

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

AGENDA CONFERENCE

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, June 27, 2006

6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:08 p.m. Present were Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Town Manager Robert Baldwin, Town Attorney James Cherof, and Town Clerk Medina.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. REVIEW AGENDA FOR REGULAR MEETING OF JUNE 27, 2006

Mayor Parker advised that the scheduled presentations would be made during the regular meeting.

- 5A, Budget Report for Period ending May 31, 2006

There were no objections to the budget report for the period ending May 31, 2006.

- 5B, Proposal for protocol to provide color palettes for site plan review

Vice Mayor Yanni confirmed that the Planning and Zoning Board had recommended acceptance of the samples under the premises that it was a guide for suggested hues for commercial and multi family properties and not necessarily that of residential properties. It was agreed that the samples of the color palette would be provided for the Commission's review during the regular meeting.

Commissioner McIntee referenced Item 5C, presentation by Atlantis Reef Society, and questioned who had placed this item on the agenda. Mayor Parker indicated that he had requested that the item be placed on the agenda for the Commission's consideration.

Town Commission Agenda Conference Minutes
June 27, 2006

- 5C, Report regarding “additional minutes” approved by the Commission for meters within the Town

William Mason, Director of Municipal Services, advised that each time money was placed in a meter, ten minutes were automatically added. He explained that as the meter ran down to zero, the flashing that indicated that the meter had expired would not begin for ten minutes. Mr. Mason added that the meters were set to provide for the additional time as it reset, not with each coin. Mayor Parker asked if the mechanical meters had the same capabilities. Mr. Mason replied that he was unsure, but would look into it if the Commission so desired. Mayor Parker asked if it was possible to provide notices that additional time was provided. Ms. Medina advised that this was already done and added that warning citations were issued to vehicles at mechanical meters found to be expired prior to the issuance of an actual citation.

- 6A, Minutes of May 9, 2006, Regular Meeting
- 6B, Minutes of May 23, 2006, Agenda Conference

There were no corrections or amendments offered for the minutes being considered for approval.

Mayor Parker advised that there were no ordinances for first or second hearings to be considered at tonight’s meeting.

- 11A, Contract Proposal to award bid for landscape maintenance

Mayor Parker stated that it was his recollection that the Laura Ward Washingtonia Avenue Park would be included to the El Mar Drive project. Mr. Mason stated that the inclusion of the Park could be had without too much of an additional expense.

Vice Mayor Yanni asked why the intersection of State Road A1A and Commercial Boulevard were not included in the landscaping project. Mr. Mason stated that this was an on-going project and the crews had not yet reached that section. He indicated that the improvements were forthcoming.

Mayor Parker stated that three bids had been included in the packet and asked for confirmation that staff was recommending the use of Green Horizon’s bid. Mr. Mason replied affirmatively. Vice Mayor Yanni questioned if any references had been checked. Mr. Mason replied that Green Horizon had a contract with the Broward County School Board and that the School Board had provided a positive reference. He indicated that several other calls had been made with favorable results.

Mayor Parker asked that a quote be obtained to determine how much it would cost to include the Laura Ward Washingtonia Park.

Town Commission Agenda Conference Minutes
June 27, 2006

Mr. Mason clarified that the proposed contract was for work to be performed during the new fiscal year, beginning October 1st. There were no objections to the recommendation.

- Resolution No. 2006-14

Vice Mayor Yanni asked how much funds the Town could expect to receive in this matter. Mayor Pro Tem Clark explained that the funds were proportioned according to the population. Mayor Parker stated that adoption of the resolution did not preclude the Town from voting against the additional penny tax.

There were no objections to Resolution No. 2006-14.

- Capital Improvements Program

Mayor Parker asked that the report be provided during the regular meeting.

- Traffic Circle proposal for South Seagrape Drive

Town Planner Walter Keller stated that due to current construction costs, the cost to proceed with this project was a minimum of \$25,000. He indicated, however, that it was difficult to prepare a proposal for such a small project. Mr. Keller emphasized that there was a large possibility that it would exceed \$25,000. Vice Mayor Yanni asked that this item be removed from the agenda. Mayor Parker advised that this item would be tabled indefinitely until such time as a Commissioner wished to further review the options in this matter.

- United States Postal Service's response to the Town's request for a unified zip code

Manager Baldwin stated that the United States Postal Service essentially denied the Town's request for its own zip code. Mayor Parker suggested that Congressman Clay Shaw be invited to hold a Town meeting so the Town could hold discussions with representatives of the Postal Service. Manager Baldwin stated that several members of congress had contacted the Postal Service to no avail.

- Creation of a "walk around" committee and appointment of its members

Mayor Pro Tem Clark expressed his concerns on whether the proposed committee would be governed by the Sunshine Law. Attorney Cherof stated that if this committee was to make recommendations to the Commission, they would be governed by the Sunshine Law. He indicated that if the appointed members served only as fact-finders, the members would not be covered by the Sunshine Law. Attorney Cherof questioned placing members of the public in possible situations where they could be found civilly or criminally liable for violating the Sunshine Law. He recommended against pursuing this

Town Commission Agenda Conference Minutes
June 27, 2006

issue, believing that it would be inviting possible Sunshine violations. Attorney Cherof stated that wanting to couple a recommendation to a finding of fact was almost too irresistible.

Commissioner McIntee stated that the proposed committee was not a complex committee like the Planning and Zoning Board. He had no objections to having the committee review issues in Town and identifying those areas that needed repairs and/or improvements. Attorney Cherof reminded the Commission that the Town's form of government allowed each resident the opportunity to disclose findings of fact and make recommendations. Commissioner Silverstone asked if residents could get together and make suggestions on their own during public comments. Attorney Cherof replied affirmatively, confirming that the Commission was neither creating the membership nor recognizing them as an extension of the Commission.

Mayor Pro Tem Clark stated that he had no objections to the concept, but asked that this matter be tabled to the next meeting in order to allow the Commission to choose the committee's members. There were no objections to the tabling request.

Manager Baldwin advised that the television was not airing and asked how the Commission wished to proceed. After some discussion, the technical difficulties were corrected and the Commission proceeded with the meeting.

- Cancellation of the contract between the Town and the Broward Sheriff's Office for fire services

Mayor Parker stated that this matter would be discussed during the regular meeting.

- Re-Design and re-bidding of Jarvis Hall

Manager Baldwin advised that Town Engineer Kevin Hart would be providing a report after the Commission considered the Capital Improvement Program. He explained that although \$75,000 had been budgeted for improvements, there were insufficient funds to proceed with the full project at this time. Mayor Pro Tem Clark believed this item should be tabled until a later date until such time as the funds were available. There were no objections to tabling this item indefinitely.

- Approval of Selection for National Incident Management System (NIMS) Emergency Preparedness and Response consultant

Manager Baldwin stated that the Commission had discussed hiring Chief Frank Buchert for this project; however, he indicated that he was unsure if Chief Buchert would be available. He indicated that he had spoken with Chief Chuck Lanza who had, in turn, submitted a proposal. Manager Baldwin expressed his belief that Chief Lanza's proposal accomplished the Commission's intentions in this matter.

Town Commission Agenda Conference Minutes
June 27, 2006

Mayor Parker requested confirmation that the proposal was for \$150 per hour, with a maximum of \$90,000. Manager Baldwin confirmed the proposed charges. Commissioner Silverstone expressed his preference that this issue be tabled until additional bids were received, stating he could not justify approving this issue without additional bids to consider. Manager Baldwin stated that if it were the Commission's desire, he would continue trying to obtain additional bids regarding this matter.

Mayor Parker asked if the Town was required to have more than one bid. Attorney Cherof replied negatively. Mayor Parker asked Manager Baldwin if he recommended the use of the company who had bid for the job. Manager Baldwin stated that he felt that the company was qualified and could perform the duties the Commission was requesting; however, he reminded the Commission that he had no other contracts to compare with the proposal.

Commissioner McIntee stated that the National Incident Management System (NIMS) was not as difficult as it was being made to appear. He indicated that he was NIMS qualified and that there were many people out there that were prepared to provide the Town with a bid. Commissioner McIntee stated that only one person or one agency should not be allowed to "run the show" and that multiple choices should be available at all times.

Vice Mayor Yanni asked how the existing bid had been obtained. Manager Baldwin stated that the Commission had directed him to try to obtain a contractor to replace Chief Frank Buchert, prepare the Town for NIMS compliance, for emergency preparedness, and any fire situations that could arise for a neutral review. He indicated that he had checked different places and Chief Lanza had been the only one to respond. Manager Baldwin stated that this was basically a policy decision and he would move forward in the manner the Commission wished.

Vice Mayor Yanni asked what was the reason for the request of additional bids. Commissioner McIntee believed that the cap on the cost of \$90,000 was excessive. He reiterated his belief that there was a need for multiple bids on this matter. Mayor Pro Tem Clark stated that he was under the impression that the bid proposal would include emergency medical services, fire support and emergency preparedness. Manager Baldwin advised that his interpretation of the contract was that all these issues were inclusive. Attorney Cherof agreed. At the request of Mayor Parker, Chief Lanza confirmed that the contract was all inclusive and also allowed for changes during the course of the contract.

Commissioner McIntee asked if there were a rush to conclude this matter. Manager Baldwin advised that staff would follow the Commission's directive on the time schedule in this matter. He reminded them, however, that the current hurricane season was underway. Chief Lanza stated that he would work under the Commission's direction, but explained that the contract also included a review of its operating procedures which included preparedness for hurricanes.

Town Commission Agenda Conference Minutes
June 27, 2006

Vice Mayor Yanni asked Chief Lanza if he felt that the \$90,000 would be spent. Chief Lanza replied that the true answer to that depended on how broad a scope of services the Commission wished to include. He believed, however, that he did not expect the costs to go near that amount if it remained with the relatively narrow focus currently approved.

The consensus was 3-2 in favor of moving forward with the proposal, with Commissioners McIntee and Silverstone dissenting.

- 14A, Selection of two alternate members for the Board of Adjustment to fill vacancy

Mayor Parker advised that Mayor Pro Tem Clark was the next Commissioner in line to make a nomination.

- 14B, Fire Assessment information request by Government Services Group, Inc.

Attorney Cherof stated that Government Services Group had sent a letter indicating that they were prepared to move forward with this year's assessment review and preparation, but was requesting confirmation that there were no changes the Commission was requesting. Some discussion followed, with Attorney Cherof stating that he would ask the independent counsel to determine how long their review would take. Mayor Parker asked if this issue could be tabled to the next meeting. Attorney Cherof replied affirmatively.

- 14C, Motorcycle parking

Mayor Pro Tem Clark stated that his recommendation was to allow two motorcycles or two scooters to use a single parking space. Commissioner McIntee asked if this would be done by-the-wheel. Mayor Pro Tem Clark replied affirmatively. There was a consensus 4-1, in favor of the proposed change, with Mayor Parker dissenting.

Mayor Parker stated that the City of Fort Lauderdale had erected signs indicating that their noise ordinance was being strictly enforced. He felt that this new program had been showing a discouraging effect. Some discussion followed, with Chief Scott Gooding stating that he would look into this matter. He advised, however, that it was difficult to prosecute noise levels on motorcycles and it was required to have the deputy certified by the Florida Department of Transportation. Chief Gooding had no objections to using the "smart cart" to announce that noise violations would be enforced.

4. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn the meeting. As there were no objections and no other business to discuss, the meeting was adjourned at 7:05 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____