cabinets within a reasonable period of time. Mr. Partington said there are not many of the larger cabinets that have been the subject of criticism. AT&T has worked with neighborhoods to downsize them. Vice Mayor Moore wanted something included in the ordinance for retrofitting. Newer cities already have utilities underground different from Fort Lauderdale that is almost one hundred years old. Fort Lauderdale should have that same benefit.

Mayor Naugle suggested language in the ordinance that within a five-year period cabinets would be replaced if technology comes along. Vice Mayor Moore concurred. The City Attorney said the ordinance provides if technology exists, cabinets are to be

placed underground, but a timeline is not provided. The City would have to determine a reasonable amortization period.

In response to Commissioner Hutchinson, Mr. Partington indicated a waiver to the size limitation may be granted by the City Engineer if strict compliance is either technologically infeasible or substantially interferes with other utilities or strict compliance is unnecessary due to unique site characteristics. The waiver is subject to appeal by the telecommunications provider and call-up by the Commission.

Mr. Partington noted the ordinance provides that in predominantly zoned residential districts the equipment is not permitted in front yards. He showed typical situations and minimum distances. A copy of these diagrams is attached. The ordinance encourages placement at the extremity of the right-of-way and for the provider to relocate the sidewalk around the cabinet.

Sharon Liebman, representing AT&T, appreciated the opportunity to work with City staff and look forward to issuance of permits so they may upgrade their network throughout the city. There are less than ten cabinets larger than the size that will be installed in the future. Several have been removed due to concerns raised. Except for one, the City Engineer has determined they meet all other engineering criteria. She wanted to continue to work with City staff to identify any other cabinets of particular concern.

Vice Mayor Moore clarified he is speaking about the several hundred cabinets planned for installation by AT&T. Ms. Liebman explained a significant amount of funding will be expended from the deployment of cabinets to upgrade the network and she could not say today that the company would be comfortable with another outlay of money for replacements.

Mayor Naugle thought it would be similar to the sign ordinance where there was a five-year amortization period.

In response to Commissioner Teel, Paula Dublin, representing AT&T, said the cabinets have a life expectancy of 15-20 years.

Vice Mayor Moore referred to the exemption provision and asked that the financially infeasible criteria be eliminated. Mayor Naugle concurred. Vice Mayor Moore asked why it was included. The City Attorney explained there is a case involving Florida Power Corporation in central Florida. A municipality attempted to require the cabinets be placed underground. The Court found that was not allowed; it was not financially infeasible. They followed the precepts of that case in order to make sure the proposed ordinance would be fully defensible.

Mayor Naugle noted in telecommunications there are many options; they are not usually treated the same as a power company. The Utility Commission requires the least expensive option with respect for power, but not for telecommunications.

Vice Mayor Moore reiterated with technology rapidly changing, there should be an opportunity for retrofitting and cost should not be a part of the ordinance. Ms. Liebman was not comfortable describing their competitive costs in a public forum.

Vice Mayor Moore raised questions about aesthetic standards used in Boca Raton in comparison with Fort Lauderdale. Ms. Liebman indicated a higher standard was not applied in Boca Raton. The Los Angeles ordinance includes language about the economic or technological infeasibility. Vice Mayor Moore did not think that the financial infeasibility criteria should be a part of the ordinance.

In response to Commissioner Hutchinson, the City Attorney indicated that the memorandum circulated on the 16th indicates provisions that will be inserted between first and second reading. A motion could be made this evening to include them.

Mr. Partington highlighted the items that staff proposes to insert between the first and second reading. First, the ordinance will only address lineal dimensions greater than nineteen inches. The definition of utility poles will be modified to include monopoles and antennas. The ten foot distance requirement from the side yard property line will be amended to take into situations where there are two side yards. Language will be changed to allow two 248 models on either side of the road instead of one 448 model and incorporated into a neighborhood entryway, for example. This arose in Imperial Point. Commissioner Teel explained it gives a balanced effect and with landscaping or some camouflage. Mr. Partington noted the last item is notification to residents.

In response to Vice Mayor Moore, Assistant City Attorney Dunckel explained the definition is broad enough to include telephone poles therefore language is being added to exclude them.

Vice Mayor Moore asked the Planning and Zoning Department to address whether all residential designations should be included.

Mr. Partington noted the provider will be required to provide a graffiti management plan and a plan mitigating visual impacts for each new installation.

Vice Mayor Moore asked if there would still be a landscaping requirement for the smaller cabinets. Commissioner Hutchinson confirmed yes.

Commissioner Rodstrom referred to review of the zoning districts and asked that RS-8A also be included.

In response to Commissioner Rodstrom, Mr. Partington indicated a minimum size below which the ordinance would not apply is one of the ordinance changes.

Mayor Naugle commented about the existing large cabinets and the need for them to be removed. They are being painted with a different color to hide graffiti pasted on them. Assistant City Attorney Dunckel indicated the ordinance requires it to be harmonious with the surrounding area.

Mayor Naugle felt the cabinets should be inspected every sixty days by the provider. Commissioner Teel thought the provider would be alert to any graffiti.

In response to Mayor Naugle, Commissioner Hutchinson believed AT&T should determine the timeline for any amortization schedule. She was concerned about enforceability.

Vice Mayor Moore felt if new technology becomes available, all of the dated cabinets should be replaced within a specified period of time. It was done for signage.

Mayor Naugle believed the equipment should be replaced five years from when new technology becomes available.

Commissioner Rodstrom believed that AT&T will stay on the cutting edge and if new technology becomes available, they will proceed with it.

Mayor Naugle noted when new technology is available, there would no longer be a hardship.

Commissioner Hutchinson asked for the City Attorney's thoughts on an amortization schedule. The City Attorney said there are some issues. They are attempting to get something in place that solves the biggest part of the problem as quick as possible because currently there are no regulations. He believed this ordinance accomplishes that objective. There are nuances that could be attacked at a later date. They need to look at other amortization programs to determine if the estoppel argument is valid.

Commissioner Hutchinson agreed some regulation needs to be put into place. She wanted to give staff time to look at this further before the Commission takes action.

Vice Mayor Moore was concerned that the knowledge gained from League conferences is not used. He believed the National League would suggest an amortization be done. Mayor Naugle felt the worst that could happen is the ordinance is thrown out. If not and an underground model is developed, the City will have it. The City Attorney explained he is not suggesting otherwise. However, he does not believe that there is enough time between first and second reading to advise what is a reasonable amortization period.

Action: Vice Mayor Moore suggested if new technology for underground placement of telecommunication equipment becomes available, service providers would convert existing cabinets to such underground placement within an agreed upon period of time, however there was no consensus. He was opposed to including an exemption if a service provider could demonstrate a hardship based on financial infeasibility. He requested all residential districts be examined for potential inclusion. Commissioner Rodstrom noted that RS-8A, Poinsettia Heights, should also be considered. Certain amendments that will be made between first and second reading were noted by the City Attorney and City Engineer. Mayor Naugle felt the service provider should conduct inspections every 60 days.

I-F – Damage To Fort Lauderdale Stadium As a Result of Hurricane Wilma – Claim Settlement Offer by American International Group, Inc.

No discussion.

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

No discussion.

II-A – Davie Boulevard – Connecting Water Mains and Installing Guard Posts – Molloy Bros. Inc. - \$15,086.06

No discussion.

III-B – Advisory Board/Committee Appointments

Audit Advisory Board

Action: Deferred.

Aviation Advisory Board

Action: Deferred.

Board of Adjustment

Action: Deferred.

Board of Trustees of the General Employees' Retirement System

Action: Deferred.

Cemeteries Board of Trustees

Action: Deferred.

Citizens Police Review Board

Action: Deferred.

Community Appearance Board

Action: Deferred.

Community Services Board

Action: Deferred.

Economic Development Advisory Board

Mayor Naugle recommended that Kristina Hebert to the Economic Development Advisory Board. (reinstatement)

Action: Formal Action To Be Taken At Regular Meeting.

Education Advisory Board

Vice Mayor Moore recommended the appointment of Kaola King to the Education Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee

Commissioner Teel recommended Mary Graham and Donald Bastedo be reappointed to the Fire-Rescue Facilities Bond Issue Blue Ribbon Committee.

Action: Formal Action To Be Taken At Regular Meeting.

Insurance Advisory Board

Action: Deferred.

Marine Advisory Board

Action: Deferred.

Nuisance Abatement Board

Action: Deferred.

Parks, Recreation and Beaches Advisory Board

Commissioner Teel recommended that Kevin E. May, Jr. be appointed to the Parks, Recreation and Beaches Advisory Board.

Action: Formal Action To Be Taken At Regular Meeting.

Unsafe Structures and Housing Appeals Board

Action: Deferred.

Utility Advisory Committee

Action: Deferred.

I-E – On-Site Hypochlorite Generation Equipment – Fiveash Water Treatment Plant

In response to Vice Mayor Moore, Albert Carbon, Public Works Director, said staff is recommending design, bid, build with an equipment pre-purchase. He understood Vice Mayor Moore's recommendation was to design, bid, build, own, operate and transfer. Staff would develop design criteria and hire a firm to complete the design, builds it, owns it, and supplies the City with the product, operating the plant. Over a fixed period of time, they transfer the facility to the City. The City would incur limited capital costs up front. Vice Mayor Moore understood staff's recommendation is based on the City receiving a low interest rate and their tax exemption status. Mr. Carbon concurred. Also, the project is a critical infrastructure as it disinfects water. It is needed to maintain federal and state requirements for distribution and delivery of quality water to residents.

Vice Mayor Moore understood from Hazen and Sawyer's April 15, 2005 report that there would be only two companies who could offer such technology. Mr. Carbon indicated the City did a pre-purchase solicitation and two firms responded that are qualified and meet the needs of the City. Vice Mayor Moore referred to the 2005 report, and wanted to know what happened since that time that design, build, transfer is no longer the appropriate approach. Mr. Carbon said staff does not intend for the equipment to be operated by the manufacturer. It will be a pre-purchase of the equipment which will be located on the City's facility. A contractor will build the facility and the equipment manufacturer will place it on-site. The information indicates a pre-purchase of the equipment, but it does not indicate how they chose to build the facility. Vice Mayor Moore quoted from the report that Hazen and Sawyer recommended the City consider a OSHG system supplied by Chlortec and procure it under the sole source method as a component of the design, build contract under phase two of the Fiveash Water Treatment Plant improvement program. He wanted to know why the City's position has changed. Paul Bohlander, Public Works, said the difference is the emergence of another qualified vendor of this type of equipment. It is no longer sole source. Vice Mayor Moore concluded with two vendors, it should be competitively bid and he thought there would be a better product.

Mr. Carbon said design of the facility and the equipment will be competitively bid. There will be no sales tax on the equipment.

Mr. Bohlander said there are two issues: the number of qualified suppliers of the equipment and the process being utilized to procure it.

The City Manager felt the difference is that staff is recommending the City should run the system.

Vice Mayor Moore noted because of historic difficulties with the OSHG system, some cities have elected to require the system supplier to be responsible for maintenance for typically a period of five years. Mr. Carbon noted that part of the bid is a ten-year maintenance contract.

Vice Mayor Moore noted other systems in Palm Beach County and Cape Canaveral Air Force Station in Nevada and the largest installation in Henderson, Nevada.

Mayor Naugle noted this item is on the regular meeting agenda. He suggested it be resolved then.

In response to Commissioner Rodstrom, Mr. Carbon explained it is competitively bid, the contractor installs the equipment that has been pre-purchased by the City. It could be one contractor for both, but in this case the equipment contractor does not do both.

Action: See regular meeting

NOTE: The Commission recessed and convened as the Community Redevelopment Agency Board of Directors from 4:12 p.m. to 4:14 p.m.

The City Manager said there is also a request from the Fraternal Order of Police for an executive closed-door session.

**EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 4:14 P.M.
MEETING RECONVENED AT 4:50 P.M.**

IV – Commission Reports

Water Symposium

Commissioner Teel had attended a water symposium. Mayor Naugle asked if they discussed desalinization. Commissioner Teel indicated it was suggested that a group of counties should join together to do a desalinization.

Beach Master Plan

Commissioner Rodstrom said the first public meeting was held for the Beach Master Plan. She complimented Planning and Zoning staff.

Homeowner Association Meeting

Commissioner Rodstrom thanked Albert Carbon and Steve Higgins, a representative of the Broward County government, who attended her homeowner association meeting.

National League of Cities Annual Conference

Vice Mayor Moore said he attended the National League of Cities annual conference in New Orleans and participated on a panel discussing regionalism and traffic, water and transportation matters. One should remember home rule when considering regionalism. Some resolutions were adopted and that information would be provided in the near future. There was also discussion regarding the election process for League officials and that individuals who have not been active are nevertheless receiving approval from the nominating committee.

Holiday Lighting; Riverwalk, Las Olas Boulevard and Downtown

And

Betty's Restaurant; Food Service during Boat Show; Las Olas Riverfront Gazebo

Vice Mayor Moore said there is some concern about a company offering the City use of holiday lights that were previously at Tradewinds Park. The City Manager said they are interested in a contribution from the City.

Patsy Menutti, Director of Riverwalk Trust, said they met with the Las Olas Association in partnership with Brandano Display who previously did the displays at Tradewinds Park. It would mean tree lighting on Riverwalk, some displays in the downtown and Las Olas and medians on Las Olas. The Association and Riverwalk Trust are willing to contribute \$20,000 each and would like the City to match that \$40,000 funding.

In response to Mayor Naugle, the City Manager said the Contingency Fund currently has a balance of \$75,000.

Vice Mayor Moore said Betty's Restaurant contracted to sell food at the Winterfest event and was told at the last minute she could not because of a competition issue. Ms.

Menutti said she was not involved with the event. Vice Mayor Moore was also concerned there is no lighting on Sistrunk Boulevard. The City should be inclusionary when using public dollars. He wanted to consider the mid-town area. In response to Vice Mayor Moore, Ms. Menutti indicated she has not spoken yet with Gwen Watson from the Chamber of Commerce on the matter.

Mayor Naugle asked about using another source of funds so as not to favor one area with use of contingency funds. Perhaps docks and waterways would be a more appropriate revenue source. Vice Mayor Moore felt that only finds a way to exclude the other area. As to matching funds, he knew they have some funds for decorating.

Commissioner Teel noted that her district is quite a distance away from the downtown. This is a downtown event, and hopefully people from the northwest and District I will come downtown and enjoy the lights. Vice Mayor Moore agreed, but felt the City should look at ways to stimulate economic commerce in all quadrants of the city. The holiday season is the most appropriate time to do so. There is also focus on the downtown and 2nd Street for the fourth of July. There is a repetitiveness of the government to seed businesses in certain sectors, but not others.

Commissioner Hutchinson did not think the Commission is trying to exclude and would entertain the opportunity to fund something. Ms. Menutti has presented a proposal with matching funds. If there is the ability to do the same for midtown and Sistrunk, she would like to hear from representatives.

Commissioner Rodstrom thought there was an issue with the utility poles.

Commissioner Teel thought that today is the time to start planning for next season. If there is something that could be done now, some match from the community and possibly CRA monies. With that consensus, Vice Mayor Moore said he would not have a problem.

Commissioner Hutchinson asked the City Manager's office to work with representatives of the community and inform the Commission.

Action: At the request of Patsy Menutti of Riverwalk Trust, there was consensus approval to contribute \$20,000 from Contingencies, matching contributions of \$20,000 by Riverwalk Trust and Las Olas Association for holiday lighting in the downtown, along Riverwalk and Las Olas Boulevard. At Vice Mayor Moore's request, there was consensus for other areas to submit to the City Manager a request with a funding match that could be considered with the City and perhaps the CRA also contributing.

Betty's Restaurant; Food Service during Boat Show; Las Olas Riverfront Gazebo

Phil Thornburg, Parks and Recreation Director, said the incident regarding Betty's Restaurant occurred at Las Olas Riverfront gazebo. There was a launching of the water taxis during the boat show. Through a license agreement, Las Olas Riverfront has control. There was a band providing entertainment. The band wanted there to be food sold in the area. The band was given permission to do so, with the condition that there would be no competing with area restaurants.

Vice Mayor Moore explained that Betty's was solicited and she paid the application fee, ordered food and 48 hours before the event, she was notified of cancellation.

Mr. Thornburg said staff checked with the City Attorney's office as to whether the City had any input with the group's license agreement and were told no.

The City Manager noted the City does have leverage over the entertainment.

Vice Mayor Moore wanted it addressed, because it is wrong.

Action: Vice Mayor Moore requested a report from the City Manager concerning Betty's Restaurant being solicited to offer food service during the Boat Show at the Las Olas Riverfront Gazebo and forty-eight hours before the event the request for food service was canceled.

WaterWorks 2011; Davie Boulevard

Commissioner Hutchison thanked WaterWorks, CH2M Hill and staff who assisted the Davie Boulevard merchants and the Southwest Coalition to post a great event in connection with conclusion of WaterWorks 2011 and Davie Boulevard.

Citizens Volunteer Corps Project

Vice Mayor Moore announced an upcoming CVC landscaping project on December 1, 2007 at Arthur Ashe Middle School.

Expression of Sympathy; Helen Ferris

Mayor Naugle said that tonight he will offer an expression of sympathy to the family of Helen Ferris.

Mayor Naugle noted that he could not attend the National League of Cities annual conference in New Orleans because he had an opportunity to tour the detention facility in Guantanamo, Cuba as a guest of the U.S. Army. He commented on the good living conditions.

V – City Manager Report

None given.

There being no further business to come before the Commission, the meeting was adjourned at approximately 5.11 p.m.