

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

ROUNDTABLE MEETING MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, February 8, 2011

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:10 p.m. Vice Mayor Stuart Dodd, Commissioner Birute Ann Clottey, Commissioner Chris Vincent, and Commissioner Scot Sasser were present. Also present were Town Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, and Town Clerk June White.

2. DISCUSSION ITEMS:

Vice Mayor Dodd requested to add Parking as an item for discussion. Commissioner Sasser recommended the item follow item 2e. Vice Mayor Dodd agreed. Mayor Minnet granted the request.

Commissioner Clottey requested that Permit Fees be added to the agenda. Town Manager Connie Hoffmann requested that Presentation of a draft ordinance for beach uses be added to the agenda. Mayor Minnet added the items as item 2m and 2n.

a. Presentation by Broward Metropolitan Planning Organization (MPO) (Development Services Director Jeff Bowman)

Greg Stuart, Executive Director of the Broward MPO, explained that the county planned to conduct a South Florida East Coast Railway Analysis. He said the railway would cost approximately four (4) billion dollars and would begin in Jupiter and end in Downtown Miami on the Dixie Highway railroad tracks. Mr. Stuart explained that there would be a transfer center located in the City of Pompano Beach that would link local and regional service together. He added that the current Tri-Rail service would continue to run normally. Mr. Stuart explained that the Palm Beach MPO and Broward MPO recently voted to move forward with the final phase of the project before the construction began. He said that the Miami-Dade MPO was still hesitant to move forward with the project due to the competition the new system would create for Miami-Dade Transit.

Mr. Stuart explained that the Central Broward Transit project was moving forward and would be submitted to the Federal Transit Authority for final approval. He added the funding was also in place for a rapid bus system and Broward County Transit was in the process of purchasing the new buses. Mr. Stuart informed the Commission of several

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other bus projects moving forward with grant funds within the county. He explained that portions of Palm Beach County were annexed into Broward County last year due to a Planning Engineering & Development Study which allowed new dwelling units to be built.

Commissioner Clotney questioned whether the Broward MPO could do anything about the A1A and Commercial Boulevard intersection which was considered a dangerous area. She asked what would be needed to build a walkway over A1A. Mr. Stuart explained that the project would cost approximately one million dollars. He added that an overpass worked in other communities but the money could be put to better use in Lauderdale-By-The-Sea.

Mayor Minnet stated that the traffic signal synchronization at A1A and Commercial Boulevard was a problem. Mr. Stuart said that his office was willing to contact the proper authorities in regards to the traffic signals.

b. Presentation by B-cycle - Broward County Bike Sharing Program (Development Services Director Jeff Bowman)

Danielle Dejean, Director of Operations for B-cycle, gave a brief presentation on how the program worked. She explained that the presentation was originally given and approved by Broward County. Ms. Dejean said the program would implement a dense network of stations throughout the community that allowed customers to rent a bicycle at one location and return it to another. She explained that the program promoted short trips so as not to compete with bicycle rental companies and was structured for both tourists and residents. Ms. Dejean added that the price was slightly more for tourists making the price less expensive for the residents of the community. She said that residents had the option of purchasing daily, monthly, and annual passes and the first 30 minutes of the rental was free of charge. She explained that the bicycle station could either be solar powered or electric. Ms. Dejean stated that the program to be implemented in Broward County would consist of 30 stations and 275 bicycles and would grow over a five year period to 600 bicycles. She said that the launch date was set for October 2011 and the company intended to contract with Broward County rather than individual cities. Ms. Dejean added that B-cycle was working with the cities to gain a consensus of the locations for the bicycle stations. She explained, if the Town chose to participate in the program, B-cycle would need to go through licensing and permitting for station locations on Town property and work through any sign codes due to the advertising necessary for the program. Ms. Dejean added that that B-cycle was not asking for any type of financial contribution from the Town and that sponsorships could help offset the costs of operating the system. Ms. Dejean explained that the stations were modular and could be single-sided or double-sided.

Commissioner Vincent questioned how the system would work when a station received an overflow of bicycles. Ms. Dejean explained that each station had 1.5 spaces; 1 bicycle ratio allowed additional space for returned bicycles. She added that each station came equipped with software that notified the company when a station was

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almost empty or full. Commissioner Vincent questioned what a customer would do if the station was full and a bicycle needed to be returned. Ms. Dejean explained that the customer could swipe their card and the system would allow them an additional 15 minutes free of charge to get to the next station and return the bicycle.

Commissioner Vincent questioned whether the Town would need to enter into a lease agreement for the space needed for the stations. Ms. Dejean explained that other communities implemented revocable license agreements that covered all of the stations located within the Town. Town Manager Hoffmann explained that staff had not held any detailed discussions with the company and the item was on the agenda for direction from the Commission. Mayor Minnet said she was in favor of the idea and wanted to make sure the program fit into the Master Plan.

Mayor Minnet questioned whether B-cycle completed negotiations with the cities of Pompano Beach, Ft. Lauderdale, and Hollywood. Ms. Dejean explained B-cycle was currently negotiating with those cities. She added that a contract with Broward County was complete, establishing B-cycle as the preferred vendor to operate within Broward County. Commissioner Sasser questioned whether Broward County received a portion of the revenue. Ms. Dejean said they did not; they only endorsed the company as the preferred vendor. Vice Mayor Dodd questioned whether the free 30 minutes that was offered to annual pass holders was daily. Ms. Dejean explained that the policy took effect on each ride. Commissioner Clotey asked whether B-cycle assumed the liability, should a rider be injured. Ms. Dejean confirmed that B-cycle did assume liability and was fully insured.

Mayor Minnet inquired as to who maintained the system. Ms. Dejean clarified that B-cycle maintained the stations and inspected the bicycles every two weeks. Town Manager Hoffmann questioned whether the company intended to receive the location from the Town at no cost. Ms. Dejean explained that the company wished to obtain the property without cost.

There was Commission consensus for staff to move forward with the program and report back to the Commission at the April 12, 2011 Roundtable Meeting.

c. Sunday Morning Sale of Alcoholic Beverages (Vice Mayor Stuart Dodd)

Vice Mayor Dodd explained that the City of Ft. Lauderdale recently changed their code regarding the sale of alcohol on Sunday mornings to accommodate tourists. He said that he had no desire to change the code regarding the sale of alcohol at supermarkets. Mayor Minnet said that she was in favor of giving the restaurants an advantage to better serve the tourists.

Attorney Abbott explained that the City of Ft. Lauderdale voted to change their code on the sale of alcoholic beverages at their last Commission meeting. He said that the information was not yet available in their minutes but a copy of the draft ordinance could be obtained. Town Manager Hoffmann questioned whether the Town could confine the

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regulation to restaurants that served food as opposed to bars and stores. Attorney Abbott explained that with the proper legislative findings, the Town could restrict the code to only allow certain vendors to sell alcoholic beverages on Sunday morning. Commissioner Vincent agreed with the concerns of the Town Manager. He encouraged the Commission to follow the example set by other cities who successfully implemented the law.

Commissioner Clotey explained that she was in favor of allowing the sale of alcohol on Sunday mornings as long as it was legal and the Commission included a starting hour.

There was discussion regarding whether to only allow the sale of alcohol to restaurants that served food. There was Commission consensus to direct staff to research other communities that successfully implemented the regulation and bring back a draft ordinance to the March 8, 2011 Roundtable meeting.

d. RFPs (Vice Mayor Stuart Dodd)

Vice Mayor Dodd requested that all RFPs over \$15,000 come before the Commission before approval. He also requested an updated RFP list be emailed to the Commission. Vice Mayor Dodd stated that he preferred that all RFPs be read aloud as not doing so caused problems in the past. He said that a matrix included in all RFPs could make it simple for the information to be read aloud on opening day, so as not to create additional work for staff. Vice Mayor Dodd explained that he was not in favor with the recent RFQ released by the Town for a Special Event Coordinator. He added that the Town only needed staff support to help with the financials for special events.

Vice Mayor Dodd stated that he had no knowledge until today that Pat Himelberger was currently working as a consultant for the Town for the past five (5) months. He believed the Commission should be made aware of the consultants hired by the Town and the projects they were working on. Vice Mayor Dodd preferred to see that the \$15,000 limit addressed in the Purchasing Manual apply per contractor, per year; not per project.

Town Manager Hoffmann explained that Bids were normally read aloud but RFPs in most cases, were not. She said that most RFPs were focused on the qualifications and experience of a company rather than the price offered. She added that responses in an RFP were sometimes long and complicated and explained that it was not typical to read RFPs aloud.

Commissioner Vincent recalled that in the past staff sent out RFQs, narrowed the responses down to a select two (2) or three (3) companies, and requested RFPs from those selected companies. He said that process eliminated the Town receiving RFP responses from companies they had no interest in working with.

Mayor Minnet said that it was important for the Commission to set policy for the Town Manager to follow. Commissioner Clotey explained that proposals consisting of a single

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number were not a problem; the proposals that contained various information became problematic for staff.

Vice Mayor Dodd recalled that the solid waste and sewer maintenance RFPs were the most complicated. He did not feel that those RFPs were too complicated to be read aloud and reiterated that a matrix included in all RFPs would solve the problem. Town Manager Hoffmann requested clarification on whether Vice Mayor Dodd wished to see that matrix at the time of the RFP opening or by the time the documents came before the Commission. Vice Mayor Dodd clarified that he wanted to see a document in all RFP's that allowed for the companies to submit their information in the same format.

Town Manager Hoffmann explained that in her experience at other municipalities, RFPs were never read aloud. She said that when a matrix was included in the document that allowed staff to pin point specific prices, the document then became an ITB (Invitation to Bid) and not an RFP. Town Manager Hoffmann reiterated that RFPs and RFQs were not only based on prices; but also the qualifications, approach, and the experience of a company. She requested the Commission allow staff some flexibility on whether to include an evaluation matrix in an RFP. Commissioner Vincent explained that every company that submitted a proposal to the Town had the right to know what other companies submitted as well.

Mayor Minnet believed it was important to eliminate any perception that the Town was not open and transparent. Commissioner Clotey wanted to make sure the residents understood that the Town was not attempting to hide anything. She said that information was not available at the time the documents were opened; however, staff used them to create tables that made the information easier for the Commission and the public to understand. Commissioner Sasser explained that if the Commission had the opportunity to review the solid waste RFP before it went out, some of the problems could have been avoided. He said that it all came down to transparency during the decision making process.

Town Manager Hoffmann reminded the Commission that if an RFP evaluation committee was created, their deliberations were always open to the public. Vice Mayor Dodd recalled that allegations were previously made in regards to evaluations conducted behind closed doors.

Commissioner Sasser suggested that the Commission be notified of RFPs one (1) week in advance. Town Manager Hoffmann suggested that RFPs that exceeded \$25,000 come before the Commission. Vice Mayor Dodd suggested lowering the dollar amount to \$15,000. Town Manager Hoffmann explained that she was in the process of bringing before the Commission suggested changes to the Purchasing Manual and one of the changes consisted of raising the Commission approval dollar amount from \$15,000 to \$25,000. She said that the amount was common among other communities and it allowed for the Town to get things done in a timelier manner. Town Manager Hoffmann understood that the Town was spending public monies but felt that in some cases the time frame created inefficiency.

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There was further discussion regarding interpretation of the current Purchasing Manual. Town Manager Hoffmann clarified that she believed the Purchasing Manual gave her the authority to approve contracts not exceeding \$15,000 per year. Mayor Minnet reminded the Commission that the process could cost more than the actual contract.

Commissioner Vincent believed that the Commission needed to let the Town Manager do her job. He said that if the Commission chose to get involved in every decision she made, it would make her job increasingly difficult.

Town Manager Hoffmann addressed the RFQ for a Special Events Coordinator. She said that the Commission previously approved keeping \$12,000 in the budget for that purpose. Commissioner Vincent recalled that the money would allow for a liaison when need by the Town. Town Manager Hoffmann explained that the Town was only looking for someone to help the Commission coordinate special events with a limit of \$12,000 as budgeted.

Mayor Minnet recalled that the amount budgeted would allow for someone to assist with all Town events, not just Easter, Fourth of July, and Halloween. Town Manager Hoffmann said if the Commission was interested in creating additional events, the RFQ could be revised to include such language.

Mayor Minnet questioned the progress of changes to the Purchasing Manual. Town Manager Hoffmann explained that Consultant Pat Himelberger was working on that project and the changes would come before the Commission at the March 8, 2011 Roundtable meeting.

Commissioner Clotey suggested that a summary table be presented of what recurring contracts were to expire in the coming months. Town Manager Hoffmann said she had no problem providing that information for regular contracts. Commissioner Clotey said she would prefer to see the information in calendar form.

Commissioner Sasser believed there was a lack of effective communication. He said that the Commission was not aware of the number of RFPs currently on the table or the number of consultants working with the Town. Commissioner Sasser explained that if the Commission were made aware of that information, there wouldn't necessarily be a problem but it would promote effective communication. He added that perhaps some of the information was on the Town Manager's Report and not being read by some of the Commissioners. Commissioner Sasser believed that if the Commission had the whole picture there might be no objection to increasing the \$15,000 limit to \$25,000.

Mayor Minnet questioned whether the Commission wanted to know the number of consultants currently working with the Town. Town Manager Hoffmann pointed out that she asked the Commission in July as to whether they wanted that information and some of the Commissioners said she did not need to do that. Commissioner Sasser said what he saw at the table was more of a communication problem rather than policy.

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Mayor Minnet pointed out that the Commission previously said they did not need that communication and now the Commission said they do. Commissioner Sasser pointed out that some Commissioners wanted it and some did not. He added that was not necessarily the fault of staff, but perhaps the miscommunication of everyone. Mayor Minnet suggested that the information be placed back into the Town Manager's Report.

Town Manager Hoffmann stated that the Commission indicated they wanted a table of recurring contracts and their renewal dates and they wanted RFPs read aloud when a summary sheet was included, when applicable. Mayor Minnet asked whether a bid summary sheet could be included in all bids. Town Manager Hoffmann did not believe it was realistic. Commissioner Sasser was concerned with transparency in relation to the decision process. Commissioner Clotey explained that at the time of the bid opening there needed to be information included in the document that could be given to the companies present at the time of the opening. Commissioner Sasser said he wanted the residents and companies to understand how the Commission made their decision when the bid was awarded.

Commissioner Sasser questioned whether staff could notify the bidders that all of the proposals would be made public prior to Commission selection. Commissioner Clotey clarified that Commissioner Sasser's suggestion was how the bids were previously handled. She said the staff was trusted not to alter any of the information once the bids were opened.

Town Manager Hoffmann said that the Commission was attempting to create a system that kept Town staff from deceiving the Commission and the public. She said that a system of that nature was almost impossible to create.

Attorney Abbott believed the question was "can we get information quickly to responders to the Town's procurement"? He explained that ten (10) days after a bid opening, all of the respondents' information was required to be released to the public. Attorney Abbott explained further that anyone, including the respondent could request to see exactly what was presented to the Town, 10 days after the opening. He added that there was nothing that prevented the Commission from providing the information faster; copies could be presented to anyone that wanted it as it was within the Town's legal right.

Attorney Abbott gave a non-legal opinion in regards to providing a summary sheet during the opening of the proposals. He believed that the Town Manager was correct that it would be easy to read a summary sheet for bids as a bid meant that the Town was only concerned about price; there was one critical number in there and after opening you knew who won and who lost unless someone was non-respondent.

Attorney Abbott explained that it was not that simple at the time of an RFP opening. He explained that an RFP was concerned with things other than price; perhaps 20% of the award would be based on price or 20% of the award was comparable experience and the responders would write pages in regards to the projects they did. Attorney Abbott

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added that there was no way someone would be able to digest that information at the opening and put it into a grid. He believed that in some ways, that was unworkable. Attorney Abbott believed it was easier to get the information to the people as quickly as possible, but to provide them the analysis that was necessary for evaluation, would take additional time. He believed that people would not be able to read that RFP at opening and know all the details.

Mayor Minnet referenced a previous RFP that the Commission had a problem with and said that had the Commission included a bid summary sheet this would not be an issue for discussion. She believed that staff understood that, if it was applicable to the bid, a bid summary sheet would be included. Commissioner Sasser wanted to make sure the process was consistent. Commissioner Vincent did not want the process to become less productive.

Town Manager Hoffmann reiterated that all evaluation committee meetings were open to the public. She added that the Commission received a matrix of the proposals once they were evaluated. Mayor Minnet asked what the best policy was for the community. She wanted to see stronger policies implemented rather than lenient policies even though it may take more time for staff to evaluate the proposals.

Town Manager Hoffmann clarified her understanding that the Commission was looking for a table consisting of reoccurring contracts, to have all bid summary sheets, when applicable, be read aloud, and transparency in the evaluation process. Commissioner Sasser requested that staff keep the Commission informed of any new RFPs that came forward. Mayor Minnet believed that information should be included the Town Manager Report.

Mayor Minnet addressed the issue of minimum purchasing amounts which needed Commission approval. She said the Commission needed to decide whether to keep it at the current \$15,000 or increase it to \$25,000. Town Manager Hoffmann requested clarification whether the Commission wanted to be notified about all RFPs or those exceeding \$15,000. Mayor Minnet felt it was important to know about all RFPs that were released by the Town unless that would create additional work for staff.

Commissioner Vincent explained that he did not want to hinder the Town Manager from doing her job. He said that he did not want to receive information regarding the RFPs until it was necessary for staff to come before the Commission.

Mayor Minnet requested that Town Manager Hoffmann repeat the direction from the Commission to make sure everyone was on the same page. Town Manager Hoffmann stated: 1) transparency in the evaluation process; 2) table of recurring contracts and dates; 3) advise the Commission when a new RFP was expected and going to exceed \$15,000; 4) send the Commission all RFPs that are anticipated to be more than \$15,000 at least one (1) week in advance of the RFPs release so the Commission could provide any comments they may have.

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Commissioner Vincent questioned whether the Commission would tell the Town Manager not to do the RFP if it were over \$15,000. He said the Commission was aware that Town business had to run, but he did not believe he was in any position to make a comment until after he saw the proposals received. Mayor Minnet explained it was to review the RFP and give input towards the document.

Town Manager Hoffmann explained that she would send the RFP to the Commission and each Commissioner could give their input regarding any portion of the document they had problems with. She questioned how she would handle it, if she received conflicting feedback from the Commissioners. Mayor Minnet reiterated that the Commission would review RFPs that were \$15,000 or above.

Town Manager Hoffmann requested direction in regards to a Special Events Coordinator. Mayor Minnet did not recall that the money budgeted was for that purpose. She believed volunteers could handle that aspect of an event. Mayor Minnet explained that the 4th of July event may need a liaison, but not in the amount of \$12,000. There was discussion on whether a liaison was needed, and for which events. Mayor Minnet reiterated that she was not in favor of hiring a Special Events Coordinator at that time. Commissioner Sasser said he was in favor and understood that his decision was in the minority of the Commission. There was Commission consensus to not move forward with an RFP for a Special Events Coordinator.

e. Roundtable effectiveness (Vice Mayor Stuart Dodd)

Vice Mayor Dodd explained that the Commission was obligated to determine whether the Roundtable meetings were effective. Mayor Minnet explained that holding only one (1) Commission meeting per month placed limitations on staff for items that needed Commission approval. She questioned whether the meetings could be more productive and whether the Commission was interested in allowing public input. Mayor Minnet was concerned that the Commission previously agreed that any items that were not resolved during the regular Commission meeting would be placed on the Roundtable agenda for further discussion, and that process was no longer being followed. She preferred to have direction given to staff at the Roundtable so everything was ready for the next regular meeting. Mayor Minnet said that the meeting format needed to be addressed.

Commissioner Clotey preferred to have Roundtable meetings remain as a time that the Commission could discuss issues without public input. She said that this was the only way the Commission could talk to each other openly.

Commissioner Vincent agreed with Commissioner Clotey and said that it gave the public the opportunity to listen in on the conversation and give their input after the meeting. He explained that he was satisfied with the Roundtable meetings and believed they were working. Commissioner Vincent added that the Commission needed to determine which items should carry over from a regular meeting to the next Roundtable agenda for further discussion.

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Commissioner Sasser agreed that the Roundtable meetings were very productive. He said the meetings could be more effective if the Commission was clear and concise by the end of each meeting so there was minimal discussion needed at the following regular meeting. Commissioner Sasser suggested the Commission consider later on, holding two (2) regular meetings and one (1) Roundtable meeting a month.

Vice Mayor Dodd was satisfied with the process and agreed that each Commissioner needed to be more effective. He stressed that there needed to be more discussion during the Roundtable meetings so as to avoid lengthy discussion at the regular meetings.

Mayor Minnet agreed that more discussion was needed at the Roundtables and reminded the Commission that things sometimes changed, causing further discussion at the regular meetings. She agreed that the Roundtable meetings were productive and suggested the Commission pay close attention to the regular meeting items that may need further discussion at a Roundtable meeting.

Mayor Minnet believed there was Commission consensus not to allow public input at the Roundtable meetings.

Parking (Vice Mayor Dodd)

Mayor Minnet added this item at the beginning of the meeting to be considered after item 2e. The item was requested by Vice Mayor Dodd.

Commissioner Sasser recalled the Commission chose to further discuss the possibility of a restaurant absorbing all of the available parking spaces in the Parking Exemption Program. Commissioner Vincent explained that the Commission needed to decide how many parking spaces they should include in the program. Commissioner Sasser disagreed with Commissioner Vincent and believed that a larger restaurant would prefer to enter into an agreement with a private owner, to rent parking spaces rather than use public parking spaces. Commissioner Vincent reiterated that the Town did not know how many spaces a large restaurant would need to become operational so a cap on the number of spaces the Town was willing to offer was still needed. Commissioner Sasser said that the size of a restaurant allowable within the Town was a separate issue that could be discussed at a later date. Commissioner Clotey explained that the Master Plan would help the Commission decide whether larger restaurants belonged within the Town. She said that discussion with the community was also needed to get a better idea of what was best for the Town.

Vice Mayor Dodd did not believe a cap on the number of parking spaces was necessary. He was not in favor of changing any legislation on the possibility of a new restaurant opening in Town. Vice Mayor Dodd reiterated that he preferred a four year exemption.

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Commissioner Vincent did not agree that the Town would hinder any new business from coming into Town by adding a parking space cap to the program. He questioned why the Town was in a rush to implement the program when new factors were often brought forward for consideration every day.

Mayor Minnet questioned the number of businesses previously turned away because they did not meet the parking requirement. Town Manager Hoffmann clarified that the restaurants were not turned away; rather inquiries were made in regards to the requirements to open a restaurant. Director Bowman explained that no businesses were turned away by the Town. He said that potential proprietors inquired of the requirements and usually their biggest obstacle became the parking requirement that they could not meet. Director Bowman explained that in the past, restaurants entered into agreements with the Town to meet the requirements; however, smaller restaurants were not willing to do so and pay for parking. He reiterated that those were only inquiries and no applications or further documentation was submitted to the Town to open the business.

Commissioner Sasser recalled that staff was going to research the size of restaurants currently located within the Town. He did not believe that information was relevant to the Parking Exemption Program because that was a separate issue than the exemption.

Mayor Minnet suggested allowing full exemption to properties under 2,000 square feet and any properties over that amount could receive a percentage deduction of the number of spaces required. Commissioner Sasser questioned whether that policy would be implemented to prevent larger restaurants from opening in Town. Commissioner Vincent reiterated that the Town did not know what impact a large restaurant would have in the Town. He felt that rushing through the ordinance without any staff recommendations was irresponsible.

Mayor Minnet clarified that the Town was currently implementing new incentives for new businesses to come into Town such as new meters and pay stations in the Town parking lots. She reiterated that she was in favor of an exemption program as long as it fit into the community and did not become a problem later on.

Commissioner Clotey explained that parking alone would not attract additional restaurants, the Town needed to target a specific market. She added that rushing through this process would not bring the result desired by the Commission. Commissioner Clotey suggested waiting until everything was in order.

The Commission discussed at length what the outcome would be if they rushed through the project. Town Manager Hoffmann questioned whether the Commission wanted to hold a special Roundtable meeting prior to the next regular meeting to further discuss the subject. She said that staff began working on the research and she was not sure whether everything would be ready for the February 22, 2011 Regular Commission meeting, but it would be ready for the March 8, 2011 Roundtable meeting.

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Commissioner Clotey questioned the deadline for the consultant firm RMA (Redevelopment Management Associates) to have their report back to staff. Town Manager Hoffmann explained that the report should be received in March; however it would not include information regarding recommendations on the types of business to target, or restaurant sizes. She said that their assignment was to look at the current Master Plan and give advice on how economically realistic the plan was from a development standpoint. She added that RMA would also point out any obstacles that the Town needed to address in order to implement the master plan. Town Manager Hoffmann explained that RMA planned to meet with business owners in Jarvis Hall on February 21, 2011 to discuss economic development and get input from the business community.

Assistant Town Manager Bentley explained that staff was collecting data on the use of the existing parking spaces in the waterfront area to give perspective to their service areas. He added that half of the established restaurants in the waterfront area did not have their own parking.

Town Manager Hoffmann explained that further discussion was needed by the Commission to direct staff on how to draft the ordinance. She suggested the Commission hold a Special Roundtable Meeting to further discuss parking. The Commission agreed.

Vice Mayor Dodd explained he wanted to move this item forward as quickly as possible. He said he no longer wanted to see restaurants turned away from the Town because they did not meet the parking requirement. Commissioner Vincent clarified that no restaurants were being turned away as was stated previously by Development Services Director Bowman. He said that any restaurant still had the opportunity to come in to Town and pay for parking spaces to meet the requirements. Mayor Minnet questioned whether staff could get the necessary information together in time. Town Manager Hoffmann suggested canceling the joint meeting with the Master Plan Steering Committee, the Planning & Zoning Board, and the Commission for the planning consultant's presentation scheduled at 5:30 p.m. on February 22, 2011. She recommended holding the Roundtable on that date to discuss parking and then hold a Special Commission Meeting the first week of March to adopt the ordinance. The Commission agreed to move forward with the Town Manager's suggestions and hold a Special Workshop Meeting on February 22, 2010 at 5:00 p.m. and hold a Special Commission Meeting on March 8, 2011 to adopt the ordinance on second reading.

Mayor Minnet recessed the meeting at 9:55 p.m. and reconvened at 10:05 p.m.

f. Neighborhood Projects Grant Program (Commissioner Scot Sasser and Town Manager Connie Hoffmann)

Town Manager Hoffmann explained that larger cities implemented a matching funds program. She said the program would allow for a neighborhood to submit an application for a match of a certain amount for a single project. Town Manager Hoffmann believed

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that there would be difficulty for the neighborhoods to accurately determine the project cost. She had some concerns that this process would be difficult for a small staff to implement. Town Manager Hoffmann requested input from the Commission.

Commissioner Vincent thanked the Town Manager for a detailed memo explaining the pros and cons of the program. He added that the applicant would need to have all of their research complete before the Commission could consider approving the grant so as not to burden staff with additional work. Commissioner Vincent believed the program was a great idea.

Commissioner Sasser preferred to move quickly to implement the program so the smaller neighborhood projects could be completed faster. He said that it was important to have a program like this for the residents.

Mayor Minnet was in favor of the program and wanted to be sure that the money was budgeted accordingly before it was awarded. She explained that the program was a great opportunity for the residents to get involved. Mayor Minnet said that the budget needed to be looked at closely; however, she had no issues with the Town offering to match the funds. Commissioner Sasser suggested the match be based on funds allocated in that year's budget. Mayor Minnet agreed that parameters were needed in the application.

Commissioner Clotey believed the program was a nice gesture to show the residents that the Town cared about all of the neighborhoods within the Town.

Vice Mayor Dodd agreed that the program was a great concept; however, he had some reservations as a result of previous projects.

Town Manager Hoffmann suggested extending the application deadline to March 31, 2011 due to the late start of the program. She explained that staff received a proposal from Terra Mar Island and that there was money allocated in the budget for neighborhood improvements. Town Manager Hoffmann questioned whether the Commission wanted to move forward with only Terra Mar Island's proposal for the current fiscal year or open the program to everyone. The Commission agreed to open the program to all neighborhoods in the current year. Town Manager Hoffmann suggested carrying forward the money budgeted in the current year to the next fiscal year.

There was Commission consensus to move forward with a Neighborhood Projects Grant Program.

Mayor Minnet was concerned with the perception given by not allowing neighborhoods, other than Terra Mar Island enough time to submit a proposal. She questioned whether there would be a requirement to only accept applications from associations. Town Manager Hoffmann explained that 35% of the neighborhood would have to agree to move forward with the proposal if not submitted by an association. Mayor Minnet said

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that additional time was needed to allow those neighborhoods time to put their proposals together.

The Commission further discussed possible deadlines for the program.

Mayor Minnet questioned the program eligibility requirements for condominiums. Commissioner Vincent explained that the application stated that work could only be done on public property and condominiums were private property. Town Attorney Abbott reminded the Commission that all public monies must be spent for a public purpose, which did not always mean public property. He said that money spent on private property needed to be deemed as a public benefit.

Town Manager Hoffmann questioned whether the Commission wanted to include engineering, permitting, and design costs in the amount of matched funds.

There was Commission consensus to include all engineering, permitting, and design cost in the Town's match.

Town Manager Hoffmann requested direction regarding maintenance of the improvements. She explained that it was easier to have the Town maintain the property; however, those costs needed to be budgeted accordingly and considered during the application review process.

Assistant Town Manager explained that when the neighborhoods became aware that the Town was willing to pay for maintenance costs, the projects could become more detailed and extensive.

Commissioner Sasser was in favor of deeming the neighborhoods responsible for the maintenance of any improvements. Commissioner Vincent did not agree with Commissioner Sasser and believed that any improvements were better for the Town on a whole by creating ambiance and possibly raising property values.

Mayor Minnet reiterated that the Commission was in favor of implementing the program and setting the deadline for June 1, 2011. She suggested getting input from the public on the remaining issues before any decisions were made.

Commissioner Clotey did not see a difference between maintaining the neighborhood improvements and maintaining El Mar Drive.

Mayor Minnet said that it was up to the Commission to inform the neighborhoods that the program was open to applications.

There was no further discussion.

g. Emergency Services Contracts (Municipal Services Director Don Prince)

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Municipal Services Director Don Prince explained that the contracts for emergency services with Grubbs and PBS&J (Post Buckley Schuh & Jernigan) were ready to expire in June 2011. He added that the debris hauling and monitoring contracts were essential for reimbursement from FEMA for natural or man-made disaster strikes. Municipal Services Director Prince asked whether the Commission wanted the Town to 1) piggyback contracts from neighboring cities; 2) waive the purchasing policies to authorize renewal with the vendors under the same terms and conditions of the current contract; or 3) go out for RFP's.

Mayor Minnet asked for the costs of the contracts. Municipal Services Director Prince said there was not a set cost as it depended on the type of disaster; it could have no cost or it could be \$100,000 or more. He added that the costs were reimbursable through FEMA. Municipal Services Director Prince added that the number of companies that were qualified for this type of work were limited and very competitive.

Town Manager Hoffmann asked whether a comparison was made with any of the other cities. Municipal Services Director Prince said there was and they were comparable. Vice Mayor Dodd suggested the Commission allow the departments to piggyback if necessary. He believed there were enough municipalities whereby the Town could make a choice.

Commissioner Sasser asked whether there was a difference between piggybacking and renewing. Municipal Services Director Prince said the current contractors were willing to negotiate pricing. Mayor Minnet suggested they look at the best pricing.

It was the consensus of the Commission for staff to look into piggybacking with another municipality and also negotiate the existing contracts for renewal; then look at which one offered a better price.

h. Charter Review Board (Town Clerk June White)

The Commission deferred this item to the April 12, 2011 Roundtable.

i. Traffic Calming on South Seagrape Drive (Town Manager Connie Hoffmann)

Town Manager Hoffmann stated that there were inquiries as to why the speed humps were not put on the south side of Seagrape Drive. She explained that the former Commission tabled that project. Mayor Minnet said that people became aware of the back entrance off A1A which brought them to the traffic light at Seagrape Drive and Commercial Boulevard. She added that as a result, speed became problematic on the south side of Seagrape Drive. Mayor Minnet said that at one time it looked like the speed humps would move forward but previous Commissions stopped it from moving forward. Mayor Minnet asked whether there was a cost analysis.

Town Manager Hoffmann said that a traffic study would be needed again and therefore a traffic engineering cost would be involved. Mayor Minnet asked whether the old one

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could be used. Town Manager Hoffmann believed Broward County would require a new one.

Vice Mayor Dodd did not believe that traffic along Seagrape Drive was as bad as it was before. He pointed out that the traffic increased on Bougainvillea Drive. Mayor Minnet questioned whether the Commission should look at Bougainvillea Drive as well.

There was Commission consensus to defer this item to the March 8, 2011 Roundtable. Mayor Minnet asked that residents call the Commissioners with any problems they were aware of including problems on Bougainvillea Drive.

j. NLC Prescription Drug Program (Town Manager Connie Hoffmann)

Mayor Minnet explained that this item was brought back to the Commission to address questions that were raised by the Commission previously. She asked whether the Commission wanted to move forward. The Commission was in consensus to move forward. Mayor Minnet questioned whether the Commission needed to take a vote at the next meeting. Town Manager Hoffmann did not believe a vote was necessary unless there was an agreement involved. She added that if an agreement was required, or if there was any financial obligation on the part of the Town, she would bring it before the Commission on February 22, 2011 for a vote.

k. Benihana License Renewal (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley explained that Benihana entered into a license agreement with the Town approximately 4 1/2 years ago. He added that Benihana wanted to enter into a new agreement. Assistant Town Manager Bentley inquired as to whether the Commission had an interest in doing that. He advised that the Town had no public use for that property in the near future, other than converting it to additional parking. Assistant Town Manager Bentley said that the fee paid by Benihana was equivalent to 100% of the Town parking revenue and therefore, beneficial to the Town.

Commissioner Vincent asked whether there was a land lock issue. Assistant Town Manager Bentley explained that in reviewing the plat, the property had access to the north side of Commercial Boulevard. He said that FDOT would not allow Benihana to have access to Commercial Boulevard. Assistant Town Manager Bentley stated that the lease was more than just a driveway. He said a land lock issue or a way of necessity would focus on approximately 20 feet. Assistant Town Manager Bentley stated that Benihana provided a circular drive and landscaping.

Commissioner Sasser inquired as to whether Benihana wanted to renew their agreement for another five (5) years. Assistant Town Manager Bentley said that the time frame was not specified. Commissioner Sasser recommended extending out 180 days to allow them time for permitting. Mayor Minnet was in agreement. She was concerned with compensation and cost of living increases and asked whether the Commission wanted to add a cost of living increase to the compensation. Assistant

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Town Manager Bentley said the initial calculation was based upon revenue from loss of meters. He added that it was not a lease of property; it was a license, without property rights. Assistant Town Manager Bentley added that it could be tied to future parking rates. Mayor Minnet said she did not want to complicate matters and suggested moving it along.

There was Commission consensus to move forward.

Commissioner Clotney questioned clause 14 as to whether the contract required ten (10) hours' notice or 10 day notice. Assistant Town Manager Bentley said the initial contract had a 48 hour notice requirement and the one before the Commission had a 10 day notification period. Town Manager Hoffmann suggested they work out the notification time period.

It was the consensus of the Commission to agree to what was fair.

I. Installation of Pay Stations at the Waterfront Area (Assistant Town Manager Bud Bentley)

Town Manager Hoffmann said that the parking consultant recommended putting the pay station where there was the most business, and not in the A1A parking lot. She added that the map indicated the proposed pay station locations (hereto attached as part of these minutes).

Mayor Minnet wanted to be certain that the pay stations would stay put and not be removed to be relocated elsewhere as they were costly. Town Manager Hoffmann stated that the pay stations were capable of being moved. Assistant Town Manager Bentley advised that the pay stations were solar and cellular powered and were bolted to the ground, thereby making them easy to remove and relocate.

Vice Mayor Dodd questioned why two (2) machines were not ordered for the El Prado parking lot as the machines that were there currently did not use credit cards. Assistant Town Manager Bentley said credit card readers were ordered to update those machines. Vice Mayor Dodd asked whether those two (2) updated machines would be fully integrated with the pay stations. Assistant Town Manager Bentley said they would.

The Commission consensus was to move forward with staff recommendations.

m. Permit Fees (Commissioner Clotney)

This item was added earlier in the evening.

Commissioner Clotney believed the Town's permit fees were higher compared to neighboring communities and wanted to see a comparison. Town Manager Hoffmann said that the permit fees were based on Broward County's fees as the Town contracted with Broward County for building services. Town Manager Hoffmann said that the

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Commission could look at removing the added percentage that the Town charged and that she was in the process of preparing the RFP. Town Manager Hoffmann believed that with a different Building Services Contractor the fees could be lower.

Mayor Minnet explained that the Commission had previously directed the Town Manager to put together an RFP for a Building Services Contractor as one of her priorities and many items were added to that list.

Commissioner Vincent asked for clarification as to what type of fees they planned to reduce. Vice Mayor Dodd said the reduction would apply to all permit fees. The Commission consensus was to move forward.

n. Draft ordinance regarding beach recreational uses (Town Manager Connie Hoffmann)

This item was added earlier in the evening.

Town Manager Hoffmann distributed a copy of the proposed ordinance that included specific distance for boaters of 150 feet from bathers and wanted to see if Section 5.35 captured what the Commission discussed at the Workshop. Mayor Minnet believed there needed to be signage on the beach that prohibited kiteboard instruction and dog walking. Town Manager Hoffmann said there was no room to put a lot of information on the current signs; new signs would be required. She thought that could be part of the branding of the Town with more attractive signs. Mayor Minnet inquired as to whether it could be enforced if there were no signs to say it was prohibited.

Attorney Abbott said that the law imposed upon everyone to know the law within the community. Commissioner Clotley suggested having literature placed at the hotels.

Commissioner Sasser said that if the ordinance stated that it was unlawful to operate boats within 150 feet of bathers, should it also state that kiteboarding was prohibited within 150 feet. He explained that kiteboard instruction was being prohibited but not kiteboarding itself. Mayor Minnet believed it should state kiteboarding or watercraft. Commissioner Vincent requested the Town Manager address kiteboard launching. Town Manager Hoffmann stated that direction regarding kiteboard launching was not given during the Workshop. Mayor Minnet said the ordinance was specific to prohibiting kiteboard instruction due to its sensitivity. Commissioner Vincent said his question regarding launching would only apply to kiteboarding; they would need to find a location. Mayor Minnet repeated that this strictly regarded kiteboard instruction.

Vice Mayor Dodd agreed that a designated area for launching may be required due to the fact that the beach may become crowded. He believed there should be two areas, one in the north and one in the south, to launch a watercraft from the beach.

Commissioner Vincent said he had no problem with surfboarding and did not want to regulate it. He said his concern was with kiteboarding due to the cables.

Mayor Minnet believed the ordinance was not ready for the next Commission meeting as Commissioner Vincent wanted to look at a designated kiteboard launch area for launching.

Commissioner Vincent said he would accept a consensus. He added that he did not want restrictions and wanted to avoid launchings in congested areas. Mayor Minnet questioned how that could be enforced. Commissioner Vincent said that kiteboarders were respectful and believed that if they knew where the launching areas were, they would cooperate and launch from there; the bathers would also be made aware by signage that it was a designated area for kiteboarders.

Mayor Minnet pointed out that kiteboarders were usually there when it was windy, and bathers usually were not.

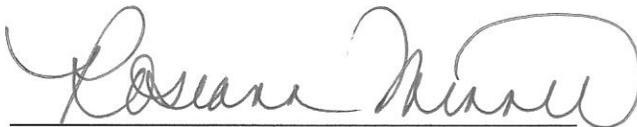
Commissioner Sasser said that at the Workshop, the people indicated that the main problem was with the instruction and not the kiteboarding itself. He believed that the ordinance addressed the instruction issue and the Commission should move forward with this ordinance and address Commissioner Vincent's issue at the next meeting and make any necessary amendments at that time.

Commissioner Vincent agreed to move forward. There was no further discussion.

3. OTHER TOWN BUSINESS:

4. ADJOURNMENT

With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:20 p.m.



Mayor Roseann Minnet

ATTEST:


Town Clerk, June White, CMC

3-24-11
Date

