

MINUTES

JOINT MEETING BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF FORT LAUDERDALE SUMMIT

October 6, 2011

2:00 p.m.

**COUNTY
COMMISSION
MEMBERS
PRESENT:**

Mayor Sue Gunzburger
Vice Mayor John E. Rodstrom, Jr.
Commissioner Kristin Jacobs
Commissioner Lois Wexler
Commissioner Ilene Lieberman
Commissioner Chip LaMarca
Commissioner Stacy Ritter
Commissioner Barbara Sharief
Commissioner Dale V.C. Holness

**CITY
COMMISSION
MEMBERS
PRESENT:**

Mayor John P. "Jack" Seiler
Commissioner Romney Rogers
Commissioner Bruce G. Roberts
Commissioner Charlotte E. Rodstrom

ABSENT:

Vice Mayor Bobby B. DuBose

**ALSO
PRESENT:**

Bertha Henry, Broward County Administrator
Harry A. Stewart, City Attorney
Lee R. Feldman, City Manager
John Herbst, Fort Lauderdale City Auditor
Kayla Olsen, Office of Management and Budget
Scott Backman, Outside Counsel
Evan Lukic, Broward County Auditor
Joni Armstrong Coffey, Broward County Attorney
Noel Pfeffer, Deputy County Attorney
Susan Myers, Department of Human Services
Donald Burgess, Land Preservation Administrator
Al Lamberti, Broward County Sheriff
Nikki Grossman, Convention and Visitors Bureau
John Hersh
Nancy Cavender, Transcriptionist, The Laws Group

The Joint Workshop meeting of Broward County Commissioners and City of Fort Lauderdale was held at 2:00 p.m. on Tuesday, October 6, 2011, in Room 430 of the Broward County Governmental Center, Fort Lauderdale, Florida.

(The following is a near-verbatim transcript of the meeting.)

MAYOR GUNZBURGER: May I ask everyone to please take their seats? I know that this room is overflowing, and I'm sure we have Fire Marshals somewhere that'll tell us that we're not allowed to have this many people in the room, so that I would like those of you that don't have a seat to please go to Room 422, where we have seats for you. Please leave so that we don't get in trouble for having an overflow crowd.

COMMISSIONER LIEBERMAN: Mayor, if I can add?

MAYOR GUNZBURGER: Yes.

COMMISSIONER LIEBERMAN: I just -- all of you should have in your place a memo that my office put out. I have to leave at 3:00 o'clock today from the workshop because, for a very long period of time, like since her 100th birthday, I've been scheduled to be a keynote speaker at Minnie Pearl's 101st birthday, which is today at 4:00 o'clock. And so I will call in while we're driving, but once the ceremony starts, I won't be able to participate.

MAYOR GUNZBURGER: Thank you. And we will miss that participation. And I'm not saying that sarcastically. I'm saying it seriously.

COMMISSIONER LIEBERMAN: No. Thank you.

COMMISSIONER WEXLER: Please wish her our best.

MAYOR SEILER: Actually, give her our best, and explain why we're not there.

COMMISSIONER LIEBERMAN: I know. I know. In fact, the Mayor signed a Proclamation from all of us that I'm bringing with me.

VICE MAYOR RODSTROM: I served with Mayor Pearl.

COMMISSIONER LIEBERMAN: I'll bet you did.

COMMISSIONER RODSTROM: Yeah, so that's probably why your wife is going to go to the -- follow her after the meeting.

MAYOR GUNZBURGER: I -- I have been asked --- because we have so many people here -- is this on? Hello?

MS. WEXLER: There you go.

VICE MAYOR RODSTROM: It's working.

MAYOR GUNZBURGER: Okay. I'm going to quickly have everyone do self-introduction so that people know who is sitting at the table, especially those of you who can't see the front of some people whose back is to you. And then we are going to change up the order slightly, and start with dispatch, because I believe the largest number of people here are on that issue, and that way, after we do dispatch, there will be seating for everyone in this room. So, I am Sue Gunzburger, Mayor –

Yes, Sheriff is supposed to be at the table. Where -- where is –

COMMISSIONER LIEBERMAN: He's holding up the wall.

MAYOR GUNZBURGER: Sheriff, would you please take a seat? I'm sorry; I didn't see him walk in. I was just looking straight ahead, not sideways. I am Mayor Sue Gunzburger, Mayor of Broward County.

MAYOR SEILER: Jack Seiler, Mayor of the City of Fort Lauderdale, and I just want to thank Broward County for hosting this get together. I hope we have a very successful and very productive dialogue.

COMMISSIONER JACOBS: Are we doing -- oh, Kristin Jacobs, District 2.

COMMISSIONER WEXLER: Lois Wexler, District 5, wherever that is.

THE REPORTER: Nancy Cavender, minutes.

VICE MAYOR RODSTROM: I'm John Rodstrom, District 7 and the Vice Mayor.

COMMISSIONER LAMARCA: Chip LaMarca, District 4 Commissioner.

COMMISSIONER SHARIEF: Barbara Sharief, District 8 Commissioner.

MR. PFEFFER: Noel Pfeffer, Deputy County Attorney.

MS. ARMSTRONG COFFEY: Joni Armstrong Coffey, County Attorney.

MS. HENRY: Bertha Henry, County Administrator.

MR. FELDMAN: Lee Feldman, Fort Lauderdale City Manager.

MR. HERBST: John Herbst, Fort Lauderdale City Auditor.

MR. STEWART: Harry Stewart, City Attorney.

COMMISSIONER RODSTROM: Charlotte Rodstrom, District 2 City Commissioner, Fort Lauderdale.

MR. ROBERTS: Bruce Roberts, District 1 City Commissioner, Fort Lauderdale.

MR. ROGERS: Romney Rogers, District 4, Fort Lauderdale.

SHERIFF LAMBERTI: Al Lamberti, Broward County Sheriff's Office.

COMMISSIONER LIEBERMAN: Ilene Lieberman, District 1 County Commissioner.

MAYOR GUNZBURGER: Thank you.

DISCUSSION TOPIC B - E911 DISPATCH

MAYOR GUNZBURGER: We are going to now take up the topic for discussion which is B rather than A, dispatch, E911 dispatch. Ms. Henry, would you like to start us off, and then I'd ask for somebody from the City to follow, or would -- or would you like the City to start? Whichever you --

MS. HENRY: The issue of E911 dispatch really is a -- is a matter that's been evolving. To -- to summarize, for several years, back in the mid-'90s, mid to late '90's, under an interlocal agreement, the County and the City agreed to provide services and funding to each other on a -- on various and sundry issues.

That agreement, from the County's perspective, expired in 1999. I will let -- the City will disagree at this point, but that's part of why we're having this conversation today. But back in 2009, we notified the Sheriff that fiscal year 2010 would be the last year that the County would put additional funds into his budget to provide police dispatch for the City of Fort Lauderdale.

We were aware that a similar agreement with the City of Pompano Beach was coming to an end, and we wanted to make sure that, as that one agreement expired, that -- that both cities were treated comparably. And 2010 was the last year that those funds were provided. The Sheriff provided support for Fort Lauderdale dispatch this past year through dollars that were returned to him -- we refer to this as recurring dollars -- and in anticipation that in -- in the period of about a year that there would be a solution, long term, to how dispatch would be provided within this County. And so --

MAYOR GUNZBURGER: Before you begin, Mr. Feldman, your boss wants to speak.

MAYOR SEILER: Well, actually, I just want to say one thing, because I know at times this discussion has gotten off the subject of what we're here for. And I think I can speak for the City, and I can tell you, looking around this table and looking around this room, that there's nobody in this room that's going to put the citizens' lives at stake, or life at jeopardy.

And whatever has transpired on this issue, on behalf of the City, we want to thank the County and especially Sheriff Lamberti for stepping up and taking the position that no matter what, we're not going to put anybody at stake and anybody's health, safety, or welfare at stake.

So I think that, because we're able to come to an agreement to extend this, we can now discuss the issue. And I just really want to thank the Sheriff. I want to thank Mayor Gunzburger and the whole County Commission for taking the right approach.

I think at times members of the media want to drive a wedge on something of this nature, but the people in this room, the people around this table, have certainly all taken the same approach, that public safety is the role number 1 of government, and that's what it'll continue to be. With that, Lee, you're recognized.

MR. FELDMAN: Thank you, Mr. Mayor and Commissioners. I think Mayor Seiler just, you know, summed it up best. You know, this -- this is an issue of public safety for us, and, as you are all aware, the issue of public safety communications has been one that has been talked about over the last several years among the cities and among the County and among the Sheriff with the idea that, at a minimum, we need a regional solution; at a maximum, we need a Countywide solution.

And as Ms. Henry indicated, there's an issue of -- of trying to focus in on this at this point one city at a time. There was reference made a minute ago to Pompano Beach, and we understand that that interlocal agreement had expired, and this is the time to enter into a new arrangement in Pompano Beach. Well, we think that this -- there needs to be a fully equitable solution among all the cities and the County, not just one city at a time. Specifically, you know, we'd like to point out that there are still agreements that exist. There are other cities within this County, Davie, Miramar, Hallandale Beach, Lauderhill, are still receiving, under the budget that was adopted for fiscal year '12, both 911 and dispatch services for their municipal police departments.

It's an equity issue. We don't think Fort Lauderdale should be singled out or be treated any differently than other cities within the County just because we may be larger or have a little bit more capacity than the next city. We think that this needs to be worked out. Our understanding is that the League is going to be coming forward in the next month with a -- with some proposals for the Commission to ultimately consider, and we would like to be part of that solution at that time.

With regard to this issue being a funding issue, clearly there is issues involved that the attorneys can speak to on both sides. But there's also a technical issue that I think we need to be cognizant of. Switching over 911 call taking services and police dispatch is not something that happens at the stroke of midnight, as it's scheduled to this evening. It is something that needs some planning, needs some -- some technical work to actually be done to make the switchover that is going to be transparent to the people that call 911 and expect the service.

Now, I think the Sheriff can certainly speak for himself, but has told us that, you know, at some point in the very near future, as early as potentially midnight tonight, we need to be prepared to -- to have a transition. I will tell you that that transition will come at a -- at a price for us. And it's not a monetary price, it's a price in the level of service that the people that dial 911 will pay, because this will not be a seamless transition. We expect that there can be delays of up to five minutes in dispatching our -- 911 calls, and that is ultimately not an acceptable standard, especially when, you know, lives and the public safety is at stake.

So we're committed to working on a solution. I think the idea that a solution needs to be done in this very short period of time, I don't know it's actually a feasible alternative, but we're committed to being part of the Countywide solution on this program.

MAYOR GUNZBURGER: I am next going to call on Ms. Coffey. You talked about that it's a legal -- part of the problem is how is it interpreted legally and where is the responsibility, so I'd like Ms. Coffey or Mr. Pfeffer, whoever is going to speak on that item.

MS. ARMSTRONG COFFEY: Mayor, I'm not sure what the City Manager's particular issue was, but I can say this, that our office has carefully reviewed the E911 Statute and the applicable rules, the State plan and other authorities, as well as, of course, the County's Charter and other resources. And -- and we are of the opinion that there is no legal requirement that the County bear the funding responsibility for the E911 program.

VICE MAYOR RODSTROM: Mayor, could you please have the Sheriff

address the inequities that were mentioned earlier by the City Manager?

MAYOR GUNZBURGER: Certainly. Sheriff Lamberti.

SHERIFF LAMBERTI: Yes, sir.

VICE MAYOR RODSTROM: The -- would you -- the City Manager from Fort Lauderdale mentioned the inequities that exist. Could you address those inequities and do they -- are they inequities in your opinion?

SHERIFF LAMBERTI: Well, you've created a smorgasbord of dispatch criteria in the County. It's been that way for 20 years. Again, like I said last Tuesday, this is not a new topic. Everybody's pretending this is brand new. You have created a smorgasbord of -- of situations out there, whether it be Fort Lauderdale, whether it be Pompano, whether it be the cities that we currently dispatch for.

Again, to speak to the current situation that we're in, the direction I got was that we were not going to fund Fort Lauderdale anymore. Prior to us doing it, the City of Fort Lauderdale did their own dispatch, funded by the County. The County funded that PSAP.

The fact that we're in there now is really not material to the discussion. That was an ILA between the City of Fort Lauderdale and the Sheriff's Office. But prior to us being in there, Fort Lauderdale had their own dispatch center, their own PSAP, which was funded by the County.

The side agreement which was done between us and the City of Fort Lauderdale is just kind of tangential to this. That's still their own separate PSAP. The fact that we're in there, to me, is -- is kind of immaterial at this point. The other cities that are in the PSAPs that -- that we do, those cities that are in Ms. Henry's memorandum, a year ago, we worked with the County staff to come up with a funding plan, and we've worked on a methodology with Mr. Corwin and your staff, if the other cities were asked to pay, how much would it cost.

We chose the methodology of call volume. There are other methodologies you can look at. You can look at by population if you like. You could look at number of officers. You could look at square miles. We chose call volume. Based on that, you sent out a letter to all of these cities. You, the Commission, you, the staff, sent out a letter to all of those cities.

Because of that, we did not put it in our budget, and that was clearly in my budget message. I knew it was in there. It was put in there intentionally so that everybody would be clear that we did not put it in our -- in our budget for

this -- for the '11-12 budget.

At some point after we submitted our budget, the County retracted or reneged on that letter. And so now we're in the situation where it's not in the County budget. It's not in my budget. It's not in the City's budget.

But, as Mr. Feldman said, and what I want to throw in here to both sides, you are creating a very, very dangerous position effective midnight tonight. We are ready to execute the nuclear option if we have to, and that is by pulling out of the -- that PSAP. But we will be putting police officers' lives, their safety, in jeopardy, not only in Fort Lauderdale, but in Wilton Manors.

VICE MAYOR RODSTROM: But you would do that -- you would do that in this case, but not in the City of Lauderdale Lakes. I find that very interesting. They don't pay you \$9,000,000, and you don't -- you don't pull out.

SHERIFF LAMBERTI: Again, that's not --

VICE MAYOR RODSTROM: To me, it seems inconsistent.

SHERIFF LAMBERTI: Well, not -- not really, because your position has been we're going to do this one PSAP at a time. We did Pompano. Then we did Fort Lauderdale. And the meeting we had with the City of Fort Lauderdale, that's what Mr. Corwin's statement was. We did Pompano last year. We're doing Fort Lauderdale this year, and then next time we're going to look at the rest of -- of the County.

COMMISSIONER JACOBS: Mayor, if I could --

MAYOR GUNZBURGER: Just a moment.

COMMISSIONER JACOBS: -- question the Sheriff?

MAYOR GUNZBURGER: There are -- there several people who wanted to speak. Before you, Commissioner Lieberman. But I notice that the contract that -- that was between the City and Fort Lauderdale was signed in 1999 by Sheriff Jenne and Mayor Naugle, and it was not -- and the County was not a party to that agreement. That was the ten year agreement. Your --

COMMISSIONER LIEBERMAN: Yeah. No, I have it.

MAYOR GUNZBURGER: Okay.

COMMISSIONER LIEBERMAN: I want to preface my remarks by saying the current Sheriff did not create this -- condition.

MAYOR GUNZBURGER: Right.

COMMISSIONER LIEBERMAN: This has long pre-existed his appointment or election to office. I do take exception, however, to the Sheriff saying we created the problem. And the reason I do, Sheriff, with all due respect, is that we don't negotiate these contracts for police services. Prior Sheriffs have done that, not us. We don't approve, and it does not come to our agenda to approve. Whether you are giving free service, have factored into the contract the cost of dispatch service, or have decided whatever, is never subject to a vote of the Board of County Commissioners. The only thing we do is we appropriate or don't appropriate funds.

And so I think it is a misstatement to say that we created the situation. We clearly never approved this course of action. With respect to this each city at a time, I would ask Ms. Henry, because it seems to me that one of the problems with the issue is there are some contract communities who have existing contracts where either 911 services were factored in as a percentage of whatever they were asked to pay, and some of these just don't come up for either renewal or revision this year or next year.

And so part of the problem is that there are existing contracts that the Board did not approve, did not come to the Board for our approval, but nonetheless have various statements in them and absolutely expire at different times. Ms. Henry?

MS. HENRY: There -- over the years, there were two primary public safety answering point systems that were funded separately, received funds from the County separate and apart from what would otherwise be in the Sheriff's budget. And both -- in both of those instances, they were done via contracts, interlocal agreements. An interlocal agreement with the City of Pompano Beach, interlocal agreement with the City of Fort Lauderdale.

The other municipalities that are referred to are not primary public safety answering points. To be a primary PSAP, you -- there are funds from the E911 system that are allocated to those cities to assist with call taking responsibilities. Those municipalities outside of that do not have such facilities, so they would have to be dispatched by someone, whether it's the Sheriff or some other entity.

So, over the years, what you have is the other primary safety answering point cities. In these tough economic times, have -- they raised the issue of -- of equity or fairness. And, from the County's perspective, I raised this issue at the City/County Manager's Association. They recognize that this is something that, as a community, we need to address.

And I agree with Mr. Feldman that this -- this cries of a regional approach. But, at the end of the day, we're still trying to get to that point. But, clearly, in those two instances, those interlocal agreements expired and we were attempting to treat both of those communities the same.

COMMISSIONER LIEBERMAN: Could I ask you when you gave the City of Fort Lauderdale notice that you would not be making any more payments?

MS. HENRY: He -- actually, the Sheriff made -- notified the City that this current -- this past year would be the last year.

COMMISSIONER LIEBERMAN: When did that notice go out, Sheriff, if I may?

SHERIFF LAMBERTI: April of 2010, we were negotiating a new interlocal agreement with the City, at what point we received from your staff that you are not going to fund it. And so April of 2010 was when that discussion first occurred.

COMMISSIONER LIEBERMAN: Okay. And when -- when was the City given written notice?

SHERIFF LAMBERTI: I'd have to look through our, you know, correspondence. I can't tell you the date.

COMMISSIONER LIEBERMAN: But they were given verbal notice about a year ago?

SHERIFF LAMBERTI: More than a year. April, 2010.

COMMISSIONER LIEBERMAN: Okay.

MR. FELDMAN: And -- and, Ms. Lieberman, it's also our -- our position that we've never received effective written notice. There was a -- a letter that circulated back in August or late July -- which I responded to both the Sheriff and the City asking for a meeting. We ultimately had a meeting, I think the third week of September, and the Sheriff was instrumental in organizing that meeting, because we were coming down to the end.

COMMISSIONER LIEBERMAN: Okay. You know, I would tell you I don't disagree that this cries for a Countywide approach. Simply because something needs to be regionalized because of whether it be dispatch issues, consolidation, the ability to be more economically feasible or aligned, doesn't mean that the County pays a hundred percent of it. It's just an

economy of scale that every member puts in a pro rata amount because it makes more sense to do this as a group than piecemeal it.

And so I want you to understand that.I've read the dispatch agreement. I apologize that it was just given to me before the meeting.But it clearly says that the County has the right to not appropriate funds.

The Sheriff notified you that we were not appropriating funds. The County Administrator made that known in the spring when we were doing the preliminary budgets, that we were not appropriating funds.And so basically the contract's terminable if we don't appropriate funds.

MAYOR SEILER: Let me just, if I could, Harry, you've got a legal position on this. Why don't you share that with, and then I'd ask John Herbst to also address it. I've asked John to prepare a memo, too.

MAYOR GUNZBURGER: Make sure -- speak into the microphone, please.

MR. STEWART: As big a surprise as it may be, I -- I have a different opinion from the County Attorney with regards to responsibility for 911.Any time you begin an investigation of this kind, the first thing you do to define responsibility is follow the money. E911 money goes to the County.

The Statute says that the County has to adopt a plan. Florida Administrative Code says that the County is ultimately responsible, and I -- and I'll quote Florida Administrative Code Section 660, the ultimate responsibility and authority within the County for E911 system rests with the Broward County -- with the Board of County Commissioners.

The State plan uses the exact same language and says the ultimate responsibility for 911, and they're talking, in that instance, a dispatch -- I'm sorry, they're talking about call taking, not dispatch. Because there's two elements here.But the opinion that -- I am of the opinion that as far as the call taking is concerned for 911, that that is a County responsibility.

COMMISSIONER LIEBERMAN: I would ask Ms. Coffey to respond. Simply because something is a County responsibility doesn't necessarily mean we pay a hundred percent for it. You know, look at the waste to energy plants. The cities have been paying tipping fees that have offset the costs, even though a decision was made it was more economical to do so.But I'd ask Ms. Coffey for her opinion.

MS. ARMSTRONG COFFEY: Certainly we're familiar with the rule, as well, and this is -- this is how we understand the rule.It does say that the County has ultimate responsibility and authority for the E911 system. We view that

as the -- the agency that's responsible for developing the coordinated system.

Later on in the rule, it says that the County's E911 coordinator must advise the County Commissioners so that appropriate fiscal measures can be adopted by the Board of County Commissioners to fully fund the system. That is a very different set of words from the County must fund the -- the revenue shortfall after the E911 resources.

So we view that as -- as something very different, but rather something that County Commission does in its lead agency responsibility, not its funding responsibility.

MAYOR SEILER: Ms. Coffey, does it say lead agency responsibility or it just says ultimately responsible?

MS. ARMSTRONG COFFEY: It says appropriate fiscal measures must be adopted by the Board of County Commissioners. It does not say that the County Commissioner must fund it. And I would venture to say that if a rule attempted to do that, there would be a problem with the rule.

MAYOR SEILER: But as understanding putting that sentence with the -- appropriate fiscal measures with the sentence that says it's ultimately the County's responsibility --

MS. ARMSTRONG COFFEY: It also calls it the responsible fiscal agent. A fiscal agent suggests to us that it's responsible for providing for, not funding, the coordinated system.

MAYOR SEILER: Is there any reference in that rule as to municipalities within a county?

MS. ARMSTRONG COFFEY: I don't see a particular one, but if there are counties that have a very small incorporated area, it -- it has to place the -- well, I don't want to say what the legislative responsibility was, but -- but we just don't read it as a funding obligation.

MAYOR GUNZBURGER: All right.

MAYOR SEILER: Can I just get John -- we had John also look at this issue from an auditor's standpoint. If he could just get an opportunity to weigh in.

MAYOR GUNZBURGER: Well, you let your Auditor be another attorney; we don't let ours.

COMMISSIONER LIEBERMAN: Mayor? I know that I have other colleagues who want to speak, so I just would like the opportunity, after we go around, to get back to the issue.

MAYOR GUNZBURGER: You're going to leave in a half an hour. If the others are not through by ten to, I'm getting back to you then.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GUNZBURGER: Mr. Herbst.

MR. HERBST: And very briefly, we reviewed the proposed budgets for wire line E911 and wireless E911, and what we noticed within the Sheriff's budget for that is that the appropriation has actually increased by over \$2,000,000. And the change, if you will, is mostly going into an account called reserve for future capital outlay.

And as I note in the memo that I prepared for my Commission, there is nothing within that that directs what that future capital outlay is or what the methodology or rationale was behind putting that money there. It appears to be a holding account or a capture account for any surplus that's generated within the 911.

The other issue that we noticed is currently the call takers were captured within the regional law enforcement services fund. There's a transfer of between four and four and a half million dollars that's going into that fund each year.

If you look at fiscal year '10, you see it was approximately 4.6 million, and there were 73 employees. If you look at fiscal year '11, there was 4.1 million dollars being transferred from E911, and there were 73 employees. And if you looked at the fiscal year '12 budget, we have 4.3 million being transferred from E911, and there is zero employees. So the question would be if there's a transfer of 4.3 million coming out of a restricted revenue source, E911, going to the regional law enforcement services budget, what's it being used for, and where did the employees go.

COMMISSIONER LIEBERMAN: I think that's a question for the Sheriff, because he's the one who prepares the budget.

MAYOR GUNZBURGER: Sheriff.

UNIDENTIFIED SPEAKER: It's his money.

SHERIFF LAMBERTI: And I'm not prepared to answer that here. All I can tell

you, it's 2:30. At midnight tonight, I need -- I have seventy people waiting to decide how we're -- how we're going to resolve this at midnight tonight. I can get back to you.

MAYOR GUNZBURGER: But this is a funding meeting.

SHERIFF LAMBERTI: I'll gladly get back to you and you can meet with our -
- with our auditor.

COMMISSIONER LIEBERMAN: Right.

MAYOR GUNZBURGER: Sheriff (inaudible.)

SHERIFF LAMBERTI: Go ahead.

MAYOR GUNZBURGER: Sheriff, this shows that you have been given money to do this particular service. Are you through, Commissioner?

COMMISSIONER LIEBERMAN: Yes, I am.

COMMISSIONER WEXLER: Can I get on your queue, too.

MAYOR GUNZBURGER: Yeah. Well, absolutely. Go ahead. Commissioner Jacobs.

COMMISSIONER JACOBS: I -- I think that we could spend a lot of time here today with the lawyers and the auditors trying to understand a future solution and -- and how this problem needs to be worked out. It is historic that the problem has sat there for -- through multiple Sheriffs, but it is perfectly clear to our Sheriff and to, I think, the rest of this community that this problem that happens at midnight is a failure of your leadership to address this issue in a timely manner. You told the County Commission when you submitted your budget, and I'm quoting from your budget, Sheriff, quote, this budget does not include funding for Fort Lauderdale dispatch for which the City has been formally notified.

You notified the City. The City knew in 2009. They were notified in May. And you, just like you have with Lauderdale Lakes, watched the debt roll up and not address it, and continue to try to dump this on the County Commission's lap. This is not our problem. This is not our emergency. This was a problem, and remains to be a problem, not so much to be solved -- and God bless him for taking it on -- by the Mayor of the City of Sunrise, because he, and he alone, seems to have exhibited a tremendous amount of leadership on the solution to this problem.

This is a solution that needs to be engineered by the Sheriff himself, that should have -- you and I have had conversations about this several years ago about this problem. And, at the time, the same conversation was, Sheriff, this is your problem to solve. This is your day for leadership. Step up, pull all the cities together, and come up with a Countywide regional solution to dispatch and E911.

To -- I take great offense and think that it smacks of politics for you to say things that this is the County Commission engineering this problem that's going to happen at midnight. This is your failure, not the County Commission's. I think I'll stop there.

SHERIFF LAMBERTI: Well, and to respond to that, that's why I asked this agenda item be put on the agenda last Tuesday, because it was clear to me, and that's why I did not put it in the budget; we notified the City of Fort Lauderdale. You didn't have it in your budget, they didn't have it in their budget, and that's why Commissioner Roberts -- I asked somebody from the City to come last Tuesday, because, obviously, on both sides, City and County, nobody was listening to me, and it needed to be addressed in a public forum, out in the open that as -- at midnight on September 30th, you know, we have an issue here.

COMMISSIONER JACOBS: And, Sheriff --

SHERIFF LAMBERTI: Our -- our --

COMMISSIONER JACOBS: -- with all due respect, you knew that in May. You've known it all along. Why all of a sudden is there a drop dead point?

SHERIFF LAMBERTI: Because --

COMMISSIONER JACOBS: Why was there not a drop dead point in May --

SHERIFF LAMBERTI: -- because when they --

COMMISSIONER JACOBS: -- or June or July?

SHERIFF LAMBERTI: -- when -- when the City approved their budget, it was not in there. Obviously, that's what -- that's what -- again, that's what created the emergency at that point. Our Communications Technology Division has been meeting with -- with the City Managers Association, and we have come up with a plan for regional communications. And that's why the League of Cities has at least taken it on as a body that going forward we have a plan, if everybody wants to buy into it.

And to say, again, for my leadership, absolutely not. There are some that want to run their own. We've let Pembroke Pines go out and do their own PSAP. We're going in the opposite direction of where we need to be. And if Fort Lauderdale decides to go out on their own, we're there to assist them. But I just think that's going in the wrong direction.

MAYOR SEILER: Well, I -- I think as a city, we're interested in -- at a regional solution. I mean, I don't think we're trying to --

MAYOR GUNZBURGER: Well, you can't have it at midnight tonight.

COMMISSIONER JACOBS: No -- the issue is that the regional solution should have been engineered long before now -- with the shoe dropping last week -- well, last week it was going to drop, then suddenly it got dropped -- it was being moved to this week for today's meeting. But that -- you know, that's -- the issue is that a regional solution has been in the works, and until such time as someone puts their foot down and says guess what, we're not funding it anymore, and it's going to take the Sheriff standing at every city that is amenable to it to bring this issue to a head. And I don't believe that that's going to happen --

SHERIFF LAMBERTI: But you -- but you know --

COMMISSIONER JACOBS: -- because the leadership has been by the city Mayors, not by --

SHERIFF LAMBERTI: -- you know there are cities in this County, Commissioner, that do not want the Sheriff to run communications. So let's call it like it is. You know --

COMMISSIONER JACOBS: But you go where you're invited, Sheriff.

SHERIFF LAMBERTI: -- you know very well.

COMMISSIONER JACOBS: You go where you're invited.

SHERIFF LAMBERTI: Exactly. And that's what we've been doing through CTB.

MAYOR GUNZBURGER: All right.

SHERIFF LAMBERTI: But you know there are cities in here that don't want me touching communications in their city.

COMMISSIONER JACOBS: That's a given.

MAYOR GUNZBURGER: Commissioner Wexler.

SHERIFF LAMBERTI: So then how can I exercise any leadership if they don't want us to do it?

COMMISSIONER JACOBS: Because you do it with those that are willing.

COMMISSIONER WEXLER: I don't want to beat –

COMMISSIONER JACOBS: The City of Fort Lauderdale.

COMMISSIONER WEXLER: -- I don't want to beat anybody up. That's not what we're here for today. We're here for solutions. We've got to figure out by the time we leave this room how this is going to be funded in the short term, because I do believe -- and it is a matter of trust. And I sat at that table at the last meeting, and the Sheriff was there, and his Fire Chief was there, and Mayor Ryan provides outstanding leadership.

But the step in October for approval from the -- and I don't think it's been approved yet by the Board of Directors of the League of Cities; once that happens it will come to us -- it's a concept. It's the theory. Now the work really begins.

So I'm -- I'm hoping that if we really, really push this and want this as a community, and fast track it, that by the end of this fiscal year, we can have the roadmap in place, the funding streams in place, and never have to go through this argument again. Don't you agree, Sheriff? That's our ultimate goal?

MAYOR GUNZBURGER: I'll call on you.

SHERIFF LAMBERTI: We've been talking about it for too many years. It's about time.

COMMISSIONER WEXLER: But that -- that is –

MAYOR GUNZBURGER: Excuse me a minute, Commissioner Wexler. I'm going to ask everyone -- I will call on everyone that wants to speak, but I'm not going to let people continue interrupting each other. So please continue.

COMMISSIONER WEXLER: No, but I -- I sit on that task force. I was asked to serve by the current president of the League. I'm -- I'm the -- Commissioner Ritter's backup to the League. It was not the most popular of places to be, but, okay. I really, really believe that we've got to bring a

solution to our community.

And I think it's important to research history. My gosh, I'm surrounded by about a ton of paper here. In your minutes, City of Fort Lauderdale, pulling up, you've discussed this. You've discussed this for years.

The last time you discussed it was March 1st, 2011, when your Assistant Police Chief, Tom Harrigan, discussed with you all -- I know you had -- not you in place, Mr. Feldman, but you certainly -- and I don't know who that individual is, but he's probably here today anyway -- but talking about hiring - - his he hiding?

MAYOR SEILER: He's here. He's sitting right over there. He's the guy that looks like an Irishman.

COMMISSIONER WEXLER: The face is turning red. But talking about going out and getting a consultant for potentially running your own dispatch. And you didn't do it. You decided let's not do anything. I mean, the minutes of the conversation of you elected officials from Fort Lauderdale reflect that.

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: No, I'm not done yet. I'm not done. Almost done.

MAYOR GUNZBURGER: Be careful when she takes a breath.

COMMISSIONER WEXLER: I'm sorry. The past three years' worth of Sheriff's funding, his budget, of what we approved as his budget. Taking a look at that, in '09-10, there was a line item for the City of Fort Lauderdale. In '10-11, we could not, staff could not, I could not, find a line item for the City of Fort Lauderdale.

What we did find for last year that ended September 30th, just last Friday, was in December moving 5 point some-odd million dollars into a personnel services. And we believe that may have been to fund the E911. I'm not sure. I haven't been able to track that down.

But in -- in following the money, and I'm a big believer in that, I cannot find in the Board of County Commissioners' budget, and neither can Ms. Olsen, who has been searching, and it is reflected in her letter to us that -- that -- this backup, that in the 2010-11 surplus funds, which is referenced at the bottom, was used in the supplemental appropriation. Okay?

Now we're into this budget year. Very clearly, at the bottom, as the Sheriff

referenced, this service is not in the Sheriff's budget. It is not being funded. So somehow, magically, it got funded last year, but it was not a line item appropriation.

And I think it's real important to distinguish that and understand that and know that, because, for me, we need to today, as a tri-party, Sheriff, Fort Lauderdale, and Board of County Commissioners, step up to the plate and figure out financially how we are going to continue this moving forward. I -- I love auditors, by the way. I really do. You guys are very special, and I mean that -- I mean that in a -- in a -- a staff function. In that there is 13 point some-odd million dollars in that account, and it is allocated to that E911 account. It is allocated for capital, but I wonder if we could, in this emergency, transfer a portion of those dollars to assist us in our efforts here. And I really would like staff to comment on it.

The -- we were -- we were accumulating those dollars because at some point in the -- down the road, we know it's going to cost us between 40 and \$60,000,000 in order to replace and upgrade the infrastructure.

MAYOR GUNZBURGER: So then if we take money out, it won't be there.

COMMISSIONER WEXLER: I understand. But this -- no -- well, excuse me. We -- nowhere are we going to have anywhere near the amount of money in the next five years accumulated. We're going to have to take out a loan. But that fund can assist in paying it back.

I'm asking is it feasible to access those dollars in the interim, short term, in order to -- and I'm not -- I'm not proposing we leave Fort Lauderdale out of this picture. I will -- I will not support one iota that this County bail anyone out in here today. I'm going to tell you that. But I will support a tri-party agreement working together.

MAYOR GUNZBURGER: All right. I think I saw Commissioner Roberts' hand?

COMMISSIONER ROBERTS: Mayor, thank you. I don't know if you're ready for a response to the question from Commissioner Wexler to the staff. But in the meantime I'll -- I'll address what I'd like to say about that. I commend you, Commissioner Wexler, for your take on it. I feel exactly the same way.

Yeah, this has been going on for a long time, and who dropped the ball or when and that type of thing, we're past that. We being the governing bodies, the policy makers, we need to do the right thing and step up to the plate. People's lives are at stake. Make no mistake about that. That's not hyperbole. It's nothing like that. It is a real -- it is the reality.

Just coming in with a system, if we had to shut down now, the way we're set up to do it on a triage system, we're looking at anywhere from one and a half to five minutes delay in response time. Do you know what that's like when somebody's having a heart attack? Come on. We cannot do that, let alone putting our own employees' lives at danger when they're not getting updates responding to calls.

I've been there, I know what it's like. And I know the Sheriff knows what it's like, too. So I think that we need to just move forward on that tri-party type of agreement you're saying. If there appears to be some excess funds in the -- in the Sheriff's budget, 2,000,000 more than last year, I would beseech the Sheriff to readjust his priorities in the short term, in the interim, to -- until we can hash this thing through and move forward as part of a holistic approach on a regional basis for the -- the Countywide, too.

When you look at -- it's not just Fort Lauderdale. Fort Lauderdale's citizenry is a hundred -- depending on whether you look at the Census or whatever (inaudible) accounts you get, anywhere from 165,000 to 185,000 people. 80,000 to 100,000 people come to work every day in the City of Fort Lauderdale. If you look at the bed tax money that comes from the County, 50 percent of that comes from Fort Lauderdale. So if we have 12,000,000 tourists, we've got 6,000,000 of those in the City of Fort Lauderdale.

It's bigger than what we're arguing about in this particular money situation. And even if we did want to switch right now, today, if we wanted to do that, the technology that the Sheriff alluded to, we can't do it right away. It would take almost -- we have different CAD systems. It would take six months for us to interface some of that technology together, right now.

There's staff here that can address that from both the County and from the City. It's a six month project if we start right now. So why are we even talking about shutting it down, not providing vital public services to the -- to the citizens of this County and the City of Fort Lauderdale? To me, it's a no-brainer.

We're past the point where we all made mistakes. And I -- I can speak -- I'll speak for myself on behalf of the City, we should have been moving quicker on this type of thing. I agree with you. There's some internal things we had to deal with, and -- and change of administration is one of those things. So you lose a lot of the continuity, consistency of those negotiations, and the approach philosophically to those. So I don't want to get into that. I'm not blaming that. I think it's time, like you're saying, Commissioner Wexler, to move forward with a solution and not even get into big debates about pointing fingers on this issue.

MAYOR GUNZBURGER: Thank you. I'm going to call on Commissioner Lieberman a second time –

COMMISSIONER LIEBERMAN: Yeah.

MAYOR GUNZBURGER: -- because she is leaving in ten -- I see the hands over there. I am not ignoring you, but she's leaving -- you came late, but she's leaving early.

COMMISSIONER LIEBERMAN: Yeah. You know, I -- I apologize for this, as I told you all at the beginning, because of this long standing commitment. Commissioner Roberts, I asked to speak again because of the statement you made. Putting the blame on the County, as you have done, is totally inappropriate.

I didn't notice the City of Fort Lauderdale holding any discussion whatsoever on them funding dispatch once you got notice from the Sheriff that it wasn't going to be funded. You didn't propose any -- any tri-party agreement, you didn't propose any revenue source. Frankly, you did nothing other than adopt a budget which had no money in it for dispatch.

So to say that we're putting the citizens at risk, I say back-at-you, because you guys didn't address the issue, and you've been on notice of this for more than a year.

First of all, you know what happened with Pompano over a year ago. The Sheriff himself had discussions and told you what was going on. And if there were any doubt, when we went through budget hearings in the spring, we gave you all the same message: pursuant to that agreement, we didn't appropriate funds for you.

And so my position is you can't throw this at all of us and say it -- if it falls apart at midnight tonight, I lay it on the foot of the County. Frankly, we didn't develop the dispatch system. It was developed by other Sheriffs. And the current Sheriff, when he negotiated contracts, as they expired with the contract communities, whether he figured in dispatch costs or not was not subject to a vote of the Board of County Commissioners.

And so I would say to you, this is not something you can pawn off on somebody else, because I didn't notice the City showing great leadership on this issue, either.

COMMISSIONER ROBERTS: I did not accuse the County, if you heard me correctly. I didn't lay the responsibility on the County. I'm looking for a

solution in the interim. There's a legal opinion here, too. There are differences as to notification. We have differences as to where the money is and the financing. So I'm not blaming anybody. You didn't hear me correctly, and I apologize –

COMMISSIONER LIEBERMAN: I apologize if I didn't hear you correctly.

COMMISSIONER ROBERTS: I'm looking for the solution, and that's all I care about right now. I'm not saying the County's responsible for this falling apart --

COMMISSIONER LIEBERMAN: And my problem –

MR. ROBERTS: As a group, let's get past that and find a solution. That's what I'm saying.

COMMISSIONER LIEBERMAN: -- and my problem, Commissioner Roberts, is the City of Fort Lauderdale is late to the table. This is an action we already took with Pompano Beach last year.

And it raises a whole bunch of issues on unequal treatment between the cities for us to continue funding Fort Lauderdale when you had significant period of time of notice to have had discussions or to have requested a tri-party agreement, or any of the last minute options that are suddenly on the table today.

COMMISSIONER ROBERTS: Commissioner, we agree with you. It's disparity in the treatment. There's other cities (inaudible). Why should we be separated out to be separate?

COMMISSIONER LIEBERMAN: Commissioner -- you have cities –

MAYOR GUNZBURGER: All right.

COMMISSIONER LIEBERMAN: -- you have cities that are contract –

MAYOR GUNZBURGER: Just a moment. Stop.

COMMISSIONER ROBERTS: I'm not going to blame (inaudible).

MAYOR GUNZBURGER: Stop.

COMMISSIONER ROBERTS: I want a solution.

MAYOR GUNZBURGER: Stop.

COMMISSIONER LIEBERMAN: You have cities that are contract –

MAYOR GUNZBURGER: Stop.

COMMISSIONER LIEBERMAN: -- communities.

MAYOR GUNZBURGER: Stop. Going back and forth doesn't solve anything.

COMMISSIONER LIEBERMAN: Mayor, what Commissioner Roberts fails to understand is some of the cities on the list are contract communities. And so when the Sheriff, whichever Sheriff it was, did that contract, we did not approve or disapprove what services that Sheriff was providing at what cost. Our obligation was simply to budget. And before you start talking about inequality, there is a difference between contract communities and non-contract communities.

COMMISSIONER ROBERTS: Is Hallandale Beach a contract community for the (inaudible).

COMMISSIONER LIEBERMAN: I didn't say all. I said some.

COMMISSIONER ROBERTS: One isn't (inaudible) disparity.

COMMISSIONER LIEBERMAN: I didn't say all, I said some.

MAYOR GUNZBURGER: Hallandale Beach is a contract city with the Sheriff.

COMMISSIONER ROBERTS: I'm sorry.

SHERIFF LAMBERTI: No, it's not.

COMMISSIONER WEXLER: No, it's not. They provide their own law enforcement (inaudible).

MR. FELDMAN: The -- the cities that are in question are Hallandale Beach, Davie, Miramar, and Lauderhill.

MAYOR GUNZBURGER: Okay. Because I know all the other cities that are PSAPs do not get the full funding from the 911 costs. They are putting that into their budgets. All the ones that do their own dispatch, such as Pembroke Pines and Hollywood, have to take it out of their budgets.

And I think that, really, Commissioner Wexler has come up with the only solution that we can end -- you know, we'll talk this to death, but when it's all said and done, we're going to have to send the Sheriff, Ms. Henry, and Mr. Feldman back to the table to figure out how to solve this problem for a very short, temporary time. Because if we say, well, we'll do this, this, and this, that's for now, but that's not for six months from now, even. Commissioner -- I saw the hands. I really think -- Commissioner Rodstrom should go next.

VICE MAYOR RODSTROM: No, no, no.

MAYOR GUNZBURGER: Oh.

VICE MAYOR RODSTROM: Let -- my colleagues to the left of me have been waiting, and I -- I --

MAYOR GUNZBURGER: You don't --

VICE MAYOR RODSTROM: -- just put my hand up, so I'm fine.

MAYOR GUNZBURGER: Okay. Well, then, we'll start with Commissioner Holness, whose hands I saw first, and then I saw yours after his.

COMMISSIONER LAMARCA: He wasn't even here when I raised my hand. That's all right.

MAYOR GUNZBURGER: Well, he -- he does this little thing that I always see. He goes like this and I -- I'm sort of used to it.

COMMISSIONER HOLNESS: Mayor, since I -- since I was late, I'll allow Commissioner LaMarca. I was at the Lauderhill's 8th Annual International Business Expo, something I started eight years ago in Lauderhill.

MAYOR GUNZBURGER: Well, we don't want to --

COMMISSIONER HOLNESS: So let me have Commissioner --

COMMISSIONER LAMARCA: I'll be -- I'll be brief. You know, this is starting to turn into kind of a three-way debate where we use the guy over there with the badge on to our benefit when it suits us, and we're against him when it -- when it doesn't suit us.

And I want to say I take great offense to the questioning of the Sheriff's leadership for -- for a couple reasons. We go back and we talk about a city that ran out of money, well, public safety was still provided. And notice was -- was put forth. And I'm not saying that that's the end-all. And -- and that the --

- the example of leadership was last Friday when some parties here at the table, the leadership of Fort Lauderdale, the leadership of Broward Sheriff's Office came together and they provided service for another six, seven days. And, you know, that didn't have to happen, but it did happen. It happened because of leadership.

One of the things that -- that I -- that I think I -- I heard where we need to go. We need to find a solution, and we assume that we're here to negotiate, and that's ultimately what Commissioner Wexler said, and a true negotiation means everybody leaves feeling like they left a little on the table. When we bring up other contract cities, it's easy to -- to finalize the issue with Pompano, because they're a contract city. And I know there's some differences, but the PSAP is part of their contract now. They own it.

Fort Lauderdale has -- has the Fort Lauderdale Police Department and Fort Lauderdale Fire Department, but they have this ILA and this agreement with past Sheriffs and -- and BSO for the -- for dispatch. So it's not as easy to -- to wrap it up when there's a contract negotiation, for example, with police or fire, because we don't have that. They're not contract cities. So I will finish by saying that I'm supportive of us finding a solution long term. I think Mayor Ryan has been brought up a couple times. The -- the League and Mayor Ryan have -- have taken a step forward, and I think that's where we need to go.

But in the short time, in the -- in the effort of public safety, which is what we're all supposed to be here for first, the -- some type of tri-party agreement needs to be made, and everybody's going to feel like they left a little bit here. So I'm supportive of -- of whatever agreement can be made, but we can't -- we can't not, you know, provide public safety. That's what we're here for.

MAYOR GUNZBURGER: Commissioner Holness.

COMMISSIONER HOLNESS: Yes. The solution. We need, I think, \$6,000,000, thereabouts?

SHERIFF LAMBERTI: Yes, sir.

COMMISSIONER HOLNESS: There's some money that's been mentioned, and I think we ought to go there. There's \$2,000,000 that I heard, and I didn't hear a response to the Sheriff when the Auditor from Fort Lauderdale point out that there was 2,000,000 that was put in reserve. So let's look to see what can be done with that two million. We certainly have some reserve for the upgrade of the system. Let's look to that.

But, again, in my opinion, Fort Lauderdale is not a broke city. Fort

Lauderdale is the largest city with the largest tax base of any city in Broward County. Therefore, I believe they can pay a fair share of this, and ought to do so. So I would say that, with those money that -- that we talked about just now, let's see how much is Fort Lauderdale going to put on the table. You ought to put a minimum half of it on the table, in my opinion, today, so that the -- the threats of cutting the service at midnight is not realized, even though I -- I know that we are responsible, and that's not going to happen, because we're not going to endanger our peoples' lives where we can find the funds to.

It's not that we are broke, that we can't do it. There's money somewhere to be spent to ensure that the public safety is maintained. So I think that's where we need to go with this conversation. And all the other talk around that is -- is, I'm sorry, nonsense. It's not going to make any difference at this point in time who did, who didn't do, and who this, that, the other.

So let's get to how much money we're coming up with, and if we're not going to do it right now, let's -- let's send some folks from our teams to go back and find the money. And let's get it done. And in the meantime, let's move posthaste to get a reasonable system in place, and let's not delay that any at all, because that is the solution that we must have in order to ensure that we have efficiency of cost and -- and a system that is fair to all.

MAYOR SEILER: Let me make -- may I?

MAYOR GUNZBURGER: Yes, please.

MAYOR SEILER: Let me make a suggestion based on what I've heard from Commissioner Wexler and some of the others, Commissioner LaMarca, Commissioner Holness.

If you truly want to approach this as a tri-party agreement, we're looking at 5.7 million dollar expense. My thought is we pick up 1.9 million for this year, the Sheriff picks up 1.9 million, the County picks up 1.9 million, and we move on, we end it after this year. The lawyers can sit down and figure out where it goes from here in terms of whose obligation, whose ultimate responsibility, liability. But as far as -- you know, we've got to do something on a regional approach anyway. I think it's --

COMMISSIONER WEXLER: I don't want the lawyers to talk, because then it winds up in litigation.

MAYOR SEILER: Our lawyer -- our lawyer's your former lawyer. Are you kidding me? I was waiting for a conflict to be called at some point here. But my suggestion is, so we can move on to some other items, is we go 1.9, 1.9,

1.9 split, and we move it -- move it this year.

COMMISSIONER RODSTROM: Is the Sheriff –

MAYOR SEILER: The Sheriff –

MAYOR GUNZBURGER: I would like to point out –

MAYOR SEILER: -- would be obligated for 1.9 –

VICE MAYOR RODSTROM: I'd like to speak –

MAYOR SEILER: -- the County and the City –

VICE MAYOR RODSTROM: -- before we even start negotiating that number, please.

MAYOR SEILER: Well, I don't -- I haven't even spoken to my Commissioners about it, but I just -- having heard the comments, I think it's the appropriate way to approach a tri-party agreement.

MAYOR GUNZBURGER: Commissioner Rodstrom.

VICE MAYOR RODSTROM: No, I think there's still ahead of -- some ahead of me on the queue.

MAYOR GUNZBURGER: Oh. Commissioner Sharief.

COMMISSIONER SHARIEF: Well, basically I just wanted to kind of allay some of the fears out there, because I keep hearing people say at midnight tonight people's safety's going to be in jeopardy. And that's been the -- the thing -- issue that we've been getting emails and calls about.

And I think we need to be very clear that no one's life is going to be in jeopardy at midnight tonight when we leave here, because we are going to have dispatch services, and people will, when they pick up the phone and call 911, have someone come and help them.

So I think that needs to stop, because that -- that really is -- is -- it's not productive to what we're here to do today. I'm interested in listening to a solution. The tri-party agreement is great. I think that I'm not going to point fingers, so I'm going to refrain from making a comment that I wrote down coming in here.

But what I'm going to say is that I just -- I really want to allay the anxieties out

there and to stop having headlines read that people will be in jeopardy, that officers' lives will be in jeopardy on the streets of Fort Lauderdale. So, please, can we just do something more productive today?

MAYOR GUNZBURGER: Okay. Now Commissioner Rodstrom.

VICE MAYOR RODSTROM: I think Commissioner LaMarca's next.

MAYOR GUNZBURGER: He spoke.

VICE MAYOR RODSTROM: Oh, okay.

MAYOR GUNZBURGER: He really –

VICE MAYOR RODSTROM: You know, I -- I think -- I think it's incumbent upon us to have at least a philosophy before we leave here and not give it to our staff, because nothing will get settled. I don't think we leave this room until we have a philosophy of how we want to deal with this. And I appreciate the Mayor throwing out the first set of numbers, but I -- I think the numbers look a little differently, and here's why.

You know, this contract just didn't end. It ended last year. So we carried you all last year to the tune of \$6,000,000. Now, I -- I do think, though, what I'm troubled by in making that statement is the Sheriff wasn't more forceful and didn't put it in writing that you -- that the clock -- the time had run out. And I think that works against us in our being able to recapture those dollars, because I think if he had been as forceful then as he is now, we would have been sitting in this room a year ago, as opposed to sitting in it now and having the 5, \$6,000,000 walk out the window.

The second part of your comment is that to split it three ways like a tri-party agreement, the problem is the County is the County. So it's almost as if we're -- we're accepting two-thirds, and you're accepting one third. And -- and I recognize this is just the first crack at negotiation, and -- and, you know, I think we're going to negotiate.

I'll be happy to sit down and forge some negotiations with you. And I think the reason we're sitting here today is we have other issues that I feel maybe just as strongly about that involve dollars, as well. And -- and maybe, you know, we -- we get an understanding that we will negotiate, we will not leave this room until we negotiate, but there are other dollar amounts that need to be, I think, touched upon before we walk out of here.

And then, one more -- other comment. I just think it's unfortunate, because I -- I think that, as Commissioner Sharief said, that, you know, headlines are,

you know, being made here, and -- and I frankly don't think there was ever an opportunity or a chance that anybody was going to walk off the job. I think that's all theater. No different than I think that the same person making that threat didn't carry it out in the City of Lauderdale Lakes.

So I think, you know, when someone's not consistent, you know they're not going to pull the trigger, you know they're not going to pull the trigger. So, you know, I -- I think that you have to have a reputation for pulling the trigger, and some do and some don't. And I think you have to be consistent. Otherwise, people get mixed messages.

And that's why I, I guess, take offense to hearing things that, you know, we're going to put people's lives at risk after midnight. I think that's just foolishness, and I wish that comment had not been stated, because the press is going to make a field day out of it when there was really no intention to ever do it.

That said, I think it's clear to me today that we will walk out of here with some agreement, and -- and even the thought of that will never, ever occur. So, you know, I'm just not sure, Mayor, I know what the number is. You know, but I think -- I think the 1.9 now -- The other thing I'm sympathetic about is, you know, you -- again, the timing of this was pretty poor, because you had two budget hearings where this could have been raised, and your budget's done and set, and so now anything that has to be done is going to come out of your Commission reserves, and -- and that's on top of, you know, other issues that have left -- that are not resolved. And those are reserve type of issues, as well.

So I'm sympathetic to that, because it's not like you can go back and, you know, do anything about it other than take the money out of reserves.

MAYOR GUNZBURGER: But the same, Commissioner -- Vice Mayor, the same holds true for the County.

VICE MAYOR RODSTROM: Absolutely. Right.

MAYOR GUNZBURGER: Because our -- our --

COMMISSIONER WEXLER: Other than that capital fund.

MAYOR SEILER: But the --

MAYOR GUNZBURGER: Well, that's --

MAYOR SEILER: -- same funds are there, Mayor, with all due respect. I

mean, you haven't received less funds for this from the source of the funds. The revenue source is there.

MAYOR GUNZBURGER: But we –

MAYOR SEILER: The fact is that, you know, as far as -- I mean, we can go back and forth, but as far as we're concerned, this is the County's responsibility. But in an effort to try to resolve this, I'm willing to do a tri-party agreement in the spirit of Commissioner Wexler's comment.

But it is -- it is the County's responsibility, and I think under State law, I can -- I can tell you, having dealt with these issues in Tallahassee along with Commissioner Ritter, who's also dealt with these issues up there, the way this is set up, it is ultimately the responsibility of the County. It doesn't say it's only their control responsibility, they have no fiscal responsibility.

VICE MAYOR RODSTROM: But -- but so is --- collection -- so is collection of trash is a -- is a Countywide responsibility, and yet individual cities pay to have their tipping fees taken care of. So I would -- I would -- you know, Commissioner Lieberman raised that, but it is the County's responsibility to have trash collection.

MAYOR SEILER: The trash –

VICE MAYOR RODSTROM: I'm sorry, trash disposal.

MAYOR SEILER: -- I don't believe the trash Statute --

VICE MAYOR RODSTROM: That is a County responsibility, but yet cities pay for that disposal.

MAYOR SEILER: But, John, I don't believe -- or Commissioner Rodstrom, I don't believe the trash is worded the same way. I think if you look at the language of the trash Statute as compared to this, this is deemed your ultimate responsibility. And that's -- and it says you're the fiscal agent. That's the slight difference.

MAYOR GUNZBURGER: Sheriff?

SHERIFF LAMBERTI: I just want to correct Vice Mayor Rodstrom. What I said was we did put it in writing. I didn't know the dates. I have the letters, and I think that's what everybody else –

VICE MAYOR RODSTROM: When was -- when was –

SHERIFF LAMBERTI: March 30th -- the two letters to the City Attorney, March 30th of 2011 and July 14th of 2011. And they both clearly say that the County is no longer funding dispatch services. We would like to continue providing them for you if another source of revenue can be found.

VICE MAYOR RODSTROM: And -- and, Sheriff, I don't mean to be hard on you, and -- and I -- and I think -- I think what I'm -- what I'm -- what I -- I guess what I'm trying to say is that, you know, eventually the -- the clock strikes midnight. And -- and it did, you know, last week for us with Lauderdale Lakes, and it now is striking midnight for the City of Fort Lauderdale. I mean, these are drop dead dates that have suddenly emerged here.

And I guess the frustration is is that these drop dead dates didn't emerge sooner, because we're \$9,000,000 arrears in Lauderdale Lakes, and we'll probably never collect that money, and we're 5 or \$6,000,000 arrears in the City of Fort Lauderdale, and we're probably not going to collect that money. And so I guess that's where my frustration is, is we've let those dollars become hard -- those accounts receivables now are going to be very difficult to collect. That -- that's what I'm, I guess, frustrated by.

MAYOR GUNZBURGER: Okay. Is there anyone else who wants to speak? Although I must say, Mr. Feldman, that sort of belies what you started out saying, that there was written notice sent to the City on two separate occasions by the Sheriff.

MR. FELDMAN: Let -- let me be very clear. July 14th, we received a letter to the City Attorney. I'm the Chief Executive Officer, the Mayor's the Chief Elected Officer. We're the recipients of notice.

I did respond to the July 14th letter to both the Sheriff and Ms. Henry saying we disagreed with the opinion, and that we wanted to have a meeting. I received no formal response from either party other than ultimately, at the end of September, a meeting was arranged by the Sheriff -- I think it was September 21st -- and which was held in my conference room -- and I believe Mr. Corwin attended on behalf of the County -- where we finally started talking about this in response to the July 14th.

MAYOR GUNZBURGER: Then I need to ask Mr. Stewart -- do you not share that -- a letter of that significance with the City Manager, that you'd keep it a secret from him?

COMMISSIONER JACOBS: Well, they received that letter -- in March.

MR. FELDMAN: I said --

MAYOR GUNZBURGER: No, you said you only learned about this in July. He gave us a March date. I know you weren't the City Manager then –

MR. STEWART: He was the City Manager in July, and I forwarded the July letter to the City Manager.

MAYOR GUNZBURGER: Yeah, but what about the March one? Did you forward that to him?

MR. STEWART: I forwarded that to the City Manager that was in -- in the office at the time.

MAYOR GUNZBURGER: So that there were formal notices before you even became City Manager.

MR. FELDMAN: I believe, though, the March letter – correct me if I am wrong -- was March of 2010.

SHERIFF LAMBERTI: No, 2011.

MAYOR GUNZBURGER: Well, now you do. He has a copy of it and –

MAYOR SEILER: Well, the July letter I've seen, too, and that's why we responded, because we didn't agree with the interpretation.

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: Well, you know, the crux of this issue is going to be if there is some sort of deal to be made, that we're going to now be part of a signator, actually, to a contract that the Sheriff has a lot of control over. This is a new policy for the City of Fort Lauderdale. It wasn't Fort Lauderdale's policy in March or in 2009 when you all were notified. Nothing took place. Now there's a new understanding of what the law and the obligations of the City are.

TELEPHONE OPERATOR: You are the first participant. Please hold.

MAYOR GUNZBURGER: That's not going to work.

COMMISSIONER JACOBS: Okay. Can you stop for a moment, please? Thank you. So the issue is at midnight, this artificial deadline that the Sheriff set up a week ago came and went and was reset to today. That's an artificial deadline.

If today we come up with some sort of tri-party date, what is to say that there isn't a midnight hanging out there and the same issue happens? The City's going to continue down the track to believe that you're going to enter into an agreement with the County for a year. What happens at the end of the year? Are we back exactly where we were? The Sheriff says, oh, we have a new deadline, only maybe, because we all met today, this time we really mean it, as opposed to 2009 and 2010 and 2011? Maybe in 2012 we really mean it? What happens, then, to the City's present understanding and new belief that you are not responsible for funding? Where do we go from there?

In the next year, rather than trying to find a regional solution, the City is going on another track to go and -- and fight this legally? To me, if we're walking out of here with a deal today, that issue's got to be laid to rest and set to the side. If we are truly going to look at a regional issue -- and, again, I maintain that is not the obligation of the County Commission. We should not be at that table. That is squarely on the table of the City and the Sheriff to resolve. We write a check to the Sheriff for a certain amount of money.

What he spends of that budget, where he spends it, the contracts that he obligates his office into, has nothing to do with the County. We have no -- we are not party to those contracts. So if we're going to enter and be a party to a contract now and the next year, in my opinion, I cannot support some sort of deal that lets the City -- that the City maintains its new position that it is not responsible and goes down that track rather than to continue to find a legal -- a regional solution to this issue that is understood by all there is a drop dead date, if, in fact, we enter into some sort of understanding today, that drop dead date is set.

MAYOR SEILER: Well, let me ask a question. What is your proposal with respect to the dollars that come for this? Are the dollars going to remain at the County, then?

COMMISSIONER JACOBS: The dollars have been shifted to the Sheriff.

MAYOR GUNZBURGER: We have given --

MAYOR SEILER: So then how is -- how would Fort Lauderdale access those dollars?

COMMISSIONER WEXLER: A new -- a new regional system, is that what you're referencing?

MAYOR SEILER: Well, now, listen, I'm fine with a regional system. I think we'd be happy to work with --

MAYOR GUNZBURGER: But we don't have it in place.

MAYOR SEILER: But my question is, in the interim, if you're getting all the dollars for this –

MAYOR GUNZBURGER: We have allocated ours –

MAYOR SEILER: -- and it's being used for some cities but not the other cities, how is that fair?

MAYOR GUNZBURGER: The Sheriff has got –

COMMISSIONER WEXLER: The Sheriff knows (inaudible).

MAYOR SEILER: I understand, but how is that fair, then?

MAYOR GUNZBURGER: -- but he's gotten \$4,256,497 that he should use for E911.

MAYOR SEILER: Allocated for all the cities; correct?

MAYOR GUNZBURGER: For whatever cities he chooses to allocate.

MAYOR SEILER: And then explain the fairness of that.

MS. HENRY: And then we make -- we'd like to clarify a couple of things with respect to the E911 funding.

MS. OLSEN: Commissioners, we receive about nine and a half million dollars a year in E911 revenues. Those revenues are restricted by State Statute, and we distribute those funds in three ways right now.

COMMISSIONER LIEBERMAN: Hello?

MAYOR GUNZBURGER: Okay. You're on. Now Kayla is talking.

COMMISSIONER WEXLER: Now be quiet.

COMMISSIONER LIEBERMAN: I tried several times. It put me on hold. It just didn't connect me.

MAYOR GUNZBURGER: All right. But Kayla is talking. Please listen.

COMMISSIONER LIEBERMAN: Okay.

MS. OLSEN: So they're use to administer the 911 system, that's about a half million dollars. The operating expenses for the 911 system, about 2.6 million. And the rest of the -- the recurring money that comes to us on an annual basis is distributed to all of the PSAPs on a -- on a proportional basis based on calls taken.

So that -- that amount of money that will be distributed in fiscal year '12, the six and a half million dollars, 4.2 of that comes over to our general fund, it's shown on the Sheriff's budget page, because it helps to support the \$20,000,000 worth of communications budget that he has on the appropriations side in his budget.

The 2.2 million dollars remaining of the 6.5 is distributed to each one of the primary PSAPs based on a -- again, on the call distribution basis. There is a fund balance in the fund. It's about 14.7 million dollars. It's been -- it's one-time money, obviously. It's allocated to -- 1.5 million for capital expenses that are going to be done (inaudible). Following the rest is a reserve for capital.

And it's our understanding, although the County Attorney's Office has not had an opportunity yet to -- to look deeply into this, but it's our understanding from the 911 folks that money is restricted, fund balance is restricted to capital expenditures related to the 911 system only. Just wanted to share that information because I thought it was important.

MS. HENRY: And -- and I think it's also important to share that if the City of Fort Lauderdale is assuming responsibility for managing their PSAP, then they would be entitled to a portion of these E911 dollars directly.

MAYOR SEILER: Okay. We're -- so what would be our share, based on call volume?

MS. OLSEN: Approximately \$1,000,000.

COMMISSIONER WEXLER: See the line item there for -- where it says Fort Lauderdale? Take it over both columns.

MAYOR SEILER: I see that, but -- I'm hearing this out of the Sheriff's budget (inaudible).

MR. FELDMAN: Mayor, we also think that's the wrong way of allocating those dollars, so we would take exception to the -- that -- using population or call volume for distribution purposes.

UNIDENTIFIED SPEAKER: What do you say it is?

MAYOR GUNZBURGER: That's the formula that's always been used. On what basis do you make that statement?

MR. FELDMAN: E911 is collected based upon communication service bills. It's a surtax on phone calls, in essence, and we would use the communication tax distribution formula that we all receive our CST money under.

COMMISSIONER WEXLER: It's a hard wire line –

MAYOR GUNZBURGER: Right.

COMMISSIONER WEXLER: -- and a -- and a wireless line.

MAYOR GUNZBURGER: Yeah, and that's how they came up with the 1,000,000.

COMMISSIONER WEXLER: Exactly.

MAYOR GUNZBURGER: That's what it's based on. It's exactly based on that. On the hardwire and the wireless.

MS. OLSEN: It's a call distribution.

MAYOR SEILER: No, it's not. It's not. And we'd be happy to go with it, but it's not.

MS. OLSEN: And -- and, Commissioners, it's been based on call distribution for as long as I can remember.

MAYOR SEILER: I understand, but it still -- it should be based on the same as –

MAYOR GUNZBURGER: Well, we're not –

MAYOR SEILER: -- communication services tax.

MAYOR GUNZBURGER: -- well, we're doing it on an equitable basis with every other city. And with the Sheriff.

MAYOR SEILER: Well, we do the communications services tax on an equitable basis.

MAYOR GUNZBURGER: Yes.

MAYOR SEILER: And that works fine. We'll be happy to live with that.

COMMISSIONER WEXLER: Some of those cities would agree with you, like Pembroke Pines, who feel they should be getting more money.

MAYOR GUNZBURGER: As does Hollywood.

COMMISSIONER WEXLER: That's why it is really important for us to find a regional approach ASAP.

MAYOR SEILER: Correct.

VICE MAYOR RODSTROM: But you're not -- you're not -- you're not going to do that, realistically.

COMMISSIONER WEXLER: We're not --

VICE MAYOR RODSTROM: I mean, I think -- I think what -- what's going to have to happen here is at least as far as today -- and, Jack, at -- you know, I think you've got to ask your Commissioners. I mean, first of all, you've got -- the first question has to be are you willing to accept the responsibility for some portion of this service.

And if the answer's yes -- if the answer is yes, then -- then the legal issue, for now, isn't on the table. Right? I mean to Commissioner Jacobs' statement. And then the question is since -- since we're funding not the full cost of the service this year, the question is what happens next year. And so are we in a position to -- to forge a multi-year contract with you for the second year, because we're not charging you the full cost for the first year?

Well, I mean, you know, what -- what's our rationale for only charging a third of what the cost is to deliver it if -- if we're only going to get through this year? I mean, I think there has to be some recognition going into year two. Otherwise, we're not -- you know, why would we -- why would we take two-thirds of the contract's responsibility?

COMMISSIONER WEXLER: Why did the Sheriff choose to fund it from his rollover last year?

VICE MAYOR RODSTROM: Well --

UNIDENTIFIED SPEAKER: Right.

VICE MAYOR RODSTROM: -- because -- because he chose to do that. I mean, I'm -- and that's why we can't go back and collect the \$6,000,000,

because he did that.

MAYOR GUNZBURGER: All right. Who wants to speak next?

VICE MAYOR RODSTROM: Well, I mean, because -- because what I'd be -- what I'd be willing to do, Mayor, is I'd -- Mayor Seiler, I'd be willing to do something like two -- 2,000,000, 4,000,000 and then -- and then, you know, the full recovery and give you two years, but recognizing that in year two, you're going to -- you're going to ratchet it up from 2,000,000 to 4,000,000. I'd be --

COMMISSIONER JACOBS: They're using a new belief system now. They don't believe that they are obligated to pay.

VICE MAYOR RODSTROM: Well -- but we're offering them a deal. We're offering them a deal --

MAYOR SEILER: Let me just sure we're clear. There's no new belief system. We -- we never felt obligated for this. So understand, that hasn't changed. We legally have an opinion that says this is the County's.

But the issue here is much bigger than that. And if we're looking at trying to address this issue, we're willing to say, look, I don't have to be right. I want to do what's right. And that's where I'm coming from.

I mean, I could stand here all day and tell you I'm absolutely right, but that doesn't move this issue. What I'm saying is we want to do what's right. What's right for our citizens, what's right for our constituents, what's right for the City, and what's right for the County. So my offer, in a spirit of compromise, was an effort to do what's right -- and to say whether we're right or wrong, we're moving on. That's why I made that offer. And I will stand by that offer, and I think the City -- I'm -- I haven't had a chance to discuss it with anybody over there, but I think it is the right approach, it's the correct approach.

And we can end up back and say, you know what, this issue does need to get resolved regionally, and I commend Mayor Ryan, I commend Commissioner Wexler and those that are working on a regional resolution. But in the short term, let's make sure this is resolved so that all these fears that are out there, or have been placed out there for whatever reason, are not founded, are not -- do not happen, and we -- we move forward. And we've got a lot of other issues that we've worked with you on. We've, I think, worked in good faith with you all for several years.

And I'm happy to move on to these other issues. In the spirit of compromise,

I offered a one-third/one-third/one-third split, recognizing that probably my City Attorney is going to tell me that wasn't a smart move; we're right. But that's how I feel about it.

COMMISSIONER SHARIEF: Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER SHARIEF: Mayor, can I go next on the queue? And then Commissioner Holness. Okay. Well –

MAYOR GUNZBURGER: He always says ladies first, anyway.

COMMISSIONER HOLNESS: Yes.

COMMISSIONER SHARIEF: Thank you, Commissioner. You know, just because you're in denial doesn't mean that you're right. I think that –

COMMISSIONER SHARIEF: -- we can all sit up here all day long and say I'm right; I'm right; I have a legal opinion. I think we have like, what, over 30 attorneys here?

The bottom line is is that on any given day of the week I can be in denial and walk in any attorney's office and pay them enough money to say I'm right. The bottom line is –

MAYOR SEILER: That's not a very nice compliment.

VICE MAYOR RODSTROM: She's jaded.

VICE MAYOR RODSTROM: She's jaded.

COMMISSIONER SHARIEF: What I'm saying, with all due respect, is that we're going sit here for another hour and a half –

MAYOR GUNZBURGER: No, we're not.

COMMISSIONER SHARIEF: -- and debate whether or not our attorneys are ever going to come to an agreement. And I can tell you, based on the fact that we're each paying them to say what we really want them to say, they're not.

So their attorney is going to say the same thing when they leave here today, that they're right. And our attorney will probably stay at the same opinion, that we're right.

It doesn't matter at this point. I think we need to stop that and get on with what we came here to do, and that's to make -- to have a solution. A solution has been put on the table. If we feel like that's fair, then we need to start figuring out how to work that out.

I -- I see where Commissioner -- Vice Mayor Rodstrom is coming from in terms of the two-thirds and the one-third compromise when you do a tri-party agreement. So we need to come up with something different. And so I don't think -- I don't know if we have consensus to do that or not yet, but we really need to work on that.

COMMISSIONER HOLNESS: And I'm -- I'm going to take a -- another try at that. Mayor Seiler, I don't think you're going to get five votes on this County Commission to go one-third/one-third/one-third. So -- and I don't think that's going to happen.

MAYOR SEILER: Not sure I have three votes on my own Commission.

COMMISSIONER HOLNESS: So let's -- let's -- let's look at this. We've got a million identified that will go to that cause, anyhow, from -- from those dollars. So we know we got 1,000,000. We need five more.

MAYOR SEILER: Well, that's our million. That's already our million.

MAYOR GUNZBURGER: The million that was identified was given to the Sheriff.

COMMISSIONER HOLNESS: Okay. Well, it's a million, anyhow.

MAYOR SEILER: It's our million by law. That's our new dispatch system coming in service.

COMMISSIONER HOLNESS: Okay. Let -- let me say this, that in terms of Commissioner -- Vice Mayor Rodstrom's statement that you got 6,000,000 last year -- okay, we can get Lauderdale Lakes a million. You got 6,000,000 last year. So you already in the bank as far as I'm concerned. So we have that 1,000,000, and I -- and I -- and I still need to hear from the Sheriff about the \$2,000,000 that was alluded to by the -- the Auditor from Fort Lauderdale. If that 2,000,000 comes into play, that's 3,000,000. Now we got to find --

SHERIFF LAMBERTI: It doesn't. It's only for capital.

COMMISSIONER HOLNESS: So we can only use it for capital is what you're saying?

SHERIFF LAMBERTI: Yes.

COMMISSIONER HOLNESS: Solely. Okay. Well, we -- we need 5,000,000.

MAYOR GUNZBURGER: But the 1,000,000 was given to the Sheriff.

COMMISSIONER HOLNESS: Well, I mean, it's --

SHERIFF LAMBERTI: That's over and above, because it -- it's a -- all it is is a pass through. They still have \$6,000,000 on top of that.

COMMISSIONER HOLNESS: So we're still 6,000,000 short?

SHERIFF LAMBERTI: Yes, sir.

MAYOR GUNZBURGER: Who, us?

COMMISSIONER SHARIEF: No, they're 6,000,000 short.

SHERIFF LAMBERTI: No, the City.

MAYOR GUNZBURGER: Oh.

COMMISSIONER SHARIEF: The City is \$6,000,000 short.

COMMISSIONER HOLNESS: So it's a total of 7,000,000 that it's going to cost?

SHERIFF LAMBERTI: Well, the 1,000,000 comes from E911 with that. If they had their own dispatch, they would get that 1,000,000. But since we're doing it for them, we get that, and then it's 5.76 million on top of that.

MAYOR GUNZBURGER: See, he has that 1,000,000, so it --

COMMISSIONER HOLNESS: So 5.7 million is what we need, plus the million that you're going to allocate.

SHERIFF LAMBERTI: Right.

COMMISSIONER HOLNESS: That's --

SHERIFF LAMBERTI: That already comes through. That's E911 money.

COMMISSIONER HOLNESS: Okay. I -- I -- I still believe that -- in my

opinion, Fort Lauderdale should pay it all, but since we're here in crunch time, let's -- let's try and find some numbers. I mean, we've been debating this for a while now. We've got several items left on the agenda to go through. So we need -- we need to do something so we can get going. So again, I think that if -- if -- if we are going to make a decision now, we make it now. I don't know if we're going to punt the ball.

MAYOR GUNZBURGER: I really think that you are correct. If there's a decision to be made, because I see a list of about a dozen items we wanted to discuss. We are only here until 5:00 o'clock. We have spent an hour and a half on this item alone, which is the most critical when it comes to lives. And we have to find the best -- I feel like we're Washington, D.C., funding week by week, and that's what we need to do, and that's what we're trying to do.

And I'd like to turn it over to Ms. Henry to see if she has a suggestion if the -- how are we going to solve the problem at hand now, and then -- I mean, even if it's a month's solution, and then to try to find a solution for this year.

COMMISSIONER HOLNESS: We're here. Let's do it.

MS. HENRY: No, I don't -- I mean, I -- my -- Mayor, I think everybody's said it. Everybody's got to be at the table on this one. Again, I -- when we talk about the issue of E911 and the -- what the Statute talks about, clearly E911 is talking about call taking; it's not talking about dispatch.

So any way you look at it, this is a big nut to crack. So unless everybody's at the table, I mean, everybody's got to come to the table, and they've got to come to the table with -- with something.

MAYOR SEILER: Lee has one thing he'd like to say.

MR. FELDMAN: And I -- I think it's important that when we do come to the table that we're dealing with some common parameters and common cost figures. I think -- I mentioned about, you know, how is the 911 funds, you know, equitably -- equitably distributed. I mean, I think we need to resolve that.

But the other part that is troubling to me when I look at the -- the costs of providing the service, if you look at the cost of providing the service on a per call basis through the Sheriff's PSAP, that comes out to \$20.84 a call. When you look at the cost that's assessed to the City of Pompano Beach for their PSAP, they're at \$29.21 a call.

And when you look at the proposed rate that would be assessed to Fort

Lauderdale and Wilton Manors, it is also in this -- the -- for the Fort Lauderdale PSAP it's at \$37.79 a call.

VICE MAYOR RODSTROM: 37.79 to Wilton Manors?

COMMISSIONER WEXLER: Fort Lauderdale.

MAYOR SEILER: It's double for call cost.

COMMISSIONER WEXLER: Why should that be?

MR. FELDMAN: Well, and that's our question. So, I mean, there's -- there's a lot of issues that I think need to be ironed out in terms of figuring out equitable distribution.

So whether it's a million that comes to the City for 911 services, or a million six, as I think it ought to be, whether it's a call rate of \$20.84 or \$37.79 a call, I mean, those are things that we have to work out. And I don't think we're going to be able to work them out in this meeting or two, by midnight tonight. So --

MAYOR GUNZBURGER: That's where I was.

COMMISSIONER JACOBS: That's an artificial deadline.

MR. FELDMAN: -- I think -- I think there needs to be, from my standpoint, you know, some direction given by both governing bodies and -- and some input from the Sheriff so that we can move forward. Bertha and I can work on -- on crafting something that we can bring back to both governing bodies.

MAYOR GUNZBURGER: Well, I think it's three parties. You, Bertha, and the Sheriff.

MR. FELDMAN: Well, that -- that's what I said. And the Sheriff. We need some direction as to what would be acceptable or some acceptable parameters to -- to work on.

MAYOR GUNZBURGER: How much would it cost to get through the next month, Sheriff?

SHERIFF LAMBERTI: We did some calculations for the City, and it's \$17,292 a day. And, again, that is not in our budget so the longer we prolong this --

MAYOR GUNZBURGER: I -- wait. Seventeen thousand --

SHERIFF LAMBERTI: 17,500. \$17,500.

MAYOR GUNZBURGER: 17,500. It's not in our budget –

SHERIFF LAMBERTI: Per day.

MAYOR GUNZBURGER: -- it's not in their budget. Please calculate that, Mr. Lukic, for one month, and tell me divided by three.

MR. LUKIC: Can I round?

COMMISSIONER JACOBS: Yes.

VICE MAYOR RODSTROM: Why don't you just divide it by two?

MAYOR SEILER: What -- what -- how is that number arrived at?

MAYOR GUNZBURGER: You want to divide it by two?

UNIDENTIFIED SPEAKER: Yeah.

MAYOR SEILER: 14,000 number.

MAYOR GUNZBURGER: Pardon?

MR. LUKIC: It's roughly \$600,000 per month.

COMMISSIONER HOLNESS: Total? Total?

MAYOR GUNZBURGER: So it means that we need to get through the next month, and I'm giving you one month to come up with a permanent solution, 200,000 from each entity in their budget.

COMMISSIONER JACOBS: Madam Mayor, with all due respect, this deadline is an artificial deadline. There is no drop dead date, just like there isn't with Lauderdale Lakes. There isn't one with Lauderdale -- Fort Lauderdale. There was one last week. It wasn't real. This one is no more real than the other.

SHERIFF LAMBERTI: I'll tell you why it's different, Commissioner.

COMMISSIONER JACOBS: If they can continue to pull monies for Lauderdale Lakes, we have time to work this issue out. My I have to keep going back to what Mayor Seiler said at the beginning of this meeting. A

solution is at hand. It needs to be dealt with. Whatever decision this group makes has to be that there is really a drop dead date.

MAYOR SEILER: And I don't have a problem with that.

COMMISSIONER JACOBS: That we put it out there –

MAYOR SEILER: Why don't we do this.

COMMISSIONER JACOBS: -- that we -- that we have a drop dead date –

MAYOR SEILER: So why don't we do it for 30 days and let our staff –

MAYOR GUNZBURGER: That's what I said.

MAYOR SEILER: I agree. Let's do a 30 day, have our staff come back, and we have to reconvene in November, let's, or the end of October. Here's my concern. We have a deadline of today that needs to get addressed. I think if --

I understand that. But if, in fact, there are issues that our calls are costing \$37 per call, Cooper City's costing \$20 a call, that doesn't seem right. That means our cost for this thing would probably be about 3.6 million, 3.7 million if it was – is that about right?

UNIDENTIFIED SPEAKER: Correct.

MAYOR SEILER: It was done for same cost per call. If you then look at the communications services tax and say we get the percentage based on, you know, that same formula, we'd be collecting a million six. This issue changes completely. So why don't we agree to split it one-third/one-third/one-third for a 30 day window –

MAYOR GUNZBURGER: That's what I just said.

MAYOR SEILER: -- come back with staff with a -- I did, but I think a couple of your Commissioners objected.

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: I guess here's my concern. There –

MAYOR SEILER: Trying to stick with you, Mayor.

MAYOR GUNZBURGER: Thanks.

COMMISSIONER JACOBS: The Sheriff has entered into contracts with other cities that give them a better deal than other cities. There are a lot of different numbers out there. Some of the numbers he entered into, like with Cooper City, they've got a contract that goes on for, what is it, 15 years with caps? I mean, so when we start looking at numbers, they're all over the place. And this has been an historic problem. My concern is that we don't go forward for one month, because that doesn't solve the overall problem that got us here. In a one year regional solution, we're in a different place.

MAYOR SEILER: I agree with her. I don't think anybody –

MAYOR GUNZBURGER: I didn't say it's going to –

MAYOR SEILER: -- is saying that's the ending.

MAYOR GUNZBURGER: -- solve it.

COMMISSIONER JACOBS: No, but you're back here in another month because –

MAYOR GUNZBURGER: No, no, no.

COMMISSIONER JACOBS: -- you're not going to solve (inaudible).

MAYOR SEILER: Maybe staff does it without –

MAYOR GUNZBURGER: No. Staff can do it and bring it to us if they all come with a solution that they believe will sell.

MAYOR SEILER: Because your Commission and our Commission, we don't have to all meet again.

MAYOR GUNZBURGER: Right.

MAYOR SEILER: As much fun as this has been.

COMMISSIONER WEXLER: Only -- but it would only be a short term solution.

MAYOR GUNZBURGER: That's what I said. A 30 day solution and then –

COMMISSIONER WEXLER: No. You're expecting a long term solution in a short term framework.

VICE MAYOR RODSTROM: In a short term time frame.

COMMISSIONER WEXLER: And that's not realistic.

MAYOR GUNZBURGER: No. I'm looking for one year solution.

COMMISSIONER WEXLER: A one year solution?

MAYOR GUNZBURGER: Yes. That's all I'm look –

COMMISSIONER WEXLER: (Inaudible) regional.

MAYOR GUNZBURGER: -- until we get to the regional.

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: I know -- oh, I guess I –

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: -- should have been more –

COMMISSIONER WEXLER: Yes.

MAYOR GUNZBURGER: -- more specific.

VICE MAYOR RODSTROM: But the problem I have with the regional approach –

MAYOR GUNZBURGER: I want a one year solution.

VICE MAYOR RODSTROM: -- is the regional approach that the members that are making up that Commission are not expecting to pay, but they want the services to be delivered regionally.

COMMISSIONER WEXLER: Well, that's not quite true.

VICE MAYOR RODSTROM: Well –

MAYOR GUNZBURGER: All right. But that's another topic for another day.

COMMISSIONER HOLNESS: Mayor?

MAYOR GUNZBURGER: Let me see if –

COMMISSIONER HOLNESS: Mayor?

MAYOR GUNZBURGER: -- there is consensus for what I have -- I'm trying to get us off this dime --

COMMISSIONER HOLNESS: Understand. Understand.

MAYOR GUNZBURGER: -- onto the next topic. A 30 day window, each party contributing -- I'm sure there's some deep pocket over there that has 200,000 from each of us, and then, in one month, I'd -- I want these parties to figure out a one year solution -- well, until September 30th, 2012, of how to solve dispatch for Fort Lauderdale. And then we'll hope that by then we're on to the regional solution.

COMMISSIONER JACOBS: Mayor, the Sheriff has yet to weigh in whether his third is on the table, because we just heard him say he has no money in his budget.

SHERIFF LAMBERTI: Number one, on Fort Lauderdale dispatch, we have no appropriation for that.

COMMISSIONER JACOBS: So there is no money.

SHERIFF LAMBERTI: That -- that's number one. Number two, I can't sit here and commit at this point, because everybody thinks that the surplus is a -- a bottomless pit. Almost our entire surplus has been pledged for this year's budget -- for this year's budget. Almost our entire surplus.

The \$9,000,000 for Lauderdale Lakes is still looming out there, which we haven't totally resolved that. So to pledge one-third of anything at this point, you know, we -- we can look. I don't want to do it sitting here. I want to get with our budget and finance staff and -- and enter that discussion.

But the main thing is that there is no appropriation. I also want to keep raising objection that I keep hearing that, well, we'll just write you a check, you spend the money any way you want. But at the other end, then you want to criticize what's in the contracts. It can't be both ways. It can't be both ways.

COMMISSIONER WEXLER: Okay. You disconnected her.

MAYOR GUNZBURGER: No, I just put her on mute.

MAYOR SEILER: Can you handle 40 days?

COMMISSIONER LIEBERMAN: Hello?

MAYOR GUNZBURGER: I thought I put you on mute. All right. We -- we were trying to -- I'm done. The (inaudible) -- the (inaudible).

SHERIFF LAMBERTI: Let me say, Mayor Seiler, I'd be more comfortable with a 50/50 like Vice Mayor Rodstrom said. It's the same pot. I get my money from the same --

VICE MAYOR RODSTROM: Right.

SHERIFF LAMBERTI: -- from the County Commission.

MAYOR SEILER: I understand. But we're also paying --

MAYOR GUNZBURGER: So you're --

MAYOR SEILER: -- double for calls. So I don't to sit and -- I mean, we really don't want to get into that, so that's that 50/50. If we go back to \$20 a call, I'll do 50/50.

COMMISSIONER WEXLER: 29 is what Pompano is paying.

MAYOR SEILER: Still, I mean, you want to put us at \$20 a call, we'll do 50/50.

MAYOR GUNZBURGER: Just -- 50/50 with whom? Us?

MAYOR SEILER: We'll go 50/50 with the County and Sheriff if you only charge us \$20 a call.

COMMISSIONER WEXLER: Just a minute.

MAYOR GUNZBURGER: I'm sorry. I'm not playing in this game. I offered one plan. It was 200/200/200 to get --

VICE MAYOR RODSTROM: But we're not agreeing with you, and so the Mayor's giving a counter proposal. So let -- let him speak and see if we can forge a settlement here.

MAYOR GUNZBURGER: All right.

MAYOR SEILER: I'm not sure if he's in a position to change the cost per call. That's the problem. Because Pompano's paying 29, and Cooper City's paying 20.

MR. FELDMAN: The one -- the one question I still have for the Sheriff --

COMMISSIONER HOLNESS: Cooper City. And -- and, Mayor, is this -- this is just -- you mentioned dispatch a while ago. We don't -- there's only one side of this. Is this for the total calls coming in and the dispatch, also? Clearly, we're not responsible for dispatch. So -- so, I mean, if that's the total part that we're dealing with, then -- then -- then that's not right.

MAYOR SEILER: Our dispatch cost is 20 -- it's 1.5 million. Most of this cost is the call taking.

COMMISSIONER HOLNESS: Okay. So all that, that 1.5 million have nothing to do with us.

COMMISSIONER WEXLER: Right.

MAYOR SEILER: And you have a million one of our money. Let's keep going back to that.

COMMISSIONER WEXLER: Listen, I want to get past this (inaudible).

MAYOR SEILER: You really have a million six if you we change the --

COMMISSIONER HOLNESS: So -- so -- so I -- I will support -- let -- let me say this. I will support a half, a half. Half from the Sheriff and Broward County, and half from the City. And I think we probably can get the votes on here to get that done.

VICE MAYOR RODSTROM: Yeah.

COMMISSIONER HOLNESS: Let's get it done.

SHERIFF LAMBERTI: I can't commit to -- I -- Commissioner, I can't commit to that.

VICE MAYOR RODSTROM: But we're going to fund you, I guess. I mean --

COMMISSIONER WEXLER: No. I'm talking about the rollover.

VICE MAYOR RODSTROM: But we'll talk --

COMMISSIONER WEXLER: I don't know --

VICE MAYOR RODSTROM: -- that's a separate issue we have to --

COMMISSIONER WEXLER: No, no. That's how he funded it last year. I realize that he's drawing from that pot rapidly. I got it. I'm here. I know. I know there's a million unfunded wants –

MAYOR GUNZBURGER: Oh, yeah, out of the 2,000,000.

COMMISSIONER WEXLER: -- and -- and that rollover is taking care of it. But we don't even know what the size of that number is yet.

COMMISSIONER HOLNESS: Let me come with something else. 200,000 from the County, 100 from the Sheriff, 300,000 from the City. Let's move.

MAYOR SEILER: 200/200/200 and we'll get this thing done.

COMMISSIONER HOLNESS: 200 from the County, 100 from the Sheriff, and 300 from the City. The Sheriff, I'm certain, can find a hundred thousand dollars.

SHERIFF LAMBERTI: I -- I -- but at the end of -- if I agree to that, at the end of the 30 days, we're back here with no solution again; then what?

COMMISSIONER HOLNESS: And -- and I won't wait for 30 days. Mayor, let's not go 30 days. 20 days, we have a meeting that resolves it somehow, some way.

MAYOR GUNZBURGER: That's not -- there's too much on the plate right now. I'm being reasonable with 30 days.

COMMISSIONER HOLNESS: But -- but we meet 20 days from now, and then -- 30 days is -- is –

MAYOR GUNZBURGER: 30 –

COMMISSIONER HOLNESS: -- and we come up against that deadline again –

MAYOR SEILER: Well, hopefully, we won't have to meet again. (Inaudible) if they can come to an agreement for the next year, getting staff with staff, then maybe they could bring it to our respective Commissions and we don't have to meet again.

COMMISSIONER HOLNESS: Okay.

MAYOR SEILER: Instead we've now spent an hour and 40 minutes –

COMMISSIONER HOLNESS: Well, let's vote –

MAYOR SEILER: -- on an issue that I'm willing to do the one-third/one-third/one-third –

COMMISSIONER HOLNESS: Let's do -- let's –

MAYOR SEILER: -- and I'll ask my Commission if they'll agree to that.

COMMISSIONER HOLNESS: -- let's –

COMMISSIONER ROBERTS: Yes.

COMMISSIONER HOLNESS: -- take 20 days to get it resolved, rather than 30, but we allow for 30 days.

COMMISSIONER RODSTROM: What was the number that Holness –

MAYOR SEILER: Can we do one-third/one-third for one month?

VICE MAYOR RODSTROM: But that's precedent setting. I don't think that's –

MAYOR GUNZBURGER: All right.

VICE MAYOR RODSTROM: -- I don't think that's reflective -- I don't –

MAYOR GUNZBURGER: All right. I'd like –

MAYOR SEILER: It's a one month fix.

MAYOR GUNZBURGER: -- if there is consensus, because a workshop is not a voting place, but is there any objection to that suggestion that both Mayors have agreed to?

VICE MAYOR RODSTROM: Yeah, because the County -- the County is putting in two-thirds of the money.

MAYOR SEILER: And it's a one month –

VICE MAYOR RODSTROM: Right. I understand. But it's setting the stage for the ultimate negotiation. And, frankly –

MAYOR SEILER: It's not setting the stage. I -- I will –

UNIDENTIFIED SPEAKER: This is too difficult.

MAYOR SEILER: -- I will give Mr. Feldman directions --

COMMISSIONER WEXLER: You didn't set any stage. I hope no one got (Inaudible.)

MAYOR SEILER: Right. I -- I think just to move this forward and let our staff start doing some number crunching, let's just ask for one-third/one-third/one-third and move it.

VICE MAYOR RODSTROM: Can I bring up --

MAYOR SEILER: You just did. You just agreed to one-third.

VICE MAYOR RODSTROM: I would support that. Can I bring up one -- one issue.

MAYOR GUNZBURGER: Wait a minute.

MAYOR SEILER: You just agreed to one-third --

MAYOR GUNZBURGER: Sheriff?

SHERIFF LAMBERTI: Yes, ma'am.

MAYOR GUNZBURGER: Did you agree to one-third/one-third --

SHERIFF LAMBERTI: Yes, I did.

MAYOR GUNZBURGER: Yes, he did. All right.

COMMISSIONER LAMARCA: While this month is passing, can we make sure that we figure out where the inequity is? Because there's been some comments back and forth about Cooper City. I think the Cooper City deal was probably signed under Sheriff Ed Stack. It wasn't under this Sheriff.

COMMISSIONER WEXLER: It was signed under Sheriff Jenne.

COMMISSIONER LAMARCA: Okay. Well, my point is it wasn't this -- and so -- but we have these inequities, and we've got to get equality, and -- and that's --

COMMISSIONER WEXLER: But he's funding that.

COMMISSIONER LAMARCA: I understand –

MAYOR SEILER: I think we have a short-term solution; right?

COMMISSIONER LAMARCA: All right.

MAYOR SEILER: Do we want to call it for a vote?

MAYOR GUNZBURGER: We can't.

MAYOR SEILER: Do we have a consensus, though, over here?

COMMISSIONER HOLNESS: Consensus.

MAYOR GUNZBURGER: There is a consensus.

COMMISSIONER SHARIEF: I'll give my consensus under one condition, that we stop putting out headlines that scare the hell out of our residents.

COMMISSIONER RITTER: Oh, please.

COMMISSIONER SHARIEF: Because we're going to be back here in 30 days.

COMMISSIONER HOLNESS: So they -- they –

MAYOR GUNZBURGER: Wait a minute. Neither one of those two, Scott nor Brittney, write their headlines. Am I correct?

VICE MAYOR RODSTROM: That's a cop-out.

MAYOR GUNZBURGER: I used to work on a newspaper.

MAYOR SEILER: You know, I will tell you, when Brittney came to the City of Fort Lauderdale, we gave her her own desk (inaudible).

COMMISSIONER HOLNESS: I still –I still –

MAYOR GUNZBURGER: All right. Now this item –

COMMISSIONER JACOBS: With all due respect, there was fear-mongering that started this. (inaudible).

MAYOR GUNZBURGER: -- is finished. We are going on. We are not going to beat it to death.

UNIDENTIFIED SPEAKER: We already did that.

DISCUSSION TOPIC A - BARC/SATC

MAYOR GUNZBURGER: All right. The next item is BARC and SAT -- Sexual Assault Treatment Center, which is Item Number -- Please leave quietly so we can continue working.

COMMISSIONER HOLNESS: And -- and, Mayor --

MAYOR GUNZBURGER: Unless you're a dispatch person.

COMMISSIONER HOLNESS: -- Mayor -- Mayor -- maybe we can get the folks in the overflow room to join us in here.

MAYOR GUNZBURGER: What?

COMMISSIONER HOLNESS: The overflow room, they might be able to come in here now.

MAYOR SEILER: They were all on dispatch.

MAYOR GUNZBURGER: They were all dispatch.

UNIDENTIFIED SPEAKER: They were all the same.

COMMISSIONER HOLNESS: Yeah.

UNIDENTIFIED SPEAKER: Yeah, but there's people waiting outside. (Inaudible) other issues.

VICE MAYOR RODSTROM: Now they can come in.

MAYOR GUNZBURGER: Yeah.

COMMISSIONER HOLNESS: Those -- those -- those who are waiting elsewhere, we have room here now inside.

MAYOR GUNZBURGER: There is now room in Room 430 for those that are in 422, if you want to, you may come in. If you're happier over there --All right. BARC and SATC. Wants to -- Susan Myers, I see, is sitting at the table. Since this involves lives of human victims.

MAYOR SEILER: Can I just do one quick request --

MAYOR GUNZBURGER: Sure.

MAYOR SEILER: -- (inaudible). Bruce, will you serve as our designated regional Countywide dispatch (inaudible)?

COMMISSIONER ROBERTS: I'd be glad to.

MAYOR SEILER: That way, it's (inaudible).

COMMISSIONER WEXLER: Oh, that's great.

MAYOR SEILER: Because I -- I do think we need to have some somebody from Lauderdale there, and you've got the background as Chief of Police.

COMMISSIONER ROBERTS: I'd love to do that. I appreciate the opportunity. You'll let me know --

UNIDENTIFIED SPEAKER: Certainly.

COMMISSIONER ROBERTS: -- (inaudible). Okay.

COMMISSIONER RODSTROM: Ilene's not going to be on the (inaudible) board.

COMMISSIONER WEXLER: No, Ilene's not on it.

MAYOR GUNZBURGER: All right. Now that it's quiet, could we please hear from Ms. Henry to set the stage, and if she wants Ms. Myers or whoever to speak, and then Mr. Feldman, if he wants to chime in.

MS. HENRY: Actually, I -- actually, I believe that most of this conversation, I would assume would be driven by the City at this point, because I think that we have -- we have been very clear that we have these two services that are currently in the City of Fort Lauderdale. They are in different -- they're not in the same -- the same general community, but they're still in the City of Fort Lauderdale.

We will be bringing a plan to the City of Fort Lauderdale through a formal process for its consideration, the siting of BARC and the SATC. And we assume that at -- that action, that -- that our request will either be supported or not. And, if not, the -- the reason for not being supported will be shared with the County officially and formally. And then at that point, the Board will be back. We have a decision to make. But --

VICE MAYOR RODSTROM: Can I raise a point of order?

MS. HENRY: Sure.

VICE MAYOR RODSTROM: Is this not a zoning matter?

MS. HENRY: It is.

VICE MAYOR RODSTROM: And is that not relegated to a -- a quasi-judicial type of issue?

MS. HENRY: I would have to ask the City Attorney. That's what I'm saying.

VICE MAYOR RODSTROM: That the fact that we're preempting -- we're preempting the formal zoning process by having this discussion here, that will taint the process. Is that possible? I mean, is that -- I mean, if we're going to start getting a consensus before the Public Hearings, is that appropriate?

MAYOR SEILER: We need Harry now. Where'd he go?

MAYOR GUNZBURGER: Where is your attorney?

VICE MAYOR RODSTROM: They're the decision making body, and so I think if I were them I'd refrain from making any comments, because that would put -- prejudice the zoning matter that's going to come in front of them that's entitled to its Public Hearings.

MAYOR SEILER: I don't think we've had it before us at a Public Hearing yet.

VICE MAYOR RODSTROM: But you -- but we're telling you we're going to submit an application, and I don't want you prejudicing yourself and -- and --

MAYOR SEILER: I hear you. That's why I'd like to have Harry in here, because I want to make sure we're --

MS. HENRY: Okay. Because it -- it is certainly our intent at this point, and we're developing the -- the site plans, as we speak, to be able to bring this issue to the City of Fort Lauderdale in a formal fashion. So that's why -- I mean, at this point, it would have to be the -- the City commenting on the issue.

COMMISSIONER RITTER: Mayor?

MAYOR GUNZBURGER: Yes.

MAYOR GUNZBURGER: The City Attorney is now present. You might want to explain.

COMMISSIONER RITTER: It's all -- it's all well and good to say that you don't want to discuss it here because you haven't had Public Hearings, but we all know that the reason we are where we are today with SATC and BARC is because the City has been very reluctant to allow us to site both facilities on the same campus.

So please don't tell me that Commissioners haven't already made up their minds, or at least have received lots of information from which to express an opinion prior to Public Hearings when we all know the reason we are where we are is because they don't want the two facilities on the same campus. How do we know that? Because they've expressed that.

MAYOR SEILER: Well, I'd go even further, Commissioner. I actually put that in writing, that we would take one or the other at that location, that we just did not want them both at the same location, and we were very open, months ago with the City, saying we will accept one or the other, and we're not saying we won't take the other within the City; we just don't think those two can be located on the same block in the same neighborhood. That was the position the City took --

COMMISSIONER RITTER: Prior to a Public Hearing.

MAYOR SEILER: That was -- I wrote that as the Mayor, and I think that --

COMMISSIONER RITTER: Yeah.

MAYOR SEILER: -- letter has been out there.

COMMISSIONER RITTER: Okay. But prior to --

MAYOR SEILER: And I'd be happy to --

COMMISSIONER RITTER: -- prior to a Public Hearing.

MAYOR SEILER: Well, let me get (inaudible).

COMMISSIONER RITTER: Prior to zoning Public Hearings.

COMMISSIONER WEXLER: Yes, (inaudible).

VICE MAYOR RODSTROM: Well, there was no application pending.

MAYOR SEILER: Right. There was not one pending.

COMMISSIONER RITTER: Okay. You want to -- you want to do semantics, fine. But the bottom line is that they don't want the two facilities on the same campus, and we do. That's why we are here, that's why it's on the agenda.

MAYOR SEILER: Harry, do you want to -- do you know the issue?

MR. STEWART: No.

VICE MAYOR RODSTROM: What I -- what I asked about is that the County is putting you on formal notice that we'll be coming to you with a zoning application, and, given that perspective, is this appropriate to discuss, the fact that you're going to have a Public Hearing through your Zoning Board and then, ultimately, to the Commission, are you prejudicing the application by discussing it now in this public forum with your Commission. Does that violate the quasi-judicial? Because this is not a quasi-judicial --

MR. STEWART: Well, if -- if there's no application filed --

VICE MAYOR RODSTROM: Okay.

MR. STEWART: -- the answer is very clear. No application filed, if there's no quasi-judicial process --

VICE MAYOR RODSTROM: Okay.

MR. STEWART: -- in place, then you can talk about it all you want.

VICE MAYOR RODSTROM: Then that's the answer. Okay.

MR. STEWART: But --

COMMISSIONER RODSTROM: You haven't filed; right?

VICE MAYOR RODSTROM: But?

MR. STEWART: -- but if you're saying you put us on notice that an application will be filed with sufficient clarity as to what the application's going to be --

VICE MAYOR RODSTROM: Clear as -- clear as can be.

MR. STEWART: -- then my recommendation would be that it would be

improper to discuss except in a quasi-judicial hearing where –

VICE MAYOR RODSTROM: That's what I thought. That's what I thought.

MR. STEWART: -- the decision will be made upon the facts presented.

VICE MAYOR RODSTROM: Thank you.

COMMISSIONER ROGERS: I think generally, though, I would like to make a couple comments, because this specifically impacts my district, and -- and I don't need -- we don't need to get into consensus building here. I just want to set some background, because I think that's important.

But if you look at a map of Broward County, you find that there are 36 residential drug and treatment centers. Thirteen of them, which is 36 percent, are in the City of Fort Lauderdale. And four of those, which is 11 percent of the whole County, are in my district, District 4.

I think the County as a whole needs to look at spreading the wealth a little bit when it comes to addressing where these services are provided. In this particular location, we even have, in my opinion, a dangerous paradigm to the extent that right across the street you have Seagull School, where teenage unwed mothers and their babies are there on a regular basis every day of the week during school year.

Right in the adjacent campus, which is Wynn Rogers, which used to be a junior high school, is now a school for at-risk students that are there on a regular school term basis. So I think these are just facts that are very important to framing up this issue in terms of -- of where we place social services in this particular location, and especially two of them on the same campus.

MAYOR GUNZBURGER: May I ask you a question?

COMMISSIONER ROGERS: Yes, ma'am.

MAYOR GUNZBURGER: I want you to know that I'm a former social worker, so you're going to hear my bias. Sexual Assault Treatment Center takes victims, and it gives them an examination, it gives them counseling. They don't stay there overnight, but they are open 24 hours because we never know when somebody will be sexually assaulted.

But they don't stay there. They're just getting comfort. They don't go into the neighborhood. They come into the facility and then they leave. I don't think there's anyone in this room who isn't sympathetic to those people.

COMMISSIONER ROGERS: No, I am, too. And I have -- I don't have a concern about that. But BARC, on the other hand, is a totally different type of operation.

MAYOR GUNZBURGER: BARC, on the other hand, is an alcohol treatment residential facility. It is not criminals. It is people who have a -- an addiction, which is a problem that needs treatment as if it were in a hospital.

COMMISSIONER ROGERS: And I am totally familiar with that, and I -- I understand how it works. I've sent people there. It's a great program. I am just trying to point out the obvious, that if 11 percent of all the social services in these -- in these areas are in one district, I think you're loading up one part of the County more than it's -- than you should.

And I think that should be addressed in some equitable manner. Whether it be BARC or whether it be the Sexual Assault Treatment Center, it's a County social service that is in a particular district, and it's inequitable to -- to put them all in one particular area. That's -- that's my point.

MAYOR GUNZBURGER: I hear you.

MAYOR SEILER: And if I can just add to that, I mean, most communities come in and tell you we're not taking it. And we, as a City, have come to you and said, look, we'll take one or the other. The County can elect which one they want to put there. We will take one or the other in good faith. We won't argue with you. We're trying to assist you.

Most communities, I mean, you try do to something now and, whether it's Southwest Ranches or Weston, they're saying don't bring anything here. We're saying we'll take one or the other, you guys decide. I think that's about as good faith that the City could be, saying we're willing to do this --

UNIDENTIFIED SPEAKER: They thought when they kicked the church out, but that could change.

MAYOR SEILER: -- and -- and in light of the fact we've already got four others there, and in light of the fact we've got a -- a school, Seagull School, and the Rogers Wynn School. But we're in good faith saying we'll take one or the other.

And I'm sure there's people in the neighborhood that would love to say why don't you take this to the other cities and take nothing. I think it's a very good faith approach on the part of the City to say you guys pick the one you want to put there, we'll take it.

COMMISSIONER WEXLER: You do have the Juvenile Assessment Center there.

MAYOR SEILER: We do. We have the JAC right there, too. So we have -- but that's one of the four we already counted.

MAYOR GUNZBURGER: And I --

MAYOR SEILER: So just tell us which one you want.

MAYOR GUNZBURGER: -- I understand what you're talking about, because Hollywood has a very concentrated neighborhood with a lot of -- probably about as many percent social services as you're talking about, and --

COMMISSIONER ROGERS: And this is just drug and alcohol treatment, I mean.

MAYOR GUNZBURGER: I'm talking about --

COMMISSIONER HOLNESS: And Lauderhill has more.

MAYOR GUNZBURGER: Commissioner Sharief.

COMMISSIONER SHARIEF: Okay. So, Mayor, when we discussed this at our Commission meeting, I brought forth some statistics which I don't have exact statistics in front of me today, but I just wanted to put it out there, because there is a little misconception here in terms of the location of these facilities.

I did a sexual predator search, and each of these -- the -- the location of the new facility is located five minutes from one location and six minutes from the other.

And then I did a sexual offender search, and within the school district where you keep mentioning the Seagull School and the Whitney Rogers School, there's over a hundred sexual predators already registered, sexual offenders registered in that area around both of those schools, and many of them live in the same neighborhoods with the same children and mothers and everything that you're talking about.

The next thing that -- that I did was I tried to do a -- a search to figure out how many sexual offenders were registered in the ten mile radius. And I came up with somewhere just under 300.

So you do have in -- in your city a concentrated sex offender population. And it's not to say that it has anything to do with either of these facilities. It's just to say that, you know, it's there, it exists.

And to keep utilizing that as a basis for denying us the right to put both facilities on the same campus, it just didn't make any sense to me.

MAYOR SEILER: Commissioner, we're not saying that.

COMMISSIONER SHARIEF: Well --

MAYOR SEILER: We're saying you can -- you can put the Sexual Assault Treatment Center there, that's fine. It that's what your desire is, we'll take it.

COMMISSIONER SHARIEF: Well, the -- the rationale that was given at our Commission meeting was because you didn't want sexual offenders or a sexual offender population near these schools --

MAYOR SEILER: That wasn't in my letter.

COMMISSIONER SHARIEF: Well, I -- I'm not talking about your letter, but a representative, and several representatives came -- I mean, am I on the same --

COMMISSIONER WEXLER: (Inaudible) actually do the research.

COMMISSIONER RITTER: (Inaudible) the JAC.

COMMISSIONER SHARIEF: Well, I guess --

MAYOR SEILER: Well, that's not a representative of the City government.

COMMISSIONER SHARIEF: Well, that's what the -- they were saying that that's what the City notified them of. And these were principals that came from both of the schools. I'm just -- what I'm saying to you is let's please be realistic about this, that these -- that this --

MAYOR SEILER: (Inaudible) the neighborhood?

COMMISSIONER SHARIEF: I -- I did it. I showed it on the dais. I pulled it up. If you'd like, I can walk and get the folder and give you the actual results, but --

MAYOR SEILER: I can give you 33311 as the highest percentage of sexual assault in all of Broward County.

COMMISSIONER HOLNESS: That's correct.

COMMISSIONER SHARIEF: Well, I'm mean –

MAYOR SEILER: I mean, I think (inaudible) –

COMMISSIONER HOLNESS: That's my district. Yes.

COMMISSIONER SHARIEF: And that's -- and that's fine. But we're talking about your –

MAYOR SEILER: Well, we're not putting that -- we're not putting that thing over there.

COMMISSIONER SHARIEF: -- we're talking about your district right now. We're talking about Commissioner Rogers' district, and so what I'm saying, with all due respect, is that this -- this -- this method of thinking and -- and saying that these two centers cause -- what -- the rationale was that it cause -- it was going to cause increased crime, that it was going to cause an increase in sexual predators and offenders hanging around these two schools, and that it was a bad element to put there.

And what I wanted -- what I wanted to communicate in this meeting, without being argumentative, is that it actually is not. It's not doing anything different. It's -- they both exist already within a five or six minute difference of the new location. We're just combining them. So –

COMMISSIONER ROGERS: Commissioner, I think if -- if you make that same argument and you put BARC as the center of the argument, I don't think you can stand it up on the same platform. There's -- there's no doubt –

COMMISSIONER SHARIEF: I didn't.

COMMISSIONER ROGERS: -- that a BARC program has people coming in and out at a regular basis. There's no doubt that some of those people are impaired.

COMMISSIONER SHARIEF: Okay. And what I'm --

COMMISSIONER ROGERS: And there's no doubt that that could impact the neighborhood.

COMMISSIONER SHARIEF: -- and what I'm saying is that your neighborhood's already impacted, because you have –

COMMISSIONER ROGERS: Well, so we will make it worse.

VICE MAYOR RODSTROM: Let's just trash it.

COMMISSIONER SHARIEF: But you're –

COMMISSIONER ROGERS: Is that what you're telling me?

COMMISSIONER SHARIEF: -- but you're not making it worse. What I'm saying is there is a need for the services there, that's number one. But, two, that you're not making the neighborhood any worse, because we -- we have BARC in north Broward, we have it in central Broward, we have it in south Broward. We have three separate areas to serve all the residents throughout Broward County. And what I am saying is that the argument that it's going to make the neighborhood worse is just -- it's just unfounded, and –

COMMISSIONER ROGERS: Your -- but your argument –

COMMISSIONER SHARIEF: -- even if you looked at the –

COMMISSIONER ROGERS: -- was totally on a sexual predator basis.

COMMISSIONER SHARIEF: I'm -- well, I'm not –

COMMISSIONER ROGERS: And I -- I don't -- I'm not even speaking to that.

COMMISSIONER SHARIEF: -- I am not just doing it based on the sexual predator basis. I'm doing it based on the crime statistics that were brought forth based on the representative who came before the Broward County Commission. Did -- am I –

COMMISSIONER WEXLER: There were two principals (inaudible).

COMMISSIONER SHARIEF: There was two principals that came –

COMMISSIONER WEXLER: And they -- they were misinformed.

COMMISSIONER SHARIEF: And they had information. It was very misinformed and misdirected. And I'm just hoping that we're not basing the denial of putting these two facilities in the same place based on that misdirected information.

VICE MAYOR RODSTROM: I don't think they've denied anything.

MAYOR GUNZBURGER: All right.

COMMISSIONER SHARIEF: They -- well, the Mayor sent the letter saying that it was one or the other, so what is that? Is that an acceptance?

MAYOR GUNZBURGER: All right. Commissioner Holness.

COMMISSIONER HOLNESS: Let them --

MAYOR GUNZBURGER: I see your hand.

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER SHARIEF: I'm going to go get (inaudible).

COMMISSIONER HOLNESS: Let -- let -- let -- let me -- let me say this, that nobody wants a treatment facility for those who are having issues with drugs. But guess what? We have people like that everywhere. In Fort Lauderdale, in Lauderhill, all over this town. And when we stick our heads in the sand and say, well, we don't want it here, what do you think's going to happen? It's going to go away? It ain't. We're going to have more of it.

And when, as a nation, we recognize that the most important thing for us to do is to treat folks and give them the help that they need so that they are no longer offending and causing us problems and filling our jails, then we're going to be better off for it.

Now -- and the district that I represent have many of these facilities. There is one section on 56th Avenue and 27th Street that the whole neighborhood is like that. It's there. And -- and it's not one, it's not two, it's not four. It's a whole row of probably 10, 15 triplexes and duplexes that are there.

COMMISSIONER ROGERS: No doubt, Commissioner, that --

COMMISSIONER HOLNESS: So -- so --

COMMISSIONER ROGERS: -- this is something we have to treat. And I'm not going to argue about that.

COMMISSIONER HOLNESS: -- so -- so the situation is this. That's on -- on the drug side. Now, if someone is sexually molested, are we going to shun them? We going to discard them and say you can't get treated in my neighborhood? That makes no sense.

And I would venture to say this, that a substantial amount of the people that

will be treated at these facility is going to be coming from the City of Fort Lauderdale. And probably staff can correct me if I'm wrong. What percentage -- do you have any idea what percentage is -- is coming out of Fort Lauderdale?

MAYOR GUNZBURGER: At BARC.

COMMISSIONER HOLNESS: At BARC, yes.

MS. MYERS: Just for a snapshot, almost 32 percent.

COMMISSIONER HOLNESS: 32 percent.

MS. MYERS: That was just a -- it varies, but --

COMMISSIONER HOLNESS: Okay.

COMMISSIONER WEXLER: The average.

COMMISSIONER HOLNESS: So -- so you -- here's what we're saying. Fort Lauderdale residents, we're not going to treat you in Fort Lauderdale. You go somewhere else. Let someone else take your problem.

COMMISSIONER ROGERS: And, Commissioner, that's not the case. There's already a BARC facility in Fort Lauderdale. It's in my district. All right? It's in Sailboat Bend. All right?

You want to now take it and move it to another part of my district. All right? I'm not saying we don't need the facility. I'm saying spread the wealth. You -- you've got to look at the statistics, and the statistics are clear. 36 percent of drug and alcohol treatment centers are in the City of Fort Lauderdale. We only treat 32 percent of our residents, so we're subsidizing that other four percent, obviously.

Eleven percent of the entire County drug and alcohol treatment centers are in District 4, which I represent. I say spread the wealth. Let's find some other areas throughout the County. We've got to do it in the County. It's something that's a need. I -- I certainly want to make sure we get appropriate treatment. I'm just saying let's look at the equities here, and this is not equitable.

MAYOR GUNZBURGER: All right. Commissioner Wexler then Commissioner Ritter then Commissioner Jacobs.

COMMISSIONER WEXLER: You know, I guess it was about -- I think it was

when Ms. Coffey first came to the County. I know that her background is strong, strong land use. Strong land use. And whether -- whether we are right or whether you are right, I don't know that that really even matters --

COMMISSIONER HOLNESS: No.

COMMISSIONER WEXLER: -- at this point. I really don't. How many years has this conversation gone on?

VICE MAYOR RODSTROM: Six.

COMMISSIONER WEXLER: It was long before I was here, it's before you were here.

VICE MAYOR RODSTROM: Seven.

COMMISSIONER WEXLER: No. I'm here seven years. 2001. 2001, eleven years. It's almost 2012.

UNIDENTIFIED SPEAKER: It's time to move on.

COMMISSIONER WEXLER: Isn't it time to build these facilities? So, for me, I -- I -- and I want to be legally careful, because I know that at some point there will be an application, but I really need to be realistic here. And the realism, for me, is Commissioner Rogers said I will only support one. The Mayor has said I will only support one, and put it in writing. You put it in writing. You came before the Commission and spoke. I don't know if -- did your Commission actually take a --

UNIDENTIFIED SPEAKER: Take a resolution?

COMMISSIONER WEXLER: -- did you do a resolution?

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: Yes, we did.

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: We did.

MAYOR SEILER: But there was no application --

COMMISSIONER WEXLER: Perfect.

MAYOR SEILER: -- pending.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER WEXLER: I was referencing the (inaudible) and I didn't see any reference to the resolution –

COMMISSIONER HOLNESS: Right.

COMMISSIONER WEXLER: -- (inaudible). So there's a resolution as far as siting of one?

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER WEXLER: You know, I'm all for a fight. Let's go fight. It's okay. We can continue talking about this for another ten years, God forbid.

UNIDENTIFIED SPEAKER: It's over.

COMMISSIONER WEXLER: But it really needs -- meanwhile, the people that are being treated, both at BARC and the Sexual Assault Treatment Center are in facilities that are inadequate.

The Sailboat Bend facility is already in your district. The downtown facility, I don't know whose -- Commissioner Rodstrom, is that in your district, the downtown one? The one that's –

VICE MAYOR RODSTROM: Tarpin? Yes, it is.

COMMISSIONER WEXLER: -- right near City Hall.

VICE MAYOR RODSTROM: Tarpin is in my district.

COMMISSIONER RODSTROM: Not mine, his.

VICE MAYOR RODSTROM: The BARC's facility – Right.

MAYOR GUNZBURGER: There's another Commissioner Rodstrom.

MAYOR SEILER: (Inaudible) Vice Mayor Rodstrom (inaudible).

COMMISSIONER RODSTROM: I have one on Las Olas.

COMMISSIONER WEXLER: I don't know which city (inaudible) district that one is in. Is it in –

COMMISSIONER ROGERS: I think it's in my district.

COMMISSIONER WEXLER: They're both in your district, right?

COMMISSIONER ROGERS: Correct.

COMMISSIONER WEXLER: That's what I wanted -- that's exactly what I wanted to know. So you already have two of them. I was hoping it wasn't, because I was going to help make your case.

COMMISSIONER ROGERS: Well, you're moving it from one side of the -- Broward back to --

COMMISSIONER RODSTROM: But you're not adding any more.

COMMISSIONER ROGERS: -- a residential -- and it's a whole different paradigm.

COMMISSIONER WEXLER: I clearly understand where they are both located. What I didn't understand was, which was your point, that there are this particular percentage in your district, and you've said that specifically. So both -- so those numbers wouldn't change --

COMMISSIONER ROGERS: That's right.

COMMISSIONER WEXLER: -- if it was sited both at the same location.

COMMISSIONER ROGERS: But they're still inequitable. That's my point.

COMMISSIONER WEXLER: So -- so --

MAYOR SEILER: And they're on the same block now.

COMMISSIONER WEXLER: -- I -- so are a lot of facilities on that block. But my -- me, as a realist, I want to get something done. And I need to understand, and I certainly did not -- no comment now, but I need to understand how good my legal standing is when and if we decide to pursue this, and when and if that time comes. Because if -- if, at the end of the day, they firmly believe that we are going to prevail, then I'd like to know about it.

VICE MAYOR RODSTROM: Prevail legally?

COMMISSIONER WEXLER: Legally.

UNIDENTIFIED SPEAKER: Yeah.

VICE MAYOR RODSTROM: You're going to sue the City of Fort Lauderdale?

COMMISSIONER WEXLER: I don't know. I –

VICE MAYOR RODSTROM: Oh, come on. Come on.

COMMISSIONER WEXLER: Vice Mayor –

VICE MAYOR RODSTROM: That's just -- just silly talk.

COMMISSIONER WEXLER: If that -- you know what?

VICE MAYOR RODSTROM: I mean, let's -- let's -- well, you know what? Then we'll spend another 15 years, because we'll be in court for 10.

COMMISSIONER WEXLER: Well, and I think that we need to at some point make that decision.

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER WEXLER: Do we wish to pursue it legally and what is involved and how much time, or is it wiser to make a decision that this is how we're going to pursue it, siting one facility there, and we are going to build the other one somewhere else and go through this dance.

But this time, the City will hopefully be on board, because we wouldn't do it at the same location. That's the conversation that this Board of County Commissioners has to have, because right now, we're -- we're chasing our tails and there is no closure. And, meanwhile, they're languishing in old facilities, and that's not good, not good at all.

COMMISSIONER LAMARCA: Mayor?

MAYOR GUNZBURGER: Just a minute. You can go on the queue.

COMMISSIONER LAMARCA: Please.

MAYOR GUNZBURGER: You will be after Commissioner Jacobs, but I'm not making you come to the front row.

COMMISSIONER RITTER: Thank you.

MAYOR GUNZBURGER: Commissioner Ritter.

COMMISSIONER RITTER: This is an unpleasant conversation, because for those of us who would like to see those facilities sited on the same campus, it has a bad smell to it. But there are those who are opposed to it. And -- and I -- and I -- but I don't mean anything personally offensive to you, Commissioner, but it has a bad smell.

The -- the argument that so many of these facilities are listed -- are -- are listed in one district when you won't be receiving any more than are currently is an argument that I find very difficult to overcome on -- on the side of those who are -- who are opposed to siting these facilities.

There may be what you consider an inordinate amount of facilities located in that particular district in Fort Lauderdale, but it is the largest city. Fort Lauderdale is the largest city in Broward County. Clearly, it was developed long before the parts that I represent were developed, and so it makes sense that, as the County was developing, Fort Lauderdale was already developed, that those -- that's where those facilities would be.

You know, there's a favorite quote of mine, and I'm paraphrasing it, because I don't exactly remember how it -- how it was put. I do remember who said it, though. Doing what's right isn't always popular, but it doesn't make it any less right.

And, in my opinion, siting those facilities on one campus is the right thing to do. It may not be popular to the people who are represented by -- by you, but it doesn't make it any less right. I also would like to see a legal opinion, because I am not averse to going that option if necessary. Certainly, we've had plenty of cities that have sued us --

COMMISSIONER WEXLER: Right.

COMMISSIONER RITTER: -- and they don't hesitate. The City of Dania Beach, we've been in litigation with them for years, and they still come to the County Commission every week with their hand out. You know? And we don't slap it. We give them what they want.

So I do not see any downside, provided we are on good legal footing. I mean, long before I got here, we had Commissioners, County Commissioners who sued the County, paid legal fees. And nobody said don't do that.

So I -- I just think this is one of those where we aren't going to agree today. And I hope that the County Commission stands its ground and recognizes

that this is the right thing to do for these people who are not sexual offenders. They are people who are in need of help and are asking for treatment. They're the victims here. And what you're saying is you don't want the victims being treated in your back yard. And I just think that that is what's offensive about this whole discussion.

MAYOR SEILER: Commissioner Ritter, just for the record, we have said we will take the Sexual Assault Treatment Center.

COMMISSIONER RITTER: Jack –

MAYOR SEILER: I want to make sure –

COMMISSIONER RITTER: -- Jack –

MAYOR SEILER: -- it's just you -- you guys choose which one you want.

COMMISSIONER RITTER: -- this one or the other -- come on, this is a campus facility where both of them are so conveniently –

MAYOR SEILER: It was a church. It's not a campus facility. It was a church.

COMMISSIONER RITTER: Yeah, but if you take a look at -- I mean, come on, let's use some common sense here and stop the nimbyism. The common sense dictates –

MAYOR SEILER: What's the one you guys want?

MAYOR GUNZBURGER: No.

MAYOR SEILER: If you want to start talking about --does Parkland have one of these facilities?

COMMISSIONER RITTER: Hey, you know what?

MAYOR SEILER: Does Coral Springs have one?

COMMISSIONER RITTER: If Parkland or Coral Springs wants to donate land, come on, let's do it. And we have a Family Success Center in Coral Springs, and we have residential treatment facilities in Coral Springs.

MAYOR SEILER: The thing about -- I can't imagine being better faith than saying we'll take one or the other, you pick which one you want us to take.

MAYOR GUNZBURGER: The trouble is –

COMMISSIONER HOLNESS: Which?

VICE MAYOR RODSTROM: Yes.

MAYOR GUNZBURGER: -- we don't have another property. And when you have a property that's absolutely right for it -- you know, everyone else operates on nimby, and these people need help.

MAYOR SEILER: How is it nimby if you're saying take -- we'll take one?

MAYOR GUNZBURGER: But one -- one is a residential, and the one you keep taking is Sexual Assault Treatment Center, which is the easier one of the two.

MAYOR SEILER: We'll take the other.

COMMISSIONER JACOBS: Mayor, if I could.

MAYOR GUNZBURGER: Go ahead.

MAYOR SEILER: Tell us which one you want.

COMMISSIONER JACOBS: The City --

COMMISSIONER RITTER: Both. We want both.

COMMISSIONER JACOBS: -- the City isn't saying one is more deserving than the other.

MAYOR SEILER: No.

COMMISSIONER JACOBS: They're simply saying that they would rather not have both on the same site. And, to the degree to which we're right -- excellent quote this morning, Commissioner, about denial does not make you right.

The -- the real victims are those people who are still in the existing facilities. So if we take this to court and we want to run this down the long end, those folks are still going to be unserved.

The truth is, the County did have another site. We went out and we looked at a site, and this Board would not approve the extra dollars it was going to take to acquire that site.

COMMISSIONER RITTER: You want to pay for that extra site, Jack?

MAYOR SEILER: You guys had the choice.

VICE MAYOR RODSTROM: Can we move on to another issue, because we're not going to solve this one today.

COMMISSIONER JACOBS: Here's the thing. We should not -- in my opinion, the City has made it very clear. Now, whether or not the Zoning Board, in its quasi-judicial capacity, is going to agree and put both sites -- sites -- allow both sites together remains to be seen.

I would think, though, that they are people, and that the City's position, quasi-judicial or not, has reached their ears, and they have a very good understanding of what their personal opinions are going to be on that Zoning Board.

For us to continue down this track, leaving all of that population unserved or we're serving them in the current facilities, is unconscionable. We had a perfect facility that we could have purchased. We put so many caveats on our own staff that we couldn't buy those properties.

So, as a Board, I think, before we go and start running up the flagpole let's delay this for the next five or ten years and sue the City and engender even more harmful feelings, that we ought to really look back and find a way to go purchase the other building that was but -- but barely at our fingertips. It was a perfect site. It would have taken a site that's derelict in the city right now. It would have redeveloped it, and it would have been a positive -- it would have met the goals of both the city and County.

And, most importantly, all of those folks that need to be serviced in a facility that is worthy of people, and not just those coming from the community, but our staff members who must report there every day for work, we need to honor that and give them a new building. I think it bears another look, and that we ought to drop this conversation.

MAYOR GUNZBURGER: All right. Well, I think this is -- I see Commissioner LaMarca, but I think Commissioner Rodstrom is correct. I think there are really two very different views among this Commission, and until we come to a consensus, there's no point. We know exactly where the City of Fort Lauderdale is. And you may -- you may speak if you like, but --

COMMISSIONER LAMARCA: I -- I'm just going to --

MAYOR GUNZBURGER: -- I don't think we're going to get anywhere.

COMMISSIONER LAMARCA: -- make a point that, you know, we have a couple of attorneys on our Board, quite a few in the room, and it's a noble profession, but I -- I watched as a property in Pompano destroyed a family and -- and they went back and forth in court on the (inaudible) property, and I'm not -- I'm not going to support anything that sends anything back to -- to fighting with the City. I don't care what city it is or what the issue is. I want to get to the same point you do, but I don't want to go through the courts.

MAYOR GUNZBURGER: Thank you. Moving right along with --

COMMISSIONER SHARIEF: Can I just ask a question?

MAYOR GUNZBURGER: Sure.

COMMISSIONER SHARIEF: Why did we make such a -- I'd say an optimistic list if we weren't going to solve anything today? Because to me, I just feel like I'm just sitting here listening to the same thing I've heard for months. I thought that we were going to make progress today, and --

MAYOR GUNZBURGER: Well, let's see --

VICE MAYOR RODSTROM: You put on the list an issue that the City has told you no, but you've refused to listen. And so it -- so that was -- I don't know who put the list together --

MAYOR SEILER: We could have put ten items on here (inaudible).

VICE MAYOR RODSTROM: Right. If you wanted to, but --

COMMISSIONER SHARIEF: Okay. I think --

MAYOR GUNZBURGER: Okay. I did not -- I did not make up this list.

COMMISSIONER SHARIEF: How did we get so disorderly? I think I was speaking. So let me finish speaking.

MAYOR SEILER: I apologize.

COMMISSIONER SHARIEF: You know, we -- we have a list here --

MAYOR GUNZBURGER: And I'd like to get through some of it like I think --

COMMISSIONER SHARIEF: I don't think we're going to get through any of it.

MAYOR GUNZBURGER: Well –

COMMISSIONER HOLNESS: Let's -- let's try. Let's try.

COMMISSIONER SHARIEF: The same position -- we're not -- we're not convincing each other to change. The same position that they had coming in here is the position they're leaving with, and the same position we had coming in here is the one that we're leaving with.

And I just -- what was the point of this meeting if we're not going to make progress? And so I would just urge everybody at this table to please be considerate of the fact that we've all come here to try to make progress on this issue. And if we're going to, you know, be belligerent or not listen to each other's point of view, I -- I just think this is a waste of time. And I'm -- and I'm saying that with -- with -- with the nicest of intentions. I'm just -- I'm just tired of sitting here wasting my time.

MAYOR GUNZBURGER: And I did not put this list together. I'm not taking credit for it but –

COMMISSIONER WEXLER: But you should have controlled it.

MAYOR GUNZBURGER: No. I just got –

COMMISSIONER WEXLER: We should have -- we, okay, we should have controlled it.

COMMISSIONER SHARIEF: Okay.

COMMISSIONER JACOBS: You know what? The place to control it is right now. We have about 40 minutes left –

MAYOR GUNZBURGER: Let's see what we think we can –

COMMISSIONER JACOBS: -- and if we can –

MAYOR GUNZBURGER: -- solve.

COMMISSIONER JACOBS: -- I think that some (inaudible) –

MAYOR GUNZBURGER: I know John –

COMMISSIONER JACOBS: -- prioritization of issues to take place so that those don't fall off –

COMMISSIONER SHARIEF: Can we pick something that we think we can agree upon?

DISCUSSION TOPIC C - NORTHPORT DRI/BYPASS ROAD

MAYOR GUNZBURGER: Well, let's see. John, I think one that you really came prepared to discuss -- by looking at your -- what's in front of you, you wanted to discuss the Northport DRI/Bypass Road.

VICE MAYOR RODSTROM: Right. Well, I mean, there's -- there's two -- there's two -- there's two issues here, and both are very important to the County.

And the first issue has to do with the terminal and -- and the -- I think it's the parking space issue, and asking the City for a parking waiver so we can get the terminal open so we can put a cruise ship in there.

And we've got a cruise ship that's ready to go in that terminal, and -- and we -- and, you know, we're -- we're talking about less than 200 parking spaces, and -- and that's one issue.

The second issue has to do with the DRI, and, Commissioner Rogers, Romney, you know, I know you have feelings about opening up Miami Road, but I wanted to raise a few issues today. Because back, if you recall -- maybe you don't recall, but the City, in my judgment, in selecting the route for the bypass road, chose a route that was particularly onerous as far as cost was concerned.

And I recognize the fact that US-1 is what is of concern here, because the traffic has bottled up on US-1 at rush hour. And -- and there probably isn't any room to put any additional laneage there, because of just the configuration of the properties that surround it.

And so, with that, what I would -- what I'm wondering is, because we've got a price tag of about some -- 30-some million dollars, because we're going to do improvements for an intersection anyway, what is that, about 6,000,000 or \$7,000,000 of -- of Phase 1?

MS. HENRY: Phase 1 is about seven.

VICE MAYOR RODSTROM: \$7,000,000. So we -- we're talking about \$33,000,000 still left on the table for the bypass road. Also, DOT, when -- I don't -- I don't know if folks have considered the improvements that DOT is making to the flyover to take the trucks out of the port and -- and avoiding

having them to be on the local streets, but that will have some impact on traffic, needless -- needless to say.

I'm wondering if the City would consider a bypass road that would be less burdensome and that would maybe only include a small portion of Miami Road, but nevertheless avoid having to make the turn on US-1, but they could make it a block earlier or two blocks earlier. Because the folks that own the shops, what they've indicated to me is they want the traffic in front of their shops, because they want the access to their shops. They don't want to have folks be redirected around them. They -- you know, commercial businesses want the business.

And -- and so I'm wondering if that would be something the County would consider, because if we could do that, it would save us literally tens of millions of dollars, because the road configuration now has to be elevated, has to go through the port, and has to have walls erected for security reasons, and I'm still not so sure that, from a security perspective, that that would even suffice. If somebody wanted to do something, they could probably figure out a way once they got into that -- onto that road.

So, you know, is that -- is that something that maybe we could -- we could resolve? So that -- those -- those are two -- and, if you were willing to resolve it, what I would offer the Board, because some of this money is bed tax money, and I notice that your -- your Commission approved the downsized version of the Swimming Hall of Fame pool, but you still have some operations issues.

Or, if it's not the pool, you've made a commitment to the Performing Arts Center out of your general fund revenue, 300,000 a year to fund the Performing Arts Center. I'm wondering if we took some of those TDC funds that you're now saving us because we could take some of those other funds and put it back into the port, which is our economic engine, and so it's a win/win for everybody if that would be something you would consider, a scaled down version of this bypass road that would save us tens of millions of dollars.

And, at the same time, consider a parking waiver so we can get the terminal opened up, which you all seemed like maybe you were willing to consider, but somehow we're -- we're not moving forward there.

MAYOR SEILER: Just if I can get clarification on a parking waiver --

VICE MAYOR RODSTROM: And I'll pass a map, just -- you know, one of these maps, you can circulate it. But there's a bigger map --

MAYOR SEILER: I thought we had the parking waiver issue worked out. What happened to the parking?

UNIDENTIFIED SPEAKER: That's what I thought.

UNIDENTIFIED SPEAKER: I thought so, too.

MAYOR SEILER: I thought we had worked that out.

MR. FELDMAN: The -- the conference meeting that the City Commission had, we had suggested --

COMMISSIONER WEXLER: Can you speak up, please?

MR. FELDMAN: I apologize. At the City Commission conference meeting, where this was last publicly discussed, the City had suggested that a solution on the parking would be a parking reduction, an application for parking reduction.

Subsequently, when staff met, the staffs met together to start working -- hammering out some issues, we were informed that the parking reduction was off the table, and that was not something that the County wished to pursue any longer. So that's why we crafted the allocation issue in the -- that's reflected in the letters that are attached in the -- the backup material. We still think that a parking reduction application is the quickest and simplest way to go, but there's, I guess, a point of principle, I think was the way it was expressed to -- to us in that meeting, where the County felt -- well, the County's here, so --

COMMISSIONER ROGERS: That's my recollection, too. At that meeting, you said --

VICE MAYOR RODSTROM: Yeah. Yeah.

COMMISSIONER ROGERS: -- (inaudible) parking reduction, that's fine. And just to your other points, John, you know, I appreciate the fact that we all want to save money, we want to try and save money any time we can, but there's no way of getting around 28 percent of the traffic from the airport goes to the seaport. And -- and we've got to find a way to get it there without totally messing up the traffic in between. And -- and even when we cut off that access through the port, there's no doubt about it, the traffic studies will show the impact of that.

VICE MAYOR RODSTROM: Yeah, but -- but -- but, Commissioner, the traffic going in from the airport to the seaport are not going to be using this access

road, because it's going to not dump them into the port. It's taking them outside the port and taking them to 17th Street. And so then they've got to turn around, make a U-turn, and come back in the port. That's -- they're not going to be using this bypass road, anyway. This is nothing more than avoiding US-1 at that -- that turn configuration. That's what -- that's what's going on here.

COMMISSIONER ROGERS: And I -- I hear you, but I haven't seen any study that tells me that we don't need this (inaudible).

VICE MAYOR RODSTROM: And you haven't, because nobody's done any - - everybody did this in a vacuum. Nobody even did one ounce of traffic study. When you closed off Miami Road to begin with, there was never any consideration what was done when you did that and what impact that had on US-1.

I mean, all the stuff was just done willy-nilly without any traffic studies, and we don't -- we don't know what DOT's improvements are going to have on the traffic, because we don't know that either. That -- that -- I mean, it just seems like the City has taken a very intransigent position, saying you've got to have this bypass road, this particular bypass road, and it's going to cost you \$33,000,000, and take it or leave it or we're not going to give you your DRI. I don't understand that. That's what --

COMMISSIONER ROGERS: I know that Miami Road is not a solution. That's a two-lane road that's one block east of Federal Highway. I don't -- I just don't see that that's practical. I -- I don't have any other way to express that, but --

UNIDENTIFIED SPEAKER: There's -- there's numerous ways --

MAYOR GUNZBURGER: Commissioner Rodstrom?

COMMISSIONER RODSTROM: My comment is, and -- and it's just -- if we are so -- I have to agree with Commissioner Rodstrom. I think that he --

VICE MAYOR RODSTROM: She doesn't always. I mean --

COMMISSIONER RODSTROM: (Inaudible) it's a high price tag for whatever reason happened many, many years ago. Several things have happened on US-1 to start to mitigate the traffic. I don't know if your government works like our government works, like FDOT works -- everything is a great plan, and maybe five years later we get the job done.

So you now see FDOT changing the -- the lane, doing some mitigation, all

the way from the airport through the tunnel to Broward Boulevard. It's under construction now, with the hope that that will mitigate some of the traffic.

There's also the Eller Drive overpass. It's in your port master plan to be able to deviate the big trucks and help with -- mitigate the traffic there. So items are being implemented to relieve the traffic on US-1. We haven't really given them enough time to actually mitigate the traffic, because, right now, the construction on US-1 is making it worse.

The traffic on US-1 itself is also timed traffic. It's not all the time. It's certain times there's more traffic than others. So I would have to go back to the level that the road was actually rated to -- to make that opinion. But in your letter that we have from Ms. Henry, which is an excellent letter of -- of which direction we want to go, Number 1 says this is only if our Commission is dead set on having to have the bypass road.

You could change Number 1 to read, instead of reading County commits to construct the bypass road, which locks you right into the \$30,000,000 one, to the County commits to -- to construct a bypass road, and let's get back to the drawing board and try to come up with a bypass road that is feasible, that may be needed at this time, or may not be needed. That would buy us the extra time to go ahead and see if any of these other options that are being worked on will work prior to spending the money.

And then go back and do whatever we needed to do to get that DRI going. I mean, we really -- either we need to rewrite the DRI, or do a different DRI, but we really need to get the -- as you do, the port going. I mean, that's our economic engine.

MAYOR SEILER: Let me say, I agree with the DRI. We have to get the DRI done, and you've got to get that port facility going.

COMMISSIONER RODSTROM: Yeah, they do.

MAYOR SEILER: The other part about this thing is, that I also agree on is the marquee, which is further down the list, but you've got that marquee sign issue, which is all kind of --

COMMISSIONER RODSTROM: That needs to be going up, too.

MAYOR SEILER: Some of these things need to get done, but the port's a huge economic engine.

COMMISSIONER RODSTROM: Right.

COMMISSIONER WEXLER: Right. For all of us.

COMMISSIONER RODSTROM: And we can't be --

MAYOR SEILER: So -- and I think we're in agreement there. I thought this -- I still would like to get the response to why that parking reduction (inaudible).

COMMISSIONER RODSTROM: I didn't -- and I didn't -- I mean, we saw -- I guess we saw the letter that you had sent about that, but I never remember it on the conference meeting. I thought we gave direction that's what we wanted -- but I never got any response back --

MAYOR GUNZBURGER: Ms. Henry?

COMMISSIONER RODSTROM: -- as to why that didn't happen. So --

MAYOR SEILER: What was the problem with parking reduction? Because that would get it done.

MS. HENRY: Our lawyers are conferring at the moment.

MAYOR GUNZBURGER: Well, the -- well --

MS. HENRY: Oh, they're ready. They're ready.

MAYOR GUNZBURGER: Are you ready?

MS. JONI ARMSTRONG-COFFEY: This is Scott Backman. Scott Backman who's our outside counsel in this matter.

MR. BACKMAN: Hi. Good afternoon. And -- and I've been in front of the City Commission a number of times for the -- for the conference items on this.

There's an application pending for the port right now for Terminal 4. It needs 169 spaces in order to open by November 1st of this year.

And it's -- it -- the position the County's taking is that it's a County owned garage, and there are 300 and change spaces remaining in that garage, so why can't we have access to our parking spaces? Why do we have to ask for a parking reduction from the City when the spaces that we're asking for are available in the garage?

VICE MAYOR RODSTROM: But why not ask for a parking reduction?

COMMISSIONER RODSTROM: Because it's -- well, you'd probably have to go through a lengthy process to get the reduction, and that might not happen in a November timeframe.

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

MAYOR GUNZBURGER: Why would we want to ask to give away our parking spaces, John?

MR. FELDMAN: Well, first --

MAYOR GUNZBURGER: John?

MR. FELDMAN: -- first of all, that is the crux of the disagreement between the City and the County as to who makes the allocation of spaces under the DRI.

The City believes, and historically, we have had the City made the allocation based upon a first come, first served. And there's another party out there --

COMMISSIONER ROBERTS: Exactly.

MR. FELDMAN: -- which has an application that's pending, as well, that we need to be cognizant of. And so the easiest solution to us was to proceed with the parking reduction.

However, as was communicated to us, you know, there's this -- there's this principle issue that the County believes that the City should not have the right to allocate those spaces within that garage, which we think we do have the right.

But we could have avoided all that discussion and got into yes just through a simple parking reduction versus the standing on principle, and we could be moving this project along. But --

COMMISSIONER ROBERTS: Lee, and I agree with that, because we had the other third -- we had the third party interest, there was a potential for some lawsuits for County and City --

VICE MAYOR RODSTROM: Right. So they can't do that. Right. I --

COMMISSIONER ROBERTS: We don't want to do that. The clearest thing --

VICE MAYOR RODSTROM: Yes.

COMMISSIONER ROBERTS: -- the simple --

VICE MAYOR RODSTROM: Yes. Yes.

COMMISSIONER ROBERTS: -- is just do the reduction.

VICE MAYOR RODSTROM: But our staff took it in another direction, looks like.

UNIDENTIFIED SPEAKER: (Inaudible) speak to that?

VICE MAYOR RODSTROM: Because they have legal issues.

COMMISSIONER JACOBS: Staff, please articulate the nature of the argument.

MS. ARMSTRONG COFFEY: The calculation is the City's, based on their Land Development Code. If the Commission wants to ask for a reduction, we -- we can do that, although I would have to defer to the Administrator and Phil Allen, the Port Director, to know whether we actually need that many spaces.

MAYOR SEILER: Just so we're clear, I think we had --

MAYOR SEILER: -- suggested the reduction back months ago.

COMMISSIONER RODSTROM: Right.

MAYOR SEILER: This thing could have been done by now.

UNIDENTIFIED SPEAKER: Back in June, yes.

MAYOR SEILER: Yes.

MAYOR GUNZBURGER: And, Ms. Henry --

COMMISSIONER RODSTROM: And we have a consensus on that.

MAYOR GUNZBURGER: -- Ms. Henry, please help us understand. I understand we don't want to give up our sovereignty, but if it would solve a problem, and we don't anticipate a need for those spaces --

MS. HENRY: What it does is it kicks -- it kicks the bigger problem of the DRI down the road, because we haven't really -- we haven't solved the problem. I mean, okay, that'll -- that'll -- that'll get us to -- to a point where we can start

to do some of the preliminary work that we need to do at -- at -- at Terminal 4, but at the very heart of the issue of the DRI, we are out of compliance, according to the City, and we're trying to get in compliance.

We have never concurred, never agreed -- I mean, I -- I understand the City's position that -- that they have the right to do that, but our side hasn't concurred with that.

We are very concerned about establishing a precedent that we have acquiesced to, at the end of the day, that we don't own the parking garage or the right to allocate the spaces in the parking garage that we built.

MAYOR SEILER: Well, what's the point of the agreement?

VICE MAYOR RODSTROM: Yeah.

MAYOR SEILER: You own the parking garage. You're agreeing to this waiver in order to resolve this issue. You guys aren't waiving any rights. I'm sure Harry and, you know, Joni could sit down and figure out that. But, I mean, we think we had -- we thought we had a very quick fix for you all. And I'm talking to Phil Allen about this, and Phil was saying get -- let us get started on this terminal, let us get started on this project. And I'm saying go. I mean, John called me on this --

VICE MAYOR RODSTROM: Back in May.

MAYOR SEILER: -- months ago.

VICE MAYOR RODSTROM: Yeah.

MAYOR SEILER: Back in May, April. I said here's the fix. We'll give you guys a parking reduction. It's done.

COMMISSIONER ROGERS: John took the time to come and meet with us.

VICE MAYOR RODSTROM: And you were very gracious. You let me sit at the table and we --

COMMISSIONER ROGERS: Assumed he was speaking for all of you --

VICE MAYOR RODSTROM: -- hashed it out.

COMMISSIONER ROGERS: -- and we said let's get it done.

VICE MAYOR RODSTROM: Yeah.

COMMISSIONER ROGERS: Just move the security gates back –

VICE MAYOR RODSTROM: Right.

COMMISSIONER ROGERS: -- which you're already going to do.

VICE MAYOR RODSTROM: We're doing that.

MAYOR GUNZBURGER: We're doing that.

COMMISSIONER ROGERS: And we'll give you the parking reduction, you get Pier 4 (Inaudible) and we'll be -- we'll be –

COMMISSIONER ROBERTS: And the other issue –

MR. FELDMAN: And I was just going to point out, too, that the City is extremely committed to making this project work, that I took the liberty, telling my staff to process permits that were not necessarily fully complete, either. I mean, we -- we processed them as far as we can take them until you got a contractor. And putting this whole parking issue aside, we've tried to craft something that keeps this whole thing on schedule, so –

MS. HENRY: I'm good with it. Let's (inaudible).

MR. FELDMAN: -- so that we've moving.

COMMISSIONER RODSTROM: The attorneys have spoken.

MS. HENRY: I think we do.

MAYOR GUNZBURGER: And if we can find legal language that makes -- makes staff comfortable –

MR. BACKMAN: Well, I think I -- I might have heard Mayor Seiler say that if we move forward -- if the County moved forward with the parking reduction, through the agreement that we're currently negotiating with the City, that the City would acknowledge that the parking garage belongs to the County. I think I heard you say that. And that the County, then, has the right to allocate spaces moving forward.

VICE MAYOR RODSTROM: No, no, he didn't say that.

MAYOR SEILER: Nobody said that.

VICE MAYOR RODSTROM: He didn't say that.

MR. FELDMAN: He did not say that. But –

COMMISSIONER SHARIEF: Well, if we own it, why can't we allocate the space (inaudible)?

MS. HENRY: Well, that –

VICE MAYOR RODSTROM: No, but what he's saying – But, look, you get there the same way. You get there the same way. You get there the same way because the City is going to give you a waiver because they can't -- they have an issue, their own legal issue, with Northport.

UNIDENTIFIED SPEAKER: Right.

VICE MAYOR RODSTROM: So -- so you get caught up in the -- in the -- you know, you've got to resolve it to where it works for everybody. Otherwise, it will never get resolved because they're not going to give up their legal rights with Northport.

COMMISSIONER ROBERTS: Right.

COMMISSIONER RODSTROM: Right.

VICE MAYOR RODSTROM: We've got to accept that.

COMMISSIONER ROBERTS: This other issue is further down the road, you're right.

COMMISSIONER ROBERTS: It's further down the road, but we can still accomplish something good in the interim and live to fight that other battle another day.

VICE MAYOR RODSTROM: Right, another day.

COMMISSIONER RODSTROM: So would the waiver work, then, for your –

COMMISSIONER WEXLER: Put myself in a worse position, legally.

MAYOR GUNZBURGER: Correct.

COMMISSIONER WEXLER: Because that's what I'm –

VICE MAYOR RODSTROM: Well how are you worse off? You've got your –

COMMISSIONER WEXLER: I don't know. That's why I'm asking you (inaudible) –

COMMISSIONER SHARIEF: You're kicking the can down the road.

MR. FELDMAN: Well -- well –

COMMISSIONER SHARIEF: You're just doing that. You're just kicking the can down the road.

COMMISSIONER ROGERS: In the words of Commissioner Sharief, let's get it done.

COMMISSIONER JACOBS: But not the parking part.

COMMISSIONER SHARIEF: We're not getting anything done (inaudible) you guys today. You guys are just really (inaudible).

MAYOR GUNZBURGER: Wait. This is an issue that I think we can solve, Commissioner Sharief.

COMMISSIONER SHARIEF: How?

COMMISSIONER RODSTROM: You're only kicking part of the issue down the road. The other issue you're solving.

COMMISSIONER SHARIEF: No.

UNIDENTIFIED SPEAKER: They're right.

COMMISSIONER RODSTROM: They're right.

VICE MAYOR RODSTROM: That's not a question. They have legal -- other legal issues they can't overcome –

UNIDENTIFIED SPEAKER: They're right, Attorney Rodstrom.

COMMISSIONER RODSTROM: At least not today.

UNIDENTIFIED SPEAKER: They're right.

VICE MAYOR RODSTROM: No, you have to understand the Northport issue.

COMMISSIONER JACOBS: Mayor, our Staff has yet to make a case.

COMMISSIONER HOLNESS: Yes.

COMMISSIONER JACOBS: I cannot -- they have not finished a sentence.

MAYOR GUNZBURGER: No, they –

COMMISSIONER JACOBS: What is the issue -- what do -- it is our parking garage. What is the harm if we were to acquiesce to this request of the City?

UNIDENTIFIED SPEAKER: Waiver.

MAYOR SEILER: What's the harm?

COMMISSIONER WEXLER: Why don't you let Evan answer?

MR. HERBST: Evan and I can work this out. Not a problem. Let the auditors handle it.

MR. BACKMAN: The concern is that if the City maintains the right to allocate spaces in the garage, the County has to realize that we still have substantial development rights remaining in the DRI.

And the -- the idea of doing a parking reduction -- there is another party that everyone's referenced that currently has plans pending, next in line behind our port plans, that, based on the way the City allocates spaces, would get the remainder of those parking spaces.

MAYOR GUNZBURGER: And I think it would also -- if we ever find a hotel, it would be a real problem.

COMMISSIONER RODSTROM: But that could be years down the road.

MR. BACKMAN: Let's hope not.

MAYOR GUNZBURGER: No, it would really –

COMMISSIONER JACOBS: (Inaudible); is that the concern?

MR. BACKMAN: That -- that is absolutely the concern, and the County is essentially -- potentially -- potentially, if the other project goes forward, giving up its right, if the City continues to allocate spaces in the garage, to its right to any remaining parking spaces within the garage.

VICE MAYOR RODSTROM: So how many spaces are at risk?

COMMISSIONER JACOBS: What's the City –

VICE MAYOR RODSTROM: So how many spaces are at risk?

MR. BACKMAN: 315 parking spaces.

UNIDENTIFIED SPEAKER: No.

VICE MAYOR RODSTROM: All right. That's the risk, we lose 115 parking spaces?

COMMISSIONER JACOBS: No, but why -- why --

MR. BACKMAN: 315.

COMMISSIONER JACOBS: -- why –

VICE MAYOR RODSTROM: 315.

COMMISSIONER JACOBS: -- why is it that the City insists on taking -- what is it that the City wants? Why do you want those –

MAYOR SEILER: We have another applicant that has plans. We can't just toss out another applicant.

MAYOR GUNZBURGER: Well, why should they have rights in our garage?

COMMISSIONER HOLNESS: They can build their own parking garage.

MR. FELDMAN: The City -- the -- the City believes that, as part of a planning and zoning process, through our police powers of planning and zoning, that we have a right to allocate within a DRI the -- the spaces that were provided for -- as part of a big overall plan that has multiple property owners in it, and that that allocation is one of our, you know, basic rights within our -- our ability to zone. And so –

COMMISSIONER JACOBS: And so the City's not willing to give up the right for those 115 spaces (inaudible)?

MAYOR GUNZBURGER: 315.

MR. FELDMAN: No, no, the –

COMMISSIONER JACOBS: Whatever the number is, but you want the County to give them up?

MR. FELDMAN: No. No, the -- the issue is -- the issue is as follows from our standpoint is that we're very supportive of the Cruise Terminal 4 and the parking that -- that is required.

However, our past practice in the method of our allocation is on a first come, first serve basis. And we have another project which we've already, quote, unquote, allocated the balance of the spaces for, that if we all of a sudden change our past practice, will, in my opinion, put us at risk in dealing with --

MAYOR SEILER: It will put us at risk.

MR. FELDMAN: -- that other applicant.

COMMISSIONER WEXLER: How soon can we get to court?

VICE MAYOR RODSTROM: Does the -- does the -- does --

MAYOR GUNZBURGER: I don't understand how --

VICE MAYOR RODSTROM: -- do they have financing, this other project?

MAYOR GUNZBURGER: -- I understand how you have zoning laws, but I don't see how, if your zoning laws -- I must be really dumb today -- how they can allocate spaces in -- in the County's garage.

UNIDENTIFIED SPEAKER: That the County built --

UNIDENTIFIED SPEAKER: It's in the DRI.

UNIDENTIFIED SPEAKER: County owns.

VICE MAYOR RODSTROM: Well, do we have the right to close the garage?

MAYOR GUNZBURGER: I mean, you -- that --

VICE MAYOR RODSTROM: Do we have the right to close the garage down?

MR. FELDMAN: Well, again, keep in mind that the original development order has the garage being built for the purpose of having multiple tenants. That was why it was included in the DRI. That was a condition of the DRI. And, again, that philosophy of it, you know, is -- is at -- at the basis --

MAYOR GUNZBURGER: But -- but it --

MR. FELDMAN: -- now, if you close that -- if you close that garage down, I believe the DRI would not be in compliance at that point.

VICE MAYOR RODSTROM: It's out of compliance now. You can't be out of compliance twice.

MR. FELDMAN: But we're all trying to get it into compliance.

MAYOR GUNZBURGER: All right. I -- I can see that -- Commissioner Sharief, I thought at least we had something simple defined.

COMMISSIONER SHARIEF: No. No.

COMMISSIONER WEXLER: Can I ask a dumb question?

COMMISSIONER RODSTROM: I'm the one that asks the dumb questions.

VICE MAYOR RODSTROM: The beach (inaudible).

MAYOR GUNZBURGER: This is the most frustrating --

COMMISSIONER WEXLER: It is.

MAYOR GUNZBURGER: -- workshop -- you are correct -- that we have sat through in a few years. Since you've come here.

COMMISSIONER RODSTROM: Okay. Do you want your -- your dumb question first or mine?

COMMISSIONER WEXLER: She's not even here a year yet.

COMMISSIONER SHARIEF: It's okay. We watch it on TV.

UNIDENTIFIED SPEAKER: Mayor?

UNIDENTIFIED SPEAKER: Ten-and-a-half months.

MAYOR GUNZBURGER: I said since you've been here. Go ahead.

MAYOR SEILER: Is the parking garage part of the DRI for Terminal 4?

COMMISSIONER WEXLER: Yes. That's the problem, and that's where the problem lies. But the DRI –

MR. STEWART: What was the question?

MAYOR SEILER: They all answered yes.

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: Yes.

MR. STEWART: The parking garage is part of the DRI. The terminal is not.

UNIDENTIFIED SPEAKER: Right.

UNIDENTIFIED SPEAKER: Right.

MR. STEWART: The terminal -- the parking there at Gate 4 is outside of the DRI.

UNIDENTIFIED SPEAKER: No, it is not.

MR. STEWART: They want to take parking outside the DRI and allocate spaces inside the DRI for parking outside the DRI.

COMMISSIONER WEXLER: In our garage.

COMMISSIONER ROGERS: And we're saying –

MR. STEWART: That's the issue.

COMMISSIONER ROGERS: -- and we're saying, look, build your terminal. We'll give you relief on the parking. We'll say you don't have to have –

VICE MAYOR RODSTROM: Have the spaces; we'll give you a reduction.

COMMISSIONER ROGERS: Just come to us. We'll let you build it.

COMMISSIONER WEXLER: But you know that it affects the bigger picture.

MAYOR GUNZBURGER: It takes away spaces for our hotel.

COMMISSIONER WEXLER: No. It – portside.

UNIDENTIFIED SPEAKER: Look –

COMMISSIONER ROBERTS: The end result is a hundred and some spaces that we're arguing about who has the ability to disburse those later on. Move on with this development project here, and if everybody wants to go to court and fight over 115 later on, we'll do that then.

MAYOR GUNZBURGER: 315.

COMMISSIONER ROBERTS: But I can't see why we can't move forward on what we have and what we're doing –

VICE MAYOR RODSTROM: They say it's 300.

COMMISSIONER ROBERTS: -- right now. It's -- it's jobs.

MAYOR GUNZBURGER: It's 315 spaces.

UNIDENTIFIED SPEAKER: It's 315.

COMMISSIONER ROBERTS: Yeah, but the final result is we're arguing over the final 100 and some.

COMMISSIONER ROGERS: You're only asking for a hundred and fifty now.

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: Mayor?

MAYOR GUNZBURGER: Commissioner Wexler wants to ask –

COMMISSIONER WEXLER: What does that mean that the Northport development DRI is set to expire December 31st, 2011. What does that mean to us here?

COMMISSIONER RODSTROM: Does that mean you can ask for your –

COMMISSIONER WEXLER: No, no, no, wait, wait.

VICE MAYOR RODSTROM: No. If we let it expire then we can always re-apply under new laws.

COMMISSIONER RODSTROM: Right.

COMMISSIONER WEXLER: Thank you.

COMMISSIONER RODSTROM: Exactly.

COMMISSIONER WEXLER: That's what I'm trying to get to.

MS. HENRY: Let the lawyers explain that.

MAYOR GUNZBURGER: All right. Let –

COMMISSIONER WEXLER: May I have an answer?

MAYOR GUNZBURGER: Yes. Ms. Coffey, could you and -- can somebody –

MS. HENRY: Mr. Backman.

MAYOR GUNZBURGER: -- Mr. Backman –

COMMISSIONER WEXLER: (Inaudible) get an answer.

MS. COFFEY: We have some difficulty legally if we allow the DRI Development Order to expire with our tenant and with our own entitlements under the DRI Development Order.

I -- I would leave to Ms. Henry to assess the amount of -- of -- of that loss, but it is a significant potential loss, and -- and it is a problem under our lease with the Northport tenant.

COMMISSIONER WEXLER: Well, then I think we should be weighing all of our financial options, and I -- and you need to present this to us at some point in time quickly to make a decision. Because what Commissioner Roberts just said might be the best way to go, just let's dedicate –

COMMISSIONER RODSTROM: Do this and then –

COMMISSIONER WEXLER: -- I don't know if it's 300 spaces or 100 spaces –

VICE MAYOR RODSTROM: Later.

COMMISSIONER WEXLER: -- whatever it is –

VICE MAYOR RODSTROM: Litigate that.

MAYOR SEILER: It is.

COMMISSIONER WEXLER: The most important thing is –

VICE MAYOR RODSTROM: Is the Terminal 4.

COMMISSIONER WEXLER: Two things. Two things. Preserve the ability to win if we do litigate –

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER WEXLER: -- which I'm sure you have the same opinion, that you want to do that, too.

UNIDENTIFIED SPEAKER: Exactly.

COMMISSIONER WEXLER: The clock is ticking on the DRI, but, most importantly, the Terminal 4, moving forward, the -- the -- the company, the cruise company wants to –

UNIDENTIFIED SPEAKER: Move in now.

COMMISSIONER LAMARCA: They want to give us money.

COMMISSIONER WEXLER: They want to. They're, you know, do this, expand it.

COMMISSIONER RODSTROM: And then deal with the -- mitigate the parking later on down the road, and with a commitment from the City of Fort Lauderdale that we could come, possibly, with a partnership with you for the 350 spaces in our own garage with you.

COMMISSIONER WEXLER: Well, I know you want to protect us, and I understand that. We have to know how --financially, the damages could be, and let us make a business decision.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER WEXLER: And I don't think we have that information provided to us.

COMMISSIONER RODSTROM: Okay. But we should at least walk away with making a decision about something today.

MAYOR GUNZBURGER: All right.

COMMISSIONER HOLNESS: Okay. Next.

MAYOR GUNZBURGER: So we –

UNIDENTIFIED SPEAKER: That's not (inaudible).

MAYOR GUNZBURGER: -- have we decided that this is a compromise that would help us get Terminal 4 started?

COMMISSIONER HOLNESS: What's the compromise?

COMMISSIONER SHARIEF: I -- Mayor?

MAYOR GUNZBURGER: Yes?

COMMISSIONER SHARIEF: I just –

UNIDENTIFIED SPEAKER: Don't say it.

COMMISSIONER SHARIEF: I won't say it. I -- I feel like we're constantly compromising and there's no compromise from that side. We continuously -- I mean, I feel like I'm hitting my head up against a wall here.

We own a garage. You're going to delegate who gets the spaces in the garage. We've paid for it. We have projects going on and we need our spaces and we need to reserve our rights; right?

So we want to kick the can down the road again, make a temporary agreement with the City of Fort Lauderdale, who we work really well with, based on this workshop here. And we want to keep doing this why? So that my hair can be gray before my fourth year? What is the point in this?

COMMISSIONER ROGERS: Here's what I think -- I think you're not understanding what we're trying to address.

COMMISSIONER SHARIEF: I absolutely understand. I speak perfect English.

COMMISSIONER ROGERS: The Pier 4 -- the Pier 4 is outside the DRI. In order for you to build out Pier 4, you need a certain number of parking spaces. You don't have enough on that site. You want to take the additional parking spaces and put them in the garage, and we're saying, look, you don't need the additional ones.

VICE MAYOR RODSTROM: Right.

COMMISSIONER ROGERS: We'll waive that.

VICE MAYOR RODSTROM: Waive it.

COMMISSIONER ROGERS: We're giving you a gift.

VICE MAYOR RODSTROM: Waive the requirement.

COMMISSIONER ROGERS: Do it all the time.

COMMISSIONER SHARIEF: You're giving us something we own?

COMMISSIONER ROGERS: We're giving you a gift, and you don't want to take the gift. I don't understand that.

COMMISSIONER SHARIEF: But we own it anyway. It's not a gift.

COMMISSIONER HOLNESS: It's some legal stuff.

MAYOR GUNZBURGER: All right.

COMMISSIONER HOLNESS: If I could get -- what exactly is the compromise we're talking about? Let's --

MAYOR GUNZBURGER: They're trying to waive the parking requirement.

COMMISSIONER HOLNESS: -- can -- can our attorney --

MAYOR GUNZBURGER: They're -- they're waiving the parking requirements so that they can then reallocate --

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: -- those spaces that we may need --

COMMISSIONER HOLNESS: I understand.

MAYOR GUNZBURGER: -- in the future, if we build a hotel. Which is why --

COMMISSIONER HOLNESS: But -- but what I need, Mayor --

MAYOR GUNZBURGER: Ms. Grossman --

COMMISSIONER HOLNESS: -- Mayor --

MAYOR GUNZBURGER: -- will be losing her mind over this.

COMMISSIONER HOLNESS: -- Mayor -- Mayor, what I need to do is get our legal counsel to advise us based on that compromise. That was the rest of the statement I was going to make. Where do we go? What position are we going to be in? We definitely want to move with the project, but where does that put us if we -- if we acquiesce to this?

UNIDENTIFIED SPEAKER: (Inaudible) go arguing with them again.

MS. COFFEY: Commissioner, if we ask for the reduction -- I take that to be a variance under their Land Development Code -- and we can -- I think we'll have -- we can limit the -- okay. I'm going to leave that out. Less complicated. It's a legal thing. Don't worry about it.

If we can ask for that variance and not have it affect the rest of our entitlement under the DRI D.O., I think that that is the advisable course of action right now.

COMMISSIONER HOLNESS: Okay. Okay. So we still preserve our -- our rights. Okay.

MS. COFFEY: And that's what -- you said it well.

COMMISSIONER HOLNESS: And we -- I -- I'm fine with that.

COMMISSIONER SHARIEF: Are they in agreeance with that?

VICE MAYOR RODSTROM: Yes. Yes.

COMMISSIONER HOLNESS: Okay.

COMMISSIONER SHARIEF: Well, I just need to hear from them.

MAYOR SEILER: I think that's what the offer was.

MAYOR GUNZBURGER: All right. So then we finally solved one item.

MAYOR SEILER: Lee, you want to comment on that?

UNIDENTIFIED SPEAKER: That's not what it (inaudible).

MR. FELDMAN: I -- I think that's, to use the -- the expression that's been used, that's sort of the kick the can down the road, which is fine, because it achieves everybody's goal now in terms of it gets you the parking where you

need, and we could argue about this, you know, five or six years down the road.

COMMISSIONER RODSTROM: And it buys us time to discuss it further.

COMMISSIONER ROBERTS: Right.

MR. FELDMAN: And -- but the -- the important thing here is to get the zoning in place to have Cruise Terminal 4 open.

COMMISSIONER HOLNESS: All right. Consensus on that, let's go.

MAYOR GUNZBURGER: All right. Finally. One -- one consensus. Ms. Henry?

MS. HENRY: Again, I'm just clarifying, because I want to make sure that later we don't come back and misinterpret. So what you're saying is that we will get the variance. We would not have waived any of our rights --

MAYOR GUNZBURGER: Right.

MS. HENRY: -- and that between now and December 31st, we will have resolved this issue?

VICE MAYOR RODSTROM: Right. Well, resolved the issue regarding Terminal 4.

MS. HENRY: No, Terminal 4 should -- we're --

MAYOR GUNZBURGER: We'll go ahead and --

MS. HENRY: -- the DRI --

MAYOR GUNZBURGER: -- (inaudible) resolved the parking issue.

MS. HENRY: -- the DRI --

VICE MAYOR RODSTROM: For Terminal 4.

MS. HENRY: -- the DRI ends December 31st.

VICE MAYOR RODSTROM: It's a separate issue. What they're saying --

UNIDENTIFIED SPEAKER: Terminal 4 is a separate issue.

COMMISSIONER JACOBS: Please let her finish her sentence. Ms. Henry, please continue.

MAYOR GUNZBURGER: Ms. Henry.

COMMISSIONER JACOBS: Ms. Henry, please continue.

MS. HENRY: Correct. The -- what we had in front of the City was one -- one omnibus agreement, I guess, if you will.

VICE MAYOR RODSTROM: But they're not going to agree to that.

MS. HENRY: We --

COMMISSIONER HOLNESS: Let her finish, please.

COMMISSIONER JACOBS: Ms. Henry --

COMMISSIONER HOLNESS: Let her speak.

COMMISSIONER JACOBS: -- please continue.

MS. HENRY: We had in front of the City one omnibus agreement. We were trying to resolve all of the issues with respect to Terminal 4 and -- and the DRI before it expires December 31st.

What this interim step does, it doesn't get us to December 31st.

I'm -- I'm hearing we're talking about five years down the road. I don't -- I don't understand how this is five years down the road if we have to resolve coming into compliance with the DRI before December 31st. I don't -- I don't understand it.

COMMISSIONER RODSTROM: That was too long of a time.

COMMISSIONER HOLNESS: Okay.

MS. HENRY: I don't -- December 31st is a couple of months away from here. So what is it that we're trying to -- I don't know what this accomplishes to help us get to December 31st.

MAYOR GUNZBURGER: All right. We want to get that DRI done.

MR. FELDMAN: Two things --

MS. HENRY: Correct. To get the extensions.

COMMISSIONER SEILER: Can Lee respond? Let Lee respond.

MR. FELDMAN: The -- the other piece that is needed between now and December 31st, in order to have the DRI continue on, is an executed bypass road agreement, whatever form the bypass road will -- will take.

VICE MAYOR RODSTROM: So will the City accept language saying the County will construct a bypass road --

COMMISSIONER RODSTROM: Rather than the bypass road.

VICE MAYOR RODSTROM: -- in a configuration to be done after full traffic studies have been put forward and we can analyze what the results are going to be by the configuration that's going to come forward?

MR. FELDMAN: I -- I think the answer to that, from my standpoint, my recommendation to the Commission would be that, assuming the traffic studies can do another alternative -- but we already have this basic underlying existing configuration as -- as the base, and say that if there are other solutions other than this that meet certain criteria, then that would be a -- you know, an acceptable alternative --

UNIDENTIFIED SPEAKER: So you're --

UNIDENTIFIED SPEAKER: So why --

MR. FELDMAN: -- subject to the Commissions --

COMMISSIONER RODSTROM: I disagree with --

COMMISSIONER ROGERS: Yeah, I don't want to go backwards on this.

COMMISSIONER RODSTROM: -- place holding that particular -- I disagree with place holding that particular road. I would rather see us do a bypass road, if we want a bypass road, and then based upon the information and research that is done collectively, if we really need it, what do we need and what are we going to build, rather than place hold for who knows how long a \$30,000,000 road that we don't even know if we need it or not. So if that's what you're saying then I'm in agreement.

COMMISSIONER ROGERS: I think -- I think we've talked about this. I know we've talked about this. And I think the -- the consensus was at our conference meeting that the plans have been laid. They were going to go

forward. If sometime if there's an alternate before the ground is broken, so to speak, that comes forward and it fits the same criteria that we would look at it. But you know how long it's been since this thing has been on the plate and –

VICE MAYOR RODSTROM: But there was never any empirical data that -- to begin with.

COMMISSIONER RODSTROM: There was never any research.

VICE MAYOR RODSTROM: It was done just because you said we have to do it. You never did a traffic study. You never knew anything other than saying you will put the road here and it's going to cost you X and (inaudible).

COMMISSIONER RODSTROM: And circumstances have changed.

COMMISSIONER ROGERS: (Inaudible) that from your staff. When I talk to your traffic planner, she says, here's what the study says, the plan is in place, and we're doing the one-third drawings or whatever.

VICE MAYOR RODSTROM: I know, but -- but government has to be rational. It just can't make, you know, unilateral decisions with no basis.

COMMISSIONER SHARIEF: Is someone from our legal department going to weigh in at some point on this?

MAYOR GUNZBURGER: Just a minute. We have too many conversations.

MS. COFFEY: We have a suggestion.

MAYOR GUNZBURGER: Yes.

MR. BACKMAN: We've been negotiating what we're calling a bypass road agreement for probably about a year and a half now, and there are all but two issues left on the table. If we resolve this parking issue there's –

MAYOR GUNZBURGER: We just did.

MR. BACKMAN: -- really one issue left on the table. Why don't we proceed and -- and approve and execute the agreement before the end of the year, and if it needs to be amended at some point down the line, it's an agreement; it can be amended. At least that -- I see that as the only short-term solution of bringing the DRI into compliance in accordance with the City's position before the end of the year.

UNIDENTIFIED SPEAKER: (Inaudible) split decision.

COMMISSIONER RODSTROM: So you don't see a problem with changing the word "the" to "a"?

MAYOR SEILER: No, he (inaudible).

MR. BACKMAN: The problem -- the problem is that --

MAYOR SEILER: He's just saying we can amend it later.

MR. BACKMAN: The vast majority of the agreement right now is centered around a specific road. There are attachments. There are three or four specific provisions that relate to this bypass road. We've already done a -- a study for it. The City's accepted the majority of it. We're following up with an additional study that the City's requested. It would send us back to the drawing board to -- to really create a brand new agreement.

COMMISSIONER RODSTROM: Right. But a lot of time has passed since that was --

COMMISSIONER ROGERS: And that's my point. I -- I'm willing to -- once we sign this agreement, and I think we should, and we've got it in place, if there's some other alternative that comes to the forefront that makes sense to everybody that we can get a consensus on, then we can change it.

UNIDENTIFIED SPEAKER: That's what I (inaudible).

UNIDENTIFIED SPEAKER: All right.

MAYOR SEILER: So let's do -- Harry, do you hear his language and --

COMMISSIONER RODSTROM: I just don't want it to slow up the research.

MR. STEWART: I'm not -- I'm not sure that -- that I necessarily agree. One of the -- the biggest problems, as I understood it, was Terminal 4. We can resolve that problem without a -- without any problem at all.

MAYOR GUNZBURGER: We've done that.

UNIDENTIFIED SPEAKER: Yeah, we're moving to the DRI.

MR. STEWART: The last issue that I thought was on the table was whether or not they were in -- we could argue they were in substantial compliance. We were willing to say that if there was a plan to bring the traffic under

control, because the traffic that -- this DRI had traffic going through the port. The airport DRI had 18 percent of its traffic going through the port. And the port's traffic roadways were closed down, through no fault of ours, through no fault of yours.

But that leaves a traffic problem at 17th Street and US-1 and Eisenhower Boulevard. What we were saying is that if you have a -- agree to a plan that will resolve that traffic problem, then we will -- we will find you in substantial compliance and extend the date for the DRI. Failing to agree to address the traffic issue, that we would not find you in substantial compliance and not extend the DRI.

MAYOR SEILER: But they're saying they'll agree to the traffic plans --

MR. STEWART: And that's what we asked for.

MAYOR SEILER: Right. And they're saying they'll agree to it, and if they want to amend it at some later date, they'll amend it.

COMMISSIONER SHARIEF: Do you hear what he's saying? He's saying that we agree to --

MAYOR SEILER: I think what you're saying, right? Right?

VICE MAYOR RODSTROM: I just want to take issue with what Harry said about the traffic going through the port and not going through the port. It is -- it is going through the guard house. The -- the vast majority of the traffic currently is going through the guard house and is entering the port without going on your local streets.

That's a fact because those -- they're mostly buses, and they're not going on US-1. They're not going on 17th Street. So I think you just need -- and, again, nobody really has the facts, and we're making decisions without having the facts.

COMMISSIONER ROBERTS: I mean, the way I understood this is we're giving flexibility. We're signing off on this, we're saying this is going to be a plan to mitigate the traffic problem --

VICE MAYOR RODSTROM: Good.

COMMISSIONER ROBERTS: -- and that that mitigation has some flexibility based on the future and can be changed based on --

COMMISSIONER RODSTROM: And that's the --

COMMISSIONER ROBERTS: -- based on what John -- Commissioner -- Vice Mayor Rodstrom is saying that, you know, we may not want to do a certain bypassing. It may be better or cheaper to do something else to mitigate the traffic. We're saying we're going to mitigate the traffic problem --

UNIDENTIFIED SPEAKER: Lock them down.

COMMISSIONER ROBERTS: -- and move forward on that.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER ROBERTS: Unless I'm missing something or over-complicating it, that's what I'm hearing right now. And I think it's a good idea, a good plan.

Everybody admits there's this problem with traffic. What causes it, we haven't determined yet, because the traffic studies need to be updated. And, therefore, you'll get a better product for that mitigation. That's where I'm coming from.

COMMISSIONER RODSTROM: That's where I'm coming from.

COMMISSIONER WEXLER: I thought we were already in (inaudible) --

VICE MAYOR RODSTROM: No, we're just doing Phase 1, which is the intersection --

COMMISSIONER ROBERTS: Right.

VICE MAYOR RODSTROM: -- and moving the guard house.

COMMISSIONER ROBERTS: Moving -- right.

COMMISSIONER WEXLER: And there's no other money invested in Phase 2 at all?

VICE MAYOR RODSTROM: No. We -- we only did Phase 1.

COMMISSIONER ROBERTS: Mayor, did I understand --

UNIDENTIFIED SPEAKER: The bypass road.

MS. HENRY: No. The -- the agreement had the full bypass road.

VICE MAYOR RODSTROM: Correct. But we're talking about staging in the money and everything. We've done Phase -- we're doing Phase 1. We just haven't started Phase 2.

COMMISSIONER ROGERS: Yeah, just -- just to the point of clarification, though, what I hear counsel saying is we've got this agreement that has --a bypass road. It has how it's going to be built. It has a timeline for it to be built. And -- and that's what our City Attorney is saying; if you meet that criteria and it's a signed agreement, then we are in substantial compliance with the DRI.

UNIDENTIFIED SPEAKER: I don't know if (inaudible).

COMMISSIONER ROGERS: I think that's how we ought to go forward. What -- what I'm not opposed to is once that's signed, somebody comes up with a better idea. But I don't think we ought to go off course for what's taken us -- how many years, Harry, to get here? Ten?

MR. STEWART: At least.

COMMISSIONER ROGERS: At least. And, you know, we'll back here -- or somebody will be back here in another ten years.

MAYOR GUNZBURGER: I won't have to worry about that.

COMMISSIONER ROGERS: And I don't want to do that.

VICE MAYOR RODSTROM: Well, 9/11 was nobody's fault.

MAYOR SEILER: How do we get --

COMMISSIONER HOLNESS: Mayor?

MAYOR SEILER: -- Terminal 4 done?

MAYOR GUNZBURGER: How do we get the DRI --

MAYOR SEILER: Yeah, let's get Terminal 4 done.

COMMISSIONER HOLNESS: It's done.

MAYOR GUNZBURGER: We already agreed on the parking --

MS. HENRY: Actually, what -- again, what we have in front of the City is what we believe to be a comprehensive resolution to Terminal 4 and the DRI

extension. It expires December 31st.

So we're bifurcating -- what I'm hearing is there's an attempt to bifurcate just Terminal 4 and leave it up to what, I'm not real sure, and that's the piece that I want to understand, what it is that we're committing to do that would be acceptable to the City with respect to getting into substantial compliance to be able to have the DRI extended.

MAYOR SEILER: I think he said it.

MS. HENRY: I'm not sure --

MAYOR SEILER: I thought he said it earlier.

MS. HENRY: Can you put it on the record --

MR. ROBERTS: Could you put it on the record again --

MS. HENRY: -- so everybody understands?

MR. ROBERTS: -- because I understood a certain way (inaudible).

MR. BACKMAN: The -- the idea would be -- there is an agreement that is, I believe, very close to being execution-ready. There was the parking issue. It will now have to be amended to -- to abide by the wishes that were decided upon today.

And, at that point, there is an agreement in place that provides for a very specific bypass road that specifically states, according to the City, that the County is no longer in substantial non-compliance with the DRI, and we move forward. And if a year from now or two years from now an alternate bypass is determined, then --

UNIDENTIFIED SPEAKER: That would (inaudible).

MR. BACKMAN: -- the two sides can come back to the table and amend the agreement.

COMMISSIONER RODSTROM: So nothing is signed right now. We have an agreement, but no one's signed off on anything.

MR. BACKMAN: Both Commissions need to approve it.

COMMISSIONER RODSTROM: Okay. And we're -- we're talking about mitigating traffic.

MAYOR SEILER: How does that not work?

COMMISSIONER RODSTROM: Not that we're saying a bypass road. We're mitigating traffic.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER RODSTROM: Some way or another we're going to try to mitigate the traffic that we've caused.

UNIDENTIFIED SPEAKER: It has -- it has a road --

COMMISSIONER RODSTROM: The agreement talks about the bypass road that we haven't signed.

COMMISSIONER WEXLER: Oh, if it was that simple.

MAYOR GUNZBURGER: Right.

COMMISSIONER WEXLER: It would have been done. Right.

MAYOR GUNZBURGER: All right. So we finally have --

MAYOR SEILER: Hold on, I think Lee's trying to --

MR. BACKMAN: I'm sorry. Port's -- I'm sorry, port staff asked me to just clarify one more thing. Apparently, Terminal 4 needs to be open by November 1st.

UNIDENTIFIED SPEAKER: Right.

MR. BACKMAN: Parking reduction is not going to be finished by November 1st.

UNIDENTIFIED SPEAKER: That's what I was saying.

MR. BACKMAN: So there would be an acknowledgement, either in this agreement or at this meeting today or somehow, that the City is going to issue permits and a CO for Terminal 4, providing we -- the County submits a parking reduction application? Something along those lines?

COMMISSIONER RODSTROM: And our parking reduction is a public process.

VICE MAYOR RODSTROM: Good thing we had this meeting or that terminal wouldn't be opening.

MAYOR SEILER: What were you guys going to do before the meeting?

MAYOR GUNZBURGER: Well, we have a meeting on Tuesday –

VICE MAYOR RODSTROM: Open it anyway, huh, Jack?

COMMISSIONER RODSTROM: No, but our -- our parking reductions have a process. That's what I was telling you in the beginning. If you're going the parking reduction process way -- (inaudible)

MAYOR GUNZBURGER: All right. Can we agree that we will have that application in to you, we will vote on this -- can we vote on it on the 11th as a Supplemental item? Or the 25th?

MS. HENRY: I don't know that we -- I don't know that we need to do anything other -- other than get the consensus, because all we're trying to do is make sure that we stay within the confines of what the Board has approved already.

MAYOR GUNZBURGER: All right. Well, I think the Board has come to a consensus. Ms. Coffey?

MS. COFFEY: Yes, ma'am.

MAYOR GUNZBURGER: Even though we can't vote, I think you've heard that the Board has come to a consensus?

MR. FELDMAN: Just -- just so we're -- we're clear, too, for –

MAYOR GUNZBURGER: Okay, just a minute. Everyone, I think we need to hear what Mr. Feldman says.

MR. FELDMAN: Just from a procedural standpoint, we will take application of the parking reduction -- take receipt of the parking reduction application. In order to comply with our process, it has to go to both the Planning and Zoning Board and then the City Commission.

It would be my position that, in order to make sure that Cruise Terminal 4 continues, we would issue a temporary CO, which means that we would have to complete the parking reduction process within 180 days of the temporary CO. So –

MAYOR SEILER: So 180 days of November 1st.

MR. FELDMAN: Correct.

MAYOR SEILER: I'll even go so far, Bertha, you can hand write the application.

UNIDENTIFIED SPEAKER: Yeah, right.

MR. FELDMAN: So -- so we can -- we can accommodate it from a process standpoint.

MAYOR GUNZBURGER: All right. So we have accomplished something, Commissioner Sharief. It is 5:00 o'clock.

COMMISSIONER JACOBS: Did that get (inaudible) clarification, because I see quizzical looks on the other side of the table.

MAYOR GUNZBURGER: Is there (inaudible)?

COMMISSIONER JACOBS: Does that resolve the other DRI issues that expired?

MS. HENRY: No, it does not.

MAYOR GUNZBURGER: What other DRI issues do we need to solve?

MS. HENRY: This is the --This --

MAYOR GUNZBURGER: May I please have silence? Because this is real important. This is the one issue we're going to solve. And I'll keep you here until midnight if we don't solve it.

COMMISSIONER SHARIEF: We're just kicking the can down the road.

COMMISSIONER JACOBS: Okay. Ms. Henry, I'm hearing that it doesn't solve the DRI issue of December 31st; is that accurate?

VICE MAYOR RODSTROM: It does.

MR. BACKMAN: If the agreement -- and Joni is asking me to get confirmation of this, as well. If the agreement that's currently on the table -- and, again, it needs to be modified based on a couple of the discussions that happened today -- can be approved and executed by both Commissions before the end of the year, it solves the DRI extension issues.

UNIDENTIFIED SPEAKER: Good.

UNIDENTIFIED SPEAKER: All right.

MAYOR GUNZBURGER: Okay.

UNIDENTIFIED SPEAKER: Let's go.

MAYOR GUNZBURGER: All right.

MAYOR SEILER: Can I ask one more issue since we're here?

MAYOR GUNZBURGER: Sure.

DISCUSSION ITEM L - CONVENTION CENTER MARQUEE

MAYOR SEILER: I mean, we have a bunch of other issues, but I know the other issue that relates to the port is the marquee sign.

MAYOR GUNZBURGER: Oh, yes.

MAYOR SEILER: And I would like to at least figure out if we could do something with that. That is probably –

MAYOR GUNZBURGER: Why is that a problem?

MAYOR SEILER: Well, I think it needs to be something we need to figure out how do we get this done for the port. If we're going to focus on getting one thing done and getting it done right, let's get the port done.

UNIDENTIFIED SPEAKER: Right.

UNIDENTIFIED SPEAKER: I agree.

MAYOR SEILER: So what's the issue with the marquee sign?

UNIDENTIFIED SPEAKER: Does anybody else have a problem with –

MAYOR SEILER: I need to know the issue. It's on here as –

COMMISSIONER WEXLER: You have a problem with the sign?

UNIDENTIFIED SPEAKER: I don't have a problem with the sign.

MAYOR SEILER: It's on the list, so I'm trying to figure out why it's on the list.

COMMISSIONER WEXLER: I don't know why it's not done yet.

MAYOR SEILER: Well, we'll find out. If someone will let someone on staff talk, I guess we'll figure out why it's not done.

MS. GUNZBURGER: All right. Would someone please let us know why there is a problem with the marquee sign? Is it Ms. Grossman who has the problem?

MS. GROSSMAN: And I'm not going to say anything about this other stuff because Joni will kill me, but here's the thing.

Marquee sign, we went through the process. We sat with the City of Fort Lauderdale's planning staff. We created -- helped them to create a sign ordinance that fits our needs for a marquee sign.

We are the only Convention Center in the country, maybe the world, that doesn't have one. And it fits in the criteria of the City. We've been before the City in the past. We gave the City the opportunity to approve the design, which, actually, they did. And then when it came time to vote for approval for the sign, there was objection from our tenant and the City declined to give us permission (inaudible) --

MAYOR SEILER: What year did all that happen?

MS. GROSSMAN: About --

COMMISSIONER RODSTROM: It was with the other Commission.

MS. GROSSMAN: It was probably 2007.

MAYOR SEILER: It was the prior Commission. That's what I'm saying. This is why I wanted to -- we don't know anything about this issue.

MAYOR GUNZBURGER: All right.

MS. GROSSMAN: Well, here -- here we are today. DOT has approved the construction and the design of the sign, because it's -- it's on DOT property that the County now leases.

We have all compliance with the City's ordinance, sign ordinance. We are going to -- we have a package that Scott's got ready to deliver to -- to get the permit for the sign. We can be concluded in six weeks if that permitting

process -- if we can get -- you know, just get everything done.

And then, again, because we agreed to do it, come before the City for final approval on the design and then build the sign.

COMMISSIONER RODSTROM: Have it done for the season.

MS. GROSSMAN: That would be fantastic.

MAYOR SEILER: What's the City's -- what was the reason we -- it's from '07, so no one on this Commission knows anything about it, so.

MR. FELDMAN: Ms. Grossman is correct. There was an objection from the tenant. There was an -- there was an objection from the tenant regarding location of the sign.

The City Commission ultimately did not approve it at that point. The -- there was a desire to then relocate the sign into the public right-of-way, which we do not permit signs in the public right-of-way. They have to be located back on the property. And I believe they're working with FDOT with regard to that issue, so.

MAYOR GUNZBURGER: They have it from FDOT.

MS. GROSSMAN: (Inaudible) with FDOT.

MAYOR SEILER: So is there any reason to hold up the marquee sign?

MR. FELDMAN: We haven't done an application to approve yet, so.

COMMISSIONER RODSTROM: So can you get it on our agenda for the --

UNIDENTIFIED SPEAKER: He -- he has it.

MR. BACKMAN: I'm sorry. I do have the application. We've been told that because it's related to the DRI, until all DRI issues are resolved, it's not going to be --

MAYOR SEILER: Get it submitted.

MR. BACKMAN: We need to -- just to be clear and safe, it needs to be specifically written into this agreement that we're working on right now, because right now the agreement --

COMMISSIONER HOLNESS: No, he says -- no, he says it's done. We've

got consensus from them that –

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER HOLNESS: -- forget it, it's done.

VICE MAYOR RODSTROM: Just submit the sign.

COMMISSIONER HOLNESS: Submit -- submit –

UNIDENTIFIED SPEAKER: Submit it.

COMMISSIONER HOLNESS: -- submit the -- the permit and it's done.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: All right. And the rest we will hold in abeyance until there's a new Mayor.

VICE MAYOR RODSTROM: Is there anything else, Mayor, that you -- on that list that you –

DISCUSSION TOPIC D – ANNEXATION

MAYOR SEILER: Yeah, I would --and I don't know if you guys want to give quick direction. One of the issues we really -- Bobby's not here –

COMMISSIONER HOLNESS: Yes.

MAYOR SEILER: But it's very important, annexation. And we're willing to take in some areas.

MAYOR GUNZBURGER: Good.

MAYOR SEILER: Our staffs can –

VICE MAYOR RODSTROM: Lauderdale Lakes?

UNIDENTIFIED SPEAKER: Oh, my God.

MAYOR SEILER: I'll tell you what, we are –

VICE MAYOR RODSTROM: Somebody needs to bail them.

MAYOR GUNZBURGER: Hey, John –

MAYOR SEILER: -- the City is happy to assist in the annexation, whether -- and so we are trying to get -- if you guys could get us some details on these areas, I can tell you maybe there could be some tradeoffs in some other areas for annexation.

But we're happy to try to take in some more areas. We just have not had any specific discussions, and we're -- you know, and I don't want to send any jolt through Lauderdale Lakes. That wasn't something that this Commission has talked about yet.

MAYOR GUNZBURGER: But we're happy to work with you. We would love to have you take in -- I saw the list of areas, and it would make us very happy to see them annexed into the City of Fort Lauderdale.

COMMISSIONER SHARIEF: No, it wouldn't.

COMMISSIONER HOLNESS: Yes, it would.

COMMISSIONER SHARIEF: Who said that?

COMMISSIONER HOLNESS: It would -- it would make -- it would make me happy. But let me ask you, you mentioned –

COMMISSIONER SHARIEF: You're probably the only one at the table. I'm scared. I don't know how long (inaudible).

COMMISSIONER HOLNESS: The trade -- the -- the tradeoff – Well, it so happens that I am -- one of those areas is -- is in my district and -- and they - - they -- they want me to be their Mayor and their City Commission and they said, well, I haven't seen any of the other City -- County Commissioners, who is supposed to represent us -- you're all supposed to represent us, because you're local government.

COMMISSIONER SHARIEF: We did represent them.

COMMISSIONER HOLNESS: Well, they -- they -- they said nobody's been out there to hear what their needs are, so -- other than me. Now, Mayor, you -- you mentioned the tradeoffs. Yes, yes, yes.

No, no, not Lauderdale Lakes. The unincorporated area. Mayor--I understand. You mentioned --

They're not listening to what I'm saying. So let's -- the tradeoff you were asking about, what are the tradeoff -- tradeoff that you have in mind?

MAYOR SEILER: I said I think you need to look at the financial implications --

UNIDENTIFIED SPEAKER: Right.

MAYOR SEILER: -- of us taking in these areas. Perhaps the long-term solution to a lot of these things is if we can absorb some of these areas and build them up.

Typically, the property values in Fort Lauderdale have gone up when they've been annexed into the City, and we're happy to try to continue that course. But I would like our staffs to actually put more effort into looking at taking in Broadview, for example -- and some of the areas up in the northwest area.

MAYOR GUNZBURGER: Andrews Gardens.

MAYOR SEILER: Well, Andrews Gardens has already gone in now.

COMMISSIONER HOLNESS: It is.

MAYOR GUNZBURGER: Okay.

MAYOR SEILER: It's Oakland Park. But you've got areas --

COMMISSIONER HOLNESS: Roosevelt Gardens.

MAYOR SEILER: -- you've got in the minority community --

COMMISSIONER HOLNESS: Yes.

MAYOR SEILER: -- up off State Road 7 --

MAYOR GUNZBURGER: Right.

MAYOR SEILER: -- that has been left behind by a lot of cities.

COMMISSIONER HOLNESS: Not State Road 7, 31st Avenue. There's not --

MAYOR SEILER: Well, both. It's between the -- it's that area up there.

COMMISSIONER HOLNESS: No.

MAYOR SEILER: But there are about seven pockets that we would be happy to look at, and I think we have it in the list.

COMMISSIONER HOLNESS: The State Road 7 is -- would only apply to Broadview. The rest of it is east of 31st Ave.

UNIDENTIFIED SPEAKERS: Right.

COMMISSIONER HOLNESS: Okay. So I -- I'm grateful that your City Commission is willing to do that, and I think --

-

DISCUSSION ITEM F - CYPRESS CREEK SCRUB PARK PARCEL

MAYOR SEILER: And we had one -- well, I mean, we're running out of time. We have one other issue that we asked to be on here with respect to a property on Cypress Creek. You guys, we have a property that is on the highway at Cypress Creek.

COMMISSIONER SHARIEF: Wait a minute. We're moving this agenda along at lightning speed when you start talking, so --

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER SHARIEF: -- can you just back up a minute there --

COMMISSIONER HOLNESS: Item -- item --

COMMISSIONER SHARIEF: -- so we can kind of get a grip as to what they're talking about?

MAYOR SEILER: I just want to bring this up --

COMMISSIONER HOLNESS: Item F.

MAYOR SEILER: -- (inaudible) the issue because I had worked with a prior Commissioner on it.

COMMISSIONER HOLNESS: Item F.

MAYOR SEILER: Commissioner Eggelletion, many years ago.

COMMISSIONER HOLNESS: And -- and we've met and talked about it.

MAYOR SEILER: Right.

COMMISSIONER HOLNESS: Yes.

MAYOR SEILER: We would appreciate whatever assistance the County can provide with respect to a parcel. We have park land that we bought and preserved. We're willing to make a greater park land area if we can just swap the properties, because that property is on our commercial street, Cypress Creek, and there's a lot of interest in that property from businesses. The property a block behind has very little interest in it from the business community, but we could preserve a greater area as park land. So that is a very quick overview of that issue.

COMMISSIONER HOLNESS: That -- that area is now -- we -- we bought that with bond funds and it's now a preserve.

COMMISSIONER JACOBS: Wait a minute. We bought it?

COMMISSIONER HOLNESS: Yes, the County owns it now.

COMMISSIONER JACOBS: Oh, there's extreme restrictions on that.

COMMISSIONER HOLNESS: Right, but --

COMMISSIONER JACOBS: You'd have to come before the voters of the County first (inaudible).

UNIDENTIFIED SPEAKER: Right.

MAYOR SEILER: That's what I need clarification on.

VICE MAYOR RODSTROM: Well, we could put it on the same ballot --

MS. HENRY: On this --

VICE MAYOR RODSTROM: -- as the other question with Raleigh Marine.

UNIDENTIFIED SPEAKER: That's right.

MS. HENRY: -- on this one, I believe that -- that we haven't placed that one in the inventory yet. I'm not sure. It is conservation land and what -- and I am aware that our staff has -- has asked the City to provide a swap of equal quality --

VICE MAYOR RODSTROM: Or better.

MS. HENRY: -- before they would even entertain bringing it to the Board.

And I don't believe that that has happened yet. I believe that there were efforts to try to find sand scrub. It's very difficult to find.

It's -- it's -- and so I think that's why it has languished, because there hasn't been any trade that's -- that's offered that (inaudible).

MAYOR SEILER: So we're clear, though, if there is the ability to locate equivalent quality property, you guys would be flexible with respect to that, because my issue is --

COMMISSIONER WEXLER: We can't do it (inaudible) the ballot.

COMMISSIONER HOLNESS: But -- but they say it's not in the -- it's not in the --

VICE MAYOR RODSTROM: Because it has to go on the ballot, it's going to have to look like -- it's going to have to be perceived by the voters that they're getting a benefit by making this land swap.

MAYOR SEILER: Well, there will be. I mean, listen. The area we want to give would be a much greater area (inaudible).

VICE MAYOR RODSTROM: But the voters ultimately will decide that issue. So you've got to make it --

MAYOR SEILER: Are you putting Raleigh Marine on the ballot?

UNIDENTIFIED SPEAKERS: Yeah.

VICE MAYOR RODSTROM: We're putting Raleigh Marine on the ballot, so we can go -- we can go with both on the ballot.

COMMISSIONER HOLNESS: Okay.

MS. HENRY: I'm sorry. I apologize. Point of clarification. Don Burgess.

COMMISSIONER WEXLER: Did we have fun last night, Don?

MR. BURGESS: Absolutely. Fun again today.

MR. BURGESS: I'm Donald Burgess, Land Preservation Administrator. The site is -- was acquired by the County through the Land Preservation Bond Program, transferred to the City of Fort Lauderdale. The land use has been changed from commercial -- or office to conservation, recreation, and there's a conservation easement on it. So those -- those are the existing

restrictions. Since it is not owned by the County, it was purchased prior to the bond -- the Charter change, it is not subject to going back to the --

COMMISSIONER HOLNESS: Voters.

MR. BURGESS: -- voters to be changed.

COMMISSIONER HOLNESS: Okay.

MR. BURGESS: That -- that only applies to the sites owned by the County that would either categorize as natural areas or regional parks.

COMMISSIONER HOLNESS: Okay.

MR. BURGESS: This is not one of those categories. It is not included in the County Charter.

MAYOR SEILER: So we could do it if we gave you equal or greater value land; right?

UNIDENTIFIED SPEAKER: How does that --

MR. BURGESS: If the --

COMMISSIONER HOLNESS: Yes.

MR. BURGESS: -- if the Commission agreed to that, if it was able to find a piece of property of equal or greater ecological value, which we do not believe exists in Broward County -- and I know there's a piece of property immediately across the street that is vacant land and the same size that could be developed for the office purpose for which this site is being considered.

That's kind of our concern. When we first addressed the issue, we knew the City wanted to carve out a piece of it. We thought it was just like a corner. We didn't realize it was the entire property. Our first discussions came back based on criteria we established with Florida Community's Trust. If you carve out a piece of a property, you can add adjacent property to it. And there was additional property owned by Fort Lauderdale through their executive airport immediately to the north. You could carve out a small piece and add that property of greater size.

But when we found out they wanted the entire property, we kind of got concerned about that. Back in January was our last discussion with the City. The owner said there was a consultant looking at alternate properties.

As of September, we sent a letter back to the City asking for some action on this. We've had no contact with the City, no contact with the consultant, assuming they couldn't find anything. So we asked them to –

MAYOR SEILER: Well, I think that's one of the reasons is because we thought we'd have this discussion today. So we wanted -- we weren't going to go in one direction, and we were going to have a discussion.

And our only thing, so we're just perfectly clear as the City, no one is suggesting not preserving this type quality land. All we're saying is we've got it on a six-lane highway, and if we could move it off the six-lane highway and put an office building there and take an equal or greater property and preserve that, it's a win/win, I think, for everybody, because we have no interest in the other parcels, but we have substantial interest in this parcel. And it doesn't impose traffic on the neighborhood, because it's on the six-lane highway.

COMMISSIONER JACOBS: And, Mayor –

COMMISSIONER HOLNESS: And Mayor?

COMMISSIONER JACOBS: -- if I could, there is a property swap that we did with the School Board that was very similar to this –

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER JACOBS: -- where the School Board gave us, actually, another five acres because they had wetlands on there that were undevelopable. So we swapped five acres of land for ten, five of it unbuildable, so the school, in essence, still had five.

But that land was of the same or even greater value than what we swapped. It was also contiguous to other lands that we had been putting together in this postage stamp patchwork of accumulating conservation land. That was a win/win for the County. But scrub lands are very difficult to find and save. They were actually a point of the bond referendum. My -- I would be very interested to know that the land that we're swapping, that it's in the same kind of shape that -- and I don't –

MAYOR SEILER: Right. We agree.

COMMISSIONER JACOBS: So I think I hear you say, yeah. When you don't say larger, meaning in size, you mean in -- of value, of -- the same or

greater conservation value.

MAYOR SEILER: Ecological value, yeah.

COMMISSIONER JACOBS: And then -- and then I would -- I would have concerns that the City would then, having taken, if this actually happened, that the land that did get developed into an office park pay homage to the land that it was before in its landscaping code so that you don't go and lay down a whole bunch of sod that needs a ton of water, and hedges that need to be trimmed into human forms, but rather that you took a -- a credit to where the land came from. So I would want to see this proposal fleshed out a little bit more.

MAYOR SEILER: Well, I -- I only brought it up for discussion because it sounds like we weren't going to have any more time. I just -- we didn't want to start down this path of continuing our search with a consultant for that equal or greater value land without some idea that at least you guys were willing to look at this issue. It sounds like you've done it before with Broward County School Board. We think it's just something to look at from our standpoint as -- as a City.

COMMISSIONER WEXLER: So you're talking about the landfill? Wingate Landfill?

UNIDENTIFIED SPEAKERS: No.

MAYOR SEILER: Okay. We will throw in -- we will throw in Wingate if you guys pick up --

COMMISSIONER HOLNESS: In addition.

MAYOR GUNZBURGER: All right. On that happy, trashy note --

COMMISSIONER RODSTROM: Sue, I have one more -- I have one more question of Don, while he's here, if he doesn't mind.

MAYOR GUNZBURGER: All right. Excuse me. Commissioner, not Vice Mayor, Rodstrom would like to speak.

DISCUSSION ITEM E - MIDDLE RIVER TERRACE PARK LAND

COMMISSIONER RODSTROM: Don, there's another item on this agenda that also has to deal with park space, and I know you are the authority of that --

COMMISSIONER HOLNESS: Yes.

COMMISSIONER RODSTROM: -- and have been there for a long time. I need some clarification on what's happening with the Middle River Terrace Park site --

COMMISSIONER HOLNESS: Right.

COMMISSIONER RODSTROM: -- and how we -- how we intend to -- to do that. That's been out there languishing for a while.

MR. BURGESS: And that's why that's on the agenda, as well.

MAYOR GUNZBURGER: You don't have to make a motion.

MR. BURGESS: The other item --

UNIDENTIFIED SPEAKER: (Inaudible) make a motion?

MR. BURGESS: Item E or F on the agenda.

COMMISSIONER HOLNESS: It's Item E. E. Yes.

MR. BURGESS: It's the Middle River Terrace. This is a site that's under contract by the City of Fort Lauderdale. There are bond funds allocated towards the property. They've been allocated four years. We're waiting for the City to either conclude the deal with the developer, the property owner, or cancel it. The site is contaminated.

MAYOR SEILER: Right.

MR. BURGESS: The -- the contract was back in 2007. It's been amended five times. The most recent version, and I'm hoping the County -- the City Attorney can confirm this -- the most recent version said you need to complete a site assessment report, but it does not have a time frame. But there have been --

MAYOR SEILER: But the issue is --

MR. BURGESS: -- but there have been --

MAYOR SEILER: -- board examination is the issue, but all I'm hearing --

MR. BURGESS: Yeah, there is a -- but there's -- yes, but there is a court order based on the failure for the owner to submit that to Broward County

was put in place. He was given 60 days to submit it.

MAYOR SEILER: Right.

MR. BURGESS: He has not submitted it. He's now being processed for being held in contempt of court for failing to comply with that. We believe, even though there is no time frame in the contract, his requirement to submit a site assessment report has passed; he has failed to do that. That's sufficient grounds for the City to cancel that contract. And we have an interlocal agreement with the City –

MAYOR GUNZBURGER: I see two hands up. I thought you were leaving.

MR. BURGESS: -- but we have no leverage in that interlocal agreement until after the City takes ownership of the property.

COMMISSIONER HOLNESS: And -- and I think –

MAYOR SEILER: Can we just get Harry's clarification on this, legally?

COMMISSIONER RODSTROM: This has been languishing for years.

MAYOR GUNZBURGER: You'll all have to wait.

MR. STEWART: In this particular contract, there was no time period set for him to come into compliance, because we didn't anticipate at the time that we entered into the contract that we would run into these problems. We did run into the problems, and we suggested that if the -- the contract is contingent upon the County withdrawing the money, and if the County withdraws its approval to pay the money, then we're home free on the contract.

If we cancel the contract, there's potential for liability. And so we had suggested that the County withdraw the money, withdraw their approval for paying the money, and that would -- there's an out in the contract for that. And we proposed that –

MAYOR SEILER: Can you guys do that?

MR. STEWART: -- quite a while back.

COMMISSIONER HOLNESS: They're conferring. But -- but while -- while -- while the conference is going on, there's actually a -- another parcel that was -- that the residents in the area are interested in switching the funds to, and -- and they want to make sure we move as quickly as possible so they don't

lose the opportunity to get a superior site to be -- to be put on the books for -- for park space.

UNIDENTIFIED SPEAKER: Exactly.

MAYOR GUNZBURGER: Well, we'll have to see. Commissioner --

COMMISSIONER LAMARCA: Just a quick question. The Cypress scrub property, where on Cypress Creek is that?

MAYOR SEILER: It's just west of Powerline, and it's -- you know where Calvary Chapel is?

COMMISSIONER LAMARCA: Yeah.

UNIDENTIFIED SPEAKER: Right there.

MAYOR SEILER: It is right there next to Calvary Chapel. That big --

COMMISSIONER LAMARCA: Okay. The old (inaudible)?

MAYOR SEILER: This is a vacant lot. It's been a vacant lot.

COMMISSIONER LAMARCA: Yeah, okay.

MAYOR SEILER: It's always been vacant. Our fire station was behind it, and that's why we're able to assemble property, because we have the land behind it for the old fire station. And everything in front of it was the old vacant lot. We moved our fire station across Cypress Creek.

COMMISSIONER RODSTROM: We can send you a map, too, of it, if you want (inaudible).

COMMISSIONER LAMARCA: It's not anywhere in the executive airport property? It's --

MAYOR SEILER: It's in the apron --

COMMISSIONER LAMARCA: It's in the north side.

MAYOR SEILER: But it's on the north side of Cypress.

COMMISSIONER LAMARCA: Thank you. Okay.

MAYOR GUNZBURGER: All right. With all that --

COMMISSIONER ROGERS: Madam Mayor, before you adjourn –

MAYOR GUNZBURGER: No, I think we –

COMMISSIONER HOLNESS: We're waiting on the attorney. We're waiting –

COMMISSIONER RODSTROM: We're talking about the other issue (inaudible).

MAYOR SEILER: Can we get that one issue resolved on the Middle River?

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER RODSTROM: Yes, because we really need it. It's been languishing for years, and it was -- it had -- it had an appraisal that was done many, many years ago, and the citizens have spoken to -- to Dale about that, as well, trying to swap it.

It was a willing seller at the time. The economy hit. Several circumstances have happened and now it's been languishing for years. Other property, as you know, has become available in the area, better quality property that doesn't need mitigation –

COMMISSIONER HOLNESS: Less cost.

COMMISSIONER RODSTROM: -- and has a larger parcel for probably a lot less money –

COMMISSIONER HOLNESS: Less money.

COMMISSIONER RODSTROM: -- and would make a better -- would make a better addition to the park that we're doing. We moved the Annie Beck House into this park with the idea to buy the extra and add the addition onto this park to make it a -- I mean, it was supposed to be beautiful, and just has been a disaster –

COMMISSIONER HOLNESS: It is.

COMMISSIONER RODSTROM: -- since we started with it. So, it was good intended.

COMMISSIONER HOLNESS: And I think our attorney is going to respond.

COMMISSIONER RODSTROM: (Inaudible) T-shirt on (inaudible).

MAYOR GUNZBURGER: All right. So –

COMMISSIONER HOLNESS: Our attorney -- attorney was going to respond, if she could, to –

UNIDENTIFIED SPEAKER: To the request?

COMMISSIONER HOLNESS: Yeah.

MS. COFFEY: I think Noel just made a very good suggestion. If you could send the County Administrator a letter asking us to withdraw the funding, that solves any problem we have under the interlocal agreement. I'd like to take a look at that –

COMMISSIONER RODSTROM: Okay.

MS. ARMSTRONG COFFEY: -- just to make sure that we're following the right path.

COMMISSIONER JACOBS: Can you guys do that, though?

MAYOR SEILER: That's what I think (inaudible).

COMMISSIONER JACOBS: I don't think -- I don't think they can ask.

COMMISSIONER RODSTROM: Can you guys -- but can you guys insist upon us getting another, then, appraisal? Since you -- your process was to have two or three appraisals that were current within the six months to get this –

COMMISSIONER JACOBS: Couldn't the District Commissioner just request that you withdraw the funding, and then we could go from there without putting the City at legal risk?

MR. FELDMAN: I just need to chime in real quick, because I've had a conversation with Ms. Henry on this. I want to be clear that -- the nine -- the roughly million dollars that's allocated for this, the question is where does that money go if it's withdrawn. My understanding is that money –

COMMISSIONER HOLNESS: Goes back in the pool.

MR. FELDMAN: -- under the current process, would go back -- go back into the pot -- the pot.

UNIDENTIFIED SPEAKER: In the pool.

MR. FELDMAN: I think -- I think it's our desire to have that money allocated for that other piece of land, as Commissioner Holness referenced --

COMMISSIONER HOLNESS: But I thought you have allocation for your districts.

MAYOR GUNZBURGER: That would have to be voted on. That doesn't happen just like that because you ask for it.

COMMISSIONER WEXLER: Exactly.

MR. FELDMAN: No, no, but I want to make it clear to -- to my Commission that that's an issue that's out there.

COMMISSIONER HOLNESS: But it wouldn't seem fit --

MAYOR GUNZBURGER: Oh, we'll be happy to do it if we can put --

COMMISSIONER WEXLER: But we can negotiate.

MAYOR GUNZBURGER: -- BARC and SATC on the same --

COMMISSIONER SHARIEF: Thank you.

MAYOR GUNZBURGER: -- property.

COMMISSIONER SHARIEF: That's what I'm saying.

MAYOR GUNZBURGER: Then we will -- we would -- we will reallocate that million.

COMMISSIONER RODSTROM: Because it was voted on by the public and there was a set criteria for how to certify the land.

It would have to go back to the pot. And that's what -- that's why -- we would have to come back again with a new parcel that may or may not even be on the list --

MAYOR GUNZBURGER: All right. That will -- that will be our -- you know what? We couldn't get through what was on our list, and all of a sudden all this other stuff is bubbling up. It's not fair to all the things that we haven't solved. And I am adjourning this meeting now.

(The meeting concluded at 5:30 p.m.)